North SEE

A North Sea Perspective on Shipping, Energy and Environmental Aspects in Maritime Spatial Planning

MSP Process drawings and descriptions

12 December 2016

Interreg North Sea Region NorthSEE

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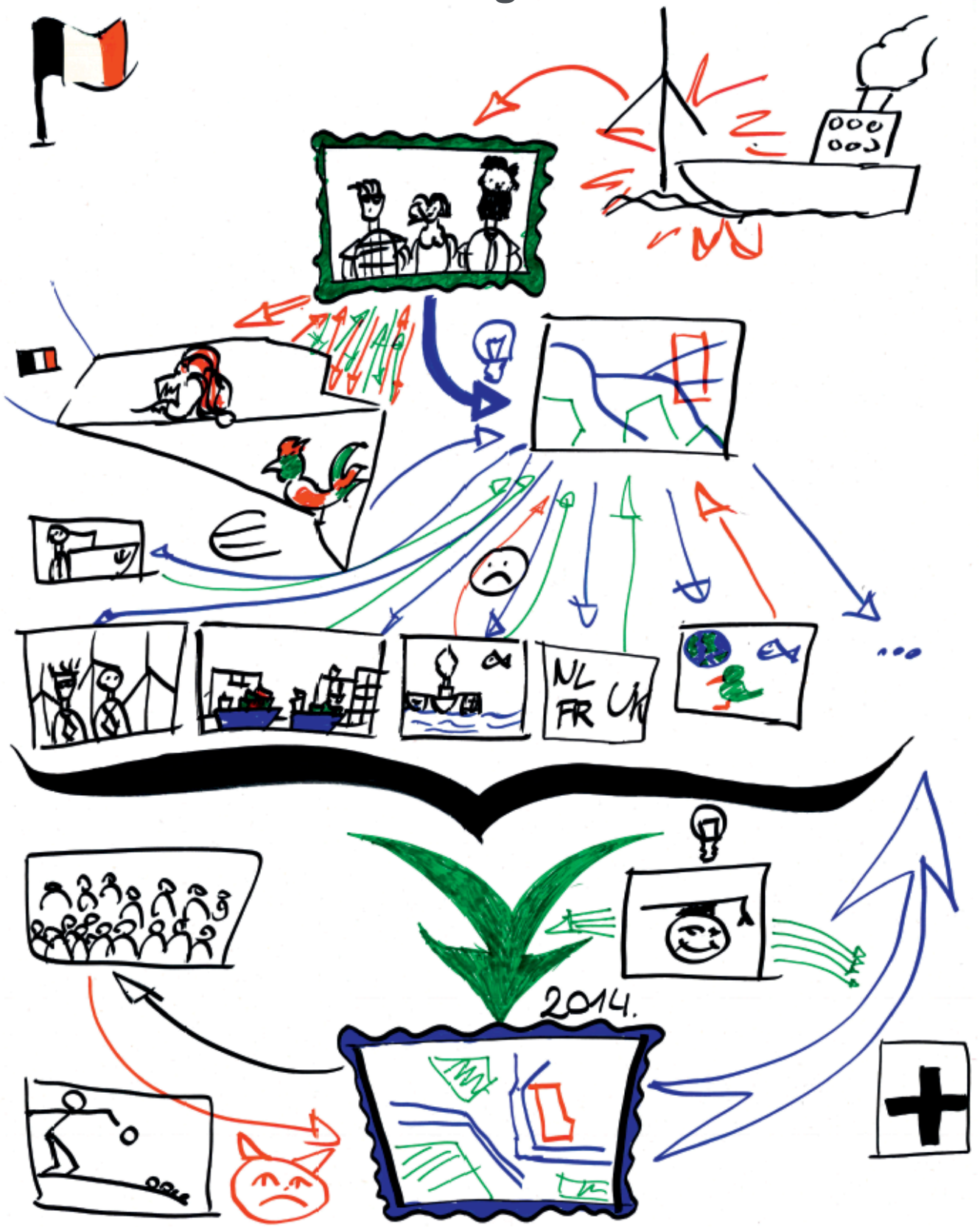


Description Belgium

Reasons for MSP.

In 2004 Belgian developed the first plans for wind energy at sea. This was done by the Department of Economics. They selected the best place to build the windfarms and confirmed this in legislation. This legislation went public and it wasn't until this point that other departments or public authorities involved in the Northsea, were aware of this plans and the inference of them with the other users of the sea. For example, the plans blocked one of the most important shipping lane towards the port of Zeebrugge and the river Scheldt.

This was the starting point for the need of an MSP. Belgium has a very small sea area, but a lot of activities.

