

Maritime Spatial Planning – some Polish experiences

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Basics

- **Legal basis for MSP: Act on Sea Areas of Poland and Maritime Administration 1991 (amendment 2003)**
- **Spatial planning possible for all sea areas (internal sea waters, territorial sea, EEZ)**
- **Draft plan produced by territorially competent Director of Maritime Office**
- **Except for EEZ, agreement of neighbouring commune/municipality required**
- **SEA required**
- **Plan accepted and published as Ministerial Order by the Minister responsible for matters of building, spatial management and housing in agreement with the Minister responsible for maritime economy, after obtaining agreement of ministers of: agriculture, defence, environment, internal affairs**
- **Marine and terrestrial plans – „impermeable”**

Scope of decision making by MSPs

Plans of spatial development of sea areas should decide on:

- **assignment of distinguished „sea basins”**
- **prohibitions and limitations on the use of areas covered by the plan, taking into account the requirements of nature protection**
- **the distribution of public investments**
- **directions of development of transport and of technical infrastructure**
- **areas and conditions of environment and historical heritage protection**

Proposed amendments of law on MSP

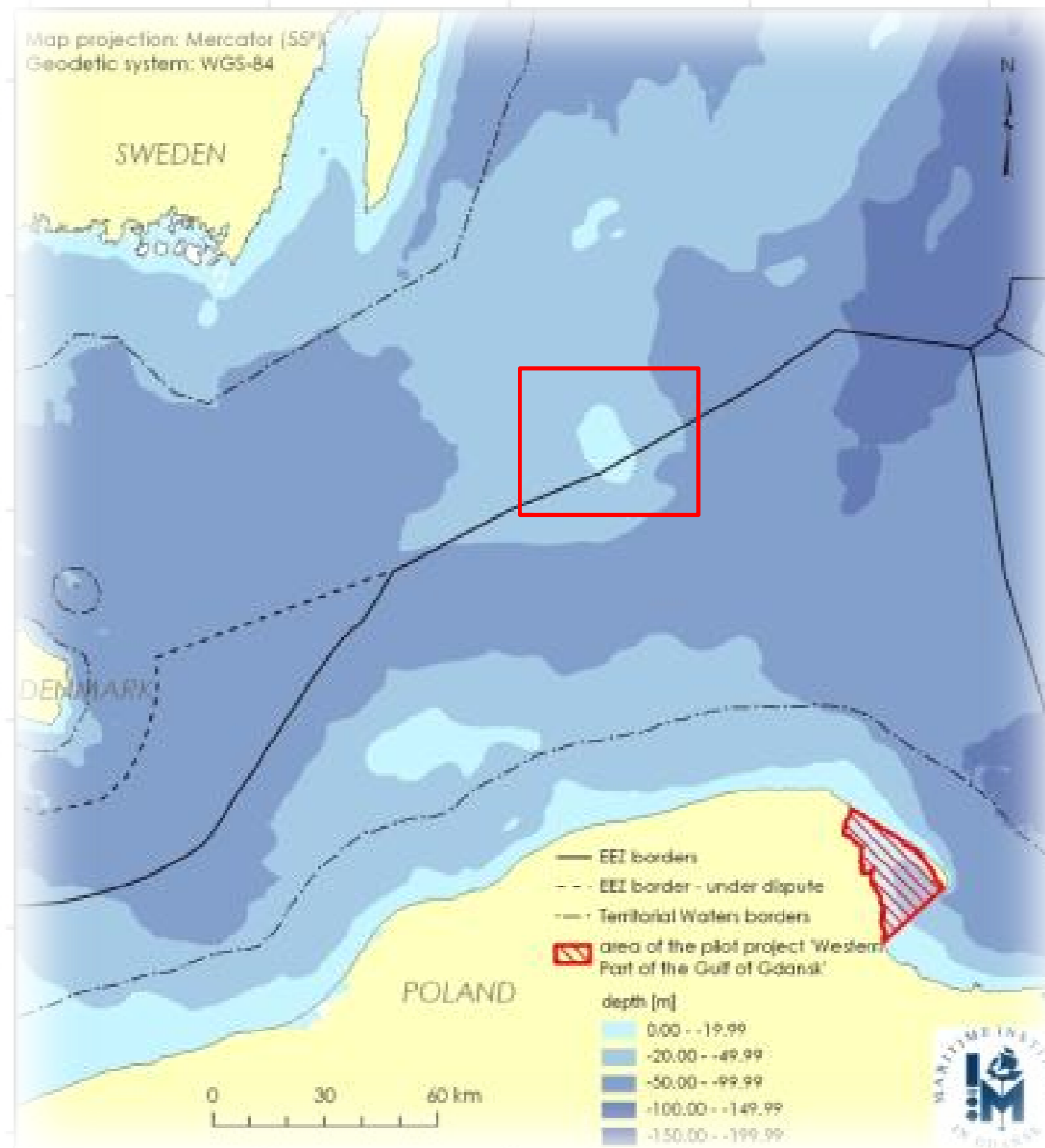
- **Planning procedures start with ordinance of Minister responsible for sea matters**
- **Plan accepted by Order of:**
 - Minister when it concerns the EEZ and the **contiguous zone**
 - Director of Maritime Office – territorial sea and internal sea waters
- **Extensive procedures for agreement, consultation, opinion taking, including public participation**
- **Plans developed in scales:**
 - 1:200,000 (and 1:400,000 ?) – strategic plans
 - 1:25,000, 1:10,000 and for ports, bathing waters not larger than 1:2000 (exceptionally 1:5000) – local law
- **Possibility of showing in „sea” plan important information on development on land, and reciprocally, important information on development in the sea in „terrestrial” plans**

