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Finland's response to the notification concerning the Draft of the Estonian Maritime Spatial Plan and the description of its environmental impacts

On 20 May, the Ministry of the Environment received a notification from the Estonian environmental authorities concerning the Draft of the Estonian Maritime Spatial Plan (MPS) and a description of its environmental impacts. The objective of maritime spatial planning is to agree on the long-term principles of use of the Estonian marine area in order to attain and maintain a good status of the marine environment and promote the maritime economy. On 20 December 2018, Finland announced that it would participate in the environmental assessment of the Estonian Maritime Spatial Plan.

The environmental assessment is carried out based on the Protocol on Strategic Environmental Assessment appended to the UN Economic Commission for Europe Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention). According to the Protocol, Finland has the right to participate in the environmental assessment of a plan or programme to be implemented in another state if the implementation of the plan or programme would have significant environmental impacts on Finland. This means that authorities, residents and communities in Finland have the opportunity to issue statements and opinions concerning the Estonian Maritime Spatial Plan and its environmental assessment. Under the Act on the Environmental Impact Assessment of Authorities' Plans and Programmes (200/2005), the Ministry of the Environment shall look after the notification and negotiation tasks related to the environmental assessment of the plan or programme with the state in question.

In their notification, the Estonian environmental authorities requested comments and opinions on the Draft of the Estonian Maritime Spatial Plan and the description of its environmental impacts.

The Ministry of the Environment has asked the authorities, residents and communities to provide statements and opinions on the MSP draft material sent by Estonia. The material has been made available on the lausuntopalvelu.fi website. Information about the material has also been communicated to the public in the form of an announcement in the Official Journal, and the material has been available at the Registry of the Ministry of the Environment and on the Ministry's website. During the consultation period from 4 June to 3 July 2019, statements on the MSP draft were issued by the Ministry of Economic Affairs and Employment of Finland, the Ministry of Transport and Communications, the Ministry of Foreign Affairs of Finland, the Ministry of Agriculture and Forestry of Finland, the Ministry of the Interior, Metsähallitus (a state-owned enterprise), Geological Survey of Finland, Finnish Heritage Agency, Helsinki-Uusimaa Regional Council, Regional Council of Kymenlaakso, Regional Council of Southwest Finland, Government of Åland, City of Helsinki, Finnish Shipowners' Association, the Finnish Transport Infrastructure Agency, the Federation of Finnish Fisheries Associations, Natural Resources Institute and Navy Command of Finnish Navy. The statements received are enclosed in their entirety.

Based on the statements received, and reflecting its own views, the Ministry of the Environment wishes to emphasise that the Ministry considers the Draft of the Estonian Maritime Spatial Plan to be generally informative and clear. The MPS provides a good summary of various activities in marine areas, their current status, challenges and environmental impacts. The Ministry of the Environment is pleased that the starting point for preparing the draft plan has been attaining and maintaining a good status of the marine environment.

The Ministry of the Environment is also pleased that the plan aims to categorically protect the most important breeding areas for fish and to prohibit trawling in areas where the water is shallower than 20 metres. However, it is not clear based on the draft plan whether the protection of breeding areas applies to the breeding areas of all fish species or only those of commercial fish, or to those of only certain species. The location of fish farms seems to be concentrated mainly on to deep, open marine areas, which in itself does not reduce nutrient loads, but may decrease the local impact on the environment. The draft plan places a great deal of focus on protecting fish breeding areas. The draft plan could take into account other biodiversity conservation measures and the operation of ecosystems as well. The draft plan should also pay closer attention to the requirements of the EU Marine Strategy Framework Directive, so as not to jeopardise the ability to achieve a good status of the marine environment.

The approach to the location of wind power is systematic. The objective has been to propose areas for wind power that would keep its impacts on the environment and natural values as minimal as possible, while also taking into account economic conditions. When it comes to offshore wind power, however, in addition to marine conservation areas and bird migration routes, the draft plan should take into account the state of the marine environment as a whole, including underwater organisms and habitats, as well as endangered organisms and habitats. This type of approach is vital for achieving a good state of the marine environment.

The Ministry of the Environment takes notice of the fact that the significant need for additional areas for several forms of use of the sea has been defined as minimal. The draft plan focuses on new forms of use, such as aquaculture and energy production. However, energy production, in this case offshore wind power, is strongly connected to infrastructure on the seabed, along with telecommunications structures and cabling for the energy network. The need for additional area for certain new forms of use will therefore not necessarily be minimal, but rather significant.

