

Research Spin-Off

Marine Spatial Planning and Land Sea Interac- tions- Cyprus

Final Report: June 2022

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**Marine Spatial Planning and
Land Sea Interactions-
Cyprus**

Final Report

Disclaimer

This document is a final report.

The information contained herein is subject to change and does not commit the ESPON EGTC and the countries participating in the ESPON 2020 Cooperation Programme.

The final version of the report will be published as soon as approved.

Table of contents

Abbreviations	7
1 Introduction	8
1.1 Project Aims and Objectives	8
1.2 Setting the Context	8
1.3 Research approach.....	9
2 European Context and Lessons Learnt from the MSP-LSI Project	12
2.1 Developing the Policy Context for meeting land sea interactions.....	12
2.2 Legal Instruments promoting an explicit consideration of land sea interactions.....	12
2.3 Mapping the coastal zone in relation to the ICZM Protocol.....	15
3 Case Studies.....	16
3.1 Island of Ireland	16
3.2 Malta	17
3.3 Slovenia	19
3.4 Reflections and Lessons Learnt.....	21
4 Challenges of Implementing the ICZM Protocol for Cyprus	23
4.1 Framing the Cypriot Context	24
4.2 Classification of Cyprus' coastal zones.....	26
4.3 Some concluding reflections	28
5 Conclusions and Recommendations	30
5.1 Principles for Planning	31
5.2 Instruments for effective planning	31
5.3 Other Framework Conditions Impacting on the coastal zone.....	33
5.4 Final Reflections	33
6 Bibliography	36

List of figures and tables

List of figures

Figure 1: Exploring Maritime Spatial Planning and land-sea interactions?	10
Figure 2. Towards a 'One Space' Territorial Planning Perspective.	13
Figure 3. Areas for Special Management	23

List of tables

Table 1. Main Legal Instruments for Land Sea Interaction in the Mediterranean Sea	12
Table 2 Guidelines and Permissive Uses within the SPUs.	16
Table 3 Classification of Planning Zones on the Coast	20

List of Maps

Map 1: Spatial Structure and Coverage of the SPED	16
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Abbreviations

DMPS	Designated Maritime Protection Areas
EC	European Commission
EEZ	Exclusive Economic Zone
ESPON	European Territorial Observatory Network
EU	European Union
GDP	Gross Domestic Product
IC(Z)M	Integrated Coastal (Zone) Management
LSI	Land-Sea Interaction(s)
MSP	Maritime/Marine Spatial Planning (ref. for legal background EU/2014/89)
SPU	Spatial Planning Unit
ToR	Terms of Reference
WFD	Water Framework Directive

1 Introduction

This is a spin-off project, emanating from the targeted analysis project Maritime Spatial Planning and Land Sea Interactions (MSP-LSI) and has been commissioned by the ESPON EGTC on behalf of the Department of Town Planning and Housing under the Ministry of Interior of Cyprus. The report draws heavily on the key methods and findings from the MSP-LSI project in response to some specific questions in a very applied and practical way.

1.1 Project Aims and Objectives

This project aims to serve the policy process regarding the implementation of the 7th Protocol of the Barcelona Convention in relation to Integrated Coastal Zone Management (ICZM) and how this can be effectively integrated into the spatial planning system of Cyprus.

More specifically the authorities dealing with spatial planning and planning control (Department of Town Planning and Housing under the Ministry of Interior) need to better understand implementation provisions of the Protocol, particularly in relation to the following questions:

- 1) How to define the geographical coverage (landward limit) of the coastal zone by applying the ecosystem approach while taking into account economic and social criteria and considering the specific needs related to geomorphological characteristics and to take into account the negative effects of climate change (Article 3)
- 2) What are the criteria for adaptation of the minimum coastal zone width (100m) and where are the critical pinch points in possibly extending the Foreshore Protection Zone (Articles 8 & 9)
- 3) How can policy regimes be best integrated to ensure that sustainable use of the coastal zone is effectively integrated into national legal instruments

The approach adopted in this project will extrapolate and apply findings, principles and methodologies developed in the MSP-LSI project and adapt them to the local situation and in a very practical and applied way so that the findings are useful to the policy process.

