

REPORT //

**The mandate for maritime spatial
planning and land-sea
interactions in Estonia within a
rethought multilevel, integrated
and inclusive governance
framework**

ESPON MSP-LSI spin-off

Final report // August 2022

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Disclaimer

This document is a final report.

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Abbreviations

EEZ	Exclusive economic zone
EU	European Union
FGR	Association of Fisheries of the Gulf of Riga
HELCOM	The Baltic Marine Environment Protection Commission
ICZM	Integrated coastal (zone) management
IMP	Integrated Maritime Policy
LG	Local government
LSI	Land-sea interaction
MS	Municipality of Saaremaa
MSP	Maritime Spatial Planning
PBP	Pärnu Bay Partnership Association
RMK	State Forest Management Centre
VN	Viru-Nigula municipality

Executive summary

'Directive 2014/89/E of the European Parliament and the Council establishing a framework for the Maritime Spatial Planning (MSP) sets out the need to draw up a plan for the management of the intensified use of marine areas. The current report provides an Estonian case study to the MSP with the following two objectives: 1) undertake an analysis and characterization of the coastal and maritime planning and land-sea interactions from a multi-level (national, local), multi-sectoral (energy, aquaculture, transport, tourism, defence, nature protection, etc.) and multi-actor (public, private) perspective, and 2) outline policy recommendations that could build the basis for comprehensively embedding the maritime spatial planning competences of the local and national level into legislation and into formal and informal planning processes.

The identified list of MSP-relevant land-sea interaction (LSI) activities contains the following 24 items: renewable energy; mining of mineral resources; development of ports, piers, slips, quays, berths; maritime transport; regulation of waterborne traffic; tourism and recreation; motorised water sports; non-motorized water sports; establishing of ice roads; dredging of navigation routes; dumping of dredged material; sewage, gas and other pipelines; telecommunication cables; wastewater treatment; land-based industry effluent discharge; agriculture run-off; fishing; aquaculture; other marine living resource exploitation; research and monitoring; nature conservation; conservation of cultural heritage; securing public access to the sea and shore areas; and military activities.

Interest from local coastal municipalities to deal with and be engaged in different LSIs is substantial and regionally variable. Different local governments have extremely different capacities with large local governments wishing to own significantly more rights than the smaller ones. Therefore, one should be very careful when introducing new responsibilities in the field of MSP to local governments: while this is justified considering the intensification of maritime uses, the shortage and/or lack of skilled manpower and financial resources to carry out the task might function as a bottleneck. Some national regulations were felt to be too rigid from the local perspective. Also, the concern was that the central government agencies often do not ask locals for their opinions and override their wishes and needs. Some tensions are also evident between local governments and regional focus groups. Importantly, good communication at both vertical (i.e., between the central government and local governments) and horizontal (i.e., between different LSI activities/sectors) axes is essential for ensuring operational and effective coordination and management.

The recommendations include: i) involving local governments since the initial stages of development and more effectively in the process of MSP; ii) establishing appropriate communication mechanisms between different stakeholders related to MSP; iii) considering expanding the planning and regulative powers of local governments to the coastal waters; as a rule, 1 nautical mile from the shoreline; iv) considering first offering to more urbanized areas the opportunity to carry out MSP and develop incrementally to less urbanized areas; and v) establishing a specific training program for relevant employees and leadership of coastal municipalities.

1 Introduction

Directive 2014/89/E of the European Parliament and the Council establishing a framework for the Maritime Spatial Planning (MSP) sets out the need to draw up a plan for the management of the intensified use of marine areas. Maritime spatial planning is being conducted simultaneously in many countries around the world. The long-term use of marine areas in the European Union is based on the Integrated Maritime Policy (IMP) and its development program, along with guidelines such as the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions Blue Growth opportunities for marine and maritime sustainable growth. Common principles and guidelines for the implementation of an ecosystem-based approach have been developed for comprehensive and well-considered planning of the Baltic Sea. The principles agreed in 2010 will contribute to the achievement of a good environmental status in the Baltic Sea and thus enable the use of ecosystem services provided by the sea.

The current project primarily contributes to the MSP with the following two objectives: 1) undertake an analysis and characterization of the coastal and maritime planning and land-sea interactions from a multi-level (national, local), multi-sectoral (energy, aquaculture, transport, tourism, defence, nature protection, etc.) and multi-actor (public, private) perspective, and 2) outline policy recommendations that could build the basis for comprehensively embedding the maritime spatial planning competences of local and national level into legislation and into formal and informal planning processes.

To achieve the project objectives, the work was arranged by the following four tasks:

1. Adopt the MSP-LSI methodological framework, define LSI in Estonian municipalities and a potential mandate for local intervention,
2. Scope and map LSI through desk research and stakeholder consultations,
3. Investigate relevant planning frameworks and related legislation to identify best practices that could be transposed to the Estonian case,
4. Make recommendations for a more inclusive maritime planning framework and inputs for legislative proposals for Estonia.

The current report summarises the activities performed and the results obtained for all four tasks, including making suggestions and recommendations for improving the national maritime spatial planning framework.

2 Adopting the MSP-LSI methodological framework, defining LSI in Estonian municipalities and potential mandate for local intervention

The MSP-LSI methodological framework provided in the project documentation was carefully reviewed and discussed. The scope of the discussions considered both MSP needs as well as wider scientific, management and legislative contexts. These include, for instance: i) information availability and data resolution for human activities, associated pressures and impacts on marine ecosystem components, ii) activities of the regional management organisation – The Baltic Marine Environment Protection Commission (HELCOM), and iii) other legislative instruments beside the EU Maritime Spatial Planning Directive (European Commission 2014) related to the activity, such as the EU Marine Strategy Framework Directive (European Commission 2008) and associated Estonian national reporting.

For developing and agreeing on the list of LSI activities, the proposed list in the project documentation was critically reviewed for feasibility, together with interpreting in the local context (incl. Kase 2019). In addition, relevant international frameworks, primarily those of ICES (e.g. ICES 2021) and HELCOM (HELCOM 2018) were also considered. Based on these, the agreed list of LSI activities within this project was composed of the following 24 items:

1. Renewable energy (incl. the use of seawater for cooling/heating, installing wind turbines in harbour areas, solar parks in the sea area, wave energy, and hydrogen solutions),
2. Mining of mineral resources (e.g. sand/gravel),
3. Development of ports, piers, slips, quays, berths,
4. Maritime transport (shipping, sea taxi service, etc.),
5. Regulation of waterborne traffic,
6. Tourism and recreation,
7. Motorised water sports (scooters, etc.),
8. Non-motorized water sports (rowing boats, sailboats),
9. Establishing ice roads,
10. Dredging of navigation routes,
11. Dumping of dredged material,
12. Sewage, gas and other pipelines,
13. Telecommunication cables,
14. Wastewater treatment,
15. Land-based industry effluent discharge,
16. Agriculture run-off,
17. Fishing,

18. Aquaculture (algae, shellfish, finfish),
19. Other marine living resource exploitation (e.g. seaweed harvesting, seal hunting),
20. Research and monitoring (incl. archaeology, fisheries and the environment),
21. Nature conservation,
22. Conservation of cultural heritage,
23. Securing public access to the sea and shore areas,
24. Military activities.

The idea of interactions between land and sea and considering these in planning is not new. It was an issue already in the 1990s through the global sustainable development discourse which pushed for integrated coastal and ocean management. The EU also began to promote the so-called integrated coastal (zone) management (ICZM) in the late 1990s through several INTERREG projects, culminating in EU ICZM recommendations in 2002 (2002/413/EC).

The concept of land-sea interactions has gained significance in Europe as a result of the EU Directive on Maritime Spatial Planning (2014/89/EU). As the EU cannot tell its Member States how to plan in territorial waters, which became very clear in the 2013 review of a draft MSP Directive, the ICZM was replaced with LSI (land-sea interactions), national sovereignty was emphasised, and existing coastal planning was recognised. Although the idea of land-sea interactions is not novel, the challenge lies in linking the land to a new and still emerging way of (spatially) managing the ocean. “Taking account of LSI” in the sense of the EU MSP Directive, therefore, means to bring together differing governance arrangements, to deal with a complex set of interrelationships that are context-specific and extend across multiple spatial dimensions (Morf et al. 2019).

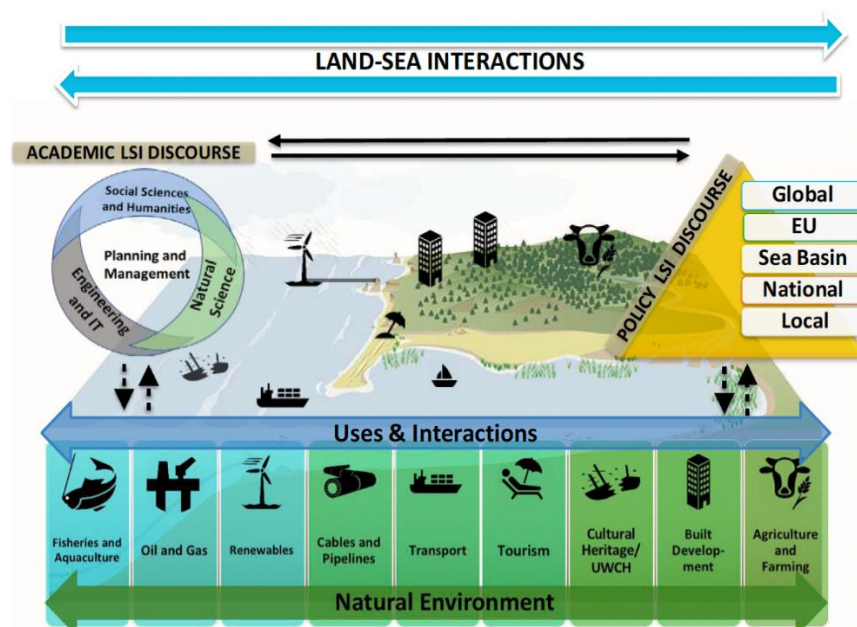


Figure 1 Two merging discourses and land-sea interactions: an interdisciplinary academic and a multi-level policy discourse. Source: Morf et al. 2019.