Proposed amendments (cont.)

- **Plans decide on:**
 - **Designation of sea basins**
 - **System of sea basins for sea transport and safety of navigation**
 - **System of marine protected areas for the needs of environment, nature, landscape, historical heritage, health protection**
 - **Distribution of public investment of supra-local importance**
 - **Sea basins permanently or temporarily closed (with their protective zones)**
 - **Distribution of mining areas**
 - **Limitations and principles of sea space use**
 - **In case of strategic plans – designation of areas requiring MSPs in more accurate scale**

Advanced work on ministerial ordinance on the scope of MSPs in their textual and graphic parts, planning materials, cartographic elaborations, symbols and methods of documenting work on the plans

Two areas...



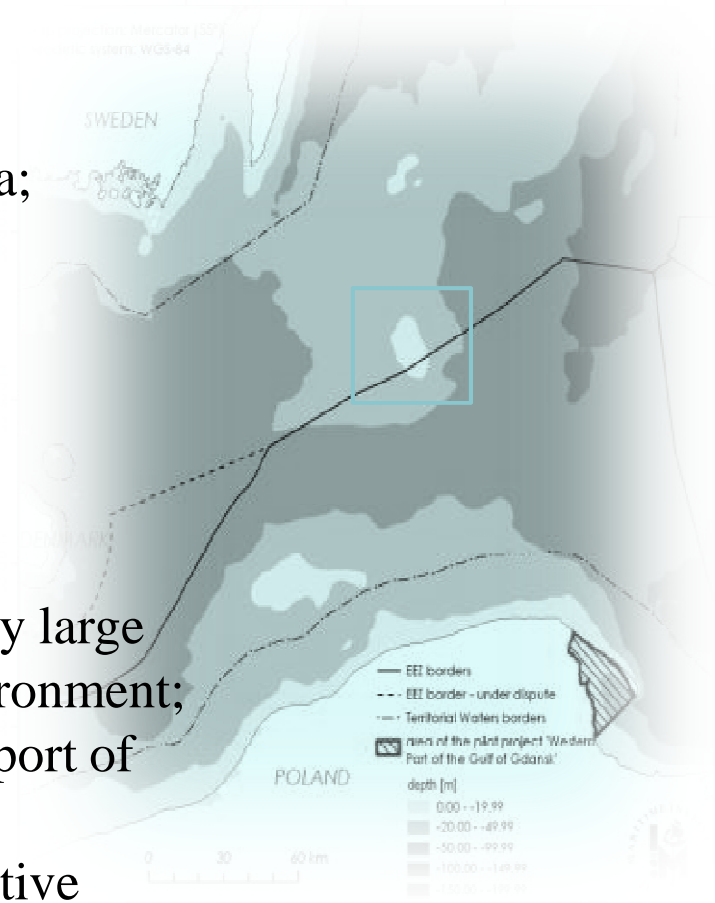
Two areas...

