

Case study: The German Maritime Spatial Plan

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Overview

1. Introduction to German MSP
2. The consultation process
3. The German Maritime Spatial Plan
4. An environmental perspective on the MSP
5. Evaluation



1. Introduction to German MSP

Germany often regarded as a pioneer in MSP:

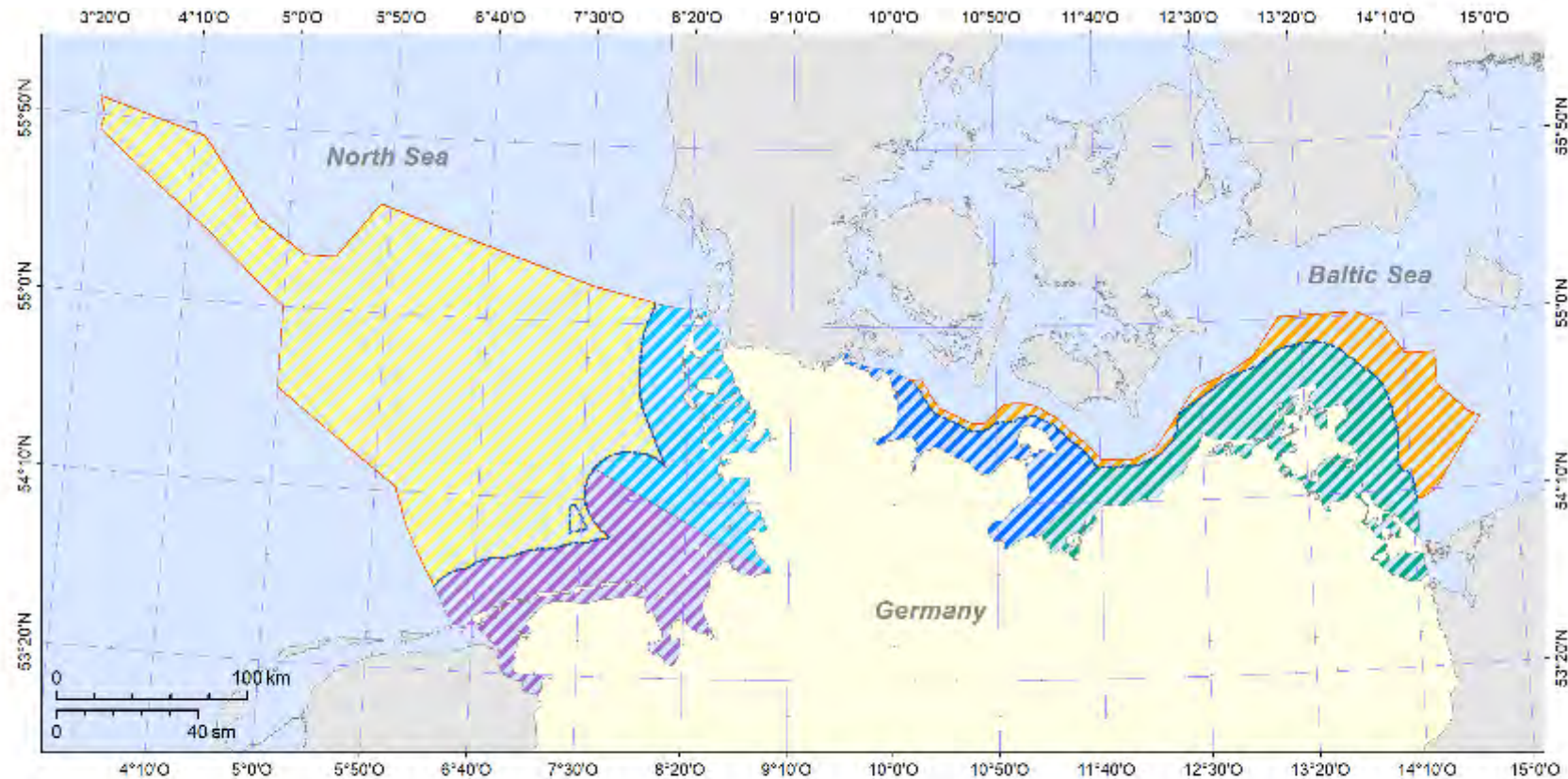
- Spatial Planning Act → applicable to the Exclusive Economic Zone (EEZ) since 2004
- First MSP for the territorial sea in 2005 (MV)
- First MSP for the EEZ in 2009
- MSP applied especially because of approval procedures for infrastructures in the North and Baltic Sea

EU requirement for MSP:

- Since 2014 with the Maritime Spatial Planning Directive (MSPD)

➔ In the EU, most countries finalized their first MSP in 2021 while Germany already adopted an updated MSP for the EEZ in 2021

1. Introduction to German MSP



Administrative borders

- German Territorial Sea
- German Exclusive Economic Zone (EEZ)

Existing plans in the North Sea

- EEZ plan
- Schleswig-Holstein
- Lower Saxony

Existing plans in the Baltic Sea

- EEZ plan
- Mecklenburg-Western Pomerania
- Schleswig-Holstein

MSP in the Exclusive Economic Zone (EEZ):

Federal Ministry of Interior, Building and Community

Federal Maritime and Hydrographic Agency

1. Introduction to German MSP

The MSP from 2021

Vision: Using and preserving the sea in all its diversity

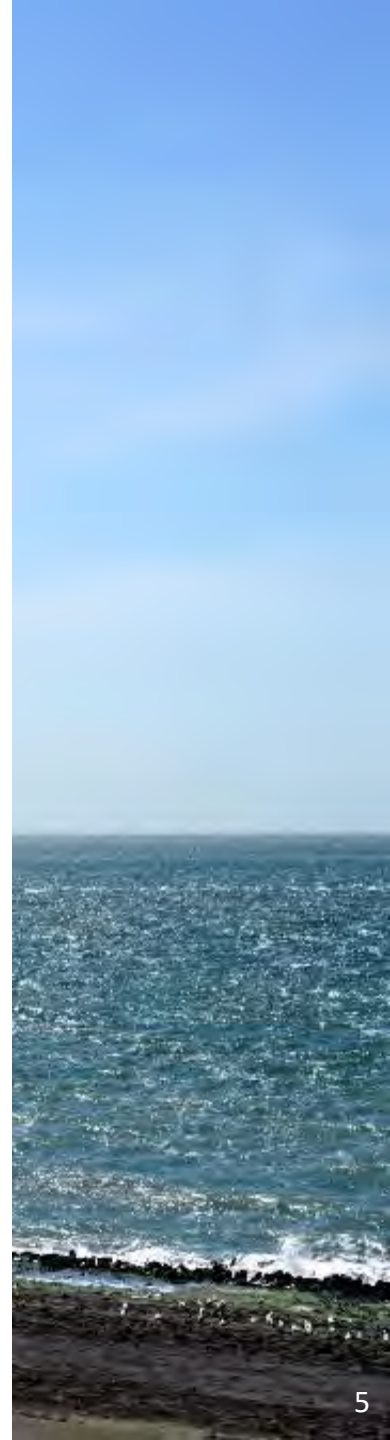
Spatial Planning Act: German MSP supports

- The safety and efficiency of navigation,
- Other economic uses, in particular renewable energy
- Scientific uses, in particular marine research
- Security aspects, especially national and alliance defence

Contribution to the protection and enhancement of the marine environment through

- Spatial designations for the marine environment
- Designations for avoiding or mitigating harmful impacts and pollution

- ➔ It was the first time that a vision guided the development of MSP in the German EEZ
- ➔ But: are use and preservation in balance?



1. Introduction to German MSP

Overview of uses and issues

Drivers: Safe and efficient navigation, marine protection, commerce, offshore wind park planning

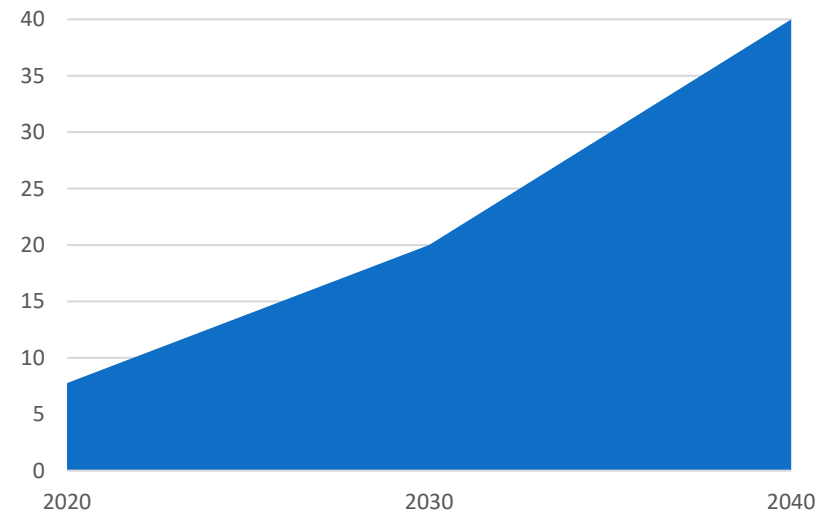
Current main uses: Sand & gravel extraction, offshore wind farms, shipping, fishing, nature protection, tourism