In Estonia, the first methodological guidelines for maritime spatial planning (Hendrikson&Ko 2009; Hendrikson&Ko and Artes Terrae 2015) proposed the adoption of a (at the time) three-tier land-use planning system for marine waters. However, the uniqueness of maritime space was fully noted. Among other factors, the dynamism, the interconnectedness of sub-basins, the lack of private property and borders and being subject to high public and international interest were stressed. It was also mentioned that compared to onshore land-use planning, maritime spatial planning is characterized by a constant shortage of information and data. For those reasons a conclusion was drawn that the leading role in maritime spatial planning should be played by the state authorities. Nonetheless, the guidelines emphasized that for several topics, the input from local communities is needed and thus the balancing of national and local interests is of key importance.

The first experiences in involving local governments in maritime spatial planning were gained during the preparation of regional maritime spatial plans for Hiiumaa and Pärnu counties. Hiiumaa MSP was adopted in 2016 (<https://maakonnaplaneering.ee/maakonna-planeeringud/hiiumaa/hiiu-mereala-maakonnaplaneering/>) and Pärnu county MSP in 2017 (<https://maakonnaplaneering.ee/maakonna-planeeringud/parnumaa/parnu-mereala-maakonnaplaneering/>). In both these counties, the important topics of discussion for local governments were the size and the distance from the coastline of offshore wind farm development areas. Local governments also provided important input in the land-based thematic areas of ports and shipping lanes, recreational facilities related to the sea and cleaning of estuaries.

In Pärnu County MSP, the initiative was taken to start a discussion about the rights of local governments in maritime spatial planning. It was proposed that the scope of the maritime area where local governments should have regulative and planning powers should be 1 nautical mile from the coastline. The scope was determined primarily by activities more closely related to the activities on land. The proposition was made to extend the following local government rights:

- if necessary, prepare comprehensive plans, thematic plans and detailed plans;
- to coordinate the issuance of building and construction permits;
- to coordinate the protection of natural objects;
- to give an opinion on the establishment of a cultural heritage protection area.

The discussion about expanding local governments' planning rights in maritime territories continued during the national MSP process. The municipalities emphasized their interest in planning maritime areas near the shoreline. However, the results of the survey questionnaire carried out in 2018 (see Appendix 3) and roundtable discussions revealed concerns about the lack of knowledge among officials as well as the lack of financial resources to perform planning-related tasks.

In the Estonian legal context, the Planning Act, which entered into force on 01.07.2015 (<http://ewprlegs1.fao.org/docs/pdf/est178355ENG.pdf>), guides the preparation of the MPS. Effective and sustainable use of the marine area and Estonia's openness to the sea are emphasized in the national plan "Estonia 2030+" established by the Government of the Republic [Order No. 368](#) on 30 August 2012.

The Estonian Maritime Spatial Plan (<http://mereala.hendrikson.ee/>) was approved by the government in May 2022. The Estonian MSP covers the entire Estonian marine space: the internal waters, the territorial sea, and the exclusive economic zone. In the MSP, land area is defined through functional interactions (so-called land-sea interactions).

The national MSP sets forth a vision: *The Estonian marine area has good environmental status, diverse and balanced use, and promotes the growth of a blue economy.* To achieve this vision, all traditional and new

activities in the Estonian marine area must be based on an ecosystem-based approach and follow the following spatial development principles:

1. The Estonian marine area is characterized by synergistic combined use.
2. The use of the marine area must be diversified, favouring activities that are more suited to the region.
3. The marine area is used as a public good, using the ecosystem services approach.
4. Marine area-related decisions are knowledge-based.
5. Cooperation and communication between states, authorities and stakeholders in decision-making on the use of the marine area is a priority.

The principles can be interpreted as emphasizing the need to maintain the leadership in MSP on the state level. On the other hand, favouring local values (principle 2) and cooperation and communication (principle 5) refers to the need to involve local input.

The adopted MSP serves as a basis for decision-making by various ministries and agencies but also guides the activities of businesses, investors, local governments, and coastal communities. The MSP must be considered in the preparation of subsequent plans, in the admission of permits for different uses and in the composing of national and local government strategic development documents, including comprehensive plans.

The plan-making process effectively demonstrated the growing need to regulate the use of the marine area as well as land-sea interactions using participatory planning tools. Although the national MSP was conducted on the state level (led by the Ministry of Finance which is responsible for spatial planning in Estonia), local governments were consulted during local workshops.

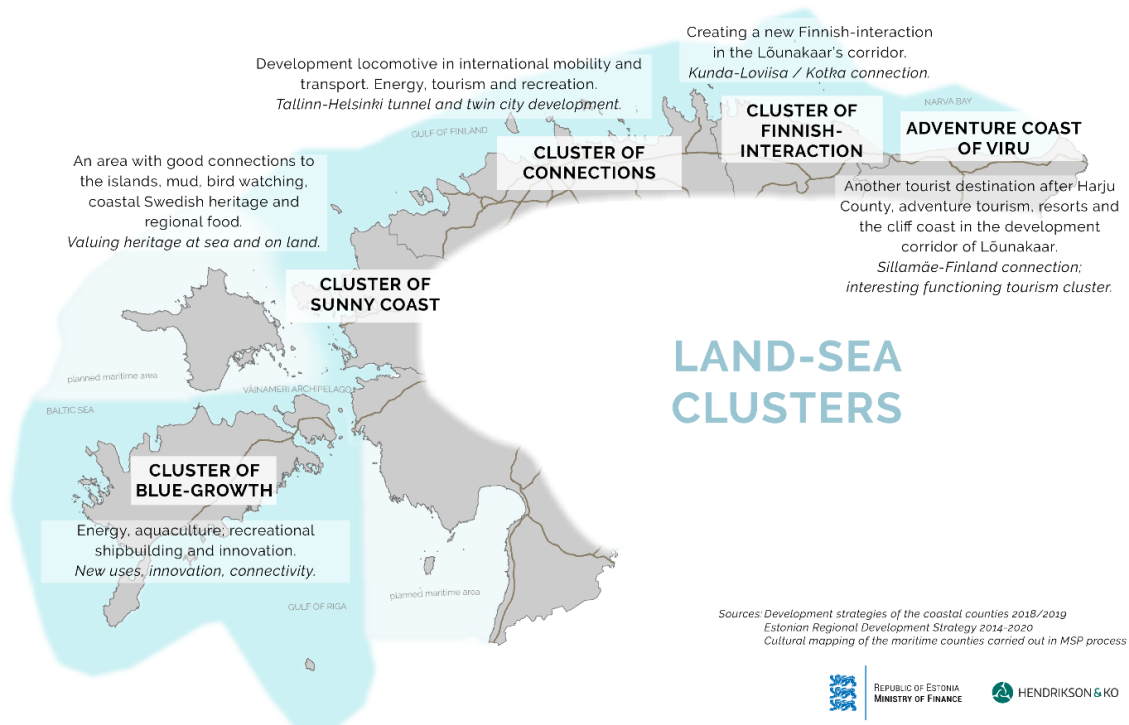


Figure 2 The land-sea clusters in Estonian MSP describe the regional specificities.
Source: Estonian Maritime Spatial Plan, 2021.

In the Estonian MSP, the regional specificity of the Estonian marine space and coastline is expressed by the so-called land-sea clusters (see Figure 2). The development of land-sea clusters was based on the Estonian Regional Development Strategy 2014–2020, the development strategies of the coastal counties (2018–2019), and the cultural mapping of the maritime counties carried out in the MSP process. Cultural mapping under the MSP provided input on regional specificities, strengths, and potentials. The keywords in the cluster names help to strengthen the local specificity for further development.

Most marine area activities are functionally or spatially related to land. Therefore, it is important to have a substantive link between marine and land-based planning and the integration of development documents. The national MSP provides general guidelines for local authorities on how to tackle land-sea interactions, but at this point, there is no legal and regulative framework in place to implement the guidelines. In conclusion, we can say the need and potential for local interventions in MSP are expressed both by the municipalities and the state.

3 Scoping and mapping LSI through desk research and stakeholder consultations

3.1 General

According to the Water Act of the Republic of Estonia (<https://www.riigiteataja.ee/en/eli/527122019007/consolide>), the national government has full jurisdiction over the maritime area, including the territorial sea and the exclusive economic zone. While the Ministry of Finance is responsible for MSP and overall spatial planning policy, other ministries are responsible for regulating the use of the sea in particular scopes. For example, the Ministry of Economic Affairs and Communications is responsible for maritime transport and associated matters, the Ministry of the Environment for nature protection, fisheries and pollution control, and the Ministry of Rural Affairs is responsible for fisheries economics.

The possible interests of Estonian local governments in maritime spatial planning have earlier been investigated in the framework of a few pilot projects in some selected counties (Hiiumaa and Pärnu counties), also more comprehensively in a specific study (Kase 2019). Previous surveys have shown that local authorities are interested in some activities at sea, such as recreation in coastal areas, the development of ports, and shipping lanes. The Estonian MSP process demonstrated municipalities' willingness to participate in the planning of offshore wind farms and related technical infrastructure. In addition to the legal framework, the more active role of the municipalities in MSP is hindered by a lack of knowledge and staff.

