

Maritime Spatial Planning

EU Policy Update:

April 2015

Introduction

In July 2014, the European Parliament and the Council adopted **Directive 2014/89/EU** to create a common framework for maritime spatial planning in the European Union. In broad terms, the Directive places a legal requirement on Member States to develop and implement Maritime Spatial Plans (MSP) by 2021 at the latest. Ultimately, the Directive aims to establish 'a framework for maritime spatial planning aimed at promoting the sustainable growth of maritime economies, the sustainable development of marine areas and the sustainable use of marine resources.'¹ Member States are required to bring into force the laws, regulations and administrative provisions necessary to comply with the Directive by 18 September 2016.

Summary of main points in proposal

Each Member State is required to develop and implement a MSP as early as possible, and by no later than 2021, and to review these plans at least once every ten years. MSPs are maps of marine areas which set out, on a spatial and temporal basis, the types of marine activities that will take place in different areas of the sea.

The MSP should cover the full cycle of identifying opportunities, information collection, planning, decision-making, implementation, revision or updating, and monitoring.

¹ OJ L 257, 28.8.2014 [accessed 16 March 2015]

Member States are given broad discretion by the Directive to decide upon the design and layout of their Plans and the balance between the different objectives contained within it. However as a minimum Member States are required to give at least some consideration to the following objectives:

- Supporting sustainable development and growth in the maritime sector;
- Promoting the coexistence of relevant activities and uses;
- Contributing to the sustainable development of energy sectors at sea, of maritime transport, and of the fisheries and aquaculture sectors;
- Preserving, protecting and improving the environment, including resilience to climate change impacts; and
- Member States may pursue other objectives such as the promoting sustainable tourism and the sustainable extraction of raw materials.²
- In designing their MSPs Member States must:
 - adopt an ecosystem approach;
 - take into account land-sea interactions;
 - take into account environmental, economic and social aspects, as well as safety aspects;
 - aim to promote coherence between maritime spatial planning and the resulting plan or plans and other processes, such as integrated coastal management or equivalent formal or informal practices;
 - ensure the involvement of stakeholders;
 - organise the use of the best available data;
 - ensure trans-boundary cooperation;
 - promote cooperation with third countries;

² *Ibid*



– ensure compliance with existing EU legislation such as the Marine Strategy Framework Directive.

Public participation:

Member States are required to establish means of public participation in the development of MSPs at an early stage. This is through consulting the relevant stakeholders and authorities, and the public concerned. Member States must also ensure that they have access to the plans once they are finalised.

Cross boundary cooperation:

As part of the planning and management process Member States bordering marine waters are required to cooperate to ensure that MSPs are coherent and coordinated across the marine region concerned.

Competent authorities:

Each Member State is required to designate an organisation responsible for implementation of the Directive in each marine region and report these to the Commission, together with the items of information listed in the Annex to the Directive. The competent authority or authorities must be designated by 18 September 2016.

Monitoring and reporting measures:

Member States are required to send copies of the MSP, including relevant existing explanatory material on the implementation of the Directive, and all subsequent updates, to the Commission and to any other Member States concerned within three months of their publication. The Commission is required to submit a report outlining the progress made in implementing the Directive to the European Parliament and to the Council, at the latest one year after the deadline for establishment of the MSPs, and every four years thereafter.

Background context to the Directive

The demand for marine and coastal space in the EU is rising, resulting in conflict and depletion of resources. Further, marine and coastal areas are under pressure from climate risks and natural hazards.³

Integrated Maritime Policy:

In 2008 the EU adopted an Integrated Maritime Policy (IMP).⁴ The IMP is an overarching framework for all policy that influences marine and coastal areas within EU waters. The aim of the IMP is to ensure coherency and coordination in maritime policy, both across sectors and between Member States. The IMP focuses on the issues of: economic growth of maritime sectors ('blue growth'), maritime surveillance, marine data and knowledge, and marine spatial planning.

Marine Strategy Framework Directive:

The Marine Strategy Framework Directive

(2008/56/EC)⁵ is the Environmental Pillar of the IMP. It requires Member States to adopt an ecosystem based approach to the management of their seas in order to ensure that all EU marine waters achieve 'Good Environmental Status' by 2020. This is transposed into UK law by the *Marine Strategy Regulations, 2010*.⁶

Development of Marine Spatial Planning:

In 2002, the European Parliament and Council set out a recommendation on the implementation of Integrated Coastal Zone Management (ICZM) in Europe (2002/413/EC)⁷ to encourage Member States to take a strategic approach to coastal management. In 2008, the Commission published its '*Roadmap for Maritime Spatial Planning: Achieving Common Principles in the*

³ European Commission [Integrated Maritime Policy](#) (website) [accessed 17 March 2015]

⁴ *Ibid*

⁵ [OJL 164, 25.06.2008](#) [accessed 17 March 2015]

⁶ The [Marine Strategy Regulations](#) SI 2010/1627 [accessed 17 March 2015]

⁷ [OJ L148 of 6.6.2002](#) [accessed 17 March 2015]



EU⁸, followed by a 2010 Communication ‘*Maritime Spatial Planning in the EU - Achievements and Future Development*’.⁹

In March 2011, the European Commission launched a public consultation on MSP and ICZM to assess where further EU action would be most useful. Less than 2 per cent of the 225 responses received did not agree that MSP are a useful tool for European seas. Many respondents called for a common framework and common objectives, with the majority of respondents (68 per cent) against a separation of MSP and ICZM.¹⁰

On 13 March 2013 the European Commission published draft proposals (COM/2013/0133) for a new Directive aiming to establish a common EU framework for MSP and ICZM to promote sustainable use of maritime and coastal resources and sustainable growth of maritime and coastal economies.¹¹ This proposal was the precursor to the adopted 2014/89/EU Directive which focuses on MSPs only, excluding the ICZMs from the draft proposal.