1.2 Setting the Context

As a small island state, Cyprus's economy is heavily dependent on tourism under a "sun, sea and sand" model. Thus, there are strong pressures for coastal development and conflicts over land use change, especially in the coastal zone, are a constant cause for concern. The desire for development needs to be balanced with the protection and enhancement of vulnerable coastal ecosystems whose integrity is often seen as a prerequisite for the tourism industry.

The existing Foreshore Protection Law, which was originally enacted in 1934, intends to regulate any development on the foreshore area and to secure the protection and conservation thereof. The foreshore is defined as "lands within a distance not exceeding one hundred yards from high water mark, as the Minister of Interior may, by notice to be published in the Official Gazette of the Republic, prescribe".

In order to protect or conserve the character and amenities of any foreshore, or public use and enjoyment thereof, or the access of the public thereto, the Law allows the Council of Ministers to define, any area of the foreshore within which no building of any kind shall be erected (known as the Foreshore Protection Zone). Consequently, no permit for the erection of any building within this area, notwithstanding other Laws, shall be issued, except in exceptional circumstances for purposes of public interest and upon special authorization of the Council of Ministers granted to Appropriate Authority.

However, certain exclusions are also known to exist, for example within the urban centres, ports or industrial areas. Furthermore, it is understood that since this Foreshore Protection Zone was last reviewed, certain parts of the coast have been subject to erosion. Thus, the Foreshore Protection Zone varies in width, ranging from 0 m (in the case of harbours or marinas, following relevant decision by Council of Ministers) to approximately 470m from the coastline.

At the same time, it is noted that on the basis of the Town and Country Planning Legislation, Development Plans are in force covering the whole of the Republic, which include provisions governing a series of factors, including building height, volume and density, the subdivision of land, provision of public amenities, parking requirements, etc. Thus, certain coastal areas have existing development rights, provided for by national legal instruments.

It is within this context that Cyprus may be facing some challenges in implementing the 7th Protocol of the Barcelona Convention (Integrated coastal zone management - ICZM Protocol) which was signed in 21/1/2008 and entered into force in 24/3/2011. To date, 12 countries as well as the EU have ratified it. The signing and ratification of the Protocol by the European Union is European law and binds the Member States and its institutes. Consequently, its implementation is binding on Cyprus, although it did not sign it. Therefore, a National ICZM Strategy needs to be developed, which will be integrated with critical other spatial planning processes for both the land and the sea.

Within the Protocol, the coastal zone covers land-sea interactions at the interface where the two domains intersect. On the land a zone needs to be designated 'where construction is not allowed', which 'may not be less than 100 metres in width' unless there are 'projects of public interest or in areas having particular geographical or local constraints, especially related to population density or social needs, where individual housing, urbanisation are provided for by national legal instruments' (Article 8).

This leads to a number of policy challenges especially as the coastal area is so important to Cyprus's economic, social and environmental wellbeing:

- The coastline covers 772 km, of which 296 km (38%) are under the Cyprus Government control;
- 3 out of 4 cities are coastal;
- 50% of the total population lives and works at the coast;
- 90% of the tourist industry is developed in coastal areas;
- 40-60% of GDP is generated by coastal economic activities;
- Almost 50% of the land area adjacent to the coastline falls within a Planning Zone allowing development;
- 15 coastal areas are designated as protected under the Natura 2000 network;
- In 2019, 112 coastal bathing areas are being monitored under the EU Bathing Water Directive, 65 of which are awarded the Blue Flag.

1.3 Research approach

From this contextual information the critical issues for Cyprus seem to revolve around what are the implications of ratification of the ICZM Protocol by the country, even though arguably by being a member of the EU and the latter's ratification, it already has effect in Cyprus.

The overall intention of the project is to provide practical recommendations as to how the Cypriot government can address the problems noted above. The following four key tasks were envisaged as contributing to the framing of the recommendations.