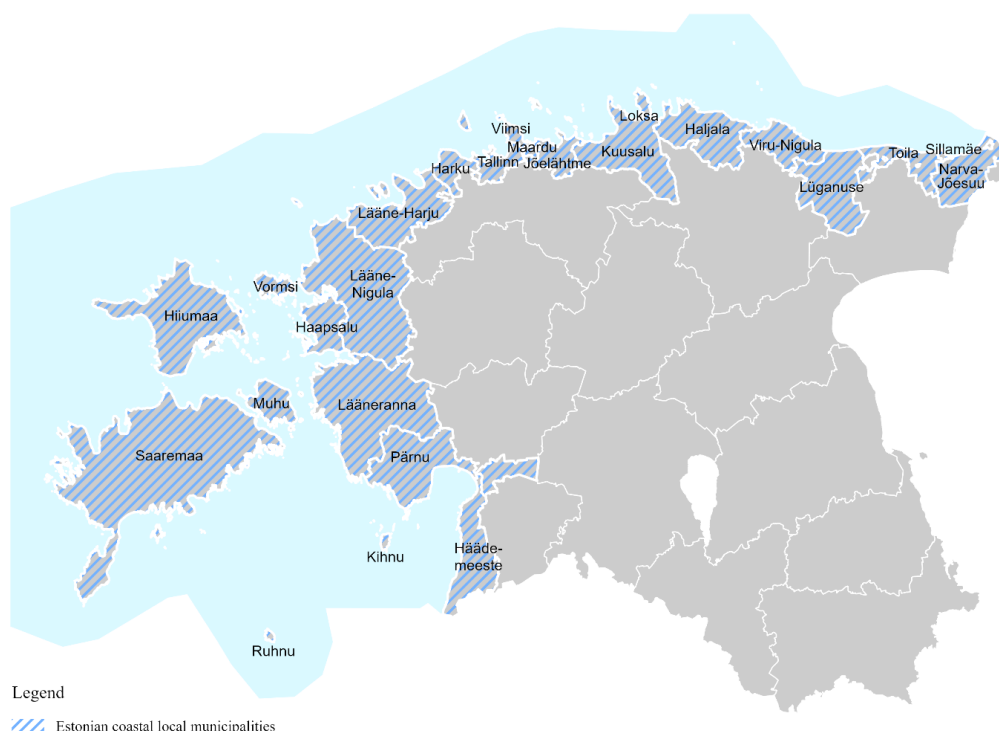


Figure 3 Locations of Estonian coastal local governments.

While the planning rights of local governments extend only to land, they have also been granted the right to regulate water traffic in the maritime area bordering their municipality. Thus, the local governments have the right to regulate navigation on public and publicly used water bodies, establish a speed limit for traffic and prohibit the passage to the ice cover (Kase 2019).

While the planning rights of local governments extend only to land, they have also been granted the right to regulate water traffic in the maritime area bordering their municipality. Thus, the local governments have the right to regulate navigation on public and publicly used water bodies, establish a speed limit for traffic and prohibit the passage to the ice cover (Kase 2019).

All Estonian local governments (altogether 25) which have a sea border were asked to participate in the survey (Annex 1) with online submission of their responses. The following four local governments were visited by a project team member to obtain a broader perspective of their issues, views and opinions: Tallinn city, Viru-Nigula, Saaremaa and Häädemeste (Figure 3).

3.2 Results of the survey questionnaire: summary statistics

Altogether 20 local governments responded to the survey questionnaire (for individual responses, see Annex 2). The survey was completed by one representative from each local government (except for the focus group interviews). The respondents (Figure 4) were e.g. either planning specialists, architects and construction advisors or have a leading role in the municipality (members of the municipality council).

Currently, local governments do not have the right to regulate or plan the maritime area in the leading role. However, most of the municipalities would like to have rights to regulate or plan the maritime area in the leading role when developing ports, slips, quays and berths (90%), securing public access to the sea and shore areas (90%), and activities that are associated with tourism and recreation (65%). Several municipalities would like to be in the leading role also in wastewater treatment (50%), motorised water transport (45%), installing wind turbines in harbour areas (40%) and dealing with maritime transport (40%).

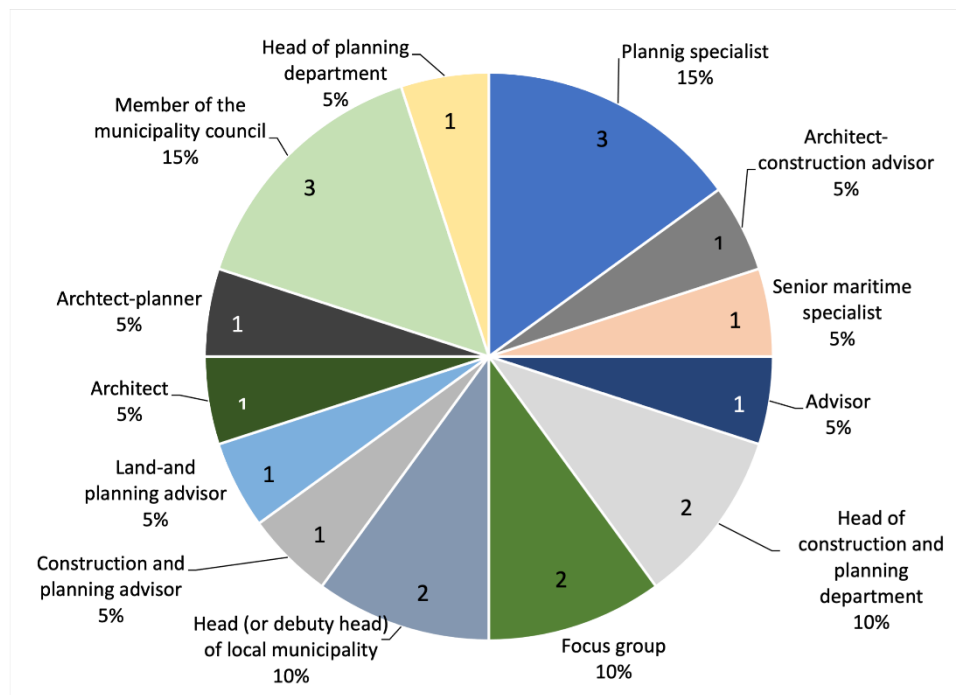


Figure 4 Occupations and titles of the survey respondents (n=20).

More than half of the local governments would like to be involved in activities related to renewable energy (70% hydrogen solutions, 65% solar energy, 65% use of seawater for cooling/heating), mining of mineral resources (55%), installing sewer, gas and other pipelines (55%), agriculture run-off (55%), nature conservation (55%), regulation of waterborne traffic (55%), installing telecommunication cables (55%), fishing activities (55%), and conservation of cultural heritage (50%).

Over half of the municipalities would like to be informed about the activities related to dredging of navigation routes (55%), research and monitoring (55%), and dumping of dredged material (50%).

Dredging of navigation routes, wastewater treatment, securing public access to the sea and shore areas, and research and monitoring were the areas in which all municipalities saw a definite need to regulate or plan while being in a certain decisive role themselves (Figure 5).

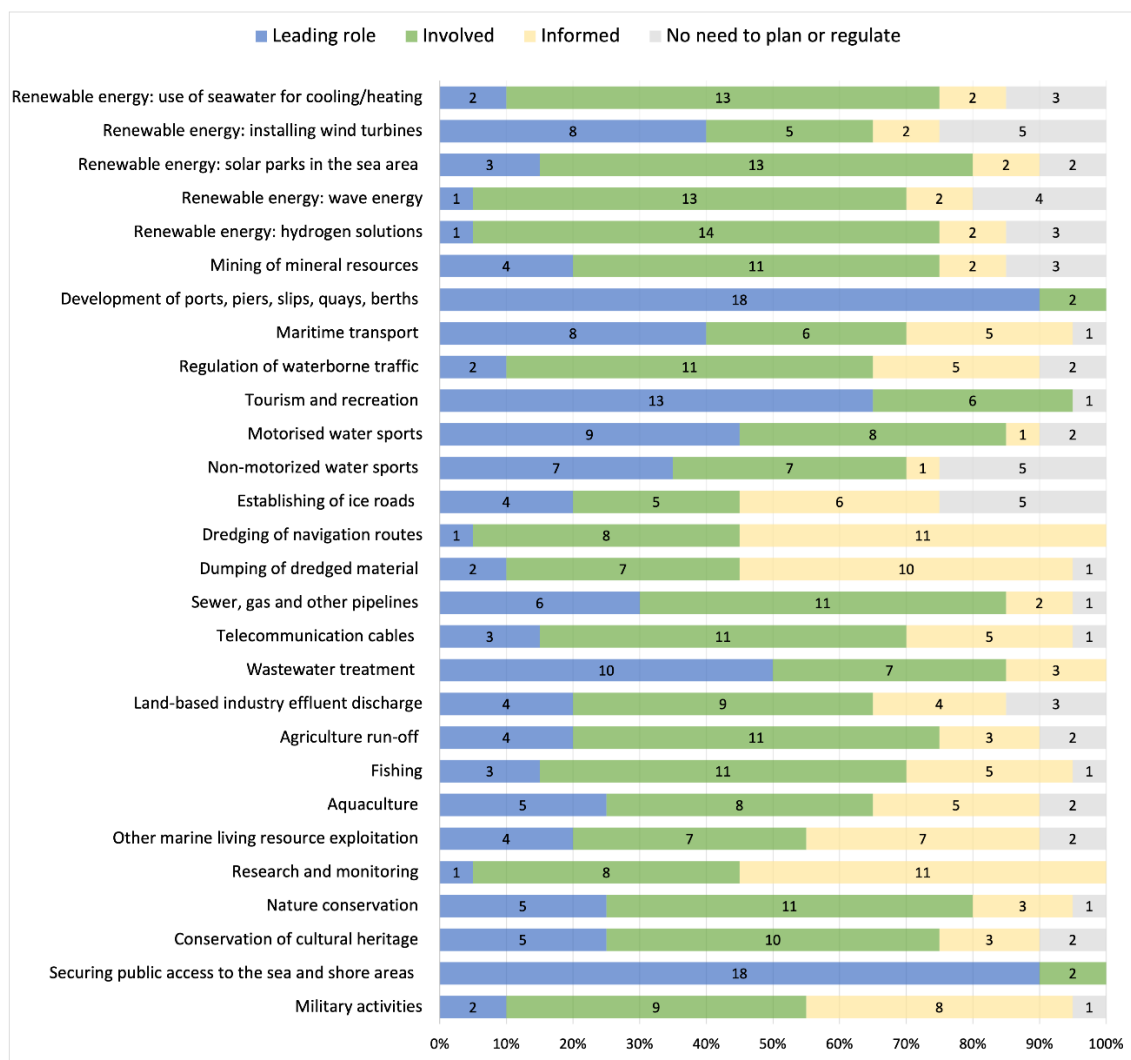


Figure 5 Areas of maritime use that municipalities currently need to plan spatially or were to regulate their activities, and the role each municipality would like to have in these sectors (n=20).

85% of the local governments found that they have an interest in (being in a leading role) and need to plan and regulate maritime areas bordering their municipalities (Figure 6).