As others also indicated in their statements, the Ministry of the Environment wishes to highlight that there are plans to build an underwater railway tunnel between Helsinki and Tallinn, and that this may have significant environmental impacts on Estonia and Finland. The Ministry of the Environment emphasises the importance of carrying out the development project in question in a way that involves an extensive analysis of its content, a thorough study of the location and an impact assessment, as well as a feasibility study.

Based on the Estonian MSP draft, it is partially unclear whether the planning of the use is based on an integrated approach as required under the Maritime Spatial Planning Directive, or if the planning has been sector-specific, with the locations of different types of use being decided on without integrated spatial planning. The draft plan could provide a stronger description of the ecosystem approach as a cross-cutting principle throughout the plan.

The Ministry of the Environment emphasises that, in practice, it is not possible to achieve a good state of the marine environment without reducing the pressure on the marine environment, organisms and habitats. To achieve this, it would be good to have access to inventory and research data on underwater marine biodiversity when guiding the planning of the location of offshore wind power and aquaculture. When planning the projects, it is also useful to carry out an environmental impact assessment and take into account the matters highlighted in the assessment in the decision-making

concerning the projects. Furthermore, spatial data relating to the use of marine areas should be taken into account in planning as well.

Summary of the statements

The Ministry of Transport and Communications states that when it comes to infrastructure on the seabed, the locations of the cables or infrastructure are not precisely defined due to the general nature of the plan and the related statutory requirements. This is due to the fact that the draft plan does not define new areas for infrastructure to be built on the seabed, nor does it alter the current practices, meaning that the implementation of the plan will not cause other environmental effects.

The Ministry takes notice of the planned permanent connection between Tallinn and Helsinki mentioned in the draft plan, and is in agreement with the view presented in the plan, according to which the development project in question will require a thorough analysis, careful study of location, and analyses of feasibility and viability. The Ministry has a favourable opinion of the view presented in the plan stating that connections with neighbouring countries will be prepared based on agreements between the governments of the countries in question.

The Ministry for Foreign Affairs states that the Draft of the Estonian Maritime Spatial Plan contains many elements that will have a positive effect on the cooperation between Finland and Estonia. These include the issues discussed in the draft concerning maritime transport and infrastructure located on the seabed, for instance.

The Ministry for Foreign Affairs is of the opinion that particularly the permanent infrastructure under the Gulf of Finland will require various degrees of coordination between the Finnish and Estonian authorities. It is the view of the Ministry that there are currently sufficient mechanisms in place for coordination between the two countries' ministries of the environment, among others. At the same time, the environmental impact assessment process concerning the planned tunnel between Helsinki and Tallinn, for instance, has shown that there are significant differences between Finland and Estonia when it comes to the preparation process. For this reason, it is of utmost importance for both parties to have a good understanding of the content of the planning process of the other party.

The Ministry for Foreign Affairs states that when developing connections between countries, the preparations must be carried out in the most comprehensive way possible. For instance, security policy issues must be taken into consideration in the preparation process to the extent that this is justified.

Metsähallitus, the state-owned enterprise, states that the Draft of the Estonian Maritime Spatial Plan and the description of its environmental impacts form a clear and comprehensive whole, both structurally and in the way the matters are presented. Metsähallitus considers it good that the Maritime Spatial Plan combines functions that support one another in different ways, such as promoting aquaculture in the areas designated for fish farming in order to minimise negative impacts. However, it should be borne in mind that, according to the objectives set by the Water Framework Directive, the environmental load must not be increased in areas where the ecological status of the sea is less than "good".

The areas proposed for wind power in the MPS have been deemed suitable based on a multi-phase analysis that takes into account the restrictions set by different functions and the fact that wind power must not interfere with the main migration routes of birds. However, the plan does not indicate how the flying routes of bats, preferably presented on the map, have been taken into account in deciding on the location of wind power. Metsähallitus hopes that migration routes of bats will be included into the analysis in the final plan.

The draft plan states that the establishment of new offshore conservation areas will be based on combined use and the need to use marine resources for energy production, the development of aquaculture, national defence and other purposes as well. When establishing new nature conservation areas, shipping lanes must also be taken into account, and the protected areas must be adapted to the shipping lanes. As the body in charge of managing Finland's land and water areas, Metsähallitus hopes that in preparing its MSP, Estonia will take into account the fact that nature conservation and nature values cannot be subordinated to other uses in all areas. An ecologically balanced network of conservation areas and a good status of the marine environment cannot be attained either if natural values are weakened.

The draft plan mentions that dumping should generally be avoided during an ecologically sensitive period (e.g. a spawning period), if this is technologically and economically possible. From the viewpoint of Metsähallitus, the effects of dumping are not sufficiently known, which means that the locations of dumping should be planned in line with the precautionary principle. There is a risk that dumping may destroy ecosystems, so taking into account ecologically sensitive periods is not always enough to conserve biodiversity.

