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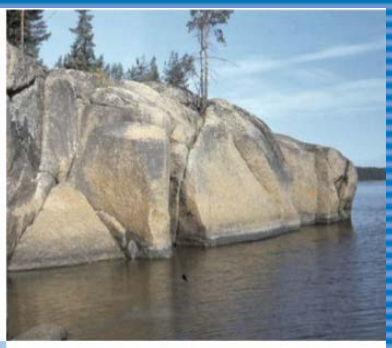

Environmentally Sound Concepts for Spatial Use in the Baltic Sea Coastal Area of the Russian Federation

Recommendations

Bundesministerium für Umwelt, Naturschutz, Bau und Reaktorsicherheit

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Content

1 Introduction

The objective of maritime spatial planning is to ensure the sustainable management and development of maritime space and thus constitutes an important instrument for avoiding conflicts of use. While maritime spatial planning is already established in Germany, it is still in its infancy in Russia and is seen as an analogy to territorial planning. Since December 2010, the "Strategy of Maritime Activities up to 2030", a development strategy for the Russian maritime regions including coastal zone management, has been available in Russia. This includes the development of instruments for maritime (spatial) planning.

The German-Russian advisory assistance project "Environmentally Sustainable Spatial Use Concepts for the Baltic Sea Coastal Zone of the Russian Federation (MSP-Rus)", which was prepared by Phase I (Janssen et al., 2015) and implemented as Phase II within two years, was devoted to the development of recommendations and guidelines on maritime spatial planning in the Russian Federation. The project's objective was also to develop scientifically-based proposals to enable the introduction of environment-oriented methods for maritime spatial planning in the Russian Federation.

The results of the individual work packages are as follows:

- Selection of the pilot region "Leningrad Oblast, Russian part of the Gulf of Finland" on the basis of a catalogue of criteria (Work Package 1);
- Expertise for the legislative development of maritime spatial planning in Russia by analysing the legal, organisational and planning framework of maritime spatial planning in Germany and Russia (Work Package 2);
- Recommendations on methodological planning principles and substantive aspects of maritime spatial planning in Russia on the basis of the study of substantive and methodological planning aspects of environmental concerns within maritime spatial planning in Germany and Russia (Work Package 3);
- Recommendations for the application and testing of an environmental assessment in the pilot region (primarily in the sense of a Strategic Environmental Assessment – SEA) based on the comparison of environmental assessment instruments in Germany and Russia (Work Package 4);
- Environmentally sustainable concept of spatial use (integrated maritime plan) for the pilot region based on the recommendations of all previous work packages (Work Package 5).

The proposed concepts for the development of maritime spatial planning in Russia were developed on the basis of German and international experience. Consideration was also given

to Russian experiences of territorial planning, current legislation in the field of maritime law, ecology and the use of natural resources. The proposals are based on the testing of international principles as well as practical experience in the field of maritime spatial planning in the Russian part of the Baltic Sea. Many years of national experience in the field of territorial planning and environmental assessment were also taken into account.

It should be noted that the success of maritime spatial planning, i.e. the advantages resulting from the zoning of marine areas by type of activity and taking into account ecological factors, depends on the compatibility and comparability of national planning systems. Special attention was paid to this aspect in the project. Thus, four characteristic features of national planning systems were identified and methodological approaches to maritime spatial planning proposed as the main instrument for the efficient and sustainable use of marine areas and resources of the Russian Federation.

The Russian part of the Gulf of Finland was chosen as a pilot region to test a scientific methodology for an environment-oriented maritime spatial planning as well as mechanisms for its application.

The investigations carried out in the framework of the MSP-RUS project lead to the conclusion that the realisation of maritime spatial planning in the Russian Federation, taking into account German experience in maritime spatial planning and Russian experience in the field of territorial planning, is possible under the following conditions:

- Creation of a legal basis for maritime spatial planning;
- The sustainable management of maritime activities;
- Introduction of a Strategic Environmental Assessment;
- Implementation of international principles for maritime spatial planning.

Currently, there is no legal basis for maritime spatial planning in the Russian Federation. Thus it is vital to ensure the early adoption of the federal law “On Maritime Planning in the Russian Federation”, the optimisation of ecological legislation and the incorporation of maritime spatial planning into the existing national system of strategic planning, not least to create legal clarity.

The present recommendations and guidelines for the preparation of an integrated maritime plan based on the example of the Russian part of the Gulf of Finland can be used to develop a scientific, methodological and normative basis for national maritime spatial planning in the Russian Federation. The recommendations for maritime spatial planning can be further refined in the course of their practical application.

The recommendations drawn up as a result of the joint German-Russian project “MSP-RUS” are also highly relevant for the progress of the legislative introduction of the Strategic Environmental Assessment regarding all activities which could have a negative environmental impact.

2 General provisions

2.1 Terms and definitions for maritime spatial planning in Russia

Marine area: An area of the sea/ocean demarcated by natural, artificial or purely formal boundaries and which is designated in a cartographic sketch.

Alternatives: Variants for the targeted modification of project decisions in the planning of marine areas/territories for the elimination/mitigation of environmental impacts from some economic activity.

Natural ecosystem: An objectively existing part of the natural environment with spatial-territorial boundaries in which living elements (plants, animals and other organisms) and non-living elements are represented as a functional unit and are connected to one another by means of material and energy exchange.

Tools for environmental assessment: Ecological expertise (EE) and Environmental Impact Assessment (OVOS).

Use of marine areas: Exploitation of marine areas under various objectives to meet the needs of the Russian Federation, the constituent territories of the Russian Federation, municipal authorities and natural and legal persons.

Components of the natural environment: The Earth, the Earth’s interior, soils, surface and groundwater, the Earth’s atmosphere, flora and fauna and other organisms, as well as the ozone layer of the atmosphere and near-Earth space, which in their entirety ensure favourable conditions for the existence of life on Earth.

Maritime economic activities: Activities of economic entities (subjects) in maritime transport, the exploration, extraction and conservation of both living and non-living natural resources located on the seabed as well as within the world’s oceans and in their surface waters. This also includes the management of these activities, the generation of energy from water, ocean currents and wind, the construction and use of artificial islands, installations and buildings.

Maritime spatial planning: Planning of marine areas in accordance with their purpose and use as well as their ecological condition, such as the definition of functional zones, the locations of objects of the maritime economy of federal, regional and municipal importance as well as environmental restrictions to ensure the sustainable development of maritime and coastal areas which are integrated with maritime economic activities.

Negative environmental impact: The impact of economic and other activities that lead to negative changes in the quality of the environment.

Public participation: All measures to be carried out in the framework of the impact assessment intended to inform the public about intended economic and other activities as well as their potential impact on the environment. Here the aim is to identify the public's preferences through participation and to take these into account when assessing the impact.