The adequate distance from the coastline that the local governments (being in a leading role) would like to have the authority to plan and regulate depends on the need and functionality of up to half of the respondents (50%). 20% of respondents thought it should be one nautical mile (i.e. 1.9 km). 10% responded that the adequate distance from the coastline should be more than one nautical mile (Figure 7). The category 'Other' with 20% of the respondents stated:

- one nautical mile or in the case of valid reasons more than one nautical mile (n=1);
- depends on the activities and impacts of these activities (n=1);

- 12 nautical miles (n=1);
- the local government should have the authority to plan and regulate areas up to 15 km, in which they can make yes/no decisions in planning this area; further than 15 km may be regulated by the state (n=1);

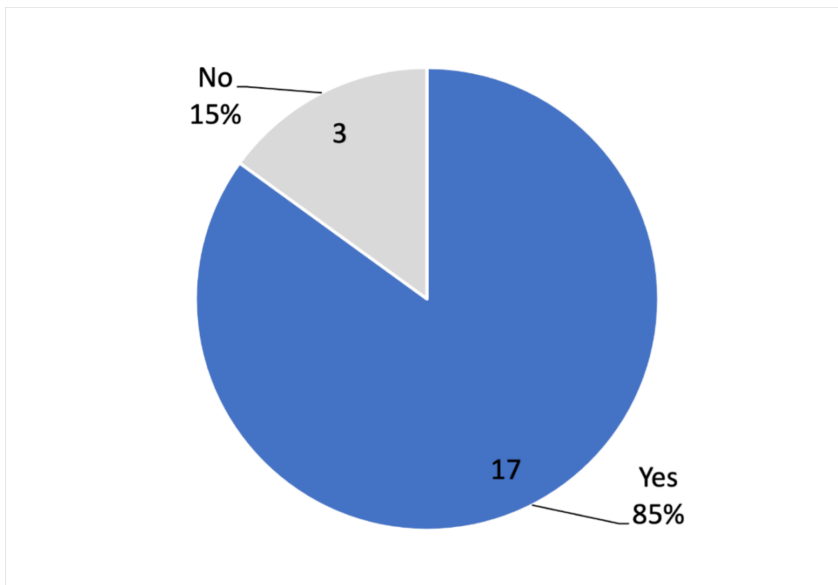


Figure 6 Interests of local governments in planning and regulating maritime areas (n=20).

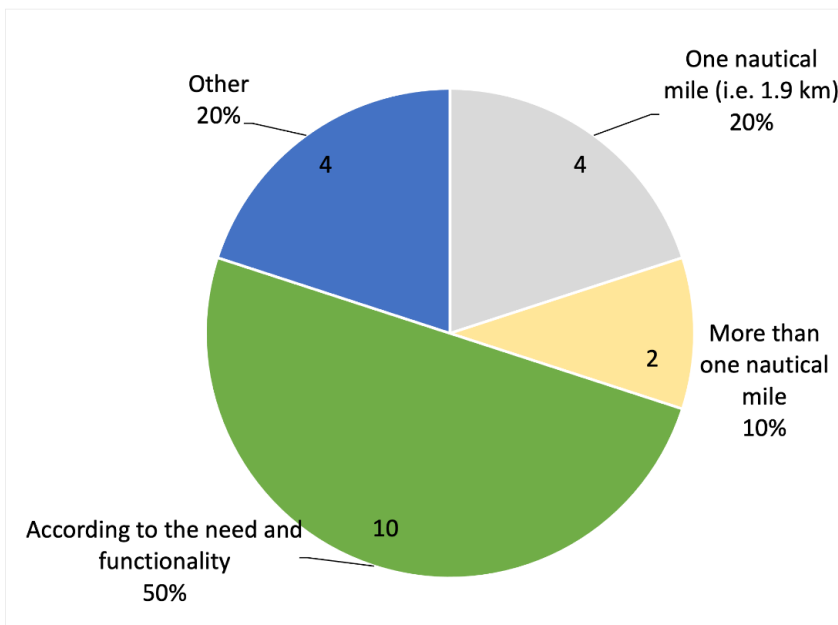


Figure 7 The adequate distance from the coastline that the local governments would like to have the authority to plan and regulate (n=20).

Local governments need support in knowledge and skills (90%), financial (90%) and human resources (85%), the legal framework (85%) as well as guidelines and technical support (e.g., from ministries, 80%) for the MSP and regulation of different sectors of human activities (Figure 8).

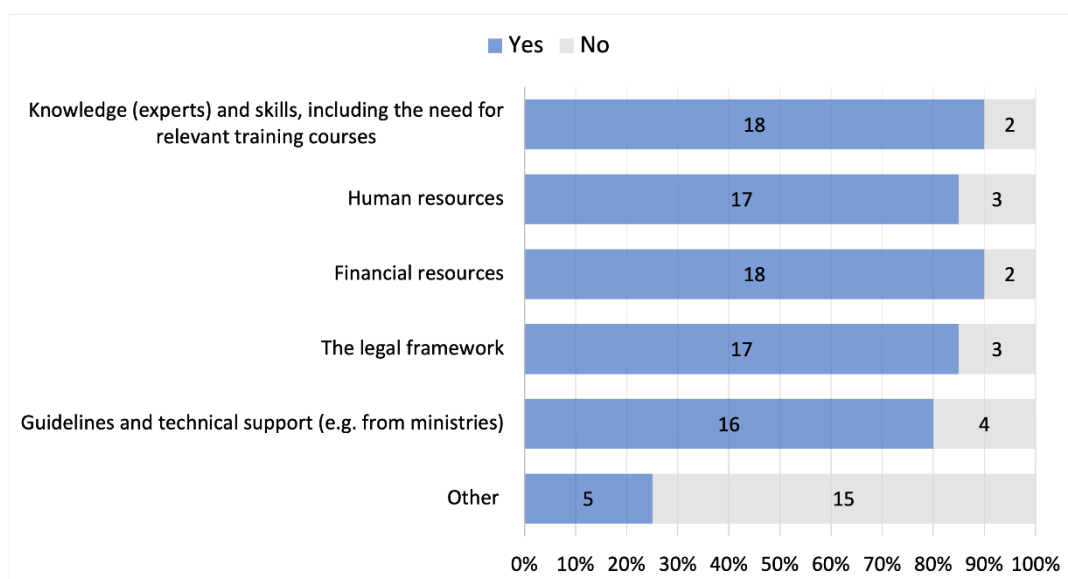


Figure 8 Support needs of the local governments for MSP.

Under the category 'Other' (25%), the municipalities stated:

- being included in international projects (finances and knowledge);
- an agreement must be made between the local government and the responsible ministry. The content of the contract would be the overall task of the state, the role of the local government in it, as well as the number of funds allocated from the state budget to help the local governments to fulfil these tasks;
- the most important aspect is the legal framework;
- cooperation between different authorities is still effective when the state is planning a maritime area, i.e. different authorities are sharing their views within their competence. Thus, this competence does not have to be concentrated directly in the local municipality, but the local government should have a greater right to give a binding opinion or make a dissenting decision in maritime spatial planning. Thus, the options related marked in this question are not subject areas that should somehow be concentrated in the local municipality, but I marked what the local government has in the minority today. The support that would be most needed in practice is the legal framework. Of course, there is always a lack of financial resources, which itself limits the involvement of human resources and thus of knowledge and skills in the process. I believe that the legal framework and financial resources make it possible to acquire knowledge and skills through the involvement of human resources and that guidelines and technical support are already a natural extension of the process;
- there are many areas where support is needed, but mostly in human resources.

3.3 Results of the survey questionnaire: legal issues

This section provides summaries together with detailed feedback from respondents on the two last questions of the survey.

Question: Which activity/sector/ aspect is unregulated, or insufficiently or over-regulated by the state in the maritime area? Please explain and provide details.

Summary:

Some local governments felt that most sectors are rather over-regulated, for example renewable energy and construction of small ports and slips. There were also views expressed that some aspects are under-regulated, for example securing public access to the shore areas or transferring fuel from ship to ship. There were also indications that the overall system is fragmented, and some support would be needed from the state (legislative, overall knowledge or financial).

Respondents also brought out concerns regarding construction (overall rules, bans as well as construction in the coastal areas) and planning, water traffic, maritime transport and navigation marks, putting attractions at sea, pollution, military activities, fishing regulations, regulations of the coastal areas (shoreline), environmental impact of the construction of wind farms, environmental and nature conservation or cultural heritage planning and protection.

Four local governments did not mention any activities, sectors or aspects that are unregulated or under/over-regulated by the state or they failed to name one because they do not have a leading role in these activities.

Individual responses received:

- Military activities, construction and planning, and water traffic are insufficiently organized.
- Environment and nature conservation (*respondents did not provide any further explanation*).
- Mapping of the maritime sector has not been done yet. In my personal opinion, this is mainly because the maritime services are fragmented between different institutions.
- Construction of small ports as well as slips is over-regulated (environmentally).
- At present, for example, the transfer of fuel from ship to ship is unregulated. This bears a high risk for environmental disasters.
- Securing the shore and addressing shore erosion. Artificial islands, floating saunas. Also, the degree of regulation and the spatial scope is very needs-based. In the answers to question 3 in connection with maritime transport, a leading role is necessary from the point of view of public transport (e.g. water taxis). The local government should certainly not regulate international shipping. The same goes for ice roads. Also, public space above water, cantilever parts of the buildings above the water, floods, shore fortifications, changing coastline and changes in land use or construction conditions over time with that. Pollution – division of roles and responsibilities of the state and the local municipality.
- Nothing is under-regulated, rather over-regulated. The building register does not function. Environmental regulations are the most problematic ones. Local governments must deal with maintenance on land, but the state does not support it financially.
- Since the local government does currently not have a leading role in these activities, I do not have sufficient experience to evaluate the adequacy of relevant regulations.
- Renewable energy development is overregulated. Securing public access to seashore is underregulated.
- Most areas are over-regulated. The protection and planning of cultural heritage should be more organized by the local municipality. The entire coastal area is closed for construction. The construction exclusion zone covers a shore area of 200m on islands and 100m on the mainland. In some areas where there are more floods and ice (in the winter) the construction ban area should be wider.
- Professional fishermen working near seal protection areas should be provided with more affordable seal repellents with subsidies. In one particular small island, compared to other small islands, professional fishermen have for this reason approximately ten times fewer historical fishing rights, which is disproportionate.
- The main concern is the construction of wind farms in the Gulf of Riga. As a local municipality, we understand the need for the state to find solutions to the situation in the energy sector, where production capacities are needed, but we do not understand the irregularity of planning new production capacities. We want the environmental impact assessment of all offshore wind farm areas to be carried out for the whole offshore park area together. Unfortunately, this is not the case at the

moment. The views and interests of the local community must be considered when assessing the environmental impact of offshore wind farms. When planning massive wind farms, it is necessary to ensure the development and establishment of a functioning compensation mechanism with considerable weight for the community, which, according to the information available to us, has not been done so far.

