

OSPAR CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF
THE NORTH-EAST ATLANTIC

MEETING OF THE BIODIVERSITY COMMITTEE (BDC)

BRUGES: 16-20 FEBRUARY 2004

Report from the Workshop on Spatial Planning in the North Sea**Presented by the Secretariat**

This is the report from the Workshop on Spatial Planning in the North Sea held in London on 8 and 9 January 2004. In developing proposals for an OSPAR work programme on spatial planning (*BDC 2003/4 work programme, product 15*), BDC 2004 is invited to consider the possible elements set out in this report. BDC is further invited to consider the draft letter in Annex 1 concerning the Interreg IIB Noratlas project.

I. Introduction

1. To follow up the invitation to OSPAR from the 2002 Fifth North Sea Conference (Bergen Declaration, paragraph 77) and the consequent agreement of OSPAR 2002 to include an appropriate item on spatial planning in the work programme of the Biodiversity Committee (BDC), a workshop was held at the Secretariat Offices in London on 8 and 9 January 2004. The workshop was attended by representatives of Belgium, Germany, Ireland, the Netherlands and the United Kingdom, and representatives of Birdlife International, the Conference of European Marine Peripheral Regions, Seas At Risk, the World-Wide Fund for Nature. It was chaired by Mr John Roberts (United Kingdom).
2. The workshop agreed on the following conclusions about, and possible elements for, an OSPAR work programme on spatial planning. The workshop's report contained annexes on the proceedings (Annex 1), those attending (Annex 2) and the agenda and documents presented (Annex 3), which are not reproduced here.
3. The various possibilities are described as actions that *could* be taken, rather than as recommendations on what action *should* be taken. This is because a recommendation for action needs to be accompanied by an indication of the intended source of the necessary inputs and support. Contracting Parties need to consider what they can make available.

II. How can spatial planning in the maritime area help OSPAR processes?

4. The 2003 Joint Meeting of the Helsinki and OSPAR Commissions agreed to establish by 2010 a full set of management measures consistent with an ecosystem approach¹. Spatial planning of the maritime area can be a tool for implementing an ecosystem approach, and can contribute also to ensuring sustainable use of the ecosystems.
5. Spatial planning can help prevent and resolve potential problems created by conflicts between, on the one hand, the requirements for conservation and restoration of the marine environment and, on the other, the various human activities in the North Sea. Spatial planning can:
 - a. underpin a holistic approach to marine policy, by bringing together the many processes regulating human activities in the maritime area within a single framework in which interrelationships, potential conflicts and cumulative impacts can be considered;

¹ Statement on the Ecosystem Approach to the Management of Human Activities, paragraphs 11 and 12.

- b. ensure that all the various potential uses of the maritime area can be given a fair and equal consideration, including areas to be protected;
- c. provide a framework in which the potential contributions of various proposals to achieving ecological quality objectives can be considered, and thus improve the application of an ecosystem approach.

III. Planning processes

6. Within the framework of international laws and obligations (including the UN Convention on the Law of the Sea), it is for each State to define its priorities for the use of the marine resources available to it. The main focus of spatial planning of the North Sea should therefore be at the national level.

IV. Marine spatial planning at the national level

7. What can OSPAR do to promote better spatial planning at the national level?

8. Guidance on integrating developments in the coastal zone already exists in the EU Recommendation on Integrated Coastal Zone Management and parallel measures by other Contracting Parties. Furthermore the EC Strategic Environmental Assessment Directive and the EC Environmental Impact Assessment Directive lay down how the environmental impact of plans and programmes and specific projects must be evaluated and assessed. The Aarhus Convention likewise lays down standards for public participation in such processes.

9. In the light of this existing material, OSPAR could as a first step:

- a. identify whether there are, from the point of view of the marine environment, any significant gaps, either in the coverage or the application, in the international requirements and commitments that have already been developed;
- b. develop additional guidance to fill any gaps that might be identified. This might cover recommended criteria for strategic assessments, and minimum standards for identifying and involving the relevant stakeholders.

This would need an intersessional correspondence group or a workshop (and consequently a convenor).

10. At the same time, OSPAR is assessing the impacts of various different human activities. Such assessments may well produce conclusions on the criteria that should be considered in carrying out environmental impact assessments of specific projects to be developed as part of these activities (as has already occurred with the guidance on offshore wind-energy farms).

11. To the extent that this is not already in hand, OSPAR could ensure that these assessments do develop common criteria for environmental impact assessments of such projects.

V. International Level

12. Enough work seems to be in progress under the European Spatial Development Perspective, the Trans-European Networks (TENs), the EC Energy Policy and INTERREG IIIB, and in the International Maritime Organization, to address the issues of major infrastructure and traffic needs in the North Sea.

13. Spatial planning issues at the international level therefore seem to be focused on how to ensure that transboundary and cumulative effects are adequately addressed under national spatial planning processes.

14. What can OSPAR do to improve the way in which transboundary and cumulative effects are considered in developing national spatial planning instruments² and approving development proposals?

15. OSPAR could develop guidance on the cases where States should invite their neighbours to contribute to strategic assessments of national plans and programmes covering the maritime area, and to environmental impact assessments of projects in the maritime area, where this is not adequately covered either by the EC Strategic Environmental Assessment or Environmental Impact Assessment Directive or the Espoo Convention.

