

POSSIBLE WAYS FORWARD FOR MARITIME SPATIAL PLANNING AND INTEGRATED COASTAL ZONE MANAGEMENT

European Commission stakeholder consultation (May 2011)



Flanders Marine Institute VLIZ

Policy-informing brief

Introduction Note

Flanders Marine Institute (VLIZ) participates in public consultations of the European Commission on specific marine policy issues. Such consultations help the European Commission to collect and use the views of a broad range of stakeholders in shaping its discussions, in generating new policies, and in improving existing ones. VLIZ provides summaries of its responses to these consultations in the form of policy-informing briefs (PIBs).

The content of VLIZ policy-informing briefs combines expert scientific opinion with objective data and information. For this purpose, VLIZ draws on the expertise of coastal and marine scientists within its national and international network of marine research.

Policy-informing briefs reflect the impartial and objective position of VLIZ and are motivated by the basic principles of sustainable development and an ecosystem based approach, as endorsed by the European Integrated Maritime Policy and the principles of integrated coastal zone management.

More information about the core business, principles and terms of reference of the VLIZ:

http://www.vliz.be/EN/About_VLIZ/VLIZ_Mission.

Flanders Marine Institute (VLIZ), InnovOcean site, Wandelaarkaai 7, B-8400 Oostende (www.vliz.be)

Public consultation EC

Concerns: EC Consultation on the possible ways forward for Maritime Spatial Planning and Integrated Coastal Zone Management in the EU.

Date: 28 January 2013

Reference: EC Consultation MSP/ICZM (May 2011)

ISSN NUMBER: 2295-7472

Please cite as:

VLIZ (2013). Policy-informing brief: EC Consultation on the possible ways forward for Maritime Spatial Planning and Integrated Coastal Zone Management in the EU. *VLIZ Policy-informing brief, PIB 2013_001*. Ostend. 10 pp.

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Marine spatial planning (MSP)

The Roadmap Communication of 2008 (COM(2008)771), as well as numerous responses to the consultation process on the Integrated Maritime Policy of 2007 (COM(2007)575), have identified MSP as a tool which has potential to deal with a number of issues related to sustainable use of the seas. Notably, they posit the problem that sea basins around the European Union (EU) are facing increased competition for space among human maritime activities and environmental uses, as well as increasing impacts of such activities on the marine environment. Currently, there are only a few cases of coordinated coastal and maritime spatial planning systems in and between the Member States. The problem appears to be more acute in coastal waters and adjacent land where the uses and claims for space are the most intense, the pressure on the environment is the highest and where, in addition, sound cross-sector management tools often are absent. At the same time, economic operators and others clearly see the need for transparency, predictability, coherence and stability of whichever system is being used to support the planning and management of sea basins, in the interest of sustainable economic growth.

The Roadmap Communication of 2008 (COM(2008)771) and the report on MSP developments of 2010 (COM(2010)771) both conclude that these problems can be tackled in an efficient manner through the application of MSP (combined in some form with Integrated coastal zone management (ICZM), as appropriate).

The first part of the consultation aimed at teasing out which form of MSP, and what processes and systems would be optimal to use this tool in strengthening the planning and management of sea basins around the EU. A key aspect of this is the interaction between planning done at national level and the EU-level mechanisms that ensure some form of coordination, and in particular, the way to ensure that planning is coherent across borders.

MSP systems are being developed in some EU sea basins, by Member States, and in the context of national jurisdictions over coastal waters and Exclusive Economic Zones (EEZs). At the same time, management of sea space needs to be considered in an ecosystem context, since many maritime activities do not naturally stop at the boundary of national jurisdictions. In addition, systems are currently being developed individually by the concerned Member States. It is therefore important to verify how well the national MSP systems function, including in a cross-border bilateral or multilateral context.

Integrated coastal zone management (ICZM)

The coastal zones in Europe and worldwide are home to a large part of the population, they are the basis of important transport infrastructure, provide food resources and are a favorite holiday destination. However, the coastal natural environment is fragile and coastal zones are increasingly exposed to risks, including the impacts of climate changes. Coastal planning and management require specific attention due to this convergence of many different activities, with different, sometimes competing, claims on the limited coastal resources and space.

Currently, the EU promotes ICZM on the basis of a Recommendation of the European Parliament and the Council (2002/413/EC). The Recommendation invites Member States to set up national strategies for ICZM based on a series of common principles. These principles stress the need to take a long-term and comprehensive, cross-sector view to the planning and management of both the land and the sea

part of the coastal zone. The use of sound knowledge to underpin planning and management decisions and the involvement of all relevant stakeholders in the planning and management of the coastal zone are equal hallmarks of ICZM.