Middle Bank:

- far from the coast in the middle of the Baltic Sea;
- very limited number of stakeholders.

Gulf of Gdańsk:

- intensely exploited sea area adjacent to relatively large agglomeration, inserting pressure on marine environment;
- one of the biggest commercial ports in Poland (port of Gdynia);
- northern part bordered by one of the most attractive coastal areas of the country (Hel Peninsula).



Two areas...

Middle Bank:

- less affected. Maritime Plan should prevent conflicts rather than mitigate them.

Gulf of Gdańsk:

- numerous spatial conflicts requiring immediate planning solutions for their mitigation.



Two areas...

The Southern Middle Bank:

- EEZs of Poland and Sweden, shared by two countries enjoying (according to international law) only limited jurisdiction over that area.
- mainly international law applies.

The Gulf of Gdańsk:

- internal Polish waters - part of territory of Poland for which mainly internal Polish law applies.



Two methodologies...

The pilot draft MSP for Gulf of Gdańsk:

-prepared with rather rich information, well proved by different investigations.

The pilot draft MSP for Southern Middle Bank:

- the main barrier was the high degree of uncertainty about the present state of the sea space and its dynamics.

MSP for the Gulf of Gdansk

- **Scale 1:25,000**
- **Uses terrestrial planning techniques**
- **Instrument for reconciling various interests**
- **Brings together land and maritime spatial planning**

- **A structural plan:**
 - **Diagnosis of spatial conditions of development**
 - **Specifies components of spatial system and their relationships**
- **Settles specific limitations on space use**

MSP for the Gulf of Gdansk

- **Based on principle of functionality**
- **Assumption that sea space is divided by a range of functional processes providing internal coherence of its parts**
- **Dynamics of functional links must be well understood**
- **Spatial grid based mainly on system of valuable habitats and transport corridors with high intensity of traffic or requiring dredging**

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PlanCoast
Adriatic | Baltic | Black Sea