Marine Planning in the UK:

Legislation on marine and coastal areas in the UK falls under the *Marine and Coastal Access Act 2009*¹² (referred to as the Marine Act). The Marine Act was created with the aim of promoting sustainable use of marine systems. The Marine Act places a duty on the UK Government and the Devolved Administrations to develop marine plans in accordance with a joint Marine Policy Statement. A joint Statement was adopted in 2011 that sets out the high level policy

⁸ European Commission *Roadmap for Maritime Spatial Planning: Achieving Common Principles in the EU* COM/2008/0791 [accessed 17 March 2015]

⁹ European Commission, *Maritime Spatial Planning in the EU - achievements and future development* COM/2010/0771 [accessed 17 March 2015]

¹⁰ **European Commission, Maritime Spatial Planning and Integrated Coastal Zone Management**, 26 November 2014 [accessed 17 March 2015]

¹¹ **COM/2013/0133** [accessed 16 March 2015]

¹² **Marine and Coastal Access Act 2009, Chapter 23** [accessed 17 March 2015]

objectives for UK waters.

The *Marine Act* places a duty on the UK and Welsh governments to develop marine plans for both the **inshore and offshore regions** in England and Wales. The Scottish and Northern Ireland executives have responsibility under the *Marine Act* for planning in their offshore regions but have adopted their own legislation for marine planning for their inshore regions. These are the *Marine (Scotland) Act 2010*¹³ and the *Marine Act (Northern Ireland) 2013*¹⁴. The UK Government and the Devolved Administrations are at different stages in the development of their marine plans. For further information on the timelines see the Research Service 2014 Research Note on **Marine Spatial Planning**.

Relevance to Wales

The area covered by Welsh inshore waters is almost double the land area of Wales and around 60 per cent of the Welsh population live and work on the coast. The Welsh marine and coastal areas provide numerous ecosystem goods and services, including renewable energy, fisheries, biodiversity and cultural value. Seventy per cent of the Welsh coastline is recognised for its environmental importance and falls within three Areas of Outstanding Natural Beauty (AONB).¹⁵

¹³ **Marine (Scotland) Act 2010** [accessed 16 April 2013]

¹⁴ **Marine Act (Northern Ireland) 2013**, 17 September 2013 [accessed 17 March 2015]

¹⁵ Welsh Government, **Marine**, 19 November 2014 [accessed 17 March 2015]

As mentioned, the Welsh Government is legally responsible for implementation of European Directives within Welsh waters and for developing marine plans in both the Welsh inshore (0-12 nautical miles) and the offshore (12 nautical miles to its territorial boundary) regions under the *Marine Act*. The Welsh Government has announced that it aims to have an initial version of its National Marine Plan in place by the end of 2015.¹⁶

Following the 2002 EU recommendation on ICZM, the Welsh Government published '*Making the most of Wales' Coast- the Integrated Coastal Zone Management Strategy for Wales*'¹⁷, which outlines the value of ICZM and the principles of ICZM set out by the EU. The strategy details how these principles could be applied in Wales. An update was due to take place in 2010 but was not carried out. During its Marine Inquiry, the National Assembly's Environment and Sustainability Committee recommended that the Welsh Government should review its ICZM strategy as soon as possible, but not later than by April 2014.¹⁸ In response the Welsh Government stated that the review of the ICZM strategy and how best to deliver it will be an integral part of the work on the National Marine Plan. As mentioned the implementation of ICZM is no longer a statutory duty under the adopted Directive 2014/89/EU on marine spatial planning but Member States are required to take account of land-sea interactions.

¹⁶ Welsh Government, *The Statement of Public Participation for the Welsh National Marine Plan*, 3 February 2014 [accessed 17 March 2015]

¹⁷ Welsh Government, *Making the most of Wales' Coast – the Integrated Coastal Zone Management Strategy for Wales*, March 2007 [accessed 17 March 2015]

¹⁸ Environment and Sustainability Committee, *Inquiry into marine policy in Wales - Follow up letter*. May 2014 [accessed 18 March 2015]

Further information

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See also:

- **Marine Spatial Planning** Research Service Research Note
- **The Marine Act** Research Service Quick Guide
- **Marine Planning** Welsh Government
- **Maritime Spatial Planning** European Commission
- **Marine Planning System** Defra
- **Maritime Affairs and Fisheries** European Commission, Directorate-General

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