

Australia – Great Barrier Reef

The Great Barrier Reef Marine Park Act 1975 (the Act) provides for the establishment, control, care and development of the Great Barrier Reef (GBR) Marine Park, which extends to 344,000km². The GBR Marine Park Authority (the Authority) is responsible for the management of the Marine Park. The GBR Marine Park Zoning Plan 2003 is the primary planning instrument for the conservation and management of the GBR. It provides for the division of GBR into zones and makes provision for the purposes for which each zone may be used or entered. The eight specified zones are as follows:

1. General Use Zone
2. Habitat Protection Zone
3. Conservation Park Zone
4. Buffer Zone
5. Scientific Research Zone
6. Marine National Park Zone
7. Preservation Zone
8. Commonwealth Islands Zone

In each zone certain activities are permissible without prior approval from the Park Authority. For example, the general use zone may be used or entered in the case of “low impact recreational activities”, line and spear fishing. Written permission from the Park Authority is required before use or entry in respect of activities such as aquaculture, tourism programmes, research, sea fisheries. Most human activities are prohibited in the preservation zone with only limited impact research work permissible (written approval required from the Authority).

More information available at:

http://www.gbrmpa.gov.au/_data/assets/pdf_file/0015/3390/GBRMPA-zoning-plan-2003.pdf

Belgium – North Sea

Much smaller maritime area than Ireland – the Belgian plan covers 3,454km². The complete Marine Spatial Plan consists of a Royal Decree with annexes. The entire maritime area is zoned (with coordinates provided in the plan for each zoning), and the zoned areas designated for specific purposes and sectoral activities (e.g. aquaculture, wind energy, sea fisheries, protected areas).

With a few exceptions, the zonings are non-exclusionary. For instance, while areas are designated for telecoms cabling, there is no stated restriction on other activities or development types in these same areas. Similarly, other activities may be allowed in areas designated as shipping traffic streams, “insofar as these activities do not structurally make impossible or limit shipping”. However, certain activities are specifically prohibited in “nature conservation zones”.

More information available at:

www.environment.belgium.be

England

England's maritime area is divided into 11 plan areas. Plans are in place for five to date with a further six draft plans in preparation. All plans are based on the Marine Policy Statement. The first completed plan was the East Offshore Marine Plan area. This covers the marine area from 12 nautical miles out to the maritime borders with the Netherlands, Belgium and France, a total of approximately 49,000km². It uses a sort of hybrid approach between policy guidance and spatial designation using 38 marine plan policies which generally have a spatial expression (shown on maps).

For example, the plan identifies and maps an area regarded as suitable for tidal energy installations. These areas "require protection from other new developments and activities which could prevent the exploitation of tidal stream resources in the future In defined areas of identified tidal stream resource."

To achieve this protection for tidal energy projects, the plan states that proposals for other types of sectoral activity should demonstrate, "in order of preference:

- a) that they will not compromise potential future development of a tidal stream project;
- b) how, if there are any adverse impacts on potential tidal stream deployment, they will minimise them;
- c) how, if the adverse impacts cannot be minimised, they will be mitigated;
- d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts."

Statutory authorities are then required to implement the plan policies through their decision making processes, including on individual applications for consent.

More information available at:

<https://www.gov.uk/government/collections/marine-planning-in-england>

Germany

The German maritime area extends to 33,100 km² split between the North and Baltic Seas. The marine planning system is based on the German terrestrial planning system. The federal plan for the North Sea went into effect in September 2009; the federal plan for the Baltic Sea in December 2009, underpinned by the Federal Spatial Planning Act 2004.

Zoning is used in both plans but large areas are un-zoned. Activities or developments types for which zonings are in place included renewable energy, aquaculture, sand and gravel extraction, and protected areas. Zonings are generally non-exclusionary and there are different degrees of hardness of the designations from (1) "priority areas" where a specified use is given priority over all others, to (2) "reservation areas" in which special importance is attached to certain uses (but other uses are

not ruled out), to (3) “suitability areas”, areas identified as suitable for certain uses which might be ruled out elsewhere.