The implementation of ICZM was evaluated in 2007. In 2010, the EU concluded a Protocol on ICZM to the Barcelona Convention (2010/631/EU). Currently, the European Commission is reviewing the need for further support to the implementation of both MSP and ICZM and explores the options for future EU action. The consultation is therefore meant to inform the European Commission on the state of implementation, the problems and priorities to be addressed regarding MSP and ICZM, and the measures and tools that should be considered for national strategies to implement MSP and ICZM.

In this document, the views of the Belgian Coordination Centre for Integrated Coastal Zone Management (hereafter: "the Coordination Centre") and Flanders Marine Institute (VLIZ) on the optimal way to organise MSP in sea basins and ICZM are reflected. The Coordination Centre is a partnership between public services at different levels of government (FPS Health, Food chain safety and Environment; Agency for Nature and Forest; Agency for Maritime and Coastal Services – Coastal Division; Province West-Flanders; VLIZ) and optimises and stimulates the sustainable and integrated management of the Belgian coastal zone, and is a point of contact where cross-sectoral themes are discussed. The views of both VLIZ and the Coordination Centre are summarised in what follows.

MARINE SPATIAL PLANNING (MSP)

Spatial claims

The Coordination Centre and the Flanders Marine Institute (VLIZ) both consider Marine Spatial Planning (MSP) to be a useful tool to support the planning and management of sea basins around the EU. But conflicts between or within sectors may occur with respect to the allocated and available space. The offshore wind energy concession in the Belgian part of the North Sea for instance causes both intra- and inter-sectoral conflicts, by the lack of space compared to the number of requests for concessions and by overlapping the marine traffic route, respectively. Disputes also arise with respect to the combination of Natura 2000 zones and all kinds of activities which impact fisheries (e.g. bottom trawling). Additionally, a moderate increase in future spatial claims is expected for renewable energy (which includes both wind and wave/tide energy), aquaculture, port expansion and coastal defense.

Management

Transparency, certainty and stability are believed being the most important principles in the effective management of sea basins. Member States should, in carrying out MSP, also have a common understanding of MSP processes to facilitate coordination amongst themselves, and cross-border cooperation on MSP across sea basins must also be encouraged.

MSP process

The Coordination Centre and VLIZ support the statement that MSP, in addition to the Marine Strategy Framework Directive (MSFD), can support an ecosystem based approach to the management of human activities required to achieve Good Environmental Status (GES). The implementation of MSFD should also provide some data and information that can be used for MSP. Other EU or international organisations which could contribute to the enhancement of MSP are OSPAR, European Environment Agency (EEA), European national authorities, stakeholders and networks.

According to the Coordination Centre and VLIZ, MSP mainly benefits environmental protection, maintenance and restoration of ecosystem services, sustainable use of resources, social and regional development, improved governance in sea basins, predictability and stability, transparency and improved maritime safety. To a lesser extent it may create a level-playing field (creating a neutral process for all actors), improves stakeholder involvement, stimulates economic growth (new jobs), influence climate change adaptation/mitigation, create competitiveness and stimulate cultural heritage conservation. Within this context, stakeholders should be involved both at a regional, national and sea basin level.

The application of a joint monitoring and evaluation system for MSP activities among Member States which allows to adjust the planning by taking into account new developments and data is encouraged. Within the context of such a system, it is important that Member States can report on key issues. Existing reporting mechanisms could be extended, to include MSP. However, we recognise that quantitative measurements will be difficult.

The legal enforceability of maritime spatial plans is considered important. Regarding cross-border activities, it is also important to contact neighbouring states. With respect to the Belgian North Sea cross-border activities, neighbouring states were contacted on the following issues: shipping, fishing, cables and pipelines, offshore wind farms, coastal defense and Natura 2000 areas. In terms of ease, the management of such activities are considered to be moderately difficult.

The major challenges to a well-functioning MSP process in cross-border areas are (ranked in order of importance):

- Member States disagree about the MSP procedure, permits or other issues.
- Any EU initiative should create an EU-level-added value with respect to equitable and environmentally sound collaboration of marine spatial use rights in a trans-boundary context (*challenge added by the Coordination Centre /VLIZ*).
- Stakeholder participation is a problem.
- There is no cross-border planning.
- The spatial data used for planning in different countries is not compatible.
- There are no agreed frameworks and procedures for cross-border MSP at all.
- Cooperation is taking place but it is carried out on an *ad hoc* basis.
- Cooperation with third countries (non-EU countries) is a problem.