- The organization of the use of the maritime area is biased towards the state – too much control in the decision-making without the obligation to involve local governments. In other words, the local governments do not have effective tools to make its views and needs heard. I have indicated the topics listed in the question above (about the areas and roles) in which the local government should and would like to have greater involvement/role in, but these are not currently topical issues. Participating also means submitting a binding yes/no opinion, which the state must take into account. We are not opposed to the state being in a leading role; it is reasonable to implement it in the light of having a bigger picture, but the local government needs its own legislative tool, so to speak, as well. Asking for an opinion, which is known to be overridden *a priori*, will not increase the confidence of local governments in the field of maritime spatial planning.
- Navigation and navigation marks (*respondents did not provide any further explanation*).
- Putting attractions at sea (*respondents did not provide any further explanation*).

Question: please provide specific suggestions for changing some of the most important legal provisions for the use of maritime space in your local government (e.g. which legal provisions are incomplete or need to be changed).

Summary:

Some specific suggestions were proposed regarding the problems that local governments are facing. For example, a suggestion was made that municipalities should have more rights (legally as well as more say in decision-making), adequate resources and sufficient flexibility. Some municipalities felt that the overall communication (e.g. with the Environmental Agency) and cross-sectoral cooperation could be improved.

Few municipalities mentioned wind farms. One of them said that they would like to have fewer of them and farther away from the coast. Another municipality was concerned with the issues around the construction of wind farms and how they affect fisheries. The construction of wind farms directly reduces activities in the fishing sector and thus explicitly affects the fishing sector financially.

Municipalities also specifically mentioned some problematic sectors or activities, where changes need to be made, for example nature conservation laws, the military sector (shooting range in the conservation area), water traffic (cancellation of trips and finding alternative solutions), transshipment and bunkering, hauling routes, the obligation to apply for environmental permits for the constructions and construction in the coastal areas in general, granting building rights, ensuring public access to the coast, control in the fishing sector (equipment), agriculture and putting attractions at sea.

Five municipalities did not have any specific suggestions.

Individual responses received (merged, if similar):

- The military field. Use of the shooting range in Kolga landscape protection area and integration with Lahemaa National Park.
- Nature conservation laws.
- Under the Permanently Inhabited Small Islands Act, the state should have an obligation to ensure the continuity of regular trips in the event of cancellation. In the 2008 version of § 8 (3), it is said that: in the event of interruption of a waterway connection (interruption of regular trips) due to ice

conditions or for any other reason, an ice road should be constructed or regular trips by airplanes should be provided to ensure the continuation of the regular trips. This is established by the Government of the Republic. The currently in force § 8 (3) of the Permanently Inhabited Small Islands Act states that the Transport Board organizes the construction of ice roads in accordance with the requirements established on the basis of § 92 (10) of the Building Code and § 65 (151) of the Traffic Act. However, this does not guarantee the inhabitants of the permanently inhabited small islands that the state will immediately provide a solution in the event of interruption of regular trips.

- The obligation to apply for an environmental permit, except for the construction of smaller ports and larger slips. The construction of public recreational buildings in the construction exclusion zone should not be prohibited. Transshipment of hazardous and other substances outside the waters of ports shall not be permitted in Estonian territorial waters.
- Local governments are affected by everything that is happening at the sea, e.g. bunkering, and in the event of an accident, the outcome must be dealt with by the municipality.
- Local governments need more rights. The local government tax system does not provide sufficient resources. The municipality should be able to grant building rights.
- I have not had much experience with planning the marine area, so I cannot provide specific suggestions.
- Since the local government does currently not have a leading role in these activities, I do not have sufficient experience to give any specific suggestions.
- The seashore public access area could be broader, at least 20 m. The beach belongs to the people.
- I have not had any major problems, except with wind farms (they should be farther from the coast and fewer in number) and the construction exclusion zone. There is a lot of communication going on with the Environmental Agency and sometimes we mutually disagree. For example, state-designed Natura areas hinder local development, there are too many of them. We would like to have more rights and say in hauling routes. The blue economy issues are affiliated to several ministries, where each one only looks at its own issues. Making offshore sumps and wind farms according to the same legislation – more flexibility is needed.
- In the case of a particular fish species (invasive round goby is the current concern), if some species starts to overpower others and management intervention could balance the situation, then it should not be left to the nature or the market to regulate it. Perhaps it is possible to support certain types of traps to regulate the population size.
- A major overall problem is cross-sectoral cooperation, which is sometimes lacking. For example, the construction of wind farms and their effects on fisheries. The construction of wind farms directly reduces activities in the fishing sector and thus affects the financial aspect of the fishing sector. Therefore, cross-sectoral co-operation (incl. operational information exchange and consultation) must be provided by law and made an obligation. And failure to do so also provides for appropriate sanctions. Aquaculture is not yet widespread, but it can be expected in the future. This may require new/different approaches or conditions and requirements. These need to be taken into account when adapting legislation in the future.
- Legally, local governments do not have rights in the use of the maritime area. It is true that there are certain rights in relation to facilities functionally linked to the coast, but these facilities generally border directly on the coast and are rather not to be understood as a wider maritime area. A conceptual change of mindset is needed – local governments must have the right to plan the use of their maritime space and to work through different legislation in order to find the provisions that need to be changed to implement the concept. Today, the local government essentially watches from the shore while the state makes decisions, moreover the local government and the state do not have sufficient communication about these decisions. The proposals are submitted through the Association of Estonian Cities and Municipalities, but it should not be like this – every local government must be able to have a constructive dialogue about this directly with the state, not through representative organizations, especially in the matters that directly concern the well-being of the local government population.
- Construction in the beach area, especially in the beach and coastal areas. Legislation is complex and sometimes contradictory (for example, different interpretations of the provisions on the delimitation of the construction exclusion zone in nature conservation legislation). Over-regulation, for example to reduce the construction exclusion zone requires a detailed plan that changes the general plan.
- Putting attractions at sea (*respondents did not provide any further explanation*).

3.4 Summaries of focus group interviews

3.4.1 The Association of Estonian Cities and Municipalities

The regulation of the beach protection area and building rights should be clearer and give the local government the opportunity to participate more in the decision-making process. The restrictions on building rights should be reviewed. Building rights closer to the beach area should not be allowed or issued. One of the challenges is that access to the sea area is not that clearly regulated. This explicitly affects public use of the beach, e.g. for recreational purposes.

3.4.2 Ministry of Environment, Department of Marine Environment

The interests of local governments should be presented in the national maritime spatial plan. It would be an unnecessary administrative burden for each local government to individually plan their coastal areas. Further, the general opinion in the survey was that all construction activities that take place on the sea are over-regulated and, in some cases, it would not be necessary to process an application for a building permit. There was a view expressed that planning and establishing boat harbours and bridges which are connected to the mainland should be in the competence of local municipalities, for example within 1 nautical mile. All issues related to the economic activities of local governments should be resolved by the local governments. For example, at some point, the right of local governments to build wind farms should be discussed.

3.4.3 Consumer Protection and Technical Regulatory Authority, Department of Construction and Railway

Local authorities already have a leading role in securing public access to the sea and shore areas, although this should not be the case because this is not done in the interest of all people. Rather, they should have a right to coordinate this area. Municipalities should have a leading role in recreation and motorized and non-motorized water sports.

The authority of the local governments in terms of planning and regulating should be up to 1 nautical mile from the coast, but it should certainly be possible to extend the planning right depending on the facility. Security and other vital issues should remain with the state, but sports facilities and other objects should be handled by municipalities themselves, such as the elephant slide at Pärnu beach.

If the planning rights of municipalities were extended to the maritime area, they would not need to hire a separate specialist, because there are not so many facilities that the existing construction adviser would not be able to deal with them. Municipalities should be given clear guidelines by ministries.

The official thinks that the maritime area is not over-regulated by the state. The new maritime spatial plan has clear guidelines for different areas. According to the plan, changes have been made in relevant legislation and now it is not possible to point out anything that needs to be changed.

3.4.4 LEADER action groups focus group interview

Participants (3): representatives of the Association of Fisheries of the Gulf of Riga (FGR) and the Pärnu Bay Partnership Association (PBP).

The LEADER is an initiative of the European Union. The purpose of the program is to promote local life in rural areas through cooperation at the local level, helping to create rural development strategies based on local partnerships. The so-called "fisheries leader" is a measure of the European Maritime and Fisheries Fund program "Implementation of the community-led local development strategy". In Pärnu County, the

territories of the participating municipalities involved in both schemes largely overlap, which is why it is interesting how the organizations responsible for local development see marine area planning.

The attitude of the FGR towards granting marine planning rights to local governments is unequivocally negative. An example was given when six municipal governments changed in one year, which created delays in political drafts and important decisions. The already over-regulated maritime sector would thus become even more complicated and bureaucratic. Municipalities do not have maritime competence, there is almost no one specialist with corresponding education.

The attitude of the PBP about the granting additional rights to municipalities was milder. They pointed out management bottlenecks at the central government level and argued that legislation is sometimes followed very formally by and within different administrative silos (sectors) without considering all associated implications on different stakeholder groups. Thus, in certain areas, the extension of the rights of the local government could be considered. There should be more say in the decision-making process when it comes to the already existing ports, where changes are allowed on the basis of a construction project. The territory of the port is not included in the shore construction ban zone. The port should be developed in a simplified manner, but as a complex it should be able to offer full service, e.g. accommodation and café services. Unfortunately, state agencies' interpretations in this matter have been different so far.