Protection of marine areas: A system of legal, organisational, economic and other measures aimed at the rational exploitation of marine areas and which includes protection against negative anthropogenic impacts, the establishment of a fixed regime for the use of marine areas with restricted conditions of use as well as the prevention of unjustified exclusion of marine areas from general governmental use.

Users of marine areas: Legal entities and natural persons who have been granted the right by means of a specified procedure to exploit part of marine areas for defined purposes.

Coastal area: An area on the mainland with a common border to an adjacent marine area which is defined through a set of socio-economic, political-administrative, physical-geographical and military-strategic features. It is an object for the expansion of the coastal infrastructure.

Strategic Environmental Assessment: Process of systematically analysing the ecological impacts of plans, programmes, concepts and other strategic initiatives as well as a consideration of results in order to assist the decision-making process.

Functional zones of marine areas: Zones for which boundaries and functional purposes are defined by the documents of maritime spatial planning.

Ecosystem approach: The conservation of biodiversity, the sustainable use of its components and the achievement of fair and balanced benefits associated with the use of natural resources.

2.2 Objectives and tasks of maritime spatial planning

Maritime spatial planning is employed in many countries around the world as a tool to ensure sustainable development. Therefore, it plays an important role in the management of maritime activities and the conservation of marine ecosystems. Currently, there exists no normative and methodological basis for this type of planning in the Russian Federation, due to the relative newness of the concept of maritime spatial planning and unfamiliarity with this planning space.

In the exploitation of marine areas, it is important to avoid or reduce spatial conflicts between the actors involved in maritime activities, as well as between the types of use and the ecological condition of the marine environment. Furthermore, the strategic objectives of socio-economic development in coastal regions aimed at securing a high quality of life for the population must be safeguarded.

Compromise solutions for the use of a marine area require the definition and realisation of specific spatial relationships between economically-exploited waters and the maritime natural complexes which are to be protected, thereby ensuring the preservation of natural diversity and a favourable ecological situation.

In this way, maritime spatial planning can become the main tool to secure comprehensive, sectoral planning between the economy, ecology and society.

The primary objective of maritime spatial planning is the rational and efficient organisation of the seas with due regard to environmental protection, including the harmonisation of economic and social needs with the ecological functions of the marine environment.

The following tasks must be solved in order to meet this objective:

- Regulation of the interrelationship between the different types of maritime activities;
- Ensuring sustainable ecological development in order to preserve the valuable natural complexes of coastal and marine areas;
- Defining the responsibilities of governmental authorities at different levels for the use of maritime space;
- Ensuring synchronisation with territorial planning in coastal areas;
- Establishment of a system of transboundary synchronisation.

3 Legal bases of maritime spatial planning

The Russian Federation is currently preparing draft legislation in the field of maritime spatial planning. In 2014 the Government of the Russian Federation approved the drafting of the federal law “On Maritime Planning”. Today, however, there exists no formal law on maritime spatial planning and the corresponding implementing provisions are therefore lacking. The drafting of a federal bill to comprehensively regulate all relations in the field of maritime spatial planning has been included in the plan of the Ministry of Economic Development of the Russian Federation, and thus should be adopted in the medium term.

The basic principles for the establishment of a normative system of maritime spatial planning can be formulated as follows:

- Conformity with international legal norms of maritime spatial planning;
- Adaptation to and synchronisation with territorial planning;
- Ensuring an adequate legal basis and the meeting of environmental requirements.

The adoption of a federal law allows the current sectoral approach to the planning of maritime activities to be complemented with a new and comprehensive approach to the planning of marine and coastal area usage for different types of activities based on an ecosystem approach. Such an approach is already established in European planning practice and has been legally implemented in Germany with the amendment of Spatial Planning Act 2017 (ROG 2017). This also includes a definition of mechanisms aimed at overcoming conflicts of use and preserving the marine environment.

In order to develop a comprehensive system of environmental assessment for planned activities, legislative steps are needed in the Russian Federation to establish a Strategic Environmental Assessment. These have to adapt Russian legislation in the field of environmental impact assessment (OVOS) as well as governmental ecological expertise (EE) to the provisions of the Espoo Convention and the Protocol on Strategic Environmental Assessment (SEA Protocol).

4 Contents and methodology of maritime spatial planning

4.1 International principles for the implementation of maritime spatial planning in the Russian Federation (illustrated by a pilot region)

The basis for the development of a methodology of maritime spatial planning in the Russian Federation is provided by HELCOM VASAB's principles of maritime spatial planning (HELCOM & VASAB 2010), the most important points for the practical implementation of the ecosystem approach (HELCOM & VASAB 2016) as well as the experiences of Germany. These principles ensure a uniform development of maritime spatial planning in the Baltic Sea region and contribute to the introduction of the ecosystem approach as a basic principle of maritime spatial planning. While not all principles can be adapted due to current conditions in the Russian Federation, the prerequisites for their realisation are given.

Below we list these principles of maritime spatial planning, adapted to Russian conditions using the example of the pilot region.

(1) Sustainable management

This principle is aimed at ensuring the sustainable development of coastal and marine areas. A necessary condition for its implementation is the creation of a governmental body (authority) in the field of maritime planning with the necessary competences for the coordination and harmonisation of governmental, administrative and municipal interests.

(2) Application of the ecosystem approach

The ecosystem approach plays an important role in incorporating ecological aspects within maritime spatial planning. This principle is aimed at achieving a productive and sustainable condition of the marine ecosystem, thereby safeguarding the provision of ecosystem resources for human life.

The implementation of the ecosystem approach in maritime spatial planning can be assured by complying with the requirements of Russian legislation in the field of environmental protection, the conservation of cultural heritage and special protection areas. It is recommended to integrate the Strategic Environmental Assessment into maritime spatial planning in order to secure the environment-oriented approach to the decision-making process.

(3) Realisation of long-term planning and implementation of strategic objectives

Maritime spatial planning must pursue long-term perspectives with regard to the development of ecological and socio-economic interests. At the same time, strategic objectives formulated in strategic planning must also be taken into account

Within the framework of the strategic planning of the Russian Federation, long-term strategic documents are prepared for a period of six years or longer. One good prerequisite for the long-term realisation of planning goals has already been achieved by the integration of maritime spatial planning into the system of strategic planning.

(4) Ensuring public participation, communication and transparency of information

It is vital to carry out participatory procedures – especially at the municipal level – for projects whose discussion is of particular social interest. The Town Planning Code of the Russian Federation also provides for public participation in projects at the municipal level. Issues relating to the determination of objects of federal and regional significance are subject to public participation in the implementation of the environmental impact assessment (OVOS). The approval procedure is carried out in two stages: for the drafts and for the final project. This principle of taking public opinion into account can be applied when approving maritime spatial planning documents.