Start of the MSP

Federal public authorities as well as regional (Flanders) public authorities have powers in the Northsea. All parties have to be involved in the developing of an MSP. Here for a legislation was created and an advice commission Northsea was established. All federal partners are member of this commission. The Flemish partners can be part as advisors.

The Commission started in 2012 to develop the first MSP. A draft version was developed and was approved on a political level. During the developing and after the draft version, the most important stakeholders, like windfarm builders, shipowners, capitains, environmental organisations,… were consulted.

After the approval on a political level and after consultation of the stakeholders there was a public consultation. With this you might expect disapproval coming from the most unexpected parties. For example. In Belgium, we had a complaint coming from a petanque club. The advice commission took into account most of the remarks and developed the final version of the MSP.

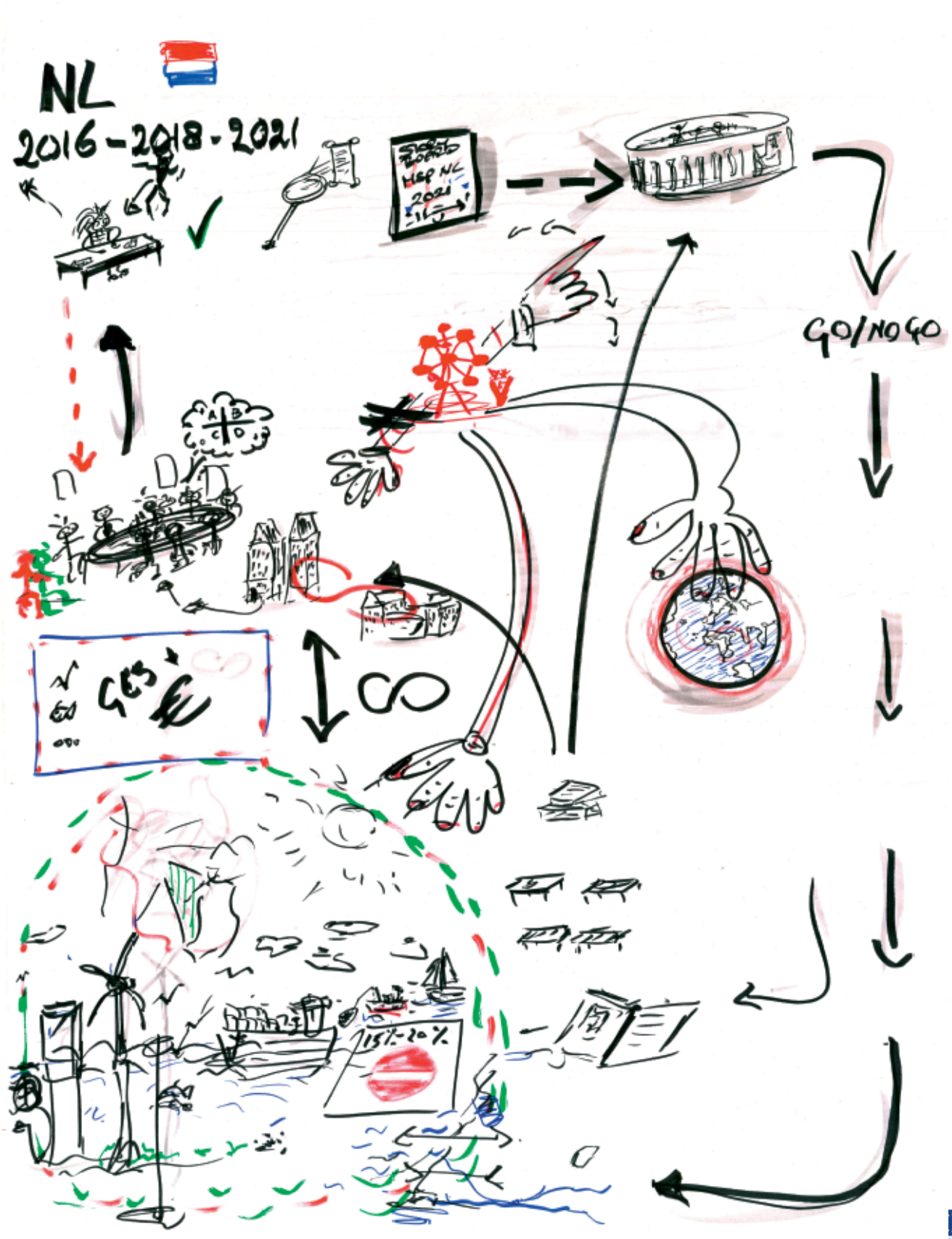
In 2014 this work was finished and we created our MSP Royal Decree. This legislation contains the Belgian MSP and the obligation to evaluate and develop a new MSP by 2020.