There should be more rights for municipalities to intervene in the construction of offshore wind farms. Construction in water bodies should still not be in the competence of the local authority, so far it is ensured by the Technical Supervision Agency and the Environmental Board. The coastal construction ban zone should be more flexible. It is considered that the maximum possible water rise height is 3 m, but in most cases, it is not sufficient, because the flooded area is much wider. Exceptions should only be made in the case of public interest, for instance, the construction of walkways in the sea area to access the coastal path, but the Environmental Board has been very rigid so far.

The local municipalities could have the right to organize shore protection, but there is a risk that soil will be flushed away if arranged in a wrong way. Dumping can be a problem as well. For instance, dredging of the port in Pärnu filled fishnets with clay. Pre-studies and environmental impact assessment must be a prerequisite in all cases, but environmental impact assessment and its supervision cannot be performed by the same company. Supervision must be arranged by a public institution.

Shellfish and algae could be grown (aquaculture) when planning the corresponding areas under the comprehensive land use plan. However, the municipalities should not have the right to regulate aquaculture (FGR) development, because there have been cases where projects are pushed through in the council because of nepotism.

The protected species regulations should be less rigid. There are several examples where the developments have been stopped because of finding a single nest or a plant of protected species. A separate topic is the need to regulate the number of cormorants (especially on Sorgu island in Pärnu county). It would be necessary to allow the cutting of reeds.

3.5 Further insights from the local governments' interviews

3.5.1 Viru-Nigula municipality

Based on an in-depth interview with the head of the rural municipality.

Viru-Nigula municipality (VN) is located on the northern coast, about 110 km from the capital Tallinn. The unit was established during the 2017 administrative reform that saw the merger of the city of Kunda, Viru-Nigula and Aseri municipalities. Its economy has long been based on the production of cement (Kunda) and ceramics (Aseri), and the mining of clay, limestone and oil shale (as raw materials) – therefore suffering from considerable pollution for over 100 years. By now, production volumes have decreased, with Aseri only producing bricks (Wienerberger). Kunda Nordic Tsement is only packing from imported clinker (kilns are no longer in operation and the raw material is no longer mined from quarries). The Estonian Cell aspen pulp mill and the Bauroc building block factory have been constructed near Kunda. The economy of the municipality is thus largely based on the manufacturing industry. The population is positive about new production investments as they understand that this is needed for creating new jobs. Even the construction of a nuclear power plant might be possible according to most residents.

The pipes of the Kunda wastewater treatment plant flow into the coastal reeds and the Estonian Cell wastewater leads 2 km away to the open sea. There is an oil terminal in the port. The beaches of Lontova, Kunda, Mahu and Kalvi are in "wild" use – as the state (forestry company) seem to be unwilling to allocate financial resources to improve the infrastructure there.

Renovation of private buildings on the coast is quite active. However, public access to the sea and the coast is problematic, associated with planning mistakes made in land privatisation during the 1990s. The regulation of motorized water sports (scooters, etc.) has been agreed with NGOs activists in Kunda. The noise is an issue but there is not much concern in Kunda because people are used to the industrial noise.

The coastal sea area planning could be organized by municipalities within 1 nautical mile, if necessary, more. The municipality should be able to grant building rights in the coastal area. There shall be more cooperation with the state agencies and more consideration of the interests of the local government and residents. So far, in many ways, ministries and their agencies have neglected local interests.

Nothing is under-regulated by the state, rather over-regulated, for example environmental regulations are too restrictive. The municipality lacks the capacity to stand for its own interests, hence spatial planning and environmental impact assessments are outsourced, if necessary, and this makes further plans in turn fragmented and inconsistent. Thus, local governments need more rights but also changes in the tax system, which would give them more resources for spatial planning, too.

3.5.2 Saaremaa municipality

The following is based on a focus group interview (4), involving the municipality's leading officers, planners and representatives of Kuressaare College of the Tallinn University of Technology.

The municipality of Saaremaa (MS) was formed during the 2017 administrative reform amalgamating all previous municipalities, including the whole of Saaremaa Island with small surrounding islands. Saaremaa's economy is diverse: both manufacturing and services, especially tourism are represented. All activities are largely dependent on ferry connections to the mainland. One of the leading branches is small craft (ships and boats) production, where around 30 companies are clustered. For a long time, Saaremaa has been a favoured second home destination for both islanders themselves and others, with some of the highest real estate prices in Estonia. Recently, the hot topic has been the construction of offshore wind farms: opponents are fighting for their clear sea panorama and supporters hope to turn it into a new source of economic growth.

Saaremaa has three large ports operated by state-owned companies (in addition to the important Kuivastu ferry port located in Muhu municipality) and MS organizes the activities of more than 30 marinas. This is also the reason for MS's ambition to manage the more than 874 km long coastline and its sea areas within 12

nautical miles much more by themselves and to set the ground for a new emerging blue economy. The desire is to have decision-making rights in most areas given in the survey, even in the military field, where they hope that a naval base will be built, and in the protection of cultural heritage based on the recently discovered Viking ships. Ports can be managed through spatial planning; the municipality is able also to arrange sea transport, but it is not allowed to organise it.

The biggest spatial planning issue on the islands is the 200 m construction ban zone along the shores, where construction can only be done based on detailed plans and permission of the Environmental Board. In some areas, much wider building restrictions could be reconsidered due to the flood and ice threat. On the other hand, the construction on a higher bank could be allowed closer to the shore. The coastal protection zone compared to the earlier plans adopted in the 2010s is now interpreted differently, e.g. it is no longer possible to build on the same line next to the adjacent property.

Coastal planning is arguably rather over-regulated. Saaremaa municipality has not had any major problems so far, except windmills (locals want fewer of them further away) and with topics related to the interpretation of the coastal protection no-build zone. There is a lot of arguing with the Environment Board. For instance, the Natura 2000 areas hinder development, there are arguably too many of those. Also, there should be more rights for the municipality in setting up coastal paths and small touristic infrastructure. The maintenance of the beach areas belonging to the State Forest Management Centre (RMK) has not been agreed upon, the RMK does not want to contribute.

The blue economy centre is being created by the Taltech Kuressaare college where a wider range of competencies will be included, but they have an acute shortage of staff. The blue economy needs to create new business models along with wider shared responsibility, but so far it is divided between several ministerial silos, where each one looks at its field only. On the other hand, offshore wind and fish farms are regulated by the same law – there should be more flexibility, i.e. separate laws or at least separate chapters.

3.5.3 Tallinn city

The following is based on a group interview with the Tallinn City Government Strategy Centre's Spatial Development Competence Unit leaders. Tallinn City Government, in general, has an interest in leading and coordinating spatial developments and building activities in maritime areas. However, the specific fields where local governments should have a leading role would have to be in correlation with the tasks set for local authorities in legal acts. The most pressing issues are related to building activities (artificial islands, floating buildings, cantilever parts of buildings on the water, etc.), technical infrastructure, including renewable energy solutions, public access to maritime areas and public transportation (water taxis). There are already initiatives under discussion to use seawater for cooling. Also, pollution management was raised as a specific issue, which in a sense should be regulated at the state level but in reality, the municipalities are often responsible for cleaning up coastal areas in case of accidents. Technical reinforcement of the shoreline to stop erosion is also of great importance.

It was emphasized that the specialists in local governments need thorough training in case a reform would take place. Also, additional funds and officials are needed to manage the maritime issues by the local government. The most important aspect, however, is the legal framework that would ensure the straightforward division of roles and tasks between the state and local levels.

3.5.4 Häädemeeste municipality

The following is based on a focus group interview with municipal leaders.

The municipality of Häädemeeste was formed during the 2017 administrative reform merging two former municipalities (Häädemeeste and Tahkuranna). Fisheries, both commercial and recreational, have been historically one of the most important activities in the area, supported by very rich biological productivity of

the sea. Also, activities related to maritime tourism and shipping are important. The new and emerging human activity in the area is construction of offshore wind farms.

The main concern related to the MSP is the construction of wind farms in the Gulf of Riga. As a local government, they understand the need for the state to find solutions to the situation in the energy sector, where securing production capacities for the country is needed. However, what remained confusing was the irregularity of planning new production capacities. The problem is that the environmental impact assessment of all offshore wind farm areas should be carried out for the whole offshore park area together. Unfortunately, this is not the case at the moment.

The views and interests of the local community must be taken into account when assessing the environmental impact of offshore wind farms. When planning massive wind farms, it is necessary to ensure the development and establishment of a functioning compensation mechanism with considerable weight for the community, which, according to the information available to the interviewees has not been done so far.

A major overall problem is cross-sectoral cooperation, which is sometimes lacking. For example, the construction of wind farms directly reduces fishing as a sector and consequently jeopardizes opportunities for continuation of its relatively rich financial subsidising. Therefore, cross-sectoral cooperation (incl. operational information exchange and consultation) must be provided by law and made an obligation. And failure to do so also provides for appropriate sanctions.

Aquaculture is not yet widespread, but it can be expected in the future. This may require new/different approaches or conditions and requirements. These need to be taken into account when adapting legislation in the future.

One of the major concerns expressed was that the central government does not respond to formal letters by the local government on maritime spatial planning, thereby disregarding the relevant law. Such a fact indicates that the current vertical communication lines are not efficient.

4 Investigating relevant planning frameworks and related legislation to identify best practices that could be transposed to the Estonian case

In many countries, local governments have certain rights when planning maritime space, either in a certain territory or in certain areas. Spatial planning is the field where European Union member states have sole authority. Therefore, it is not surprising that the regulative frameworks used for local maritime planning vary across Europe and are usually in correlation with onshore planning patterns. There have been several attempts to draw up European “Planning Families” (see for instance Newman and Thornely 1996, EU Compendium of Spatial Planning Systems 2000). Planning theorists emphasize the legal and administrative systems as key factors in determining or establishing the basis for planning systems.

