

**VALUABLE PRACTICE: Zoning for biodiversity conservation**

**Description**

For the protection of the biodiversity, POEM identify and designate Priority Use Areas (PUA) and High Potential Areas (HPA) in order to protect biodiversity considering already protected areas and future areas of high biodiversity value to meet international commitments (30%), respectively. For this purpose, PUA are defined to integrate all Marine Protected Areas (MPA) established by different protecting tools existing in national or regional policies. The HPA include areas considered to be of high value for the protection of biodiversity due to the presence of habitats and/or species of high conservation value, and which are not currently included in any figure of protection, but could be in the near future.

**Practice typology**

(i) Measure + (iii) Process-related practice + (iv) zoning

**Topics addressed**

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|------------------|--|
| <b>Main</b>      | D. Biodiversity and ecosystem protection and restoration [D.1 A coherent network of marine protected areas (D.1.1. Establishment of new or enlargement of strictly marine protected areas (10% target) and definition of strict protection; D.1.2 Establishment of new or enlargement of N2K and OECMs (30% target); D.1.3 Identification of ecological “blue” corridors; and D.1.4 Elements that improve marine connectivity (i.e. submarine canyons, artificial reef, etc.)) and D.2. Restoring marine and coastal ecosystems].  |
| <b>Secondary</b> | B. Climate change adaptation [B.1 Green Infrastructures to enhance coastal-resilience (B.1.1 Green Infrastructures: Creation and maintenance of Nature-based solutions (wetlands, salt marshes, seagrass meadows, maërl beds, mangroves, dunes, etc.)); B.2 Protection of climate-sensitive marine and coastal biodiversity and ecosystems, and landscapes and B.3 Anticipation of climate change-related effects (B.3.1 Identification of climate refugia for marine species and habitats)].<br>C. Sustainable sea-food production [C.1 Sustainable fisheries: sustainable fisheries management, including area and time-based measures]. |

**Sectors/Activity involved**

Nature protection and restoration and, indirectly, offshore renewable energy, fishing, aquaculture, coastal, landscape protection and maritime tourism.

**Stakeholders involved**

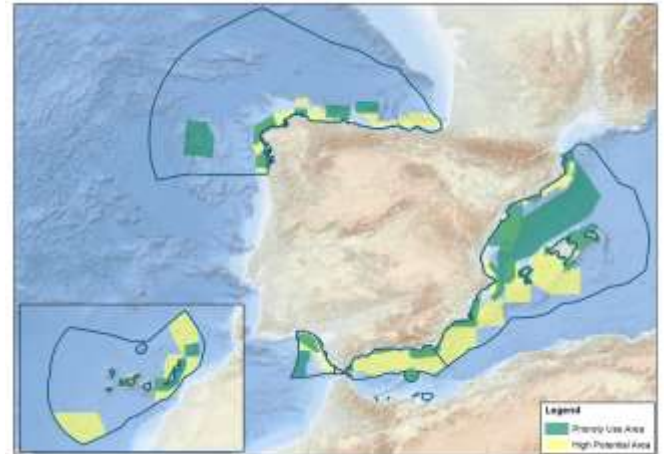
For the definition of the zoning for biodiversity protection, in the framework of the inter-ministerial technical MSP working group, the Ministry with the competences at-sea for biodiversity, which is the same ministry as for MSP, was involved since the beginning, through its department for biodiversity protection, to ensure that the objectives for biodiversity protection were appropriately considered by the POEM. Additionally, the Autonomous Communities (CCAA by its initials in Spanish) (which have some competences in biodiversity conservation) also participated in the process through the Monitoring Committees for Marine Strategies for each marine demarcation.

Due to the fact that Marine Protected Areas (MPA) was one of the “hot topics” to be addressed during the development of the POEM, a specific ad hoc group was created including the regional authorities (Autonomous Communities) in order to discuss how to integrate the management plans of these sites (if exists, or when will available in the future) in the POEM. This ad hoc group was conformed by national and regional administration and research

centres that supports MPA designations and the MSP process.

**Geographical scope**

The area representing the PUA and the HPA for biodiversity conservation extends to the 5 Marine Demarcations (Figure 1).



**Figure 1.** Surface occupied by High Potential Areas for the OWF in Spain.

**Governance context**

In the planning framework for the protection of biodiversity, the Central Government is involved in coordination with a Ministry in policies and regulations related to biodiversity conservation in the marine environment.

There are also shared competencies between the national and sub-national levels, involving the CCAA that have responsibilities in the management of maritime spaces within their territorial waters, conservation, establishment and management of MPA, biodiversity monitoring and the regulation of activities affecting marine ecosystems.

Regarding MPA in the marine and coastal domains, we have to make a distinction between internal waters (competency of the CCAA) and external waters (normally competency of the central government). Therefore, there is a distinction between strictly marine MPAs (managed by the central government if located in external waters) or coastal MPAs including both marine and a terrestrial part. The management of these coastal MPAs can be carried out either by the Central Government or the CCAA, whether the MPA constitutes a geological or ecological extension of a terrestrial protected area or is located in the internal waters. In such cases, management responsibility falls to the respective Autonomous Region.

**How this MSP practice can support the EU Green Deal**

To achieve the 30% of marine waters protected, the HPA defined include areas that can be protected in near future: those identified as being of high value for benthic habitats, areas of high value for birds and cetaceans, areas of high value for species of Community interest and areas of high value for cetaceans including:

- ✓ Areas that have been identified in the framework of a process for the determination of Natura 2000 network gaps as areas of interest for species (birds, cetaceans and turtles) or marine habitats for possible designation as a protected area.
- ✓ Areas being studied in the framework of the LIFE IP PAF INTEMARES project to be declared in the near future as Special Protected Areas for birds (SPAs) or proposed as Site of Community Importance (SCIs).
- ✓ Areas identified as areas of interest for cetaceans in the framework of international bodies, such as the CCH (Critical Cetacean Habitats) of ACCOBAMS.