(5) Precautionary principle

Maritime spatial planning should be based on the Precautionary Principle. This means that possible negative impacts on the environment must be anticipated before they occur, i.e. during the planning process, and precautionary measures must be taken to reduce their environmental impact.

In Russian (territorial) planning, the Precautionary Principle has not yet been sufficiently implemented and is mainly applied in the area of risk prevention in the construction of large infrastructure objects. Nevertheless, there exist instruments of environmental assessment such as the environmental impact assessment process (OVOS) and ecological expertise (EE), which enable the identification of precautionary measures in the planning of potentially hazardous objects.

(6) Principle of decision-making and distribution of competence

A hierarchical structure of the strategic planning documentation system in the Russian Federation determines the order of preparation of documents for territorial and maritime spatial planning. All executive bodies (the state authorities and municipal self-government) as well

as all interested parties are entitled to participate in maritime spatial planning according to their relevant competences.

In the territorial waters and inland waters of the Russian Federation, where the most important activities are located, the following scheme is recommended for the distribution of competence in maritime spatial planning between state bodies and municipal authorities:

- **Federal level**: Exclusive Economic Zone (EEZ), territorial waters (zones primarily for state use);
- **Regional level:** territorial waters and inland waters with the exception of marine areas which belong to the state's priority areas, i.e. the responsibility for regulating individual forms of maritime activities can be transferred to the level of a subject of the Russian Federation, taking into account the tasks at federal level.
- **Municipal level:** territorial waters and inland waters within the boundaries of the municipality, with the exception of marine areas intended to meet the needs of the state. The tasks of the municipal level are to be implemented expediently in the documents of the territorial planning of the municipalities.

(7) Ensuring high quality original data and the creation of an information database

Maritime spatial planning must be based on available and up-to-date data. The creation of an information database requires basic geo-statistical data, monitoring and scientific investigations. It must contain the most important indicators of current conditions as well as enable forecasts of changes in environmental factors resulting from a planned economic activity.

The Federal State Information System of Territorial Planning (FGIS TP) was developed in the Russian Federation to ensure a modern and high-quality information infrastructure for use in the strategic and territorial planning process. The Unified System of Information on the Condition of the World Ocean (ESIMO) was created within the framework of the Federal Target Programme "The World Ocean". However, access to these information resources is restricted.

(8) Synchronised territorial and marine spatial planning

Maritime spatial planning, especially planning in coastal waters, is systematically linked to territorial planning on the mainland. The latter is already legally and methodologically anchored in Russia, so that the existing methods can be used in the development of documents for maritime spatial planning.

Nevertheless, the effective implementation and quality of procedures for cooperation and synchronisation between interested parties and governmental bodies that take decisions in maritime and territorial planning requires the development of mechanisms for a common alignment of documents of terrestrial and marine spatial planning.

In their entirety, both types of planning can constitute the content of a single document for spatial planning, especially since a whole series of maritime activities represents a continuation and structural element of the economic system on the mainland as well as its sectoral and territorial organisation. Uniform methodological approaches form the basis for the implementation of the principle of synchronised territorial and marine spatial planning.

In some cases, territorial planning documents that were created earlier can be incorporated in the original data for marine spatial planning. This approach was applied in the pilot region.

(9) Adaptation of maritime spatial planning to the specific conditions of diverse regions

Maritime spatial planning must take account of zonal characteristics and regional features as well as reflect the unique aspects of each planning object. This condition is implemented in all planning steps, i.e. the formulation of objectives and tasks of planning for each concrete region, the collection and processing of data with subsequent analysis and under consideration of its special features when developing project proposals.

The specific characteristics of the pilot region determined the priorities for use of the marine areas.

(10) Ensuring continuity of planning

Maritime spatial planning must be adapted to changing conditions and new findings. The results of monitoring the implementation of project decisions and the qualitative condition of the environment will determine the basic orientation of any correction. Any changes are synchronised with the competent state bodies will reflect public opinion. These are recorded in the documents of maritime spatial planning.

This principle can be implemented when developing the legal basis for maritime spatial planning.

(11) Examination of alternatives

Alternatives are examined in the Russian planning system during the drafting of strategic documents, the selection of a concrete variant of spatial development, as well as when determining the location for a concrete object within the framework of an environmental impact assessment (OVOS).

The examination of alternatives can be carried out during the preparation of materials for the justification of the maritime plan, which also contains planning variants. An evaluation and comparison of sectoral planning proposals from the viewpoint of their spatial demarcation, as well as the choice of a compromise solution with the least environmental impact, are carried out and synchronised with the subjects of maritime economic activities.

(12) Implementation of international synchronisation and coordination

According to this principle, synchronisation and coordination in the field of maritime spatial planning and strategic environmental assessment must be carried out in a transboundary context.

In the Russian Federation this principle is implemented in the drafts of the OVOS for objects with transboundary environmental impacts. This enables the determination of potential environmental impacts of a planned object on coastal states. The company Nord Stream, for example, carried out a transboundary consultation process with nine coastal states bordering the Baltic Sea.

Preliminary conclusion:

The principles listed here have been compiled primarily on the basis of German experience and are intended to provide an orientation for future maritime spatial planning in Russia. In view of the current legal situation in the Russian Federation as well as the initial trial in the pilot region, their basic application in Russian maritime spatial planning can be described as realistic. Other legal and methodological approaches whose integration into Russian maritime spatial planning appears advisable are not yet sufficiently established. These approaches require further research and testing in the future. The following principles are currently difficult to implement in Russia and have not been applied in the pilot region:

Identification of ecosystem services

One relatively new approach that could be the subject of future study is to ensure the assessment of socio-economic impacts and potentials through the identification of available ecosystem services. Another way to apply this principle could be the methodological integration of ecosystem services when implementing the Strategic Environmental Assessment.

Mitigation and compensation

The principle of mitigation and compensation includes prevention, minimisation and, where possible, comprehensive compensation for significant negative impacts resulting from the implementation of a plan.

This planning principle can hardly be turned into a separate requirement, as it is part of the ecosystem approach. Under the Precautionary Principle, priority should be given to preventing and minimising negative influences. Decisions on compensation should be made before the project is implemented. Local questions regarding compensation for unforeseeable impacts can be solved at the sectoral planning level.

Integrated approach (taking cumulative impacts into account)

Cumulative impacts cover a broad spectrum of environmental impacts that depend on a concrete situation and develop at different spatial and temporal scales.