The Estonian Maritime Spatial Plan is still in a draft phase and lacks an analysis of potential areas of conflict between different forms of use of the sea and natural values that would demonstrate the possible collisions between the most important natural values of Estonian marine areas and the use value generated by human activity in these areas. The draft plan also lacks a perspective on the future, in which the development of different forms of use and natural values will be examined from the viewpoint of climate change, for example. Metsähallitus hopes that these perspectives will be taken into account in the final plan and that the plan will include an informative summary of how different forms of use will be combined.

The Geological Survey of Finland states that the functions within the area of responsibility of the Geological Survey of Finland (wind power, seabed infrastructure, soil on the seabed and dumping of dredging masses) are drawn up correctly insofar as the geological parameters are concerned, and that the environmental impacts have been taken into account appropriately. As concerns licencing for the dumping of dredging masses, the Geological Survey of Finland hopes that sufficient sediment samples are taken from both the dredged materials and soil from the seabed in order to investigate the environmental impacts. If the dredging material or sediments in the dumping area have too high a concentration of hazardous substances, they may have adverse impacts on the marine environment if they enter the column of water. In the worst case, the impacts may be transboundary, as stated in Espoo Convention, and harmful to the Finnish marine environment.

Finnish Heritage Agency has reviewed the Draft of the Estonian Maritime Spatial Plan from the perspective of marine and underwater cultural heritage and marine landscapes, taking into consideration potential cross-border environmental impacts. Finnish Heritage Agency states that the concept of 'Estonian marine culture' effectively covers the historical use of the sea and water areas, marine and underwater cultural heritage as well as modern water-related hobbies and leisure-time activities. Sufficient attention has also been paid to the protection of underwater cultural heritage and the sustainable use of the sea. Finnish Heritage Agency emphasises that with sufficient, well-timed consideration for cultural heritage, the needs of cultural heritage can be reconciled with other functions when it comes to cross-border impacts as well.

Finnish Heritage Agency states that the Draft of the Estonian Maritime Spatial Plan has paid due attention to the significance of marine areas for tourism, water-related activities such as recreational boating, marine motorsports, sailing and leisure-time opportunities related to waterfront areas. The interest of Finland, Latvia, Russia and Germany in Estonian underwater cultural heritage is expected to grow. Finnish Heritage Agency proposes that tourism could be developed with the countries in

question and with other countries around the Baltic Sea, while taking the potential cross-border impacts of tourism into account.

Landscape impacts are taken into account particularly as concerns wind turbines, for instance by locating wind turbines at least 10 kilometres from the shoreline to ensure that the landscape does not change significantly when looking from the land out to the sea. Furthermore, wind turbines must not dominate the horizon. From the viewpoint of Finnish Heritage Agency, it is important to mention the landscape value of a horizon, free of human impact, which can be observed when looking from the land and from the sea. Finnish Heritage Agency states that maritime spatial planning should ensure that a sufficient high sea landscape and experience are preserved. Cross-border impacts will become more obvious if wind turbines are to be built in the exclusive economic zone.

Helsinki-Uusimaa Regional Council states that the draft plan has been prepared thoroughly and that the different forms of use of the marine area have been well described. In preparing the draft, a special focus has been placed on the management of new forms of use, i.e. aquaculture and energy production, but the long-term, future-oriented strategic plan could also discuss the potential need for changes to traditional forms of use in the future. Current problems could be highlighted more clearly as well. The basis for the entire draft plan is the environmental perspective and ensuring a good state of the sea, but the draft could describe even more explicitly how it supports blue growth and takes into account the interaction between the land and the sea. Additionally, the draft plan does not directly state its target year.

Helsinki-Uusimaa Regional Council notes that North Sea – Baltic Sea TENT-T corridor is linked to the traffic of the Gulf of Finland, and to the currently ongoing project of a railway tunnel connection between Helsinki and Tallinn. In Finland, the alignment of the tunnel is presented in the preparation of the Helsinki Regional Phase Plan sub-phase as an indicative line between Helsinki and Tallinn, and the aim is to propose a corresponding line in the Maritime Spatial Plan for the Gulf of Finland as well. Helsinki-Uusimaa Regional Council suggest considering discussing the matter and proposing a line in the Estonian MSP, as this would improve the coherence of the plans of Gulf of Finland and Estonia. If implemented, the project would have significant environmental impacts on the land and sea areas in Estonia and Finland, and more widely in the Baltic Sea region.