The Coordination Centre and VLIZ are thus of the opinion that any EU initiative should create an EU-level-added value with respect to equitable and environmentally sound collaboration of marine spatial use rights in a trans-boundary context, duly taking into account the subsidiarity principles. With respect to the States, the most challenging issue will be to maximise the benefits of the MSP for the economic and the social pillar of sustainable development, without endangering (the achievement or the conservation of) the GES of the marine area in which both pillars function. When a country carries out MSP close to its national borders, it should cooperate with its neighbouring countries from the beginning of the MSP processes, rather than planning the MSP together or working independently of each other. The coordination of MSP in cross-border areas between member states is considered being very important. This should be done in an integrated manner (all cross-border activities), but with room for more specific, activity-based cooperation. This cooperation is needed at all levels (politicians, administrations, operational services, ...).

The Coordination Centre and VLIZ were involved in cross-border activities, during which cooperation between countries took place through meetings. The greatest difficulties encountered in those cross-

border activities were to identify the most appropriate level of cooperation (politicians, administrations, operational services, ...) and the degree of cooperation (cooperation, consultation, information, ...).

The main elements for a well-functioning MSP in the North Sea basin are considered to be:

- National legislation implementing MSP;
- There is a governmental body in charge of coordinating MSP;
- Binding national maritime spatial plan(s);
- A platform for MSP cooperation within each sea basin.

INTEGRATED COASTAL ZONE MANAGEMENT (ICZM)

ICZM delivers various kinds of benefits. Improved governance of the coastal zone and a more transparent planning and management of the coastal zone are considered being the most important. According to the Coordination Centre and VLIZ, other significant benefits are the improvement of the coastal environment, a more efficient use of coastal space and resources, reduction of conflicting claims on space and/or resources and a better understanding between stakeholders and authorities in the coastal zone.

Planning and managing the coast well implies that sufficient information is available to the authorities, stakeholders and concerned citizens. Within this context, the Coordination Centre and VLIZ mention to be well informed about coastal issues such as the state of the coastal environment, the risks that may affect the coast (climate change), trends in population growth and economic activities, the development plans (infrastructures) and the actions undertaken by authorities to support sustainable development. However, knowledge about development plans and actions in neighbouring states are limited, although the 'intentions' are often known.

Facts regarding the implementation of ICZM on the Belgian coastal zone:

- The impact of new developments are well analysed and a balance is sought between the needs of businesses, industry, coastal residents and the environment.
- Belgium adequately takes into account the long-term needs of coastal businesses and local communities.
- The impact of climate change in the coastal zone are well analysed and the planning and management take future climatic conditions and sea-level rise well into account.
- Belgium has adequate procedures to be involved and express our views and needs as regards coastal planning and management.
- The planning and management of neighbouring countries is well coordinated in Belgium and impacts across the administrative boundaries are adequately analysed and addressed.

Nevertheless those promising facts, there is still space for improvement regarding ICZM in Belgium. For instance, the coastal environment is not that well protected and the preservation of the environment is not safeguarded for the long-term. There is also a lack of coordination with respect to development plans (buildings, ports or energy infrastructures), and there are no adequate procedures to be involved and express views regarding coastal planning and management in neighbouring countries.

Regarding possible future EU actions on ICZM, the most important objectives that ICZM should address are the improvement of the governance of coastal zones, ensuring a balanced spatial development in the land and sea parts of the coastal zone, and ensuring a balance between coastal development and the need to protect the coastal environment and its natural resources. Other objectives that are considered important are the stimulation of sustainable economic growth in coastal areas, the protection of the coastal environmental and natural resources, ensuring a sustainable future for local coastal communities, the enhancement of the prevention of natural and technological risks in coastal zones, the improvement of the resilience of coastal zones to climate changes and the promotion of sustainable coastal development in regional sea basins.

The main challenging issues that the EU should acknowledge when considering further action to support ICZM implementation are the differences between the coastlines of the Member States and the need for urgent actions in some Member States, such as Spain and Italy.