Now (2016) the Commission started the evaluation and commenced with developing the new MSP by 2020

MSP process

1. Draft version by the Advice Commission on MSP (2013) (Established by law in 2012)
2. Consultation of all stakeholders
3. Approved on political level (2013)
4. Public consultation (2013)
5. Final version MSP 2014, established by Royal decree
6. 2016 start of the evaluation
7. Consultation of stakeholders
8. Developing new draft version
9. Political approval
10. New public consultation
11. New MSP by 2020.

2. The Netherlands



Description The Netherlands

A new Maritime Spatial Plan for the Dutch part of the North Sea has come into force in June 2016 and concerns the period from 2016-2021. A partial revision to establish an area for offshore wind farms between 10 and 12 nautical miles is expected to be finalized by late 2016. That revision will help implementing the offshore wind energy roadmap for 2020. Other important elements of the policy plan to implement and work on are: (0) better evidence on cumulative impacts of human uses, (1) solutions and adapted policy framework co-use and sailing through wind farms, (2) drawing up an offshore energy roadmap for 2030, (3) establishing management plans for Natura 2000 and MSFD areas at sea, (4) further elaborating on land-sea interactions and (5) engaging in dialogue on international common principles for MSP in regard to distances between wind farms and shipping routes.

During the parliamentary discussion in June 2016 the coordinating minister for the North Sea, Melanie Schultz van Haegen, announced to present an outline of the process over the next planning period before the end of 2016. Key will be to strike a new balance in wider protecting and restoring the marine ecology, whilst giving the fisheries sectors a perspective for the future. Politically guided and stakeholder driven, the MSP process ahead, will become more and more integrated. Stakeholders will be invited to present their proposals for substance and process to take on board. A dialogue on an ecologic and economic strategy for the use of the North Sea by 2030, will start on 15 November 2016. Milestones identified for the coming planning period encompass:

2016

- Informing parliament on process design North Sea 2030, after consultation with stakeholders;

2017

- OSPAR interim Quality Status Report (assessment of 15 indicators for Good Environmental Status);
- Kick off climate scenario study North Sea;
- Bid for study on cumulative impacts for North Sea wide base for Strategic Environmental Assessments;
- Roadmap offshore (wind) energy 2030;

2018

- North Sea triple helix economic development strategy 2030;
- Update Marine Strategy (including assessment and description of Good environmental Status);

2019

- Publishing Memorandum on Scope and Details for the revision of the MSP 2016-2021;
- NorthSEE results and cumulative impact study results;