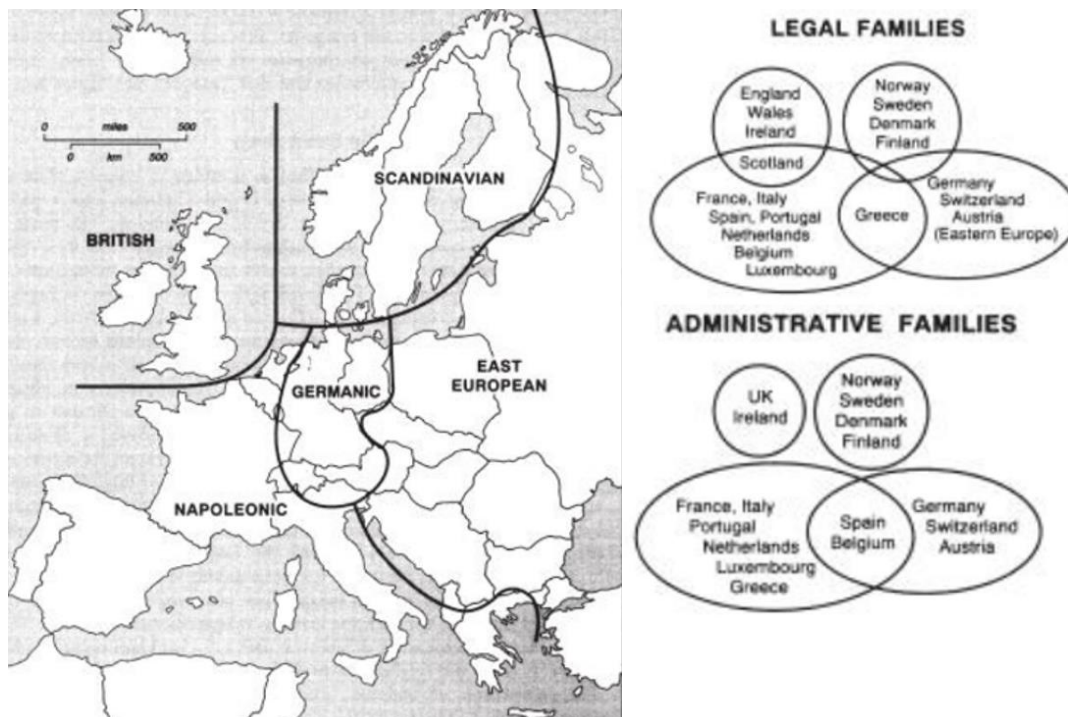


Figure 9 European “Planning Families”. Source: Newman and Thornely 1996.

The pattern is similarly diverse when looking at the level of competencies and responsibilities. It has been previously demonstrated that there are no clear rules regarding centralisation across Europe (COMPASS 2018; see also Figure 11).

As maritime spatial planning is a relatively new field for all the countries, the situation is even more complex. For example, German municipalities generally do not have maritime rights, but they have the option of extending planning rights to a certain part of the maritime territory to develop recreational facilities or build ports. Finnish municipalities have experience in coastal planning in the fields of construction, shipping, transport, nature conservation and wind energy. Territorial waters are part of municipal territories, and they can draft general level plans and more detailed plans for their maritime area. Each municipality has to be a member of a Regional Council, which is a statutory organization. As it is an organization of municipalities, it has a right and also an obligation to draft regional land use plans. Most regional land use plans cover also maritime areas, but only one Regional Council, Kymenlaakso, has drafted a maritime regional plan. Regional councils have to draft harmonized MSP for Finland in three parts, and the plan has to cover all Finnish maritime waters; both territorial waters and exclusive economic zone (EEZ, www.merialuesuunnitelma.fi).

To be able to do that there is an unofficial “MSP coordination group”, in which regional councils and the Ministry of Environment takes part.

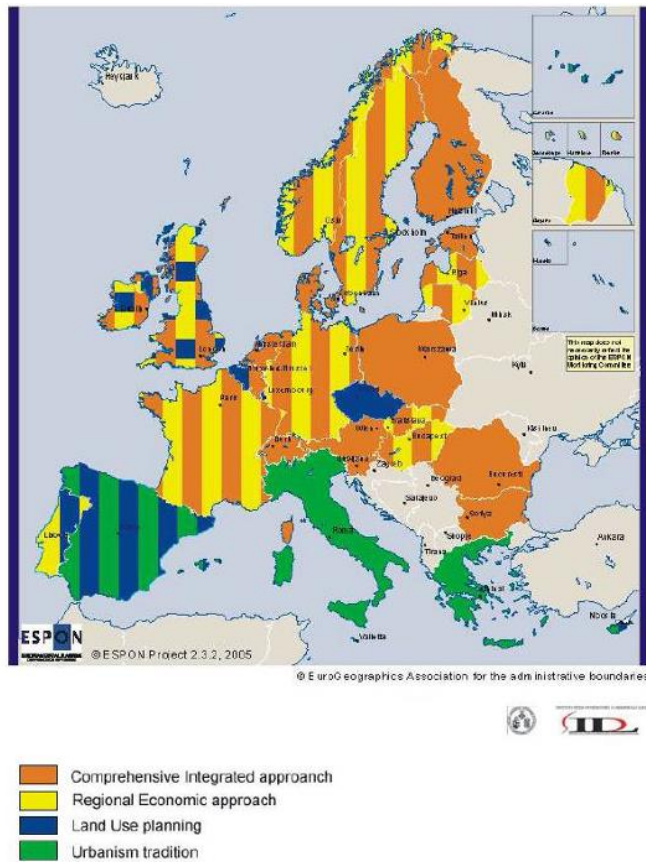


Figure 10 European “Planning Families”. Source: EU Compendium of Spatial Planning Systems 1997.

In Norway, local land use plans cover fjords as a whole, including the sea area. Local planning related to the coastline is often organised in collaboration with the county. This way it is possible to address challenges covering larger areas, negotiate agreements, and also increase the competence level of planners. Topic-wise, for example, fish farming is of great interest for the developers. Integrated coastal zone planning on the regional level seeks to balance competing interests, with aquaculture representing an increasing pressure fuelled by a dominant discourse of blue growth. The county has legal planning authority in such case and can overrun communes, the plan will then be sent to the national level for supervision. It is seen that in fjord planning local and regional collaboration is the best solution.

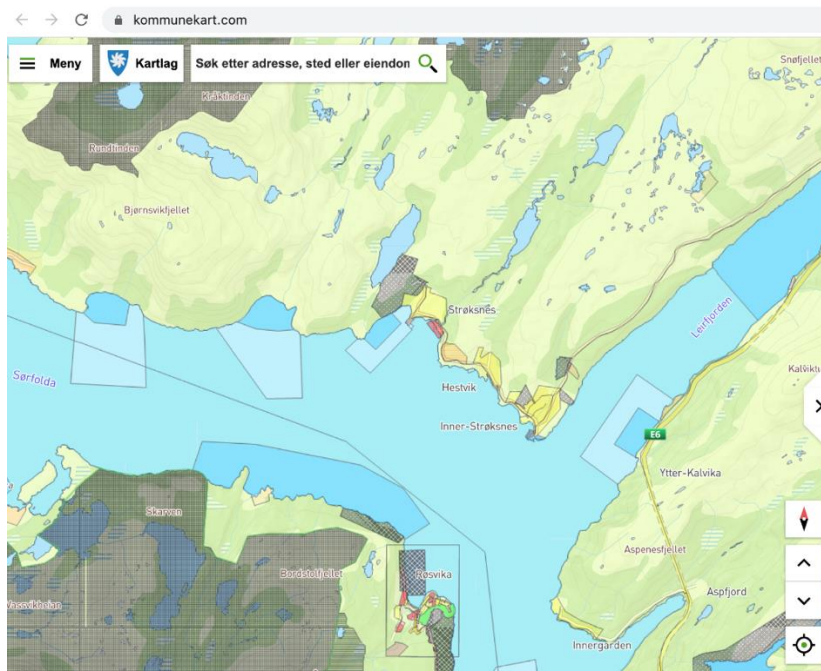


Figure 11 Fjord planning in Norway. Both land and sea areas are covered in a land use plan.

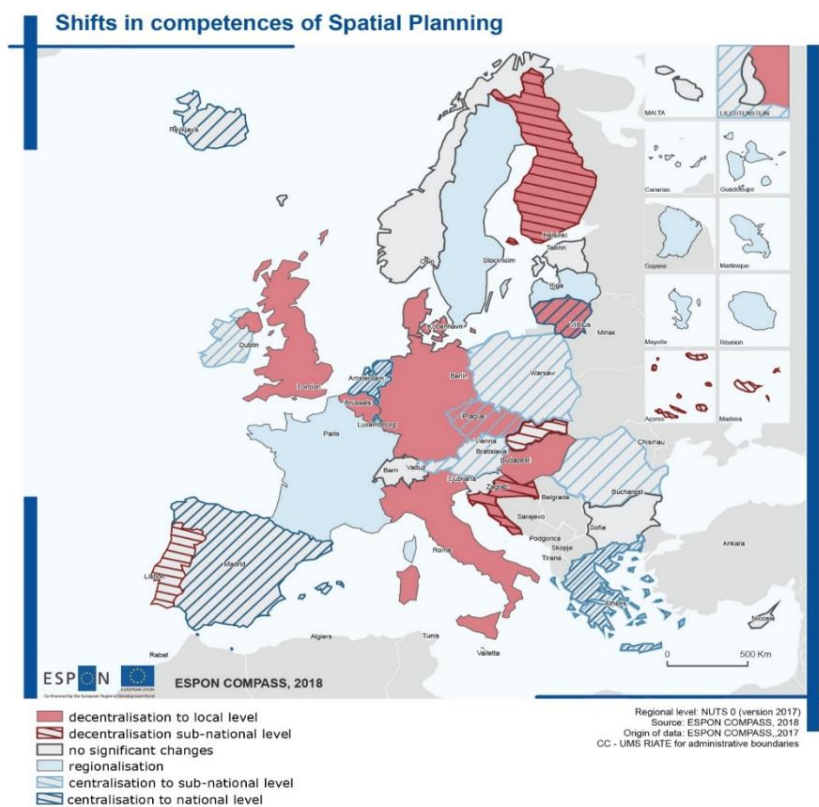


Figure 12 Trends in Spatial Planning Competencies. Source: COMPASS 2018.