Application of this principle in the pilot region is currently impossible due to limited knowledge of interactions in the ecosystem and the cumulative effects of several maritime activities that exist simultaneously.

An evaluation of the principles of maritime spatial planning leads to the following conclusion: The achievement of sustainability (environmental sustainability and commercial viability) in maritime spatial planning can only be ensured methodologically within the framework of a continuous development of maritime spatial planning documents and by means of regularly updated and evaluated information systems of territorial planning as well as close cooperation between the countries of the Baltic Sea region.

4.2 Basis of the spatial planning of the maritime activities in the Russian Federation

The following important methodological tasks for the current initial stage of developing maritime spatial planning in the Russian Federation can be taken into consideration based on the principles mentioned:

- development, uniform justification and international recognition of the comparable division of the legal competences of national and regional administrations, bodies of local self-government with respect to coastal areas, territorial waters and open waters of seas and oceans;
- scientific justification of municipal and regional quotas according to maritime and water-management types of use and establishment of legal instruments for application by all economic subjects;
- development of general rules for maritime spatial planning for all levels of the development of national documents of a binding character. The goals are the comparability of the documents at the international level and making an international ecological monitoring for maritime economic activities possible;
- joint development of an information base for territorial and in particular maritime spatial planning for the purpose of comparability and transboundary integration of the documents. This task can only be solved in the framework of an open international cooperation that uses the national experience available, a broad exchange of opinion and the organisation of discussion rounds in the framework of the Joint Working Group on Maritime Spatial Planning in the Baltic Sea (HELCOM/VASAB) using the example of a Baltic region.

The demarcation of the administrative competences for determining and planning maritime activities requires a uniform definition of the composition of these competences and the determination of marine borders that take the existing norms of international law into account.

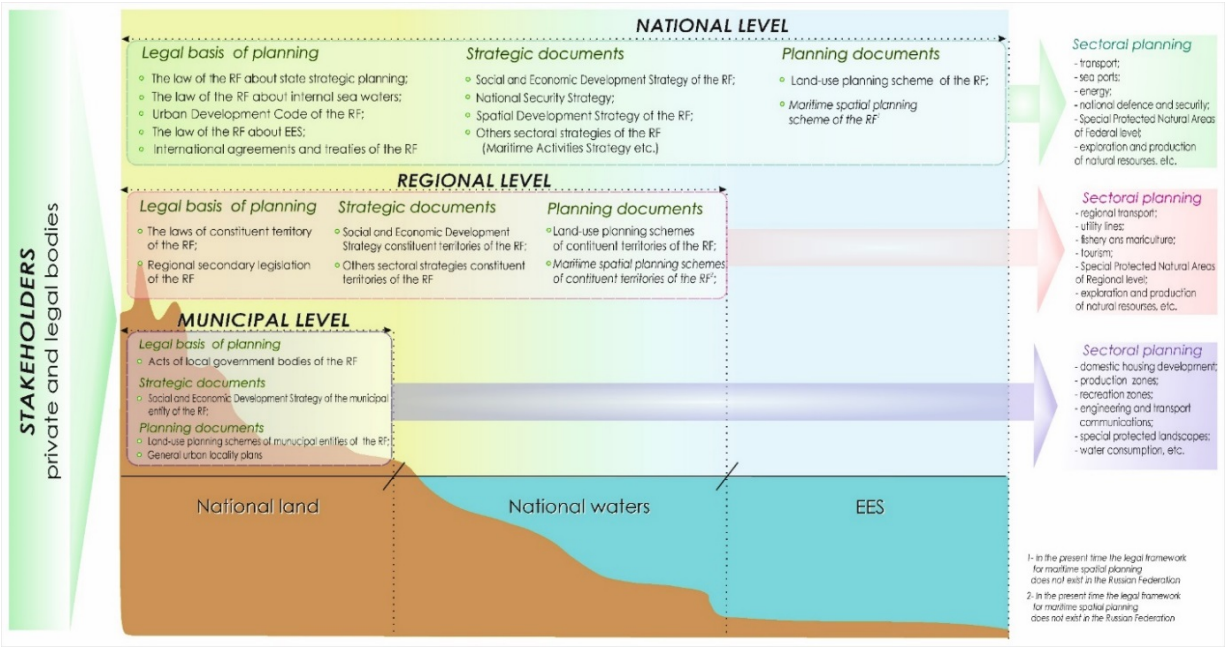

Figure 1: System of Russian terrestrial and maritime spatial planning and competences of the three planning levels

Special regulatory aspects of maritime spatial planning that are under the sovereign power of the Russian Federation and are by law conferred to the federal subjects or the municipal bodies consist in determining characteristics and purposes of individual projects or also in the overarching planning or development of individual documents for:

- planning of uses of the marine areas;
- zoning of the use of the water bodies within the boundaries of the marine, coastal and inland waters of the Russian Federation;
- project planning for artificial facilities and islands within the marine areas, change of contours of coastlines and the seafloor relief;
- construction, maintenance and reconstruction of installations (including hydrotechnical, technical engineering and industrial facilities, artificial islands), including the reconstruction of cultural heritage objects.

The planning of the use of marine areas is carried out in order to determine the primary functional purpose of the water bodies or the areas for which the following activities are determined:

- commercial fishing,
- freight and passenger traffic,
- extraction of resources (including fresh water),
- construction of installations, pipeline and communication systems and other installations (including artificial islands and energetic installations),
- recreation and leisure (including sports fishing) and water tourism,
- operating aquacultures,
- organisation and conservation of fishing grounds, spawning sites and wetlands, scientific marine research,
- safeguarding the defence and the security of the state, implementation
- protection of cultural heritage objects and of underwater archaeology as well as
- organisation of special zones and prohibited areas, implementation of renaturation and other measures.

In planning different uses of marine areas, appropriately sized conservation and sanctuary zones must be established in which the negative load that comes with such activities is reduced to a minimum.

Aspects of the ecological state of marine waters for different uses are taken into account in the framework of a study of the ecological and economic effects of uses. This will set priorities for the respective factors.

4.3 Composition and structure of maritime spatial planning

The following basic principles are part of developing documents for maritime spatial planning:

- synchronisation of the legal bases of the RF in the area of maritime activities, territorial planning and environmental protection,
- harmonisation of the national legal bases with international regulations in the area of the use of maritime space,
- safeguarding the conservation of marine biodiversity and marine environmental protection,
- cross-industry coordination and cooperation of all interested parties,
- zoning as the main instrument for developing documents of maritime spatial planning,
- interrelations between maritime and terrestrial spatial planning (principle of transferring territorial planning to the marine areas of the Russian Federation).

