

Executive Summary

of the Maritime Spatial Plan of the Polish Internal Sea Waters, Territorial Sea, and Exclusive Economic Zone in Scale 1:200,000

in Part which Allows Baltic Countries to Assess the Potential Significant Cross-Border Effects on the Environment

22 July 2019

Preparation of maritime spatial plans of the internal sea waters, territorial sea, and exclusive economic zone is required by the provisions of the Act on the Sea Areas of the Republic of Poland and Maritime Administration of 21 March 1991 (Journal of Laws of 2018, item 2214 as amended). This Act implements in Polish law the Directive of the European Parliament and Council 2014/89/EU of 23 July 2014 establishing a framework for maritime spatial planning (Official Journal of Laws of the EU L 257 of 28.8.2014, p. 135), which required the EU Member States to prepare maritime spatial plans by 31 March 2021.

The Maritime Spatial Plan of the Polish Internal Sea Waters, Territorial Sea and Exclusive Economic Zone in Scale 1:200,000, hereinafter referred to as the 'Plan', has been prepared jointly by directors of Maritime Offices in Szczecin, Ślupsk and Gdynia to ensure that the spatial development of the whole area covered by the Plan is consistent. The Plan covers all the internal sea waters, territorial sea, and exclusive economic zone within the jurisdiction of the Polish Maritime Administration, excluding port waters and three lagoons which, due to the scale of conflicts and intensity of land-sea influences, will be covered by separate plans in larger scale so that detailed issues can be included therein.

The purpose of the Act is to establish a tool for spatial and functional coordination of actions, including without limitation those relating to sustainable implementation of undertakings within sea areas, i.e., to:

- ensure that their features, resources, and properties are effectively used for various social and economic purposes;
- reduce conflict between users and the surrounding environment;
- ensure resilience of non-recoverable resources and environmental processes in the perspective of the current and next generations.

The purpose of the Plan is to support sustainable development of sea areas, for example, by pointing out the areas and specifying how various modes of maritime spatial development could co-exist and be kept in spatial order. The draft plan contains decisions that determine the co-existence of various ways of using the sea areas without losing the possibility to execute tasks assigned to sectors considered as priority ones, according to the aforementioned legal acts and strategic documents specified hereinbelow, while ensuring safe use of each basin.

The draft plan was prepared taking into account the objectives arising from the Polish legal acts, the NSDC 2030 and such strategic documentation as the Strategy for Responsible Development until 2020 (with 2030 perspectives), Programme for the Development of Polish Seaports until 2020 (with 2030 perspectives) or the draft Energy Policy until 2040.

The Plan was prepared in accordance with the HELCOM-VASAB Maritime Spatial Planning Principles and the guidelines of these organisations concerning spatial planning of sea areas, including consulting, cooperation and ecosystem approach.

The Plan will not restrict sectors of the national administration involved in maritime activities in actions based on separate regulations applicable in the area covered by the Plan. This is reflected, for example, in the decisions regarding national security and defence as well as protection of the environment and nature included in the Plan.

Structure of the Plan

The Plan, consistently with statutory powers included in Article 37a(1) of the Act, was prepared for the internal sea waters, territorial sea and exclusive economic zone. According to the Ordinance on the required scope of maritime spatial plans of the internal sea waters, territorial sea and exclusive economic zone, the spatial range of the Plan was defined by coordinates of the corners of borders of the area covered by the Plan, whereas the area covered by the plan was assigned a unique letter code **POM**, and the basins were assigned subsequent unique numbers.

In accordance with the regulation specified in § 4(1) of the Ordinance, the Plan consists of textual and graphic parts.

The graphic part is a drawing prepared using source cartographic resources and spatial data in scale 1:200,000.

The textual part includes general provisions applicable to the whole area covered by the Plan or a part of it (Appendix No 1), and detailed decisions concerning designation of specific basins and information on particularly significant conditions influencing the future use of each basin (Appendix No 2).

In accordance with the provision set out in § 6(4) of the Ordinance the justification for the decisions, detailed in the basin sheets has been drawn up, a part of which is a drawing of conditions (Appendix No 3).

General provisions indicate decisions applicable to the whole area covered by the Plan or a part of it; they also concern the distribution of public investments and specify directions of development of transport and technical infrastructure.

Moreover, general provisions define terms used in the Plan which have not been defined in legal regulations, yet. However, the terms which are already specified in the provisions of the empowering act and other normative acts are not defined.

The area covered by the Plan was divided into 95 basins with one of the following primary functions:

- technical infrastructure;

- functioning of port or haven;
- national security and defence;
- coastal protection;
- protection of the environment and nature;
- exploration, investigation of mineral and fossil resources and extraction from the resources;
- acquisition of renewable energy;
- reserve for future development;
- reserve for future development with extraction allowed;
- transport;
- environmentally conditioned local development;
- multifunctional economic development.