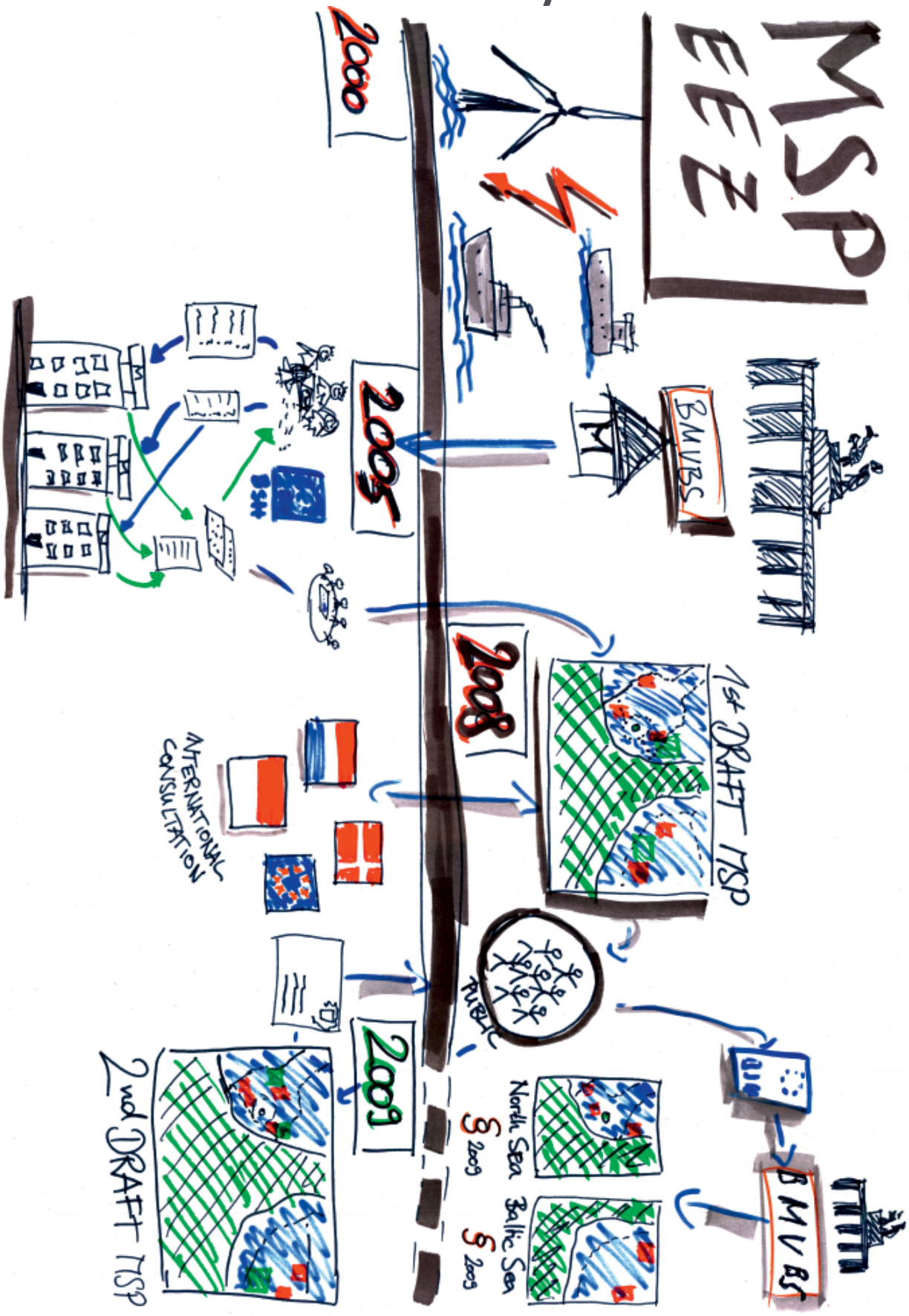
2020

- Draft Maritime Spatial Plan including SEA for (inter)national consultation.

Information on the process for the current Dutch MSP

For the 2016-2021 MSP policy plan, a pré process was undertaken, drafting a vision for 2050 (in 2013/2014) this resulted in the North Sea 2050 Spatial development Agenda. 8 participatory workshops, 1 conference, advise of the Council of Children. Mostly direct stakeholders have been involved. The MSFD ran its own cycle with consultation. A maritime strategy for 2025 was published in 2015, largely made with the input of players in the Dutch Maritime Cluster. Together with a sand extraction strategy which was drafted over the period this was input for the MSP for 2016-2021. On 2 June 2014 a Memorandum on Scope and Details for the revision of the National Water Plan (including the MSP for the North Sea) was made available for public consultation. From 23 December 2014 to 22 June 2015 the Draft Policy Document on the North Sea and the Marine Strategy part 3 were available for consultation. The specific Counsel for Infrastructure and Environment (OIM) was consulted on 25 September 2014 [note this Counsel consists of the organized stakeholder groups like the Dutch Wind Energy Association, fisheries associations and NGOs]. Most of the NSR countries have been visited to present the draft MSP Policy Document.

3. Germany


2000
MSP EEZ
2005
BMVBS
2008
1st DRAFT MSP
INTERNATIONAL CONSULTATION
PUBLIC
2009
2nd DRAFT MSP
North Sea
S 2009
Baltic Sea
S 2009
BMVBS

Description Germany

At the beginning of the 2000s, a growing conflict of maritime uses, in particular between developing and space intensive offshore wind farms and marine environmental protection goals as well as traditional uses such as shipping and fisheries, required an integrative and sustainable approach to coordinate the development of the German Exclusive Economic Zone (EEZ).

In 2004, Germany's Raumordnungsgesetz (Spatial Planning Act) was amended to include the sea beyond the territorial waters, the German Exclusive Economic Zone (EEZ). The Bundesamt für Seeschifffahrt und Hydrographie (BSH) (Federal Shipping and Hydrographic Agency) was given the mandate for maritime spatial planning of the EEZ of the North Sea and the Baltic Sea.

In 2005, the Bundesministerium für Verkehr, Bau und Stadtentwicklung (BMVS) (Ministry for Transport, Construction and Urban Development) - now Ministry for Transport and Digital Infrastructure (BMVI) - declared its intention to develop spatial planning provisions for the EEZ. It instructed the BSH to lead that process. Public authorities and associations were asked to provide information about maritime uses and interests in the two sea regions, as well as the scope of the environmental assessment. In consultations between BSH and BMVS a first draft for the EEZ of North Sea and Baltic Sea was developed.

In 2008, with the public disclosure of the draft plans, comments from public authorities and associations were collected and evaluated. This participation process also included consultations with international stakeholders. Having taken the comments into account and following two public hearings – one for each sea area - a second draft MSP was developed.