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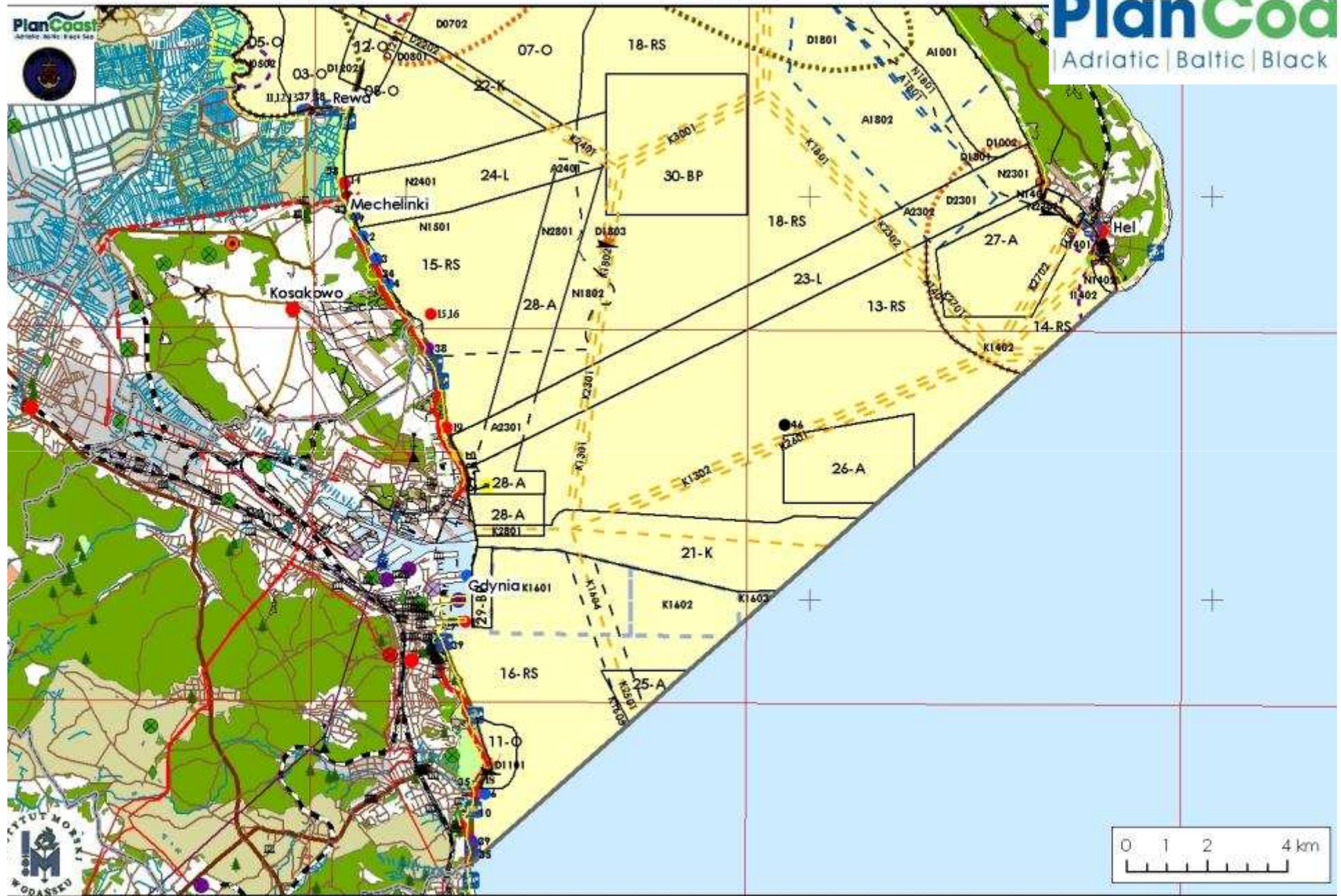
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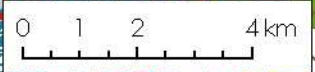
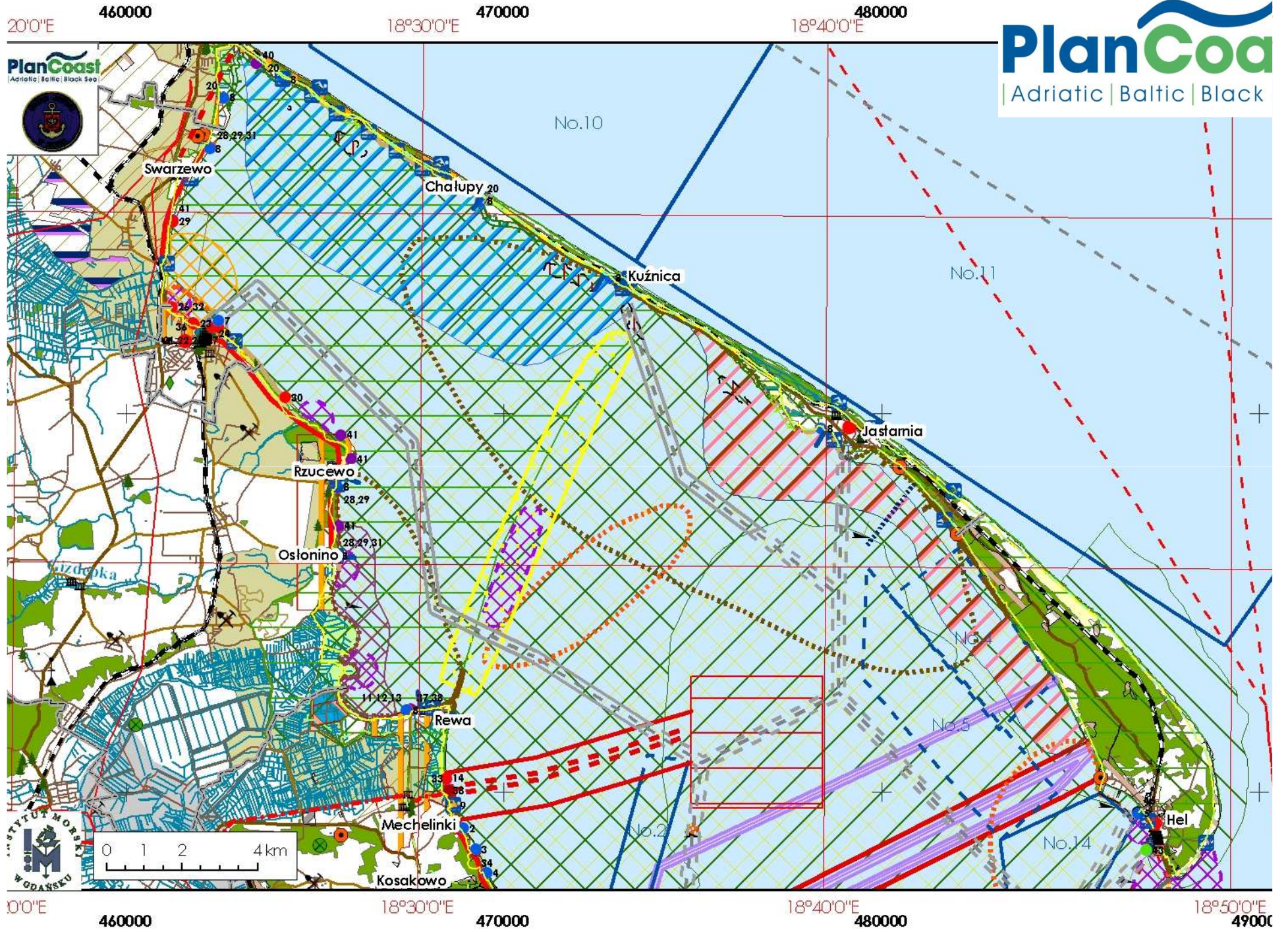


