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Bernhard-Nocht-Str. 78  
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30<sup>th</sup> June 2021

RE: 0800O1-5442-001

**RE: Revision of the MSP for the North and Baltic Sea EEZ – 2<sup>nd</sup> draft**

Thank you for forwarding the international consultation on the second draft of the revised maritime spatial plan for the German Exclusive Economic Zone in the North and Baltic Sea, received by email on 4<sup>th</sup> June 2021. We appreciate the opportunity to comment again on the revised maritime spatial plan.

We are providing our comments on the English version of the documents at:

[https://www.bsh.de/EN/TOPICS/Offshore/Maritime\\_spatial\\_planning/Revision/revision\\_no\\_de.html](https://www.bsh.de/EN/TOPICS/Offshore/Maritime_spatial_planning/Revision/revision_no_de.html).

Please note that our response is in relation to marine plans around England, specifically the East Inshore and Offshore and the North East Inshore and Offshore Marine Plans.

Interaction with adjacent English marine plans

The German EEZ of the North Sea shares a small boundary with the English north east offshore marine plan area and is near to the east offshore marine plan area.

The MMO would like to reiterate our previous comment on Section 1.3.1.4 of the Environmental Report for the North Sea, made during the previous round of consultation (second consultation round, December 2020). Within the Environmental Report for the North Sea, we recommend that you amend Section 1.3.1.4 to include the most up to date information regarding marine plans in England, specifically on the North East and on the East Inshore and Offshore Marine Plans.

The English North East, North West, South East and South West Marine Plans were adopted and published by the Secretary of State for Environment, Food and Rural Affairs on Wednesday 23<sup>rd</sup> June 2021 (colleagues at BSH were notified via email on this date). Adoption of these marine plans means that the [North East Marine Plans](#) have joined the



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[East Marine Plans](#) as statutory considerations under the [Marine and Coastal Access Act 2009](#) for all decisions that affect any part of the UK's marine area. Each of the adopted English marine plans has a 20-year horizon. The Draft North East Inshore and Offshore Marine Plan and associated documents were published for consultation in January 2020 for 14 weeks, the Federal Maritime and Hydrographic Agency were informed about this consultation but did not provide any comments on the draft plan.

The [East Inshore and East Offshore Marine Plans](#) were adopted in 2014. Under Section 61 of the Marine and Coastal Access Act 2009, marine plans are required to be reviewed and reported on every three years. The most recent [three-year report on the East Marine Plans](#) was published in April 2020. Following the publication, a decision was made to amend or replace the East marine plans. There is no statutory deadline or timeline attached to the decision. We will inform you when the process to amend or replace the plans is scheduled to begin. In the meantime, the current East Marine Plans remain as the operative plans for England's East marine plan areas.

In Section 1.3.1.4 you state that English marine plans are updated every three years. Please note that, although there is a requirement for each marine plan to be reviewed and reported on every three years, there is not a requirement for marine plans to be updated every three years. The decision to amend or replace a marine plan is made by the Secretary of State for Environment, Food and Rural Affairs and is informed by the findings and recommendations of the three-yearly review reports produced by the MMO. Pending the process to amend or replace the plans (see above) the current East Marine Plans remain as the operative plans for England's East marine plan areas.

The MMO welcomes the further consideration of transboundary issues including shipping, wind energy and protection and enhancement of the marine environment within the second draft of the maritime spatial plan. We note that the proposed offshore wind reservation site EN19 is in the same location as shown in the first draft of the revised MSP, adjacent to the bordering north east offshore marine plan area. We also note the following amendments to the second draft:

- Section 2.2.2 'Offshore Wind Energy' has been amended with the following statement to reinforce the role of EN19: "A spatial designation for offshore wind has the effect that this area is kept free from incompatible uses and that it is considered fundamentally suitable for the priority use."
- Section 2.2.2 sub-section Re (2) 'Reservation areas offshore wind energy' a paragraph has been added that states: "In the continuous evaluation and future updating of the plan, special consideration will be given to the concerns of shipping with regard to northbound routes (possible ice-free North Pole and associated shifts in shipping routes) in order to ensure needs-adjusted transport links to the German Bight area and to enable transit through the EEZ."
- Section 2.1 'Ensuring the safety and efficiency of navigation' refers to freedom of navigation under UNCLOS, and states that "according to Article 60 paragraph 7 UNCLOS, artificial islands, installations and structures and the safety zones surrounding them shall not be constructed where they may impede the use of recognised shipping lanes important for international navigation. Accordingly, the



ROG as well as various specialised laws give high priority to the safety and efficiency of navigation in respect of use of the EEZ. The main purpose of the requirements for ensuring the safety and efficiency of navigation is therefore to keep important shipping routes clear of uses which could impede their use. In particular, the traffic separation zones in the North Sea and Baltic Sea designated by the IMO must be taken into account. In addition, the actual shipping lanes determined on the basis of AIS traffic analyses as well as the lanes identified as being important in the future are also taken into account.”

It appears that Section 2.2.2 does not include shipping routes which pass through the north east marine plan area as these are westbound routes from the German EEZ. We, therefore, take the opportunity to reiterate our previous consultation response and the information provided on economically important shipping routes between the north east England offshore marine area and the German EEZ. Can we request that such routes are fully considered and covered by section 2.1. Furthermore, we suggest that Section 2.2.2 be amended to include all routes to “enable transit through the EEZ”. We look forward to further engagement between authorities in Germany and the UK, where appropriate, in planning for growth in offshore wind projects that takes account of other uses and cross-boundary issues.

#### Further information on marine plans in England

For further information on the marine plans in England referred to above, we recommend using our [Explore Marine Plans service](#) which includes data on marine licences, environmental designations and specific policy information from English marine plans. Supporting evidence underpins all policies in the East and North East Inshore and Offshore Marine Plans respectively.

Again, we would like to thank the Federal Maritime and Hydrographic Agency Department for the opportunity to comment on the second draft of the revised maritime spatial plan for the North and Baltic Sea EEZ. If you have any questions about our response, please contact [REDACTED] in the first instance, copying in [REDACTED]

Yours sincerely,

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[REDACTED]

Head of Marine Planning

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