Also, 428 sub-basins were distinguished and assigned mainly the following functions:

- cultural heritage;
- technical infrastructure;
- functioning of port or haven;
- national security and defence;
- coastal protection;
- exploration, investigation of mineral and fossil resources and extraction from the resources;
- fishery;
- transport;
- tourism, sport, and recreation.

Some of the allowed functions are not spatially restricted by separations. Nevertheless, respective limitations and conditions imposed on them are described in each of the basin sheets. These are mainly scientific research, aquaculture, exploration, investigation of mineral and fossil resources, and extraction from the resources or fishery.

For the area covered by the Plan, general conditions for the exercise of functions are defined:

- national security and defence – can be executed in the whole area covered by the Plan; sub-basins were distinguished to protect areas of key importance for performance of tasks by the Polish Armed Forces, such as military training areas, fairways and anchorages of the Polish Navy;
- protection of the environment and nature – can be executed in the whole area covered by the Plan;

- spatial protection of objects of underwater cultural heritage – applicable in the whole area covered by the Plan;
- laying linear elements – allowed under specific principles in designated basins or sub-basins, excluding optical fibres which are allowed in the whole area covered by the Plan, with several exceptions relating to needs of national security and defence;
- construction of offshore wind farms – allowed only within basins whose basic function is ‘acquisition of renewable energy’”;
- exploration, investigation of mineral and fossil resources and extraction from the resources, specified in detail for each basin;
- coastal tourism, sport, and recreation – allowed especially within sub-basins with function ‘tourism, sport, and recreation’, designated for coastal tourism development;
- navigation, fishery, and marine tourism – allowed (with limitations in particular basins) within the whole area covered by the Plan, excluding zones that are closed to navigation and fishery under separate regulations;
- scientific research – allowed (with limitations in particular basins) within the whole area covered by the Plan.

The draft plan also specifies sub-basins and a basin for the existing and planned public purpose investments, including technical infrastructure. It defines priority directions and conditions for the development of transport and technical infrastructure providing services for the navigation by designating basins that ensure the development of transport and relating technical infrastructure.

While separating basins in the Plan’s drawing, emphasis was put on distinguishing:

- a) connecting functions ensuring appropriate spaces for the maintenance and development of relations (maritime transport, access to ports and fishing grounds);
- b) functions which permanently guarantee realisation of requirements imposed by the Constitution (national security and defence, coastal protection, protection of the national heritage and environment, including the most valuable environmental and natural resources);
- c) functions established for a long time which take advantage of exceptional location conditions of some areas (sea ports and havens, areas of investigation and extraction of fossils attractive due to their resources, areas of acquisition of renewable energy).

Detailed decisions concerning each of the distinguished basins

Appendix No 2 contains detailed decisions concerning the designation of specific basins and information on particularly significant conditions that influence future use of each basin.

Detailed decisions concerning each basin or their distinguished parts are presented in the form of basin sheets. Decisions concerning each basin include:

- a) definition of basic function;

- b) determination of functions allowed for each basin;
- c) prohibitions or limitations of the use of basins, taking the requirements relating to the protection of environment and cultural heritage into account;
- d) information on public purpose investment, including its distribution, which is planned to be executed as a part of the basin's function;
- e) conditions concerning fishery and aquaculture, acquisition of renewable energy, exploration, investigation of mineral and fossil resources and extraction from the resources, investigation of mineral and fossil resources and extraction from the resources as well as protection of environment and cultural heritage;
- f) provisions binding for the authorities of voivodeships and municipalities within the territory of which internal sea waters occur, or municipalities neighbouring the area covered by the Plan across the coastline or borders of sea areas equivalent to such coastline, while preparing voivodeship spatial development plans, studies of conditions and directions of spatial development of municipalities and local spatial development plans, respectively.

In the sheets of individual basins the binding prohibitions or limitations of the use of individual areas are defined according to the types of functions they concern. It is a set of orders, prohibitions and exceptions, which, when read directly, indicate unambiguously to the users of the sea area the acceptable and unacceptable ways of using this area.

Conditions of using the basins are also presented in the context of functions they are relating to. The conditions concerning fishery and aquaculture, acquisition of renewable energy, exploration, investigation of mineral and fossil resources and extraction from the resources, as well as protection of environment and cultural heritage are defined requirements which must be met and implemented to ensure protection of environment and cultural heritage within a particular basin or to allow conducting activities relating to fishery and aquaculture, acquisition of renewable energy or exploration, investigation of mineral and fossil resources and extraction from the resources in this area. Conditions provided in the Plan are based on the ecosystem approach. These principles form a closed catalogue resulting from the current binding legal regulations (i.e. the Ordinance).