The review of local maritime planning practices in selected European countries demonstrates that the practice is limited with only a few examples of plans composed so far. Even in countries like Finland where the powers of local governments have been traditionally strong, comprehensive maritime spatial planning has not been carried out. In the Estonian case, the number of local governments was reduced from 213 to 79 as a result of the administrative reform in 2017. However, the reform did not result in an increase in competencies and skilled officials in local authorities. Spatial planning has remained one of the weakest fields in local

administrations for decades because planning in rural municipalities is only one of the tasks for local officials dealing with environmental or land-use issues.

Table 1 Local governments' (LG) role in maritime spatial planning in selected European countries (sources: Kase 2019, European MSP Platform 2022).

Country	LG planning/legal rights in maritime zone	LG maritime planning/regul. active rights width	Comments
Latvia	Yes	2 kilometres from the shoreline	Local governments have the right to plan and regulate but not issue permits. It is mandatory to follow the national MSP in local planning. In reality, due to the lack of competence and as the regulation came into force only in 2015, there are only a few local maritime plans composed, mainly for recreational issues up to 400 m from the shoreline.
Finland	Yes	From the shoreline to the border of EEZ	The territorial sea comes under the local governments' administrative responsibility. Local municipal authorities have strong self-governing powers based on local democracy and decision-making, the right to levy taxes, and the mandate for land use planning that also covers the territorial sea. Municipalities produce local master plans and local detailed plans. However, in local municipal plans, mainly issues of residential building regulations in coastal areas are solved. In some cases (Tahkoluoto, Pori municipalities) offshore wind parks are being planned locally, as well as nature protection areas on the sea, marine transportation and ports. Regional land use plans have been prepared for the Finnish regions, covering both land and territorial areas. These plans give local governments precise instruction on how to plan the territorial sea.
Sweden	Yes	12 nautical miles from the shoreline	Maritime planning is carried out at national, regional and local levels. Swedish municipalities must have a valid master plan that covers the entire territory of the municipality, including the inland and territorial sea, up to 12 nautical miles. However, most local governments' master plans focus mainly on land use planning rather than maritime issues. Cross-border "blue" master plans have only been developed in three counties – Bohuslän, Skåne and Blekinge.

Country	LG planning/legal rights in maritime zone	LG maritime planning/regul. active rights width	Comments
Denmark	No with exceptions		The maritime area, which consists of the territorial sea and the exclusive economic zone, is owned by the public and managed by the government. All Danish municipalities (98 in total) have the right to plan the land at the local level. Municipalities have the right to plan up to the coastline, but sometimes they also have the right to plan certain activities in coastal waters.
Germany	Only for certain activities (recreational facilities, ports, etc.)		The German coastal regions have the right to plan and develop the North and Baltic Sea shores within 12 nautical miles of its territorial sea. In general, local governments do not have the right to plan the coastal and marine areas. The territory of coastal municipalities ends at the coastline and they usually do not have the competence to plan outside their territory. But there is one exception – in the interest of the common good, local governments can apply for the extension of their territory to the sea. This exception is usually used by municipalities that want to build harbour bridges, marinas, swimming pools or other tourist attractions. In the last 25 years, 50 km ² out of the 773 km ² Mecklenburg Vorpommern (Baltic Sea) sea area has been allocated to local governments in the interest of the public.
UK	No		
The Netherlands	Yes	1 kilometer	
Slovenia	Yes		Municipalities have to approve the national spatial plan which, when approved, turns into a regional maritime spatial plan covering LSI issues.
Croatia	Yes	From the shoreline to the border of territorial waters	All coastal county plans include provisions for their marine areas (up to the external limit of the territorial sea) referring to different sea uses, there is no single MSP plan for the entire Croatian marine area.

5 Knowledge gaps and further research needs

The evidence base for the project report should be considered as sufficient, based on feedback from 80% of the surveyed coastal local governments. While inclusion of the still absent five responses might contribute with some details and interesting context-specific local information, these will unlikely change the overall conclusions and recommendations emerging from the survey.

Some of the knowledge gaps which could be prioritised and therefore would require near-future investigations include (a non-prioritised list):

1. What are the specific needs for larger than 1 nautical mile zone expansion of the planning and regulative powers of local governments, under which conditions/situations these occur, and whether these can be generalised for legislative purposes.
2. Discussing and actually agreeing on the fields of maritime uses that should be left centrally planned and regulated at a national level. As a basis for the discussion, a thorough analysis of existing practices (plan implementation) in countries with similar administrative and planning systems is needed.
3. Detailed identification of amendments in national regulations, together with proposing text edits for the regulations which are too rigid from the local perspective.
4. Proposing ways and mechanisms to resolve the high-priority outstanding issues associated with MSP, such as coastal and species protection and decentralized renewable energy production and storage solutions.

6 Recommendations for a more inclusive maritime planning framework and inputs for legislative proposals for Estonia

6.1 General observations

1. The intensification of the use of the maritime area is emphasised in the strategic documents of both EU and Estonian national levels. Planning for a balanced and sustainable marine environment inevitably requires the input from and engagement of local communities. This ensures a wider ownership of decisions. Several topics should be decided by local authorities as they reflect local values and affect the residents of coastal areas.
2. Good communication at both vertical (i.e. between ministerial and local level) and horizontal (i.e. between LSI activities/sectors) axes is essential to ensure operational, effective coordination and management. Unfortunately, this is not always the case and the need for improvement is obvious.
3. Some national regulations were felt to be too rigid from the local perspective. Government agencies often do not ask locals for their opinions and override their wishes and needs. Some tensions are also evident between local governments, state agencies and local interest groups, related amongst others to the sectorial and business interests, representativeness and administration.
4. Local governments have contrastingly different capacities in the field of MSP. Large, better-staffed local governments would like significantly more rights, smaller ones only have more say in individual issues. Therefore, it is not possible to ensure uniform regulations to everyone.
5. The availability of competent and skilled officials in local authorities in relation to spatial and land-use planning has been an issue in Estonia for some time. Therefore, while introducing new responsibilities in the field of MSP to local governments might be justified considering the intensification of maritime uses, shortage and/or lack of skilled manpower and financial resources to carry out the task might function as a bottleneck.
6. Agencies related to traditional maritime use like fisheries see that there is a threat that local political uncertainty and indecisiveness, cow trading and nepotism will be added to the already sometimes over-regulated area. Now, communication with state offices has settled down, the people working on the topic are known and there are only certain areas of dispute (coastal and species protection).

6.2 Recommendations

1. Involving local governments from the initial stages of development and more effectively in the process of MSP to ensure public discussion and consideration of the values owned by coastal communities. Good examples can be found from Scandinavian coastal regions which are planned as a whole, including both maritime and land areas.
2. Establishing appropriate communication mechanisms between different stakeholders related to MSP is inevitable. This will reduce the currently existing tensions between them and helps to build trust.
3. Expanding the planning and regulative powers of local governments to coastal waters, as a rule, 1 nautical mile from the shoreline, which can be widened in the case of specific needs and functional links. The powers should above all include licencing of building activities of local importance and local level and/or small-scale technical infrastructures, coastal building activities, public transportation – “water taxies”, recreational activities, and access to the shoreline.
4. There are several fields in maritime uses that should be left centrally planned and regulated at a national level. Examples of topics which require central approach are for instance military issues, nature and heritage protection, commercial and leisure fishing, and large renewable energy projects.

5. The need and interest to plan maritime areas appear to be higher in more urbanised areas. As a start only larger towns can be considered to have offered an opportunity to carry out maritime planning. Incremental improvement and addressing the lessons learned will allow moving to smaller units.
6. The further expansion of local planning and regulative powers to the sea demands a transition period for the training and allocation of funding to increase the skills of local authorities. Establishing a specific training program for relevant employees and leadership in coastal municipalities is recommended.

References

- COMPASS (2018) Comparative Analysis of Territorial Governance and Spatial Planning Systems in Europe. Available at: https://www.espon.eu/sites/default/files/attachments/1.%20COMPASS_Final_Report.pdf (accessed 4 July 2022)
- European Commission (2002) Recommendation of the European Parliament and of the Council of 30 May 2002 concerning the implementation of Integrated Coastal Zone Management in Europe (2002/413/EC). OJ L 148 p. 24-27.
- European Commission (2008) Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive). Available at: <https://data.europa.eu/eli/dir/2008/56/oj> (accessed 4 July 2022).
- European Commission (2014) Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0089&from=EN> (accessed 4 July 2022).
- Estonian Maritime Spatial Plan (2021). Available at: <http://mereala.hendrikson.ee/en.html> (accessed 4 July 2022).
- European MSP Platform (2022). Available at: <https://maritime-spatial-planning.ec.europa.eu/msp-practice/countries> (accessed 4 July 2022).
- EU Compendium of Spatial Planning Systems (1997). Available at: <https://op.europa.eu/en/publication-detail/-/publication/059fcedf-d453-4d0d-af36-6f7126698556/language-en/format-PDF/source-260462985> (accessed 4 July 2022).
- HELCOM (2018) State of the Baltic Sea – Second HELCOM holistic assessment 2011-2016. Baltic Sea Environment Proceedings 155.
- Hendrikson&Ko (2009) Merealade ruumilise planeerimise metoodika. Available at: https://hendrikson.ee/wp-content/uploads/2016/03/Merealade_planeerimise_metoodika.pdf (accessed 4 July 2022)
- Hendrikson&Ko and Artes Terrae (2015) Mereala ruumilise planeerimise metoodika. Available at: https://coastalandmaritime.files.wordpress.com/2015/07/mrp-metoodika_lc3b5plik.pdf (accessed 4 July 2022)
- ICES (2021) ICES ecosystem overviews. In: Report of the ICES Advisory Committee, 2021. ICES Advice 2021, Section 16.2. <https://doi.org/10.17895/ices.advice.7916>
- Kase K (2019) *The interests of Estonian local governments in maritime spatial planning*. MSc Thesis. Estonian University of Life Sciences. 58 pp.
- Morf A (2019). In: Cedergren E, Gee K, Kull M and Eliassen S (eds) *Lessons, stories and ideas on how to integrate Land-Sea Interactions into MSP*. Nordregio, Stockholm.
- Newman P and Thornley A (1996) *Urban planning in Europe – International competition, national systems and planning projects*. London, Routledge.



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