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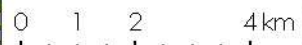
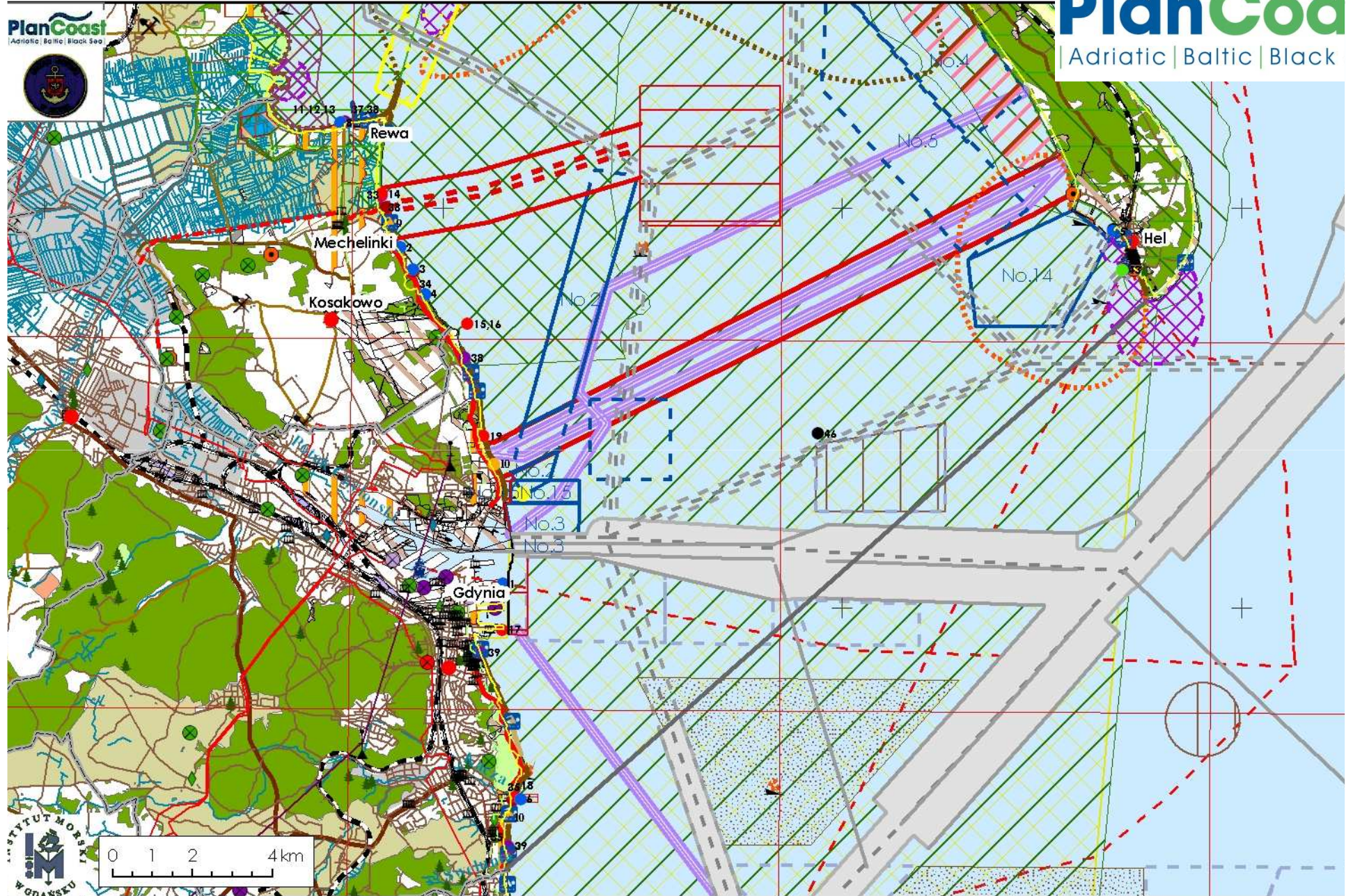
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PlanCoast
 | Adriatic | Baltic | Black Sea