First ambition is focused on protect 20% of the marine waters by

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2025 through the areas studied by the LIFE IP PAF INTEMARES project, which will increase the % of protection from 12 to 20%. Furthermore, the approval and development of the Director Plan for the Network of Marine Protected Areas of Spain (RAMPE for its Spanish acronym) is one of the measures of the POEM (PB2), which is the basic coordination instrument for achieving the objectives of the MPA network.

**Challenges/gaps/inconsistencies still to be addressed**

It is important to highlight that HPA for biodiversity protection identify future areas that can be protected, however they do not impose a preventive protection regime or management plan, which can be a handicap for the preservation of its values till it is declared as an MPA (at the latest by 2030). POEM stated that the competent administrations shall consider the conservation values existing in these areas when authorising any activity; they specify that it should be through the Environmental Impact Assessment, but it does not establish criteria or thresholds.

For the integration of MPA management plans (available or that will be developed in future), POEM include the management plans of protected areas that take precedence over sectoral regulations and the POEM itself. However, as protected areas management plans are considered but not really developed by the POEM, they cannot solve the issue of having protected areas without management plans.

Another issue still to be addressed is the cumulative and synergistic effects of nearby activities (the same or different, in national waters or cross-border). This is something that is starting to be addressed through the analysis of case study sites, in order to define an effective methodology to approach not only protected areas, but also the rest of Spanish jurisdictional waters.

Biodiversity conservation zoning has been the limiting criteria for the development of HPA for other uses (e.g., offshore wind, aggregate extraction, maritime transport of goods or cruises). For example, in the development of the zoning for OWF or for aquaculture, their repercussions must be analysed where biodiversity protection was previously identified as a PUA or HPA. In the aggregate extraction sector for coastal protection, the overlap with PUA or HPA for the protection of biodiversity, not only its repercussions on the MPA must be analysed but it must be justified that there are no other suitable deposits for the affected coastal section, outside these spaces. However, there is insufficient consideration of the effects of noise generated by certain uses and activities on susceptible marine fauna.

In relation to this, two major challenges are identified: (1) POEM still identify some overlaps between PUA and HPA for biodiversity conservation and (2) leave the assessment of those potential impacts at the project level, without identifying concrete criteria or thresholds, as already mentioned.

Additionally, and with regards to it, it is necessary to improve the assessment of the potential impacts of uses and activities on coastal and/or littoral zones and ecosystem services affected by such activities and by climate change. Establish how the monitoring of the pressures associated with each activity and the impacts they generate could "constrain" the management of these activities including the incorporation of best indicators to assess positive and negative effects on natural resources and activities.

Finally, the best available data might not be enough regarding quality, extend, coverage, scale, etc. In this regard, biodiversity data mainly comes from the implementation of the MSFD, the LIFE IP PAF INTEMARES project, and other biodiversity projects managed by national or regional administrations.

**Replicability /Elements which can be capitalised**

Zoning established in the POEM for the protection of biodiversity can be replicate in other contexts by the identification of the PUA

and HPA. The criteria applied for both are the following:

- ✓ Criteria applied for the identification of PUA for biodiversity conservation: These areas include marine protected areas, including Natura 2000 Network sites, both managed by the national administration or the regional authorities. For different marine uses and activities, there are elements to consider prevailing over the POEM:
  - i. In areas declared for the presence of seabirds (SPAs or other protected areas), in critical areas of protected species and, within other protected marine areas, in areas with Habitats of Community Interest, the installation of OWF for commercial purposes shall be avoided.
  - ii. All the restrictions set out in the law regulating natural heritage and biodiversity (In Spain Law 42/2007 of 13 December 2007) shall apply.
  - iii. In cases where an area of high potential for aquaculture overlaps with the PUA for the protection of biodiversity, its impact on the MPA concerned shall be analysed. The marine strategy compatibility reports shall verify that the developer has provided such justification, without prejudice to what is established by the managing body of the site.
  - iv. In cases where an area of high potential for aggregate extraction for coastal protection overlaps with the PUA for the protection of biodiversity, justification shall be provided that there are no other suitable sites for the coastal section concerned outside those areas, and their impact on the marine protected areas shall be analysed. The marine strategy compatibility reports shall verify that such justification exists, without prejudice to what is established by the managing body of the site. It should be also mentioned, that in Spain extraction of aggregates is only allowed for coastal protection.
  - v. Where an area of high potential for OWF overlaps with the PUA for the protection of biodiversity, the impact on the marine protected areas concerned shall be analysed. The marine strategy compatibility reports shall verify that the developer has provided such justification, without prejudice to what is established by the managing body of the site.
- ✓ Criteria applied for the identification of HPA for biodiversity conservation: They have been identified as high value areas for benthic habitats, high value areas for birds and cetaceans, high value areas for species of Community interest and high value areas for cetaceans including:
  - i. Areas that have been identified in the framework of a process for the determination of Natura 2000 network gaps as areas of interest for species (birds, cetaceans and turtles) or marine habitats for possible designation as a protected area.
  - ii. Areas being studied in the framework of a biodiversity project (as, for instance, LIFE IP PAF INTEMARES project in Spain) to be declared in the near future as SPAs or proposed as SCIs.
  - iii. Areas identified as areas of interest for cetaceans in the framework of international bodies, such as the CCH (Critical Cetacean Habitats) of ACCOBAMS.
  - iv. In the context of the environmental assessment of projects, plans and programmes, they should be considered as areas of high potential for the conservation of biodiversity and therefore the effects of uses and activities on them should be adequately analysed.