Conceptual proposals for the structure of maritime spatial planning are based on the experience with territorial planning, the current legal basis with maritime relevance (maritime law), ecology and use of natural resources, but also on international experience (experience of Germany) in maritime planning. With a view to coastal zone management, the coordination of maritime planning with forms of urban development activities that are regulated in the Town Planning Code of the Russian Federation is of relevance.

Basic demands for maritime spatial planning are:

(1) The division of competences in maritime planning must be carried out by the responsible bodies of the executive and local self-government according to general administrative principles. This must be enshrined in law.

(2) Maritime planning at the federal level must reflect the goal-oriented governmental interests in spatial development and is implemented in the Exclusive Economic Zone of the Russian Federation, in the territorial waters and the inland waters of the Russian Federation.

In the Exclusive Economic Zone of the Russian Federation, the planning is carried out in the areas of:

- safeguarding national security,
- shipping,

- submarine cables and pipelines,
- fishing,
- protecting marine complexes for the conservation of maritime biodiversity in accordance with national laws and international agreements,
- exploring and extracting strategically important mineral resources,
- developing wind energy.

In the territorial waters and in the inland waters of the Russian Federation, the planning is carried out in the areas of

- the navy,
- shipping,
- laying cables and pipelines underwater,
- special nature conservation areas at the federal level,
- exploring and extracting strategically important resources,
- seaports and access channels,
- health resorts at the federal level,
- cruises.

(3) Maritime spatial planning at the regional level is carried out in an integrated plan that regulates the spatial distribution of different kinds of maritime activities in the territorial waters and in the inland waters according to the competences of the subjects of the Russian Federation in the following areas:

- coastal shipping,
- planning of special nature conservation areas of regional significance,
- coastal fishing,
- recreation and leisure,
- aquacultures,
- exploration and extraction of abundant resources,
- constructing objects for technical engineering and transport infrastructure of regional significance.

The planned zones and objects of federal significance that present limitations for the construction of objects of regional significance are to be represented in the documents of maritime spatial planning of the subjects of the Russian Federation.

(4) Maritime planning in the municipalities is a systematic continuation of territorial planning. For areas of the maritime spatial planning of the municipalities adjacent to marine areas, it is recommended to develop documents for the territorial planning of these municipalities according to their responsibilities.

(5) The maritime spatial planning of all levels is carried out based on the ecosystem approach, which also includes the environmental assessment of the current state, the environmental assessment of the activities planned, selecting alternatives, taking into account environmental issues and establishing conservation areas (water bodies).

(6) The maritime planning of the Exclusive Economic Zone of the Russian Federation has an international character and must be drafted based on transboundary consultations in the Baltic Sea with the coastal states. In this context it is necessary to take into account international laws and agreements.

(7) The structure of the maritime spatial planning document can be represented as follows:

- ***The integrated maritime plan (functional zoning)***
  - Charter on maritime spatial planning that establishes the regulations on the use of the functional zones. These regulations must be unconditionally adhered to by the subjects of maritime and other activities in their decision-making.
  - The complex maritime plan (functional planning map) in which the boundaries of the zones to be used in different ways and the zones with special conditions of use for the marine areas are mapped.
- ***The justification of maritime planning (the results are recorded in the form of graphs and text material)***
  - analysis of strategic documents in the area of the socio-economic development of the region and the development of the industries related to the use of maritime space,
  - analysis and assessment of the current state and development trends of maritime activities,
  - environmental assessment at the regional scale,
  - identification of environmental protection and other limitations in the use of marine areas, determining spatial reserves for the development of maritime activities,
  - assessment of spatial conflict situations, preparation of variants of the spatial organisation of maritime activities, choosing a recommendable project decision,
  - selection of a variant while taking the interests of natural and legal persons and the public into account,
  - synchronisation of the selected planning variant with the responsible bodies of

the executive (The synchronisation with the bodies of the executive was not envisaged in the conception of the integrated maritime plan.)

4.4 Functional zoning

The main instrument of maritime spatial planning is functional zoning. As a result of functional zoning, the boundaries and the functional purposes of the marine areas are determined in accordance with the predominant type of use and the ecological justification. It should be noted that the environmental protection activities in the pilot project are considered a separate type of activity to be recorded in the integrated maritime plan.

In order to organise the diverse spatial functions of the marine areas it makes sense to establish three categories of functional zones following the German planning system (Section 8, Paragraph 7, Regional Planning Act Germany). It is of particular significance here to take into account the principles of international maritime law, according to which e.g. the priority for shipping is determined with respect to other types of use.

In the pilot region, the following classification of the functional zones has been proposed:

	Category of the functional zones	Types of use of the marine and coastal areas
1	zones for designated governmental priority use	main shipping routes, seaports, military prohibited zones and training areas, specially protected natural areas (marine areas) of federal and international significance.
2	zones for particular users (dependent on the type of use)	shipping, commercial fishing, exploration and extraction of resources, submarine cables and pipelines, recreational and sports fishing, cultivation of aquacultures, wind energy, tourism and recreation.
3	zones for protected components of the marine environment and cultural heritage objects	special nature conservation areas (marine areas), spawning sites, fish farming areas, resting grounds during bird migration, habitats and migration routes for birds and marine mammals, concentration areas for biological marine resources, cultural heritage objects.

According to this categorisation, zones for governmental priority use are established in a first step. These include functional zones of federal significance that help fulfil governmental interests and a restricting function for the zones of all subordinate levels. These are military, port

and shipping zones, zones of underwater supply and waste pipelines and specially protected natural areas of international and federal significance.

In a second step, zones are designated for particular users, depending on the type of use. In addition to subjects of the federation and municipal bodies, these can also be legal persons that are being involved in the planning procedure. According to the competence assigned to them, the respective users can determine uses for the available planning space that are not contrary to other legal provisions.

In the interest of protecting the marine environment, it is particularly necessary to establish specially protected natural areas in the form of zones of protected components of the marine environment and cultural heritage objects. The priority of one or another nature conservation area is determined by the value of the respective protected good and requires carrying out additional environmental studies.

Beyond the three categories, free marine areas that are not claimed by any economic or other activities at the time of the development of the maritime spatial plan can be assigned to a "nature sanctuary zone" in the medium and long term. This includes e.g. the western part of the pilot region and all other free areas of the Gulf of Finland that are not in economic use. In drawing up future plans, however, an economic use can also be established for these zones.

In addition to establishing the zones with a predominantly functional type of use, the zones with special conditions of use in the marine area are recorded that reflect the officially established use restrictions of the concrete marine areas. These can be zones that are analogous to the zones established on the mainland, but are also specific to the maritime space. A model index of the zones with special conditions of use (defined for the specific conditions of the pilot region):

- zones for shipping routes;
- zones for submarine cables and pipelines;
- conservation zones for protected natural areas;
- prohibited zones for minefields (former);
- storage zones for conventional and chemical ammunition;
- prohibited zones for shipping.