Remaining parts of the basin sheets are of information nature only and are not legally binding, e.g. they inform that basins are bound by basin usage principles under documents or normative acts unrelated directly to the maritime spatial development, but involving spatial considerations (they are not applicable to the whole area covered by the Plan, they restrict some functions or spatial development forms). These principles form a closed catalogue resulting from the current binding legal regulations.

Information on particularly significant conditions that influence future use of each basin included in basin sheets concern:

- a) principles of using each basin resulting from documents or normative acts specified in law;

- b) particularly significant conditions concerning each basin;
- c) other significant information concerning each basin, including recommendations derived during work on the Plan, regarding administrative procedures which shape the spatial development of sea areas other than the maritime spatial development plan.

This information is also of auxiliary nature and should not be interpreted as solutions and decisions of the Plan, however, it may point towards the advisability of some planning solutions.

Information on functions planned for cross-border basins according to neighbouring countries

Germany

In direct vicinity of the border 3 basins are designated; their basic functions are functioning of port or haven, protection of the environment and nature and reserve for future development with extraction allowed:

- 1) POM.01.Ip – its basic function is functioning of port or haven. According to the definition of this function, the main purpose is to ensure safe access and development of the port. The main elements provided in the basin are fairway to the ports in Szczecin and Świnoujście as well as port roads. This function institutionalises the current use of this basin. The plan assumes development of the port eastward of the existing gas terminal.
- 2) POM.12.O – its basic function is the protection of the environment and nature. This designation is to contribute to the protection of the environment and preservation of the natural values of the Odra Bank.
- 3) POM.11.Pw – its basic function is the reserve for future development with extraction allowed. This designation is to provide space for future spatial development. Within the basin, it is prohibited to conduct any activity which leads to permanent development except locating structures relating to hydrocarbon extraction. Locating structures intended for hydrocarbon extraction as well as fossil extraction from the resources using open-pit methods is allowed only outside the Natura 2000 Pomeranian Bay area.

The following functions are allowed within the basins specified hereinabove. Functions that may contribute in a particular way to the generation of cross-border impacts on the marine environment in Germany are marked with a double x.

	POM.01.Ip	POM.11.Pw	POM.12.O
aquaculture (A)		xx	
scientific research (N)	x	x	x
cultural heritage (D)	x	x	x
technical infrastructure (I)	x	x	

national security and defence (B)	x	x	x
coastal protection (C)	x	x	
exploration, investigation of mineral and fossil resources and extraction from the resources (K)	x	xx	
fishery (R)	x	x	x
artificial islands and structures (W)	x	xx	
transport (T)	x	x	x
tourism, sport, and recreation (S)	x	x	x

At some distance from the border, the basin POM.14.E was designated for the acquisition of renewable energy (offshore wind farms). Building wind farms may adversely affect the environment of the German marine area.

Denmark

In the direct vicinity of the border eleven basins are designated. They fulfil three basic functions: transport, acquisition of renewable energy and reserve for future development with extraction allowed.

- 1) POM.14.E – its basic function is the acquisition of renewable energy. According to the definition of this function, the main purpose is building offshore wind farms.
- 2) POM.10.T, POM.15.T, POM.47.T, POM.49.T, POM.95.T – their basic function is transport to provide communication between Polish/Lithuanian ports and Scandinavian ports / Danish straits. Basins POM.15.T, POM.49.T, POM.95.T are essential for the proper operation of Gdynia and Gdańsk, whereas basin POM.10.T is essential for Szczecin and Świnoujście, i.e. the marine ports of basic importance for the national economy.
- 3) POM.11.Pw, POM.13.Pw, POM.16.Pw, POM.48.Pw, POM.51.Pw – their basic function is the reserve for future development with extraction allowed. This designation is to provide space for future spatial development. Within the basin, it is prohibited to conduct any activity which leads to permanent development except locating structures relating to hydrocarbon extraction.

The following functions are allowed within the basins specified above. Functions that may contribute in a particular way to the generation of cross-border impacts on the marine environment in Denmark are marked with a double x.

	POM.14.E	POM.11.Pw, POM.13.Pw, POM.16.Pw, POM.48.Pw,	POM.10.T, POM.15.T, POM.47.T, POM.49.T,
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		POM.51.Pw	POM.95.T
aquaculture (A)	xx	xx	
scientific research (N)	x	x	x
cultural heritage (D)	x	x	x
technical infrastructure (I)	x	x	x
national security and defence (B)		x (w/o POM.48.Pw)	x (w/o POM.95.T)
coastal protection (C)			x (only POM 10.T but far from the border with Denmark)
exploration, investigation of mineral and fossil resources and extraction from the resources (K)	xx	xx	x
fishery (R)	x	x	x
artificial islands and structures (W)	xx	xx	
transport (T)	x	x	
tourism, sport and recreation (S)	x	x	x

At some distance from the border, the basin POM.43.E was designated for the acquisition of renewable energy (offshore wind farms). Building wind farms may adversely affect the environment of the Danish marine area.