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	pas ochronny		obszar pod inwestycje		transport morski, działalność portowa, inwestycje morskie
	pas techniczny		elektrownie wiatrowe		ochrona brzegów morskich
	planowane kolektory		stanowisko dokumentacyjne		kolektory ściekowe
	kolektor ścieków na obszarze lądu		uzytki ekologiczne		turystyka
	osie torów nawigacyjnych		zamknięte tereny kolejowe		rybolówstwo
	tory podejściowe do małych portów		tereny zamknięte w 2005		torpedownia
	rzeki		składowisko odpadów do rekultywacji		działalność militarna
	zakres planu		presja turystyczna		inne
	przystanie i pomosty		podziemny zbiorniki gazu		siedziby gmin
	linie energetyczne		poligon kalibracyjny		emisja ścieków
	radiolinie		trzciniowiska		szkodliwa działalność człowieka
	odcinki przewidziane do ochrony brzegu		parki kulturowe		szkodliwa działalność zakładów
	kolektory ściekowe		pozostałości osadnictwa		nielegalne składowiska odpadów
	kable		ryby		oczyszczalnie
	korytarz infrastrukturalny		obszar przemysłowy		pobór wody
	klify		kopaliny (kruszywa)		ujęcia wód na potrzeby komunalne
	zakres kąpielisk		kopaliny (sole)		ujęcia wód na potrzeby zakładów
	drogi gminne i inne		Rybitwia Mielizna i Cypel Rewski		kąpieliska
	drogi krajowe		przedpole ujścia rzeki Płutnicy		porty promowe
	drogi powiatowe		przedpole ujścia rzeki Redy		porty morskie
	drogi wojewódzkie		wody przybrzeżne Kuźnica - Cypel Helcki		wraki
	koleje		wody przybrzeżne Kuźnica - Władysławowo		zabytki
	trasy promowe		wody przybrzeżne przy klifie orłowskim		lotnisko
	planowana strefa ochrony konserwatorskiej		klapowiska		stacje linii radiowych
	plany miejscowe		piaski potencjalne		kopaliny
	presja turystyczna		piaski rozpoznane		pomniki przyrody
	zamknięte tereny kolejowe		doly poręfulatoryjne		
	tereny zamknięte w 2005				
	składowisko odpadów do rekultywacji				
	klapowiska				
	redy, kotwcowiska				
	akweny militarne				