The zones with special conditions of use of the marine areas that are spatially delimited determine the limited demands for identifying the most important functional zones.

The Exclusive Economic Zone is subject to a particular legal regime that is based on international legal treaties and other norms of international law and Russian laws. In the application

concept for the pilot region in the Gulf of Finland developed in the framework of the project, the Exclusive Economic Zone is designated as a transboundary conservation zone for conserving the marine environment, protecting against pollution and conserving biological resources. Currently, its function can be assigned to the zone of “nature sanctuary”.

4.5 Building the information base

The information base for preparing a draft of a maritime spatial plan is built based on reliable current information, using information from governmental information systems, documents from archives and databases as well as scientific research in the area of ecology and the use of natural resources and from statistics and provisions.

The main sources of the original data for drafting documents of maritime planning (using the example of the pilot region) are represented in the following table:

Source of information	Information item	Availability
Federal governmental information system of territorial planning FGIS TP	Specifications from the governmental and municipal information resources	Open access
Unified governmental information system on the situation in the world ocean ESIMO FZP	Database with graphs, text descriptions of the characteristics of the oceans, ports and international transport corridors	Open access
Strategy and programmes of the socio-economic development of the pilot region	Strategic objectives and tasks of planning, prospective directions of the socio-economic development	Open access
Industry-related scientific-technical reports and programmes	Indicators of the current and prospective development of the industries of the economy that are linked to maritime activities. Information on projects to be developed	Difficulties of access
Documents of OVOS projects of industry organisations	Specifications on forecasted environmental impacts in implementing objects to be planned.	Difficulties of access
Statistics	Socio-economic indicators; Indicators of the state of the environment	Open access
Annually published governmental reports “On the state of the environment”	Indicators of the monitoring of the natural environment on all components to be protected.	Open access

Source of information	Information item	Availability
Official reports on the monitoring of the maritime space	Results of the monitoring of the ecological state of the natural environment in the affected areas	Restricted access
Registers and maps of the specially protected natural areas Legal documents and legal provisions	Basic data on protected objects and their spatial layout	Open access
Index of cultural heritage objects	Index and location on cultural heritage objects of federal and regional significance	Open access
Electronically edited geographical and thematic atlases on the internet	Cartographic information, including a thematic map collection	Open access
BSPA HELCOM map and data service	Baltic Sea Network	Open access

A comprehensive and meaningful information basis is required for successfully implementing the ecosystem approach. The information on the environment must be accessible for the experts in the planning area (e.g. via the internet portal of the region).

4.6 Analysis and assessment of the current state and the development directions of the maritime space (justification of the integrated maritime plan)

(1) Based on the original information with respect to the current state and the strategic directions of sectoral development, documents for the preparation and justification of maritime planning are compiled, including the spatial distribution of maritime activities and the state of the environmental components.
The spatial data are integrated into the map of the current use of the marine areas.

(2) Planning restrictions in developing maritime activities are determined by ecological demands, norms established by environmental protection and technical rules. The spatial distribution of zones with planning restrictions on maritime activities includes:

a) zones with special conditions of use;

b) specially protected natural areas and ecologically valuable areas of the marine areas.

(3) After the comparison of the original data on the state of the environment and the types of use, conflict areas with an overlap of two or more types of a maritime activity can be represented on the cartographic documents, but also areas in which a further load

through human activities leads to a deterioration of the state of the environment and to a violation of the current nature conservation regulations, as well as zones in which compensation measures are required.

(4) In the international practice of maritime spatial planning, a decision matrix is applied for solving cross-industry conflicts. This method makes a decision on the compatibility/incompatibility of different types of use of the marine areas possible. Using the example of the pilot region, three types of conflicts were delineated:

- the highest level of conflict (requires a decision at the level of policy-making and strategy);
- steerable conflicts (can be solved through negotiations between the interested persons and require measures for compensation and alternative decisions etc.);
- unexpected conflicts (an overlap of two or three activities is possible).
- For implementing the environment-oriented approach, an environmental assessment must be carried out in the documents for justifying maritime spatial planning, whose results are to be recorded in a separate section, the ecological report, which consists of text and graphs.

(5) The comparative analysis of the spatial resources, the ecological state and the planned placement of new activities determines the possible variants of maritime spatial planning and requires complex measures for environmental protection (assessing alternatives). The choice can thus be made in favour of the recommendable variant.

5 Environmental assessment in the structure of maritime spatial planning

(1) The federal law of January 10, 2002, No. 7-FZ “On Environmental Protection”, the federal law of November 23, 1995, No. 174-FZ “On Ecological Expertise” as well as the order of the State Committee on Ecology of the RF of May 16, 2000, No. 372 “Regulation on the Assessment of Environmental Impact of Activities to be Planned” are the legal basis for assessing the impacts of the project on the environment in the Russian Federation.

(2) The national procedure of environmental assessment includes the assessment of possible impacts on the environment of the economic or other activities to be planned (OVOS) and an ecological expertise (EE) of the documentation, in which the economic or other activities to be planned are justified. The mechanism for carrying out an OVOS in the Russian Federation comprises four elements that are typical for systems of environmental assessment in Germany and other countries (studies and compilation of an environmental report, assessment of alternatives, environmental impact assessment, representation of the public preferences). However, it differs in some characteristic particularities that are due to the current legislation. These are primarily the lack of a legal basis for justifying the application of the Strategic Environmental Assessment, an abridged index of the objects for which an ecological expertise is to be carried out and the environmental impact assessment with respect to the index of projects in the ESPOO Convention.

(3) According to the international documents, the objective of the Strategic Environmental Assessment (SEA) consists in ensuring a high quality of environmental protection through the definition of the environmental impact and possible alternatives during an early planning stage (Wirth et al., 2014 p. 10).

The SEA includes the following procedural stages:

- Screening – determination of the necessity to carry out a Strategic Environmental Assessment;
- Scoping – definition of the scope and the framework of the research;
- Environmental report – analysis and assessment of the current state and environmental impact assessment of the plan or programme according to the established research framework;
- Consultations with interested authorities and the public;
- Transboundary consultations, if the environmental impact originates in several countries;

- Decision-making process;
- Monitoring the environmental impact of the measures to be planned.

The main part of the SEA consists of the environmental report that forms the basis for the planning decisions.

(4) Issues of coordinating the SEA with planning according to the EEC UN protocol on SEA can take place in parallel with the drafting of the plan or can be integrated into the planning process. Under Russian circumstances it is appropriate to include the SEA in the process of preparing the planning documents, including maritime spatial planning.