Sweden

In the direct vicinity of the border, eight basins are designated. They fulfil four basic functions: transport, acquisition of renewable energy, exploration, investigation of mineral and fossil resources and extraction from the resources and reserve for future development with extraction allowed.

- 1) POM.53.E, POM.60.E – their basic function is the acquisition of renewable energy. According to the definition of this function, the main purpose is building offshore wind farms.
- 2) POM.61.K – its basic function is exploration, investigation of mineral and fossil resources and extraction from the resources. This includes a valid license granting the

right to extract sand and gravel. Extraction may adversely affect the Swedish sea area environment, including the areas where harbour porpoises have been noted.

- 3) POM.49.T, POM.70.T – their basic function is transport to provide communication between Polish/Lithuanian ports and Scandinavian ports. Basin POM.49.T is essential for the proper operation of Gdynia and Karlskrona, whereas basin POM.70.T is essential for Gdańsk and Nynäshamn, as it maintains ferry communication between Poland and Sweden, and also between Sweden and Lithuania.
- 4) POM.75.Pw, POM.59.Pw, POM.51.Pw – their basic function is the reserve for future development with extraction allowed. This designation is to provide space for future spatial development. Within the basin, it is prohibited to conduct any activity which leads to permanent development except locating structures related to hydrocarbon extraction.

The following functions are allowed within the basins specified above. Functions that may contribute in a particular way to the generation of cross-border impacts on the marine environment in Sweden are marked with a double x.

	POM.53.E, POM.60.E	POM.75.Pw, POM.59.Pw, POM.51.Pw	POM.49.T, POM.70.T	POM.61.K
aquaculture (A)	xx	xx		
scientific research (N)	x	x	x	x
cultural heritage (D)	x	x	x	x
technical infrastructure (I)	x	x	x	
national security and defence (B)		x	x	
exploration, investigation of mineral and fossil resources and extraction from the resources (K)	xx	xx	x	
fishery (R)	x	x	x	x
artificial islands and structures (W)	xx	xx		
transport (T)	x	x		x
tourism, sport and recreation (S)	x	x	x	x

At some distance from the border, basin POM.62.K is designated. It includes a valid license for hydrocarbon extraction. Extraction may adversely affect the Swedish sea area environment if unexpected spills occur.

Russia

In the direct vicinity of the border, twelve basins are designated. They fulfil three basic functions: transport, protection of the environment and nature and reserve for future development with extraction allowed.

- 1) POM.92.O – its basic function is the protection of the environment and nature. This designation is to contribute to the protection of sea bird populations during their wintering and migration within the IBA PLM4 ‘Eastern Near-Border Waters’ area, which is a significant place where these birds feed and rest. It is allowed to explore, investigate mineral and fossil resources and extract from the resources within this basin. However, this must be done without using artificial islands or structures.
- 2) POM.52.T, POM.47.T, POM.69.T, POM.82.T, POM.81.T – their basic function is transport. They provide transit connections for Lithuanian and Russian ports via Polish sea areas as well as Gdynia and Gdańsk connections with ports in Lithuania, Latvia and Gulf of Finland.
- 3) POM.75.Pw, POM.74.Pw, POM.72.Pw, POM.71.Pw, POM.80.Pw, POM.83.Pw – their basic function is the reserve for future development with extraction allowed. This designation is to provide space for future spatial development. Within the basin, it is prohibited to conduct any activity which leads to permanent development except locating structures related to hydrocarbon extraction.

The following functions are allowed within the basins specified above. Functions that may contribute in a particular way to the generation of cross-border impacts on the marine environment in Russia are marked with a double x.

	POM.92.O	POM.75.Pw, POM.74.Pw, POM.72.Pw, POM.71.Pw, POM.80.Pw, POM.83.Pw	POM.52.T, POM.47.T, POM.69.T, POM.82.T, POM.81.T
aquaculture (A)		xx	
scientific research (N)	x	x	x
functioning of port or haven (Ip)	x		
cultural heritage (D)	x	x	x
technical infrastructure (I)	x	x	x
national security and defence (B)		x	x
coastal protection (C)	x		
exploration, investigation	x	xx	x

of mineral and fossil resources and extraction from the resources (K)			
fishery (R)	x	x	x
artificial islands and structures (W)		xx	
transport (T)	x	x	
tourism, sport and recreation (S)	x	x	x

At some distance from the border, basin POM.73.K is designated. It includes a valid license for hydrocarbon extraction. Extraction may adversely affect the Russian sea area environment if unexpected spills occur.

At some distance from the border basin POM.90.Ip is designated. It is intended for artificial islands and structures relating to the building of a channel across the Vistula Spit. According to collected planning materials, this will not affect negatively the environment of the Russian sea area.