The draft plan states that the impacts will be analysed more thoroughly within the framework of the proposed plan by drawing up a separate environmental report. Helsinki-Uusimaa Regional Council suggests that this report could also assess impacts on transport and movement, and on the landscape and cultural environment. Helsinki-Uusimaa Regional Council notes that impacts on climate change are becoming a more and more important part of the environmental impact assessment process in Finland. However, Helsinki-Uusimaa Regional Council concludes that the draft plan will not cause environmental impacts on Finland.

Regional Council of Kymenlaakso notes that, from an international perspective, transport and infrastructure connections play a central role in maritime spatial planning for the Gulf of Finland, as do environmental issues. There are differences between Finland and Estonia when it comes to the binding character of maritime spatial plans. The Estonian maritime spatial plan is legally binding, whereas in Finland the plan is drawn up as a strategic plan that does not have the force of law.

Regional Council of Kymenlaakso considers the Estonian plan to expand international shipping to include also the regions of Sillamäe and Kunda to be very good. This would enable the development of maritime transport and tourism from the eastern Gulf of Finland to Estonia. Regional Council of Kymenlaakso draws attention to the fact that the North Sea–Baltic Sea TEN-T network corridor and the assessment of the proposed railway tunnel between Helsinki and Tallinn are also important factors connected to the transport connections in the Gulf of Finland. However, international transport development projects are not highlighted in the Estonian Maritime Spatial Plan.

Regional Council of Kymenlaakso considers it very good that the starting point of the plan is ensuring and maintaining a good state of the sea and the related environment. Ensuring a good state of the sea is a common challenge for the Baltic Sea countries that requires good coordination between various functions and operations. Regional Council of Kymenlaakso considers it good that the Estonian Maritime Spatial Plan has taken into account marine rescue operations and pollution prevention. The plan sets improvement of pollution response capacity as a priority, which is very important from the perspective of marine nature throughout the Gulf of Finland.

The Estonian Maritime Spatial Plan maps out the possibilities for increasing aquaculture production as well. The plan does not pinpoint specific locations for aquaculture, but its potential has been taken into consideration. The plan recommends establishing aquaculture farms primarily in the deeper, more open areas of the sea in order to reduce the local impact of the resulting pollution. Regional Council of Kymenlaakso states that a broad-ranging increase in fish farming in the Gulf of Finland may have negative environmental impacts on the entire area of the Gulf of Finland, taking into account the current state of the water in the Gulf of Finland in particular.

The **Government of Åland** states that the draft plan is clearly structured and well documented. The draft plan has been translated well, which makes it easier to read and comment on the document. The explanations on the map, however, are written in Estonian, which makes them somewhat difficult to interpret.

The Government of Åland states that the draft plan concentrates largely on two forms of use of the sea, aquaculture and wind power. The fish farming areas are not clearly indicated in the draft plan, as the fish farming techniques are not yet fully developed. The negative environmental impact of fish farming can, however, be reduced through guidance concerning the location and size of farms and, in part, by ensuring that measures to prevent nutrient emissions are made a prerequisite for establishing farming operations. The Government of Åland notes that the areas suitable for wind power are indicated in the draft plan based on wind conditions, water depth, proximity to power lines, ice and wave conditions, and taking into account potential conflicts with nature conservation. A 10-kilometre visual buffer from the mainland has also been indicated in the draft.

The Government of Åland is currently drawing up its first draft for a maritime spatial plan. Thanks to its clear structure, among other features, the Estonian Maritime Spatial Plan can be used in part as a model when preparing the maritime spatial plan for the Åland Islands.

From the viewpoint of **City of Helsinki**, the key issues of the Draft of the Estonian Maritime Spatial Plan are shipping between Helsinki and Tallinn, as well as other water traffic, and the possible tunnel between Helsinki and Tallinn. The draft plan states that further exploration of the tunnel requires careful examination of the site, analysis of feasibility and profitability, and an open planning process. The impacts of the projects will be assessed separately. In future, this work will include experts from the Urban Environment Division of the City of Helsinki as well.

The new Master Plan of Helsinki (since 2016) shows water areas, the areas of marine recreation and tourism, the areas of the Defence Forces and harbour areas that belong to Helsinki, as well as a rail link to Tallinn. The plan also determines flood preparedness and rainwater management. Based on the Master Plan, a marine strategy has been drawn up for Helsinki to ensure the preservation of marine services, water management, accessibility, marine nature and the coordination of activities. The thematic map of the Master Plan, entitled 'Maritime Helsinki', has designated ports, marinas and major merchant shipping lanes located in the Helsinki sea area.