Issues: Planning for offshore wind farm grid connections

Future uses: Additional offshore wind farms

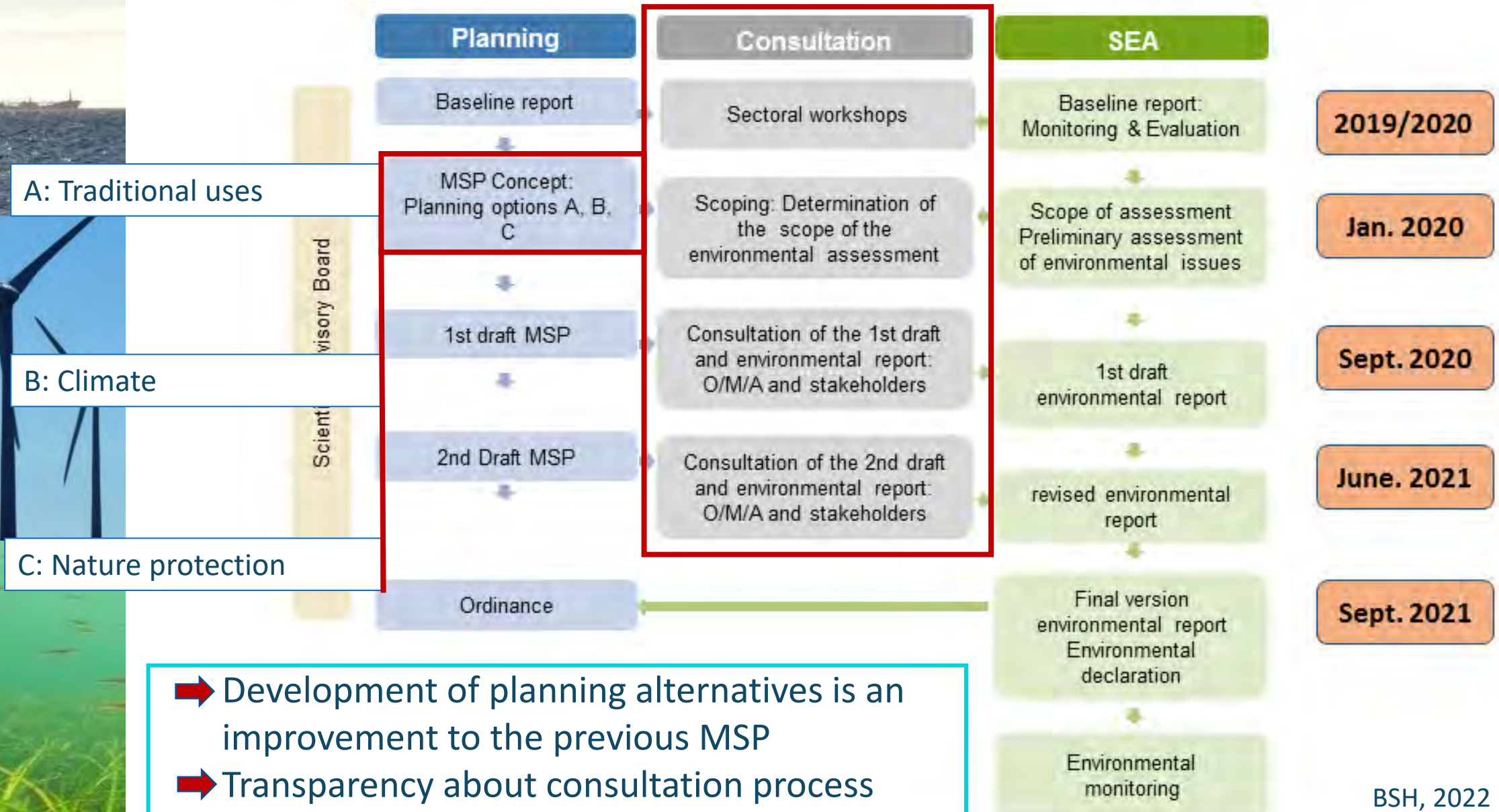
Adopted from the European MSP Platform, 2022

➔ Offshore wind development the most important driver for German MSP



Development goals for offshore wind - increase in gigawatts, adopted from bundesregierung.de