² The phrase “spatial planning instruments” is intended to cover all instruments whereby planning systems are implemented, including plans, schemes, structure plans, regional plans, local plans, guidance etc etc.

This would need an intersessional correspondence group or a workshop (and consequently a convenor) to develop draft guidance.

16. OSPAR could also develop guidance on minimum standards for consulting stakeholders in such cases and the procedures for enabling this to be done.

This would need an intersessional correspondence group or a workshop (and consequently a convenor) to develop draft guidance (unless this was combined with some other task).

17. In the light of the foregoing work, OSPAR could seek to develop a recommendation on the development and use of national spatial planning systems in the maritime area. To add value to this, such a recommendation could:

- a. describe the issues that such national spatial planning systems should address;
- b. draw attention to techniques and approaches that may be helpful;
- c. where necessary, agree minimum standards for processes not adequately covered by obligations under existing international or European instruments.

VI. Information exchange

18. North Sea Ministers also asked that OSPAR should consider how to establish the current state of the uses of the North Sea and to improve arrangements for the exchange of information and national experiences.

19. The proposal for NORATLAS (a digital atlas for planning decisions and integrated coastal zone management towards the cohesion of development in the north sea region), being developed for funding under the INTERREG IIIB programme, could help significantly to deliver information on the current state of uses of the North Sea and exchanges of information, since it will provide a pool of relevant data and establish a transnational consultation network.

20. There would therefore be advantage in OSPAR supporting the funding of this project under INTERREG IIIB by an explicit expression of its views in favour of this work.

To facilitate this, a draft letter for the Chairman of the OSPAR Commission to send is attached for consideration by BDC and, if approved, circulation to Heads of Delegation to the Commission for agreement.

21. What else could OSPAR do?

22. OSPAR could establish technical guidance on how best to make the GIS data relevant to spatial planning mutually consistent, so that data drawn from different sources can readily be correlated as a basis for planning and decisions.

This would need an intersessional correspondence group of relevant IT experts and planners (and consequently a convenor) to develop draft guidance.

23. OSPAR could complete a general description and analysis of the national spatial planning systems and spatial control³ systems operated by North Sea States.

The work that the OSPAR Secretariat has already done could form the foundation for such a description (this work is set out in document SPINS 04/2/1, available on the OSPAR website), but the Commission would need to agree to the Secretariat taking on this further work, and North Sea States would need to be prepared to provide inputs to further work by the Secretariat and commit themselves to check and revise the eventual draft.

24. OSPAR could compile and maintain on the website a list of marine spatial planning focal points (at all levels from national to local and in respect of different aspects), and their contact details, in order to facilitate contact and exchanges of information.

³ The term “spatial control systems” is used to describe all the regulatory and management systems that are used to specify the locations in which specific activities may be undertaken.

25. As part of such a listing, e-mail addresses could be shown of those who would be interested in taking part in e-mail discussions of issues relating to marine spatial planning, so that anyone wishing to start such a discussion would be enabled to do so.

North Sea States would need to commit themselves to providing information in reply to regular Secretariat enquiries (perhaps twice a year) to ensure that the information was kept up-to-date.

VII. Conclusion

26. These conclusions and possibilities should be considered as building blocks for an OSPAR work programme on spatial planning in the maritime area, in the light of Contracting Parties' offers of resources to support them.

27. In addition, BDC and OSPAR could consider supporting the NORATLAS project.

SUPPORT FOR “NORATLAS”

Draft letter to INTERREG IIIB

For signature by the Chairman of the OSPAR Commission

Write to:

The Chairman of the Steering Committee,
Interreg IIIB North Sea Programme,
Jernbanegade 22,
DK-8800 Viborg,
Denmark

NORATLAS PROJECT

This letter is to ask that, when the Steering Committee for the INTERREG IIIB North Sea Programme considers the application for funding for the “NORATLAS” project, it should take account of the strong support for this project from the Governments of all the States around the North Sea – Belgium, Denmark, France, Germany, the Netherlands, Norway, Sweden and the United Kingdom.

The “NORATLAS” project is aimed at producing a digital atlas for planning decisions and integrated coastal zone management aimed at promoting the cohesion of development in the North Sea region. The project is being developed by a consortium led by the German Federal Maritime and Hydrographic Agency (*Bundesamt für Seeschifffahrt und Hydrographie*), and with participation from institutions in Belgium, Denmark, the Netherlands, Sweden and the United Kingdom.

The OSPAR Commission, which is the mechanism through which the States of North West Europe and the European Community cooperate to protect the marine environment of the North East Atlantic, was asked by the Ministers and the Member of the European Commission attending the Fifth North Sea Conference in Bergen, Norway, in March 2002, to undertake a programme of work to strengthen spatial planning of the maritime area of the North Sea.

Through our work on this remit, we have concluded that the “NORATLAS” project could provide a very useful and important support to improving the ability of all authorities involved in managing human activities in the North Sea. Improved systems for the exchange of information are crucial in this field, and a digital atlas of this kind will both systematise the information that is available and give much improved access to it.

The OSPAR Commission therefore gives strong support to this application for funding under the INTERREG IIIB programme.