(5) It is recommended to add the environmental assessment / the Strategic Environmental Assessment to the justification of a project of maritime spatial planning and to implement it in parallel while drafting the plan.

The following represents an example of the mutual relations between structural stages of maritime spatial planning and the Strategic Environmental Assessment.

Planning	Strategic Environmental Assessment
Strategic objectives and tasks, scope	Determination of the scope area for identifying the relevant impacts
Analysis and assessment of the current state and development directions Development and comparison of the variants of functional zoning Choice of the variant and preparation of a draft for the document	Compilation of the environmental report: Analysis and assessment of the environmental situation Assessment of the impact of the development of individual activities (of the industry programmes) to be planned on the environment and the health of the population. Conclusions and ecologically justified recommendations on the choice of a planning variant
Synchronisation of the selected variant with the responsible authorities, interested natural and legal persons. Discussion of the project with the public.	Consultations with the responsible executive authorities, interested natural and legal persons. Capturing the preferences of the public. Receipt of the expert assessment of the State Ecological Expertise Commission.
Final decision and approval of the project (texts and graphs).	Presentation of the results of the SEA for the final decision.

Including the environmental aspects in the structure of maritime spatial planning requires a close cooperation of the experts from the areas of environment and planning.

(6) The structure of the environmental report as part of maritime spatial planning at the regional level can be represented as follows:

- analysis of the socio-economic potential, definition of the directions of the economic activities to be planned;
- analysis and assessment of the state of the marine environment and the surrounding area that can be influenced by planned activity (state of the natural environment, component analysis, existence and type of anthropogenic load, among others);
- representation of the possible environmental impact of the intended activity and socio-economic conditions, taking alternatives into account;
- forecasting of ecological and concomitant social and economic consequences;
- development of proposals for reducing or preventing negative impacts on the environmental component and also the designation of conservation areas;
- compilation of the preliminary version of the environmental report and consultations with the responsible executive authorities, interested persons and the public;
- the final version of the environmental report, which is a part of the maritime plan, is developed based on the preliminary version while taking into account comments, proposals and the preferences of the public.

(7) The completeness of the scope of the individual components of the ecological analysis is determined by the specifics of the region and by the quantitative and qualitative composition of the original data.

In maritime spatial planning, the special conditions and vulnerability of the natural environment are to be taken into account. The vulnerability of the components of the natural environment towards the anthropogenic impacts was assumed to be the main criterion for the environmental assessment in the context of the ecosystem of the Gulf of Finland of the Baltic Sea. The high degree of vulnerability is typical for:

- rare, endangered species of marine animals;
- rare, endangered species of fish;
- rare, endangered species of marine and coastal vegetation;
- water birds living on or near the water;
- specially protected natural areas;
- resources of the underwater cultural heritage.

The comprehensive studies of the environmental assessment with the detailed study of the individual components are realistic in the framework of the OVOS of the infrastructure objects.

This allows known weaknesses to be recognised and potentially vulnerable points to be identified earlier.

(8) The Strategic Environmental Assessment must include consultations with the responsible executive authorities, with interested natural and legal persons, as well as taking into account public opinion. This step can only be implemented after the development of a normative legal basis for maritime spatial planning and the Strategic Environmental Assessment. The SEA results are assessed by an expert commission of ecological expertise.

(9) If Russia signs the ESPOO Protocol and develops a normative legal basis for a Strategic Environmental Assessment, the compilation of a separate environmental report for the Russian part of the Gulf of Finland has a prospect. Independent of the developed maritime spatial planning, this report may include an analysis of the natural environment from the perspective of the ecological state and potential, and may also represent corresponding goals, demands and measures with a view to environmental protection. It is also necessary to establish regulatory norms on dealing with concrete goals, demands and measures in drafting maritime spatial plans. This provision is orientated towards long-term planning and can be implemented in the prospective maritime spatial planning.

6 The integrated maritime plan

The integrated maritime plan (functional zoning) serves for determining different maritime uses, including the designation of certain areas and the determination of their boundaries, of infrastructure connections and objects in the area of water bodies and coastal areas (fig. 2).

The concept of maritime spatial planning developed for the pilot region is based on European, in particular German experience with maritime spatial planning, on the Russian experience with territorial planning and on the current legal bases in the areas of maritime law, ecology, use of natural resources. This concept is oriented towards the application of international principles of maritime spatial planning.

The environment-oriented approach in maritime spatial planning that has been applied in the planning process is one of the basic principles of maritime spatial planning and is oriented towards a sustainable ecological development and conservation of biodiversity. Using the example of the pilot region, approaches of the Strategic Environmental Assessment already being applied in Germany were applied while taking the Russian legal bases into account.

The integrated maritime spatial plan forms an ensemble of maritime types of use, of their limitations, of the reflection of shipping routes and of technical engineering infrastructure, of

conservation zones and zones that exhibit characteristics highly relevant for the environment and that require protection.

An integrated plan allows for capturing the principles of maritime planning, for determining the parameters, characteristics and the regulations on use of the marine areas.

The results of the environmental assessment are integrated into maritime planning and determine the restrictions for the development of types of economic activities that have a negative influence on the state of the protected goods.

Thus, the current use including the zones for planned functional uses and their boundaries are established in the integrated maritime plan. This includes shipping, development of seaports, conservation of valuable natural complexes, leisure and recreation; fishing; aquaculture, exploration and extraction of natural resources, placement of objects of underwater engineering infrastructure (an underwater electric cable, for example) and others.

In the framework of a further development of functional zones using the results of the environmental assessment, parts of the marine area can also be indicated that are suitable for a prospective development of activities such as harvesting energy from wind power, laying underwater cables, tourism and others.

For objects to be newly created, the demands and restrictions of the functional zone in which they are established have to be taken into account.

The integrated maritime plan developed in the project has the following content:

- Determinations with respect to maritime spatial planning with regulations on use for functional zones
- Integrated maritime plan (map of the functional planning) with zones with different functional determinations, boundaries of zones with special conditions of use of the marine waters

The integrated maritime spatial plan is to serve as an instrument for regulating maritime activities, safeguard a sustainable and balanced development of maritime regions, coordinate maritime activities and safeguard the conservation of special protected goods based on an environment-oriented planning approach.

Functional zones of the marine waters in the developed integrated maritime plan are a planning element that reflects both current and recommended uses and takes into account the results of the environmental assessment. The zones of economic use are determined for each level according to the priority principle: federal level, subject level, municipal level.