2. The consultation process





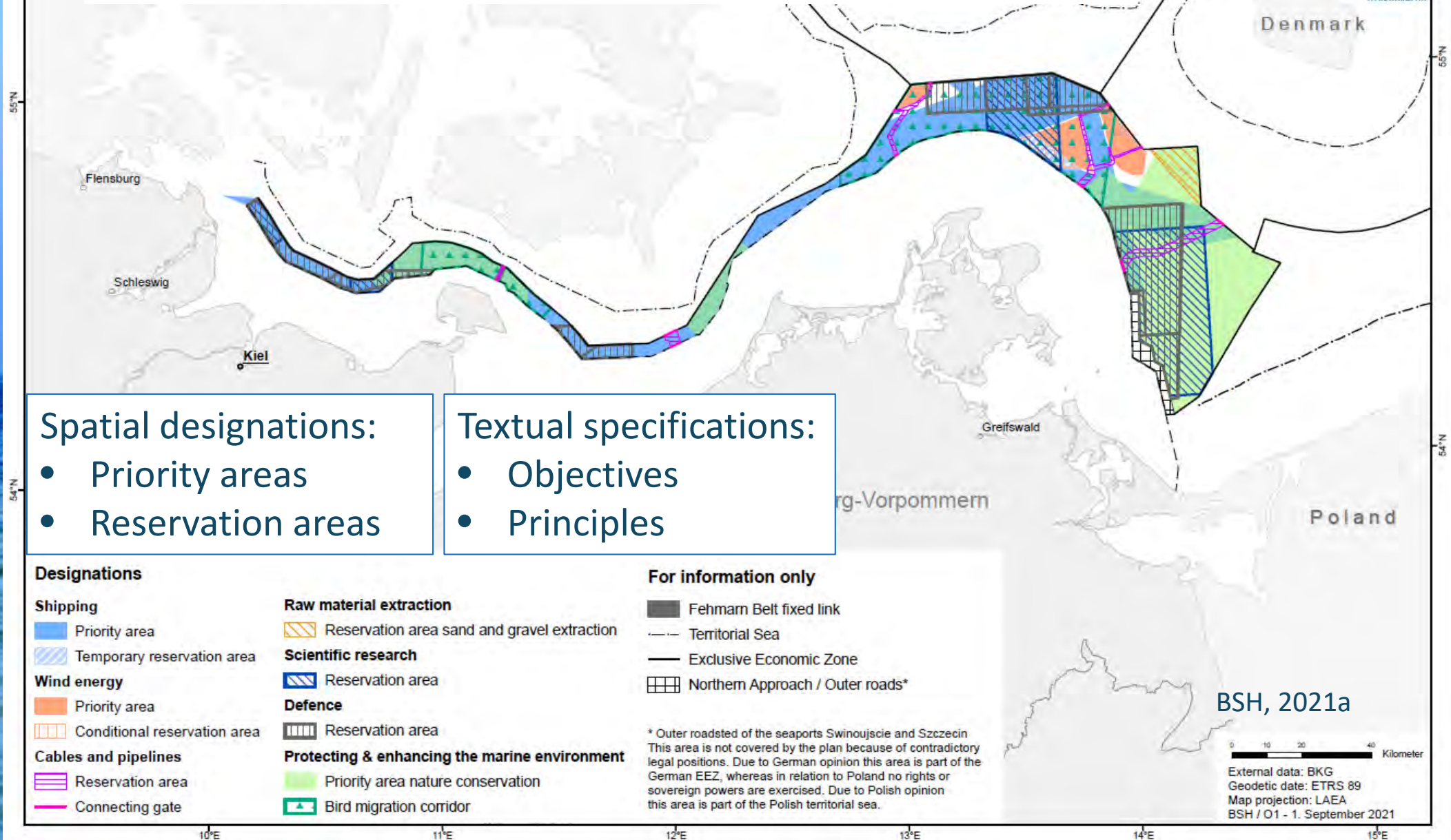
2. The consultation process

- Thematic workshops and expert discussions
- National & international statements on draft plan and environmental reports
- Evaluation of and replies to statements available online
- Statements (national): NGOs, industry, academia, ministries/governmental agencies, municipalities, military, citizens (2)

- ➔ Balancing of interest is a complex, difficult task, and it is impossible to satisfy everyone's needs
- ➔ Varying alliances of sectors with respect to what should or should not be done in the context of MSP