A second round of participation, including public discussions were held and further comments collected. The BMVS coordinated the development of the plan with the neighboring countries. The coordination also included the German coastal states, which have the spatial planning mandate for the respective coastal waters. In Mid-June 2009 the public participation process concluded.

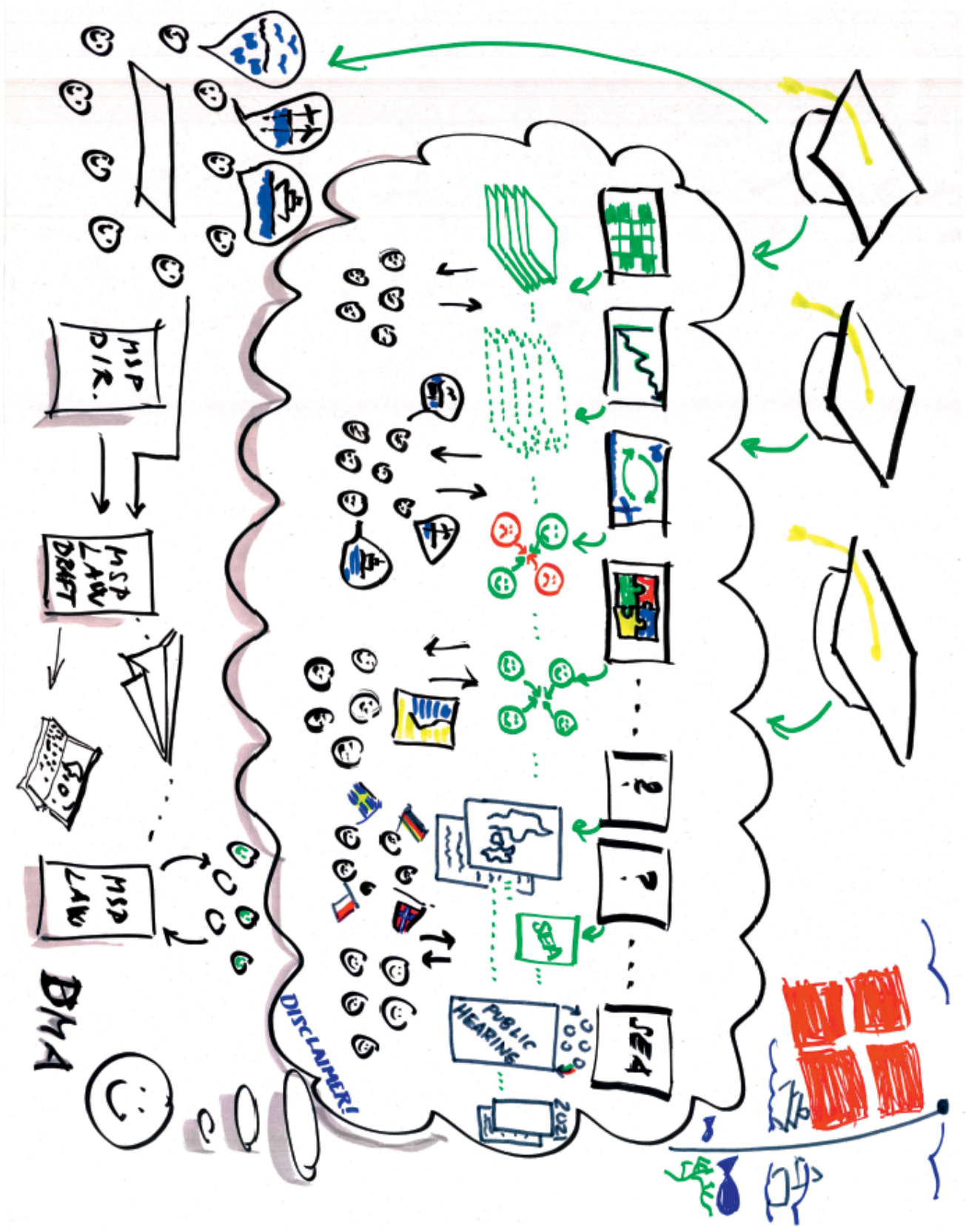
With the maritime spatial plan, the BMVS laid down the objectives and principles for the spatial development of the German EEZ. The plan for the EEZ North Sea came into effect per statutory ordinance in September 2009, followed in December 2009 EEZ Baltic Sea. Both plans were subject to an environmental assessment.