MSP Gulf of Gdansk – implementation

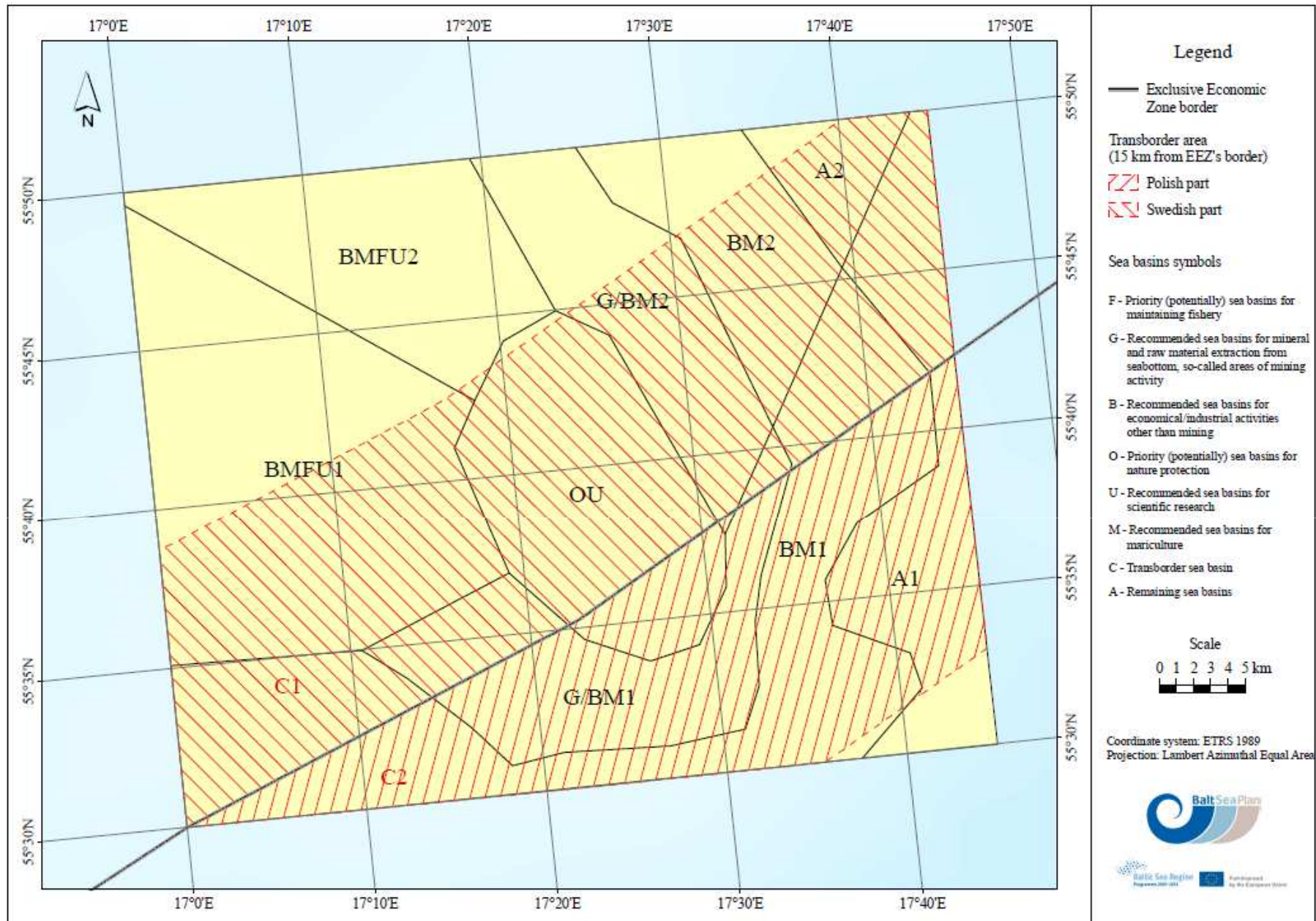
- **Regardless of actual state of law, solutions of the plan are implemented as far as possible in daily activities of the Maritime Office in Gdynia**
- **Full implementation requires adoption of improved law (Parliament - improved Acts, Minister of Infrastructure - ordinance)**

MSP for the Middle Bank

- **Scale 1:200,000**
- **Strategic character**
- **Structure plan**
 - **Diagnosis of spatial conditions of development**
 - **Specifies components of spatial system and their relationships**
- **Awards priority to some uses and ensures cohesion of the whole system of proposed solutions**
- **Introduces only limited number of limitations to ensure the cohesion**