2. The German Maritime Spatial Plan *Baltic Sea*



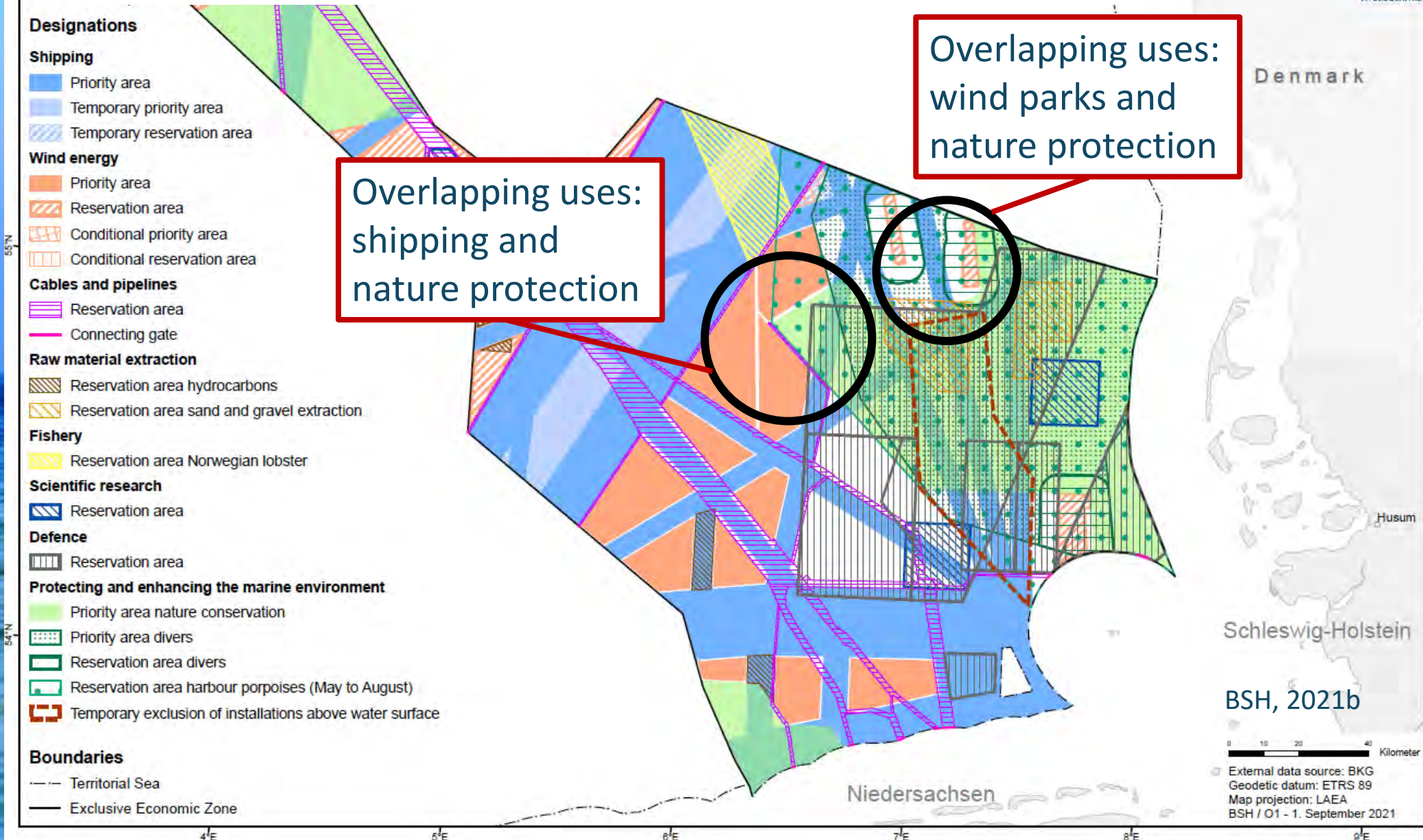
Spatial designations:

- Priority areas
- Reservation areas

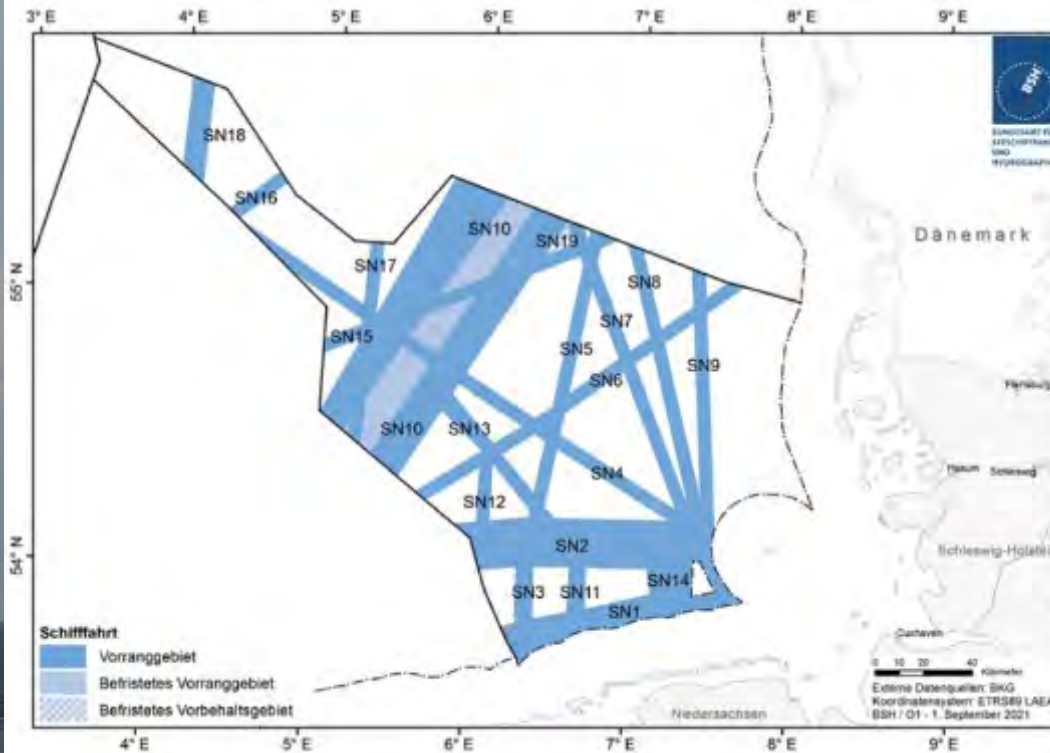
Textual specifications:

- Objectives
- Principles

2. The German Maritime Spatial Plan North Sea



4. An environmental perspective on the MSP *Designations for shipping*



BSH, 2021c

Overlaps with priority areas for nature conservation → shipping enjoys priority

Reasoning:

- Freedom of shipping (UNCLOS*)

BUT:

- Shipping does not *per se* enjoy priority
- The IMO* can declare „areas-to-be-avoided“ (ABTA)

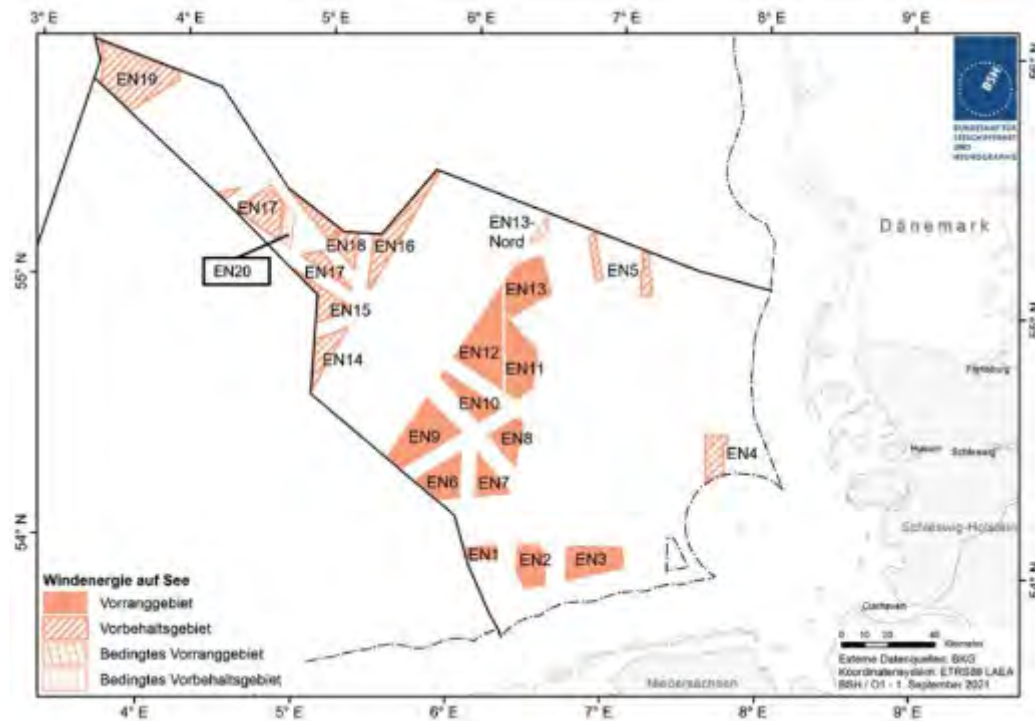
*United Nations Convention on the Law of the Sea

