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## **Explanation of how the results of the transboundary environmental impact study have been taken into account and to what extent**

On 07 August 2019, the final version of the *Strategic Environmental Impact Assessment for the draft spatial plan for the Polish maritime areas in the scale 1:200 000* (SEA) was received by the Contracting Authority, i.e. the Maritime Office in Gdynia. In December 2019 the General Directorate for Environmental Protection sent information to the Focal Points of the Convention on *Environmental Impact Assessment in a Transboundary Context*, signed at Espoo on 25 February 1991 (Espoo Convention) of Germany, Sweden, Denmark, Lithuania, Finland, Latvia and Estonia about the planned transboundary consultations within the strategic environmental impact assessment for the *Spatial Plan for Internal Sea Waters, Territorial Sea and Exclusive Economic Zone at scale 1: 200 000* (draft MSP). Denmark, Germany and Sweden were notified in February 2020 and the other countries were informed about the initiated transboundary procedure with information on where they can consult the documentation translated into English and German. Transboundary consultations (i.e. 7 weeks) were held from February to April 2020 under the Strategic Protocol mode.

As a result of this procedure, more than 50 comments were received: from Denmark, Germany, Sweden, Lithuania and a private investor.

The comments mostly concerned ensuring an ecosystem approach in the planning process, potential disturbances in avifauna regional migrations' patterns as a result of energy investments' implementation in the areas of the Southern Middle Bank and Slupsk Bank, implementation of mining and energy functions in the vicinity of transboundary Natura 2000 areas, ways of taking into account marine protected areas in the draft MSP and methodological issues of the SEA.

All questions/observations have been answered and clarified.

In particular:

- Regarding the comments pointing out the importance of ensuring an ecosystem approach, it was described how such approach was applied in the Polish planning process of 2016-2019. It was pointed out that the ecosystem approach was applied - in accordance with Polish legislation and the guidelines of HELCOM-VASAB Working Group on MSP. At the same time, it was pointed out that regional discussions on how to effectively implement the ecosystem approach in maritime spatial planning were

intensified during the development of the draft MSP on Polish marine areas. New concepts emerged, which the draft MSP could not fully take into account at this stage. However, this is a valuable consideration for future updates of the plan. Thanks to the earlier involvement of the Polish maritime administration (as well as the MSP Contractor) in international methodological discussions, analyses of the marine environment were conducted already at the initial planning stage, before the final assessment of the plan's solutions were performed within the SEA. The work included analysis of areas (and connections between them) valuable for particular groups/elements of the marine ecosystem (benthos, avifauna, ichthyofauna, marine mammals, etc.), indication of areas crucial for maintaining biodiversity (such as the Puck Bay, offshore shoals), indication of valuable areas which are not under legal protection, identification of potential threats, etc. The analyses were carried out on the basis of the latest available data and the best available knowledge. The coherence of the draft MSP with marine and environmental policies, their objectives and indicators was also assessed within the SEA. It was also indicated that a precautionary approach was used in developing many planning solutions.

- As regards comments related to the planned intensive use of the transboundary area of the Southern Middle Bank (and its potential impact on avifauna migrations and the welfare of the harbour porpoise), it was indicated that both the construction of offshore wind farms and the extraction of minerals or the planned storage of CO<sub>2</sub> in underground geological structures are projects, for which it is necessary to conduct an environmental impact assessment and obtain a decision on environmental conditions. Detailed assessment of the impact of the investments in question on the elements of the environment (including migratory birds and marine mammals), protected areas, including transboundary and cumulative impacts will be carried out on the basis of the provisions of the *Act on the provision of information on the environment and its protection, public participation in the environmental protection and environmental impact assessments* as well as the *Directive on the assessment of the effects of certain public and private projects on the environment*, based on the results of pre-investment research.

It was also indicated that no research on harbour porpoises or birds was conducted for the purposes of SEA. However, on the basis of available literature and already issued environmental decisions for the OWF, solutions were proposed (Chapter 12 of the SEA) and then transposed to the draft Plan, which may contribute to the prevention or limitation of negative impacts on the environment (including minimizing the threats to sea birds and mammals). Each time these solutions will require verification, including possible extension of their scope at the level of implementation of individual projects.

It was also indicated that the areas with function K (exploration and prospecting of mineral deposits and extraction of minerals from deposits) were designated on the basis of issued and valid concessions for both sand extraction from the Southern Middle Bank and gas and oil extraction in nearby areas.

- Parties taking part in the transboundary process expressed concerns that the analysis of cumulative impacts was insufficiently presented. In response it was pointed out that the analysis and assessment of impacts generated by particular functions on the elements of the environment were included in the SEA Chapter 8 (8.1, 8.2, 8.3) and took as many as 197 pages in this document. However, in order to meet the expectations of the countries submitting comments in the transboundary procedure, the authors of the SEA included an appropriate supplement in Chapter 8.4 concerning cumulative impacts.

Potential effects, including those of transboundary nature, of the construction and exploitation of offshore wind farms on the harbour porpoise population, bird migrations and other ecosystem components were discussed in SEA at the level adjusted to the content and level of detail of the provisions of the draft MSP. It was indicated that such investments would be subject to environmental impact assessment procedures, in accordance with the applicable law.

In the light of the current administrative proceedings conducted in Polish maritime areas, related to the construction of first OWFs, the importance of the pre-investment research was emphasized as well as the fact that only on the basis of this research it is possible to draw conclusions and to make decisions regarding the technology, precise investment location and solutions minimizing the negative impact on the environment.

In order to meet the expectations of the countries submitting comments in the transboundary procedure - the authors of the SEA supplemented Chapter 8.4. concerning cumulative impacts, resulting from already conducted analyses.

A detailed list of the comments submitted in the transboundary procedure, together with the responses, can be found in the Annex to the Summary.

The draft MSP version v.4 was not modified as a result of the transboundary environmental impact assessment procedure in a manner relevant from the point of view of that procedure. The final version contains changes which resulted from the procedure of adopting the project as a regulation and which were not relevant from the point of view of the Espoo procedure. The sea-basins cards submitted during the transboundary consultation, the content of which was translated into English and German, were not altered as a result of this procedure.

## **Annex:**

1. List of remarks, opinions and comments received as part of the transboundary procedure for the draft spatial plan for Polish Sea Areas on a scale of 1: 200,000, together with responses.