Federal level:

- zone for seaports
- shipping zone
- zone for underwater infrastructure (existing and planned)
- zone for special nature conservation areas (planned)
- zone for military use

Subject level:

- zone for special nature conservation areas of regional significance
- zone for extracting abundant resources
- zone for industrial fishing
- recreational zone
- zone for aquaculture (planned)

The functional zones of the municipal level include water bodies that are not designated for federal purposes and have been assigned to the municipal bodies in accordance with their competences. A zoning of marine waters for municipal purposes can take place based on documents of territorial planning of municipal bodies. The conservation and the monitoring of the special nature conservation areas, especially those with maritime components (nature conservation areas at the subject level: “Lebjazhij“, “Kurgalskij“, “Berezowie ostrowa“, southern coast of the Neva Bay), play a particular role for the Baltic Sea, which is a valuable and sensitive ecosystem. Developing a network of nature conservation areas is an important step in guaranteeing a sustainable development. In the pilot project, the planned nature conservation area “Ingermanlandskij“ was also taken into account, which will play an important role in the system of European nature conservation areas.

Special nature conservation areas *(*nature reservoirs, Russ. *Zakaznik)* are, without exception, excluded from future economic use. Nature conservation areas of the category *zapovednik*, which can also include ecologically valuable territories or water bodies, can be transferred into economic use if a number of provisions of Russian law are taken into account.

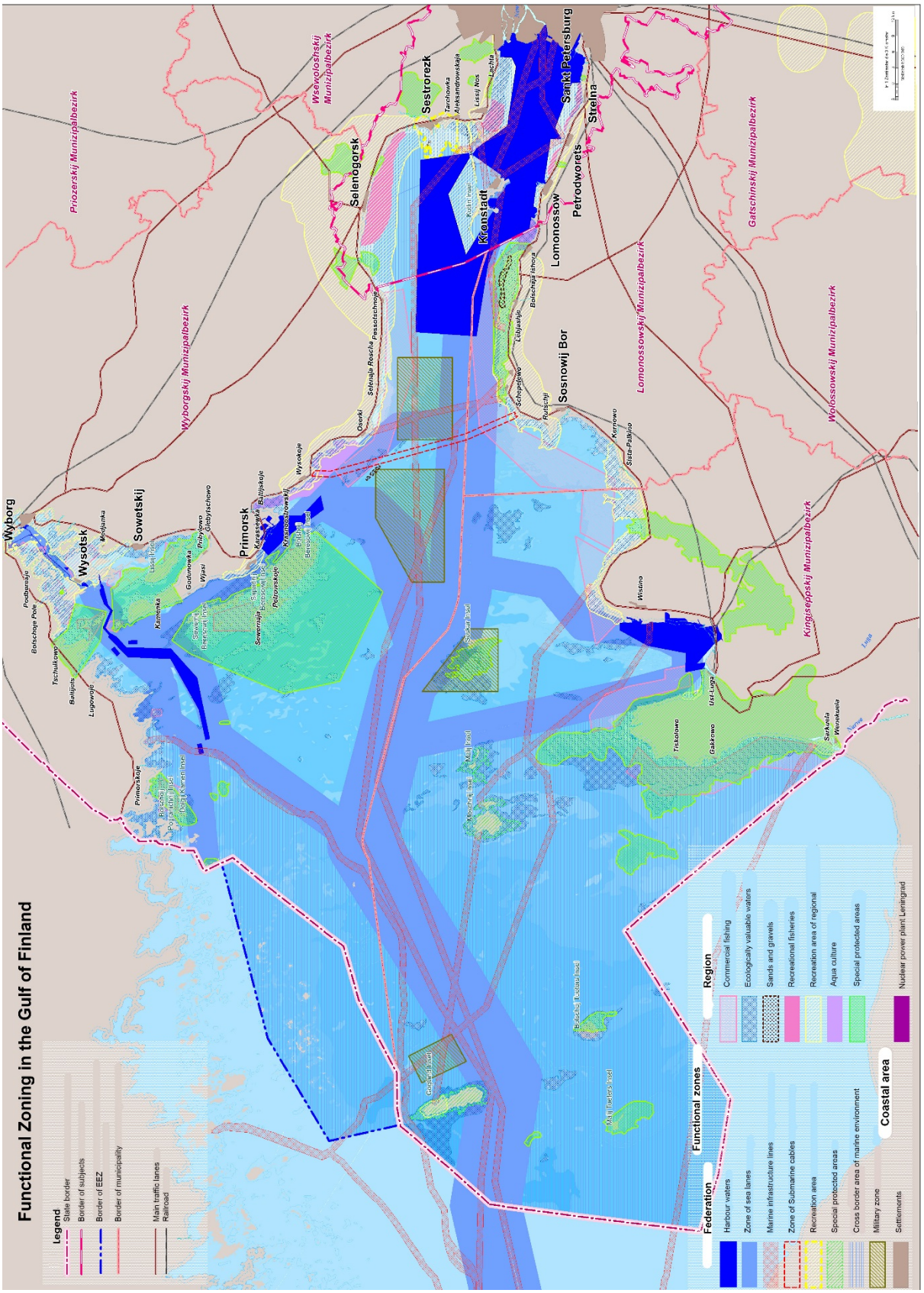

Figure 2: Functional Zoning in the Gulf of Finland

7 Conclusion

The presented action recommendations and guidelines represent the conclusions of the project “Environmentally Sustainable Spatial Use Concepts for the Baltic Sea Coastal Zone of the Russian Federation (Phase II)”. In close cooperation of the German and Russian partners, detailed recommendations on the following aspects were formulated in three of six work packages:

- legal, organisational and planning aspects (cf. WP 2)
- methodological bases (cf. WP 3)
- environmental assessment (cf. WP 4)

In the framework of WP 5, the recommendations were subsequently applied using the example of a pilot region in the Russian part of the Gulf of Finland and further developed towards an environmentally sustainable spatial use concept of an integrated maritime plan. Based on the analysis of the German and Russian legal and planning systems (ARL 2008), practical conclusions were drawn which allow for using the German experience for establishing a legal and methodological basis of maritime spatial planning in Russia. The assessment of subsequent future steps will also contribute to further developing and enshrining maritime spatial planning in Russia.

Beyond this, current challenges of the initial stage of maritime spatial planning in Russia consist in a synchronised process with the HELCOM/VASAB recommendations on maritime spatial planning in the Baltic Sea region (HELCOM & VASAB 2010) and the implementation of the ecosystem approach (HELCOM & VASAB 2016).

The further development of maritime spatial planning in the Russian Federation depends on the development of a normative legal basis in this area. Adopting bills with respect to the governmental regulation of maritime activity and maritime spatial planning in the Russian Federation, ratifying the ESPOO Convention and the SEA Protocol as well as implementing their principles in ecological legislation will contribute to the development of a sustainable and environment-oriented use of the natural resources in Russia.

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