*International Maritime Organization

- ➔ MSP can keep areas free for shipping but cannot regulate ship traffic
- ➔ ABTAs can be an instrument to keep areas free of shipping but requires a lengthy process and extensive (international) consultation

4. An environmental perspective on the MSP

Designations for offshore wind



BfN, 2021c

Principle of the 2009 plan:

- No wind farms outside priority areas in Natura 2000 areas → no such principle in the 2021 plan

Federal Environmental Act:

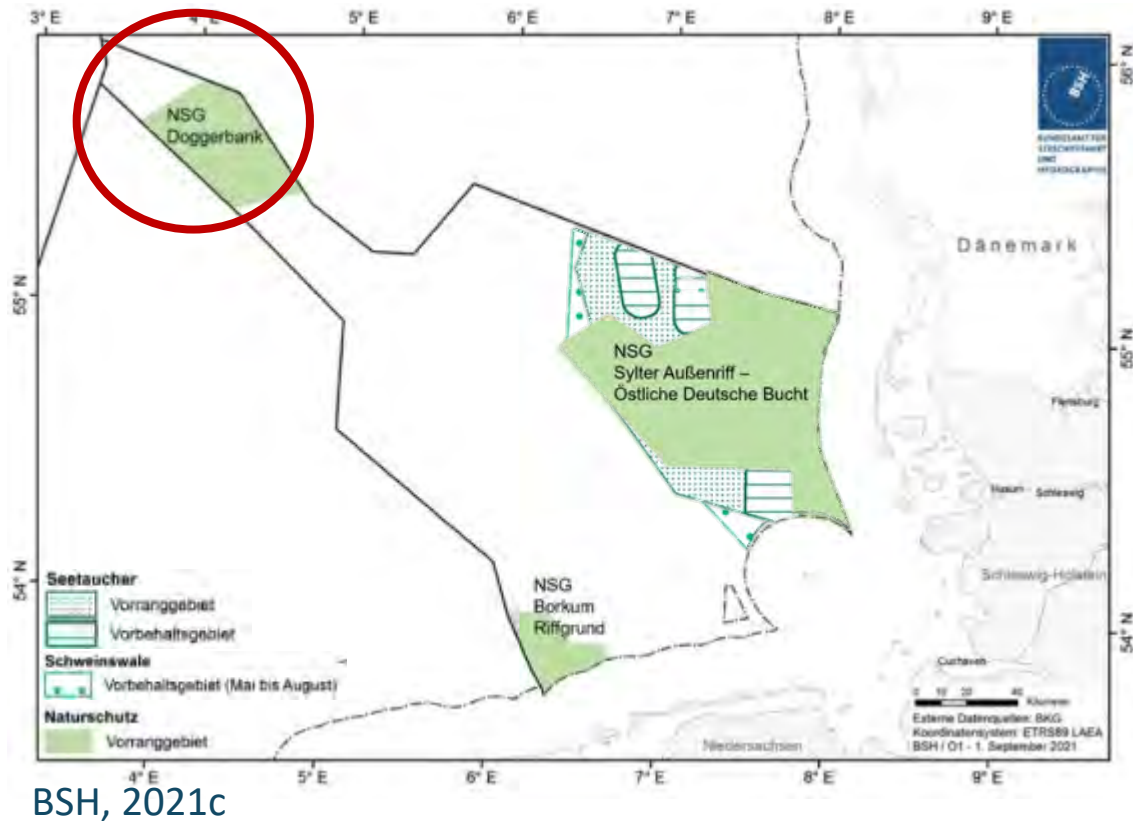
- Wind farms can be inside nature protection areas

2014 plan:

- Fishing may be allowed inside wind farms

- ➔ Offshore wind seen as the solution to combat climate change
- ➔ Because of space limitations fishing may be allowed inside the parks and wind farms not excluded from nature protection areas

4. An environmental perspective on the MSP *Designations for nature protection*



Improvement in 2021:

- Principles *and* objectives
- Natura 2000 areas not just on the map but also as priority or reservation areas
- However, raw material extraction, military use, and wind farms are not ruled out, shipping enjoys priority

- ➔ MSP designations have improved but overall weak protection, e.g. now also a suitability study for offshore wind in the Dogger Bank
- ➔ EU targets of no-use areas (EU Biodiversity Strategy) not reflected at this planning level