The maritime spatial plans for the EEZ formulated principles for spatial development:

- Securing and strengthening maritime traffic.
- Strengthening economic capacity through orderly spatial development and optimisation of spatial use.
- Promotion of offshore wind energy use in accordance with Germany's sustainability strategy.
- Long-term sustainable use of the properties and potential of the EEZ through reversible uses, economic use of space, and priority of marine use.
- Securing natural resources by avoiding disruptions to and pollution of the marine environment.

Spatial designations have been made by determining priority areas (planning targets, legally binding) and reservation areas (planning principles) – further regulations have been made in the text, setting binding planning priorities, planning principles, rules and objectives to be followed. The maritime spatial plans for the EEZ determine coordinated regulations for single uses and functions for shipping, pipelines and submarine cables, marine scientific research and energy production (especially wind energy).

4. Denmark


MSP DIR.
MSP LAW DRAFT
MSP LAW
BMA
DISCLAIMER!
PUBLIC HEARING
2021
JEA

Description Denmark

In Denmark, sectorial plans for the sea territory (energy, shipping, environment, fishery) have been made for decades and, concerning land use, Denmark has a long tradition of spatial planning based on a holistic approach. However, as in many other countries, economic growth concerns including new and emerging uses as well as perceived conflicts among uses have put focus on the need for a more integrated approach -- also in the marine territory. And recently, initiated by the EU Directive 2014/89/EU on maritime spatial planning, the legal framework for the first Danish MSP was implemented in the Danish legislation by the 'Act 615 of 8 June 2016 on Maritime Spatial Planning'.

The Danish Maritime Authority, Ministry of Business and Growth is responsible for coordinating the development of a national MSP, which will be created in close collaboration with other authorities and stakeholders. The planning process will be designed to be open and transparent with ample stakeholder involvement. This will include a strategic environmental assessment and will be succeeded by a 6-month hearing period for the final plan. The MSP Act has among its purposes the taking into account of land-sea interactions. Additionally, the Act identifies the need for a suitable marine spatial data infrastructure (MSDI) for the planning process, for which The Danish Geodata Agency is responsible.

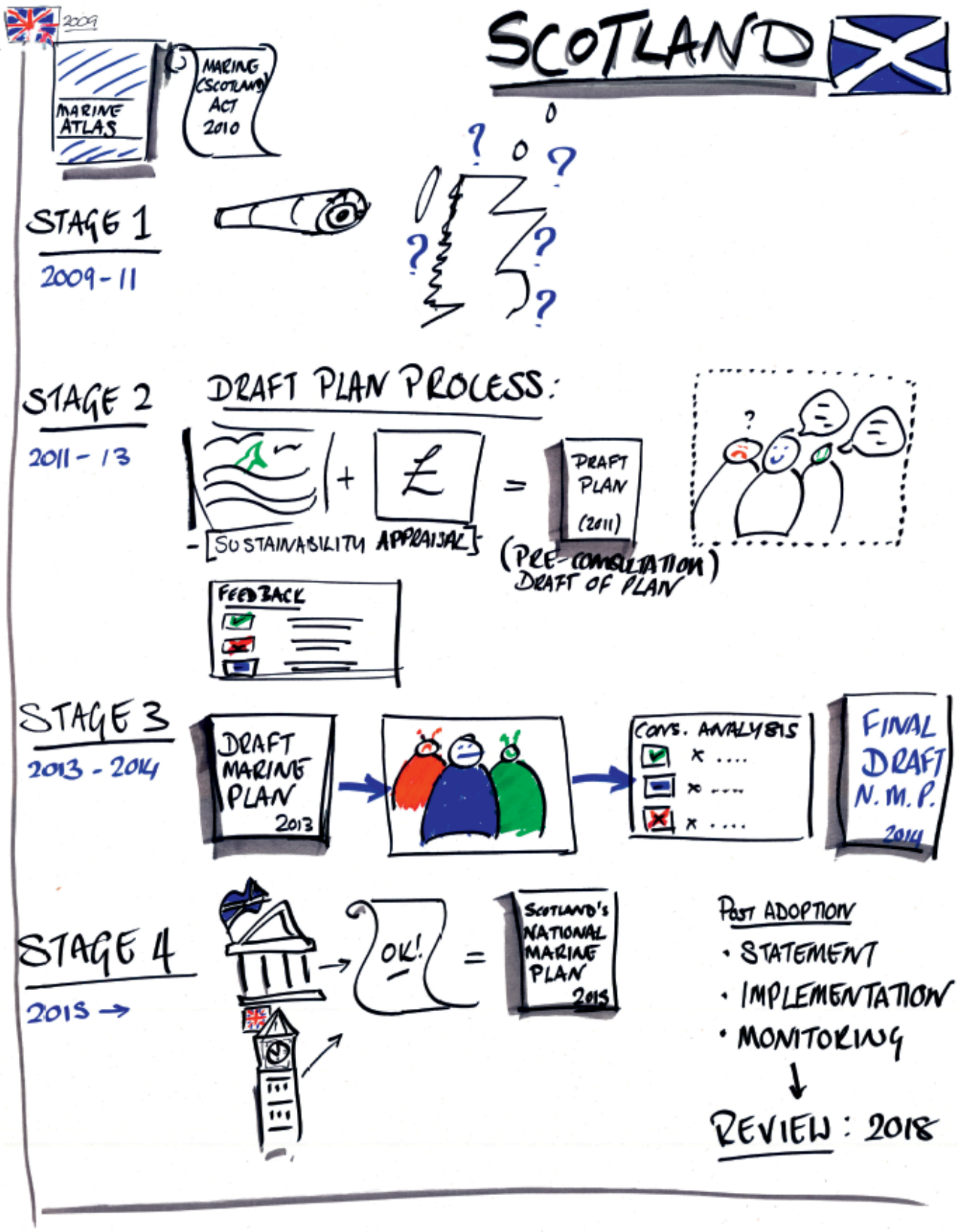
As formulated in the Act on maritime spatial planning, Denmark's maritime spatial planning shall contribute to the promotion of economic growth, the development of marine areas and the use of marine resources on a sustainable basis. This will include:

- taking into account the interaction of economic, social, environmental and safety aspects to support sustainable development and growth in the maritime sector.
- promotion of the coexistence of various relevant activities and uses of marine space.
- contributing to sustainable development of the preservation, protection and improvement of the environment, including resilience to the consequences of climate change
- ensuring cohesion in land-sea planning

In order to achieve these goals, the ecosystem approach will be applied in the planning process.

As the Danish act on MSP has just passed in 2016, the implementation process is currently being planned, which will result in a Danish maritime spatial plan in 2021. The MSP will be legally binding with maximum 10 years of validity until its first revision. The Danish MSP process is in its starting phase and ongoing research and previous experience from MSP implementation processes in other countries are providing a solid starting point for the national efforts as well as a good platform for collaboration across borders.

5. Scotland


SCOTLAND
2009
MARINE ATLAS
MARINE (SCOTLAND) ACT 2010
STAGE 1
2009 - 11
STAGE 2
2011 - 13
DRAFT PLAN PROCESS:
+
£
= DRAFT PLAN (2011)
- SUSTAINABILITY APPRAISAL
(PRE-CONSULTATION DRAFT OF PLAN)
FEEDBACK
STAGE 3
2013 - 2014
DRAFT MARINE PLAN 2013
CONS. ANALYSIS
FINAL DRAFT N.M.P. 2014
STAGE 4
2015 →
OK!
= SCOTLAND'S NATIONAL MARINE PLAN 2015
POST ADOPTION
• STATEMENT
• IMPLEMENTATION
• MONITORING
↓
REVIEW : 2018

Description Scotland

The introduction of the Marine (Scotland) Act in 2010 along with the UK Marine and Coastal Access Act 2009 provided the legal basis for the creation of Scotland's National Marine Plan. The plan supports better management of the competing demands on marine resources and ensures increasing demands for the use of our marine environment are managed, economic development of marine industries is encouraged and environmental protection is incorporated into marine decision making. It also plays a role to manage adaptation to and mitigation of climate change . Under the Marine (Scotland) Act 2010, the Marine Scotland Licensing Operations Team (MS-LOT) deals with all aspects of marine licensing in Scottish seas and is the one-stop shop in the consenting process. Marine planning in Scotland is undertaken in various levels described below.

A **national** level, by creating Scotland's first National Marine Plan, following on from the adoption of the UK Marine Policy Statement in 2011. The Marine Policy Statement was prepared in coordination with the UK Government, the Welsh Government and the Northern Ireland Government, and provides a framework for preparing marine plans and supporting decisions affecting the marine environment. This framework will enable a consistent approach to MSP across the UK.

The National Marine Plan was adopted by Scottish Ministers in March 2015 and involved stakeholders and public consultation in the form of workshops and online surveys. The plan covers both Scottish inshore waters (out to 12 nautical miles) and offshore waters (12 to 200 nautical miles) and is broken down into both general and sectoral objectives and policies. The Scottish Marine Atlas, published in 2011, provided baseline scientific and economic information on the conditions and uses of Scotland's seas from which the national plan was developed.

A **regional** level, by creating Scottish Marine Regions. Marine planning will be implemented at a local level within 11 Scottish Marine Regions, extending out to 12 nautical miles, in order to take account of local issues. The boundaries of these regions have been set by secondary legislation (Scottish Marine Regions Order 2013). The first Marine Planning Partnership was established in Shetland in 2016 and work to establish a Partnership for the Clyde region is ongoing. Regional Marine Plans must be in accordance with the National Marine Plan and the UK Marine Policy Statement to ensure they are consistent with national objectives.