The EU Recommendation on ICZM (2002/413/EU) sets a common framework for implementation in EU coastal Member States. However, coastal zones in Europe are very diverse and the coastal planning and management arrangements between national, regional and/or local authorities differ significantly from one Member State to the other. Therefore, not all issues are relevant for action at EU level on ICZM. For instance, a common EU framework for ICZM which may facilitate the cross-border coordination of coastal planning decisions, that can have consequences for coasts in neighbouring countries, is considered not very relevant. The same applies for a common EU framework for ICZM which may provide more clarity and a better level-playing field for businesses and citizens who invest and work in the coastal zone, taking into account the fact that coastal planning and management systems are very complex and are in some cases based on EU legislation, e.g. nature conservation. However, in some cases actions at EU level are recommended:

- Coastal zones are of strategic importance to the EU economy and they constitute a common natural and cultural resource. A common EU framework for ICZM facilitates development opportunities and improves effectiveness of preservation measures.
- Coastal environmental processes are trans-boundary in nature and can be better managed in the context of a common EU framework for ICZM.
- Coastal zones are vulnerable to the impacts of climate changes, which can be better addressed in the context of a common EU framework for ICZM.

The EU Recommendation on ICZM (2002/413/EU) invites Member States to set up national strategies, indicating a broad range of possible measures for such national strategies. The implementation of ICZM strategies in coastal Member States constitutes the major way to implement and deliver ICZM in the EU. The measures as part of future EU actions on ICZM which are considered very important are the integration of interests (social, economic, environmental) in ICZ planning and management, an institutional coordination between competent authorities (national, regional, local) and a coherent planning of land and sea parts of the coastal zone. Other important measures are the integration of risk prevention and climate change into the ICZ planning and management of coastal zones, and the public participation in coastal zone planning and management. Measures which are considered moderately important or of rather low importance are the cross-border coordination between competent authorities, the cooperation in regional sea basins, and the data gathering and information management to underpin coastal planning and management.

A few instruments and tools are very important for the effective implementation of ICZM by Member States, such as spatial planning (vision for coastal development and a strategic plan to orientate the use of coastal resources and space), coastal climate change strategies (assessment of the impact of

climate change in the coastal zone and guiding adaptation measures) and economic (including fiscal) measures to stimulate sustainable development options and innovative approaches to coastal management. Other instruments/tools which are considered important are zoning plans, information systems that facilitate the sharing and use of data and information, and indicators to guide the development of the coastal zone and the use of coastal resources. Land policy instruments (such as land purchase mechanisms, easements, transferable development rights) and sediment management plans (assessment of sediments and sediment systems, delimiting coastal sediment cells and guiding coastal defense choices) are considered moderately important.

The main instrument by which the EU promotes implementation of ICZM is currently the European Parliament and Council Recommendation on ICZM (2002/413/EC). For the Mediterranean coastal zones, an additional step has been set by the EU conclusion of the Protocol on ICZM (Council Decision 2010/631/EU). Considering future EU action on ICZM, the Coordination Centre and VLIZ are of the opinion that the EU Recommendation on ICZM does not form a sufficient basis to achieve the objective of ICZM in the EU. An EU binding legislative framework would provide a better basis for ICZM implementation in the long-term and in cross-border contexts. Additionally, the Coordination Centre and VLIZ are of the opinion that the most effective way for the EU to support ICZM is through financial support to projects, research and studies.

LINKING MSP AND ICZM

MSP and ICZM have similarities as well as differences. MSP is applied in sea areas but not on land whereas ICZM is applied on the land and sea part of the coastal zone. In the MSP Roadmap (COM(2008)791) and the MSP Progress Report (COM(2010)771) the link between MSP and ICZM is regarded as important.

The Coordination Centre and VLIZ have been involved in both MSP and ICZM, and have personal experience in applying MSP and ICZM in a combined way in applying common spatial planning principles to terrestrial and marine areas and link land and sea, with special attention for the interface. MSP is considered as an instrument to implement ICZM.

The Coordination Centre and VLIZ somewhat disagree with the statement that land and sea planning must be addressed through different instruments to be effective, based on the fact that issues, authorities and stakeholders differ significantly on land and sea. According to the Coordination Centre and VLIZ, MSP and ICZM should be linked in such a way that there is coordination of the two, but the processes should be kept separate. Additionally, MSP can use the ICZM principles.

Regarding joint MSP and/or ICZM data-management and distribution of information, the Coordination Centre and VLIZ suggest to strengthen existing systems, databases, etc. instead of building new ones.

The Coordination Centre and VLIZ are of the opinion that the European Commission should propose or support something jointly in the EU concerning MSP and ICZM linkages. The linkages between MSP and ICZM as seen from EU perspective should be clarified, so should the linkages between ICZM, MSP and other relevant EU legislation and initiatives in the coastal and marine areas.

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