4. An environmental perspective on the MSP

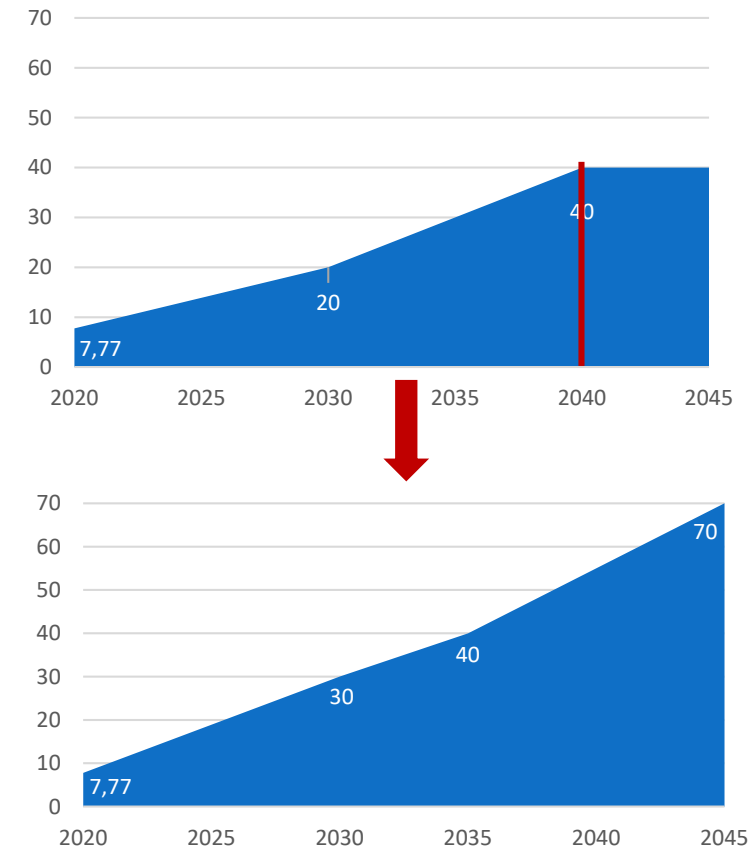
MSP and offshore wind

Maritime Spatial Plan → Sector Planning →
Site Development Plan (offshore wind)

“In order to achieve the expansion target of 70 GW by 2045 specified in the coalition agreement, a considerable number of additional areas must be developed for the expansion of offshore wind energy”.

Translated from the preliminary site development plan, 2021

Federal Agency for Nature Protection: MSP should also evaluate if a use is necessary, not just where and how a use is allowed



- ➔ Political targets with respect to offshore wind are clearly reflected in the German MSP
- ➔ Offshore wind is necessary to tackle climate change but extensive development may also be a case of “not in my backyard”

5. Evaluation of the German MSP (2021)

Strengths

- Development of planning scenarios
- Transparency about statements and replies
- Plans available in German, English, Danish, and Polish
- Vision for the planning area
- Priority and reservation areas also for nature protection
- Environmental reports (incl. ecosystem-based approach)

Weaknesses

- Weak public consultation
- Insufficient implementation of the ecosystem-based approach (lack of data, lack of proven concepts?)
- Imbalance towards uses of the marine areas; available measures to restrict uses (not yet) applied
- Rather an integrated-use MSP than an ecosystem-based MSP

5. Evaluation – international comparison (Baltic Sea)

- German MSP not representative
 - EU MSP Directive a „new generation*“ directive -> variable implementation according to countries' planning practices
 - Baltic Sea countries: responsibility for MSP either under ministries of environment or economics -> influences the balance of interests
- Germany not the only “pioneer” in MSP, e.g.:
 - Latvia & Sweden: pioneers in assessing marine ecosystem services in the context of MSP
 - Sweden: cumulative impact assessment tool used in MSP process
- Coherent planning in the Baltic Sea?
 - International consultation & transboundary cooperation within projects has increased coherence
 - But: mismatches still exist, transboundary designations (e.g. bird migration corridors) not existent

*Hassler et al, 2019

5. Evaluation – MSP as a tool for marine management

Strengths

- MSP coordinates uses & ensures efficient use of space
- Spatial designations provide planning security
- Ecosystem-based MSP: impacts of uses should be within the limits of the ecosystem, e.g. should not jeopardize the achievement of a good ecological status (Marine Strategy Framework Directive, MSFD)

Weaknesses

- Ecosystem-based MSP not fully implemented
- MSFD only one pillar of MSP -> recognition varies among countries
- Restriction of uses delegated to other levels of planning (in Germany)

➔ MSP is a needed and necessary tool but the realization of its potential for ecosystem-based management depends on national implementation and planning practices

Thank you for your attention!



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