The Maritime Spatial Plan has strongly highlighted the objective of efficient use and exploitation of marine areas. The plan foresees an increase in future use. From an economic and economy point of view, the significant use of marine areas also creates an increasing need for environmental

management. City of Helsinki is pleased that it has been mentioned in the draft plan that one of the main objectives of the Maritime Spatial Plan is the good status of the marine environment.

The use and exploitation of the sea in the areas of Baltic Sea and especially the Gulf of Finland may have transboundary impacts. Activities that support the good status of the Estonian marine environment are important for the City of Helsinki. For example, managing both internal and external nutrient loads is important for water quality. Enhanced use should not lead to eutrophication or other environmental damage, but should aim at reducing the environmental impact, even if the use will be intensified.

The draft plan presents an impact assessment by sector. City of Helsinki states that it is important to take care of the management of combined impacts, and to carry out assessments widely and from a sufficiently large sphere of influence. The principle of knowledge-based regional development mentioned in the draft plan creates good conditions for assessment. City of Helsinki is pleased that increasing use is sought to be controlled, and impacts will be controlled by means of maritime planning.

City of Helsinki points out that in the draft plan, the analysis of seabed infrastructure has adequately taken into account Helsinki as well, as a result of increased security of supply and connectivity to European electricity, gas and telecom networks that may advance market opening.

The Finnish Shipowners' Association states that the Maritime Spatial Planning Directive (2014/89/EU) provides a framework for maritime spatial planning in Europe. At the moment, plans are being drawn up for the use of maritime areas in Estonia, Finland, Sweden and the Åland Islands. The Member States must complete their work by 2021 at the latest.

The Finnish Shipowners' Association notes that the Maritime Spatial Planning Directive must not, in any way, be in conflict with the United Nations Convention on the Law of the Sea (UNCLOS), which regulates free movement in international waters. The Finnish Shipowners' Association takes notice of the fact that maritime spatial planning must be based on the Traffic Separation Scheme approved by the International Maritime Organization (IMO). By taking the above-mentioned factors into account, the maritime spatial plans of the Member States can play a role in promoting safety in maritime transport. The Finnish Shipowners' Association notes that the European Commission has drawn up practical guidelines for Member States to use in maritime spatial planning, which address the following perspectives:

- a) how to develop a vision for the maritime sector that can be used effectively in maritime spatial planning
- b) which future trends will affect the development of the sector and how they will affect the maritime spatial planning process
- c) how maritime spatial planning authorities can monitor whether they are on the right path to achieving their maritime spatial planning objectives.

The Finnish Shipowners' Association notes that the Draft of the Estonian Maritime Spatial Plan has been drawn up more clearly and corresponds better to the European Commission guidelines than the draft plans prepared so far by Finland, Sweden and the Åland Islands. The draft states concisely that the maritime spatial plan deals with fairways as shown in the navigational information. The draft plan also determines the water traffic areas based on the traffic intensity and primary routes. In exceptional cases, a fairway may overlap with other marine uses as well, but in these cases the priority of use is the preservation of the fairway. The regional priorities for maritime transport in the Estonian maritime area are international fairways. The Finnish Shipowners' Association notes that the above-mentioned factors are entirely in line with the perspectives addressed in the guidelines of the European Commission.

The draft states that with regard to maritime transport, the plan does not prescribe a spatial use that is in general different from the current use, which is why the implementation of the plan brings about no additional impact on the natural environment. The draft plan proposes that many environmental aspects related to marine transport may be addressed and mitigated at the project level. The Finnish Shipowners' Association states that perspectives that should be taken into account include the risk of spread of introduced species, pollution of the air and water, and noise generated by maritime transport. However, the Finnish Shipowners' Association sees that these matters do not need to be dealt with in further detail in the draft plan, as they are already regulated comprehensively and bindingly at the international level by the International Maritime Organization (IMO).

In their statements, **the Ministry of Economic Affairs and Employment, the Transport Infrastructure Agency, the Navy Command of Finnish Navy and the Federation of Finnish Fisheries Associations** indicated that they do not have any remarks concerning the Estonian Maritime Spatial Plan. In its statement, **Natural Resource Institute** indicated that it does not have any comment on the Draft of the Estonian Maritime Spatial Plan. In their statements, **the Ministry of Agriculture and Forestry and the Ministry of the Interior** indicated that they do not have any comment on the matter. **Regional Council of Southwest Finland** indicated in its statement that it does not have any remarks concerning the Estonian Maritime Spatial Plan since the draft plan does not collide with regional planning of Southwest Finland or other planning processes.

Permanent Secretary


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Specialist


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Enclosures

Statements received

For information (without enclosures)

The Ministry of the Foreign Affairs of Finland