MSP for the Middle Bank

- **Different zoning strategy due to nature of plan**
- **Zoning used not to maintain functionality of the area but rather to secure space of particular importance for main sea users**
- **Three types of zones:**
 - **Priority zones** – one type of use receives top priority over all others
 - **Recommended zones** – some type(s) of uses are encouraged
 - **Other areas** (so called general zone) – no priority for any users



Type of sea basin	Number of distinguished sea basins	Total area (km ²)
<p>Sea Basin OU</p> <p>Potentially priority for nature protection and recommended for scientific research</p>	1	204.93
<p>Sea basin BMFU</p> <p>Recommended for economical/industrial activities other than mining, recommended for mariculture, potentially priority for maintenance of fishery, recommended for scientific research</p>	2	553.40
<p>Sea Basin BM</p> <p>Recommended for economical/industrial activities other than mining, recommended for mariculture</p>	2	473.57
<p>G/BM</p> <p>Recommended for mineral and raw material mining, so-called area of mining activity or for economical/industrial activities other than mining (power production/mariculture)</p>	2	308.87
<p>Sea Basin C</p> <p>Transborder area</p>	2	
<p>Sea Basin A</p> <p>Other areas</p>	2	209.81

PROHIBITIONS AND REQUIREMENTS in force in the whole area of the plan

Underwater cultural heritage shall be protected against damage from linear infrastructure and mining and production activities.

Proper organs of public administration must be informed if objects of cultural heritage are found.

On requirement of the maritime administration, routes of linear infrastructure, location of mining, research or production activities may be changed in order to protect objects of cultural heritage against damage caused by installation, construction or mining works, or during monitoring, repairs and dismantling in the future.

New cables and pipelines shall be laid in infrastructural corridors while keeping safe distances from existing objects of linear infrastructure and other structures, among others in order to enable monitoring, servicing and repairs.

Places with especially high risk of collision shall be marked in navigation charts.

Linear installations shall be systematically monitored.

Competent organs of public administration shall establish safety zones around cables, pipelines and areas of power production reaching up to from each point of their outer perimeter, unless a different width of the safety zone is allowed by commonly adopted standards established by international law or recommended by appropriate international organisations.

Worn out or abandoned installations, structures and equipment or if their service has ended and their leaving on site did not obtain agreement of appropriate organ of maritime administration, shall be dismantled and removed.

Sites of mining activities and power production shall be marked using light signals or other visual and sound signals and marked in navigation charts in order to improve safety of navigation and safety of fishing activities.

Areas of mariculture shall be marked in navigation charts in order to protect them against accidental damage by other users of the sea.

Competent organs of public administration shall establish safety zones around areas of mining activity, reaching up to from each point of their outer perimeter, unless a different width of the safety zone is allowed by commonly adopted standards established by international law or recommended by appropriate international organisations.

Extraction of minerals shall be limited to such a layer that after its removal reconstruction of initial habitats is still possible.

Space for structures, artificial islands and other installations, especially for power production installations, shall be used in an economic way, while maintaining the principle of easy access to allow monitoring, repairs and dismantling.

RECOMMENDATIONS in force in the whole area of the plan

It is recommended to carry out detailed investigations in order to assess the ecological value of this area and its use for wintering of birds.

Fishing with dragged fishing gear is not recommended if it may destroy habitats.

Transboundary issues

- **Nature conservation**
- **Navigation**
- **Fishery ↔ fish farms, mariculture ↔ change of ecosystem**
- **Wind farms**
- **Infrastructure**
- **Other industry**

Problems

- **No mechanism for comprehensive international harmonisation (Espoo Convention – environment, IMO – navigation), no comprehensive contact points**
- **Lack of overarching vision for the Baltic Sea containing, among others**
 - **Percentage of nature protection areas and at least principles of their distribution**
 - **Fish management principles (among others, total fish production, how much fish to be hunted, how much to be farmed)**
 - **Basic principles of vessel traffic organisation**
 - **Amount of energy to be produced from the sea (pan-Baltic wind farm system?)**
 - **Principles of infrastructure routing and laying**
 - **Space for future uses incl. industry**

Thank you