More information available at:

https://www.bbsr.bund.de/BBSR/DE/Home/bbsr_node.html

Netherlands

The maritime area of the Netherlands extends to 58,000km². The national marine plan is set out in the Policy Document on the North Sea 2016-2021. This provides the spatial framework for uses of the Dutch part of the North Sea with a strong emphasis on multiple uses of space. While the plan states that a decision has been taken to avoid designations being made by Central Government, areas have been identified for specific uses such as renewable energy and sand / gravel extraction.

The effect of these designations is that the specified activities (RE or extraction) can only take place within those zones, although other activities may also take place within the sectorally designated zones (in other words, permission will not be granted for wind energy installations outside of zones designated for that use, but aquaculture or other activities may also be allowed within a zone designated for wind energy).

More information available at:

<https://www.government.nl/documents/policy-notes/2015/12/15/policy-document-on-the-north-sea-2016-2021>

Northern Ireland

Northern Ireland’s draft Marine Plan was published in April 2018 for public consultation. The final plan – which cannot be adopted until the Northern Ireland Assembly has been restored and Ministers appointed – will derive from the UK Marine Policy Statement 2011. The maritime area of Northern Ireland is just 6,000km² and the draft plan contains no spatial designations. It sets out an overarching marine plan vision supported by marine plan objectives (some sector-specific).

The plan details activities under various sectors, explains the importance of individual sectors and identifies “key activity policies” to guide decision making by consenting and regulatory authorities. Where a particular activity or sector is identified as to be supported or facilitated by the plan, the plan states that there is to be a “presumption in favour” of the specific activity, subject to conditions.

For example, in respect of dredging, the draft plan states that:

“There is a presumption in favour of dredging proposals where it can be demonstrated:

- a) there will be no unacceptable adverse impact from either dredging or dredged material disposal on marine activities, uses and/or the marine area and any

- potential adverse impact is, in order of preference, avoided, minimised and/or mitigated;
- b) dredged waste is managed in accordance with internationally agreed hierarchy of waste management options for sea disposal; and
 - c) if disposing of dredged material at sea, existing registered disposal sites are used, in preference to new disposal sites.”

More information available at:

<https://www.daera-ni.gov.uk/topics/marine/marine-planning>

Scotland

Scotland’s National Marine Plan was published in 2015. It covers an area of 464,000 kms² and is underpinned by the UK Marine Policy Statement (this provides the formal basis for all of the UK’s marine plans). The Scottish plan is not based on specific spatial designation or zonings. It sets out strategic policies and objectives for the “sustainable development of Scotland’s marine resources”. Using a sectoral approach, the plan then identifies strategic objectives which are elaborated through sectoral policies to guide marine users and regulatory decision makers.

Taking recreation and tourism as an example, the Scottish plan identifies the following as an objective:

“Position Scotland as a world class sustainable coastal and marine tourism and recreation destination through the sustainable development of coastal and marine recreation activities and industries in Scotland.”

The main policy for achieving this objective states that:

“Opportunities to promote the sustainable development of marine recreation and tourism should be supported.”

A range of factors to be taken into consideration by statutory decision makers on when considering on applications for marine uses or developments are also set out but these are not articulated in a location-specific way. However, it should be noted that a designation has been made outside of marine spatial planning (under the Energy Act 2004) by the UK Government for a Renewable Energy Zone within which renewable energy installations can be established.

More information available at:

<https://www.gov.scot/Publications/2015/03/6517>

US – New England

New England’s Ocean Plan was developed over a four year period from 2012 – 2016, supported by the Northeast Regional Planning Body. It applies to the maritime areas of the five States of New England (Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island).

The plan does not provide for spatial designations, nor does it contain specific policies or objectives for individual sectoral activities. Instead it uses a principles-based approach for the realisation of broad “Ocean Planning Goals”. These are:

- Healthy oceans and coastal ecosystems;
- Effective decision making
- Compatibility among past, current and future ocean users

In terms of implementation, federal agency actions are to be guided by these broad goals in their decision making or regulatory responsibilities and are encouraged to engage with the North East States as a general good-practice.

More information available at:

<https://neoplan.org/plan/>