Regional plans are also subject to adoption by Scottish Ministers.

The development of marine plans includes (1) assessing the condition of the region (2) summarising the significant pressures and impact of human activity (3) keeping under review the physical, environmental, social, cultural and economic characteristics of the region; the purposes for which it is used; its communication, energy and transport systems; and the living resources which it supports (4) setting economic, social, marine ecosystem and climate change objectives (5) stating the contribution of MPAs and other designated areas to the protection and enhancement of the region (6) Stating policies for sustainable development of the region and (7) Developing a Statement of Public Participation and carrying out consultation.

Sectoral Planning, for offshore renewable energy. The development of sectoral marine plans preceded the development of the National Marine Plan but followed the same framework. The first Offshore Wind Energy Plan was adopted in March 2011. The review of the Offshore Wind Energy Plan has been undertaken alongside the production of the new Wave and Tidal Energy Plans, which first drafts were published in 2013. The plans will contribute to meeting Scotland's target of generating the equivalent of 100% of electricity demand from renewable sources and also seek to maximise the contribution of these technologies to achieving a low carbon economy.

Terrestrial Planning. To explore the relationship between the Statutory Land Use Planning System and Marine Planning and Licensing in Scotland. The Scottish Government has produced a circular which explores the linkages between the marine and terrestrial planning systems and provides guidance about joint working.

Marine Scotland developed an interactive web portal/ tool, the National Marine Plan Interactive, that has been designed to assist in the development of national and regional marine planning by presenting data on of wide range uses of the marine space, such as fishing, shipping, cables and pipelines, renewable energy developments, alongside biological, administrative and monitoring data.

6. Sweden


Swedish national MSP process
EU MSP Directive
2013
Sweden hands MSP coordination to SwAM
SwAM holds first consultation
SwAM builds resources & expertise
Swedish MSP ordinance
MSP background paper on stakeholder review
2015
County boards responsible for local-regional coordination
EIA on stakeholder review
First MSP draft on stakeholder review
2016
2017
Second MSP stakeholder review
2018
2019
EIA complete
MSP submitted to government
Final MSP revisions
EIA iterations*
MSP readjustment
SwAM compiles first MSP draft
County board Skåne carries out special case MSP for Öresund, drafting
EIA initiated
SwAM carry out sector working group consultation with sector authorities
EIA: Environmental Impact Assessm.
SIA: Sustainability Assessm.
* Cumulative Effects Assessment (Symphony)

Description Sweden

The Swedish MSP was initiated by the EU directive (2014/89/EU) on the establishment of a framework for maritime spatial planning. Decades earlier, the Swedish government had investigated the need for MSP without leading to any action. Awaiting the EU directive, the Swedish government took action in 2011 as it ordered the recently established Swedish Agency for Marine and Water Management (SwAM) to start preparing for national level MSP. Following the passing of a MSP law in 2014, the government issued a MSP ordinance in 2015, in broad terms specifying how the MSP process shall take place. The national MSP shall cover the offshore waters including EEZ while coastal water MSP shall be undertaken by municipalities. The national MSP shall be drafted by SwAM in dialogue with other authorities, sectorial interest and other stakeholders. The national MSP will consist of three different plan documents and will indicate the government's will of how to use the sea from a spatial perspective. The three plans must be based on an ecosystem approach. The government expects to sign the ready and negotiated plans before 2021.

SwAM has been preparing the national MSP since 2011. A roadmap document was published in 2015 and has been under stakeholder review. During 2015 and 2016 working group sessions were held between SwAM and all relevant national authorities within the sectors: energy, shipping, defence, fishing, coastal development and nature conservation. The output from these working groups has been used in the drafting of three plans. These draft will be published as discussion papers December 1 2016 and a hearing is scheduled for spring 2017. In late 2017, the marine spatial plans will be sent for a first formal consideration round. Further iterations with reviews and plan amendments will take place and SwAM expects to deliver a first complete MSP proposal to the government in late 2019.

In parallel to the work outlined above, environmental impact assessments will be developed, with the very first draft in January 2017. Cumulative environmental impacts will be key to plan amendments through the development of the MSP tool Symphony, allowing for planners to test the environmental outcome of different plan alternatives and use the results for iterative stakeholder discussions and plan development.

International collaboration takes place through the multilateral EU projects Baltic Scope, BalticLINES and NorthSEE in addition to bilateral discussions and the conventional Espoo convention dialogue.

7. Norway