- To understand what the 7th Protocol of the Barcelona Convention requires. This was achieved by both a broader literature review of ICZM and case studies of three other countries who have integrated ICZM and the Protocol within their wider spatial planning systems.

- Review the existing foreshore protection zone with Cyprus and suggest ways of updating the instrument, with reference to international best practice.
- To explore the existing mechanisms for managing space and place, both more generically drawing on the MSP-LSI project, the three case studies and reviewing the policy instruments operating in Cyprus.
- To identify critical land sea interactions for Cyprus and make recommendations as to how these could be more effectively managed particularly taking into account the 7th Protocol of the Barcelona Convention in relation to Integrated Coastal Zone Management (ICZM)

The ESPON MSP-LSI project recognised that whilst the land sea interactions might be very intense on the coast but inevitable, these are not the only significant interactions and increasingly there is a territorial approach which links planning for the land and seas as an integrated unit (see Figure 1).

This report synthesises the findings from this research in four key chapters. Chapter 2 takes a generic overviewing perspective of dealing with land sea interactions, especially at the coast and reflects on what exactly the 7th Protocol of the Barcelona Convention requires signatory countries to achieve. Chapter 3 looks at three case studies and the way that ICZM has increasingly been integrated into spatial planning practices. Chapter 4 reviews the context and issues implementing the Protocol in Cyprus and dealing with land sea interactions there. The final chapter makes some suggestions and proposals as to how better enable Cyprus to integrate the requirements of the 7th Protocol of the Barcelona Convention in relation to Integrated Coastal Zone Management (ICZM) into its spatial planning practices, taking into account land sea interactions.

Figure 1: Exploring Maritime Spatial Planning and land-sea interactions?



(Source: ESPON Image © Willemijn Lambert: MSP-LSI Final Report. 2020)

2 European Context and Lessons Learnt from the MSP-LSI Project

2.1 Developing the Policy Context for meeting land sea interactions

Planning is an inherently political process whose shape and form varies from country to country depending on the political context of that country. There have been many longstanding debates within the European Union as to whether spatial planning falls within the competency of the EU and it has long been argued that the spatial planning system of a member state should remain an exclusive national competence. Nevertheless, European policies and programmes have, and undoubtedly will continue to have, significant impacts on national planning systems. This is perhaps most obvious in relation to a much more recent and explicit consideration of land sea interactions and the emergence of marine spatial planning. The European Commission and other regional bodies have recognised this interrelationship through for example Integrated Coastal Management (ICM) resp. Integrated Coastal Zone Management (ICZM). This has legal status in a range of EU Member States, and beyond, through the Barcelona Convention and the related Protocol of Madrid, and more recently, through Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for Maritime Spatial Planning. But how a nation state has moved into the sea when it comes to planning creates huge variations in practice reflecting national specificities. Critical factors can include, which arm of government (both who is responsible and at what level), the degree of integration (or not) between land and marine environments, who deals with the interface, land and sea interaction, which body or bodies are responsible for licencing activities in the sea and finally how are the framework conditions that encourages/discourages change constructed all remain an exclusive remit of national states. It is also worth remembering that in some nations, spatial planning is not an exclusive national responsibility but devolved to a sub-national level. Thus, within a common European framework local planning practice is extremely diverse.

Nevertheless, all countries have systems in place which seek to manage, protect and develop the territorial space (here defined as the space to determine what type of development should be permitted and where), often phrased in normative terms, in serving a 'public interest'. Usually the systems involve a number of different mechanisms, a process of engagement, review and reflection to determine aspirational priorities which are then articulated through a variety of plans at different spatial scales, mechanisms to control or license development and the creation of what we described as framework conditions to try and get the market to respond in different ways. These processes are inevitably complex and contested, and in meeting the 'public interest' planning as a process seeks to balance the needs for economic growth with societal needs whilst protecting the environment in the pursuit of sustainable development. Within this chapter we reflect on the way that various policy initiatives are converging and what this means in particular for the implementation of the ICZM Protocol as part of the Barcelona Convention for the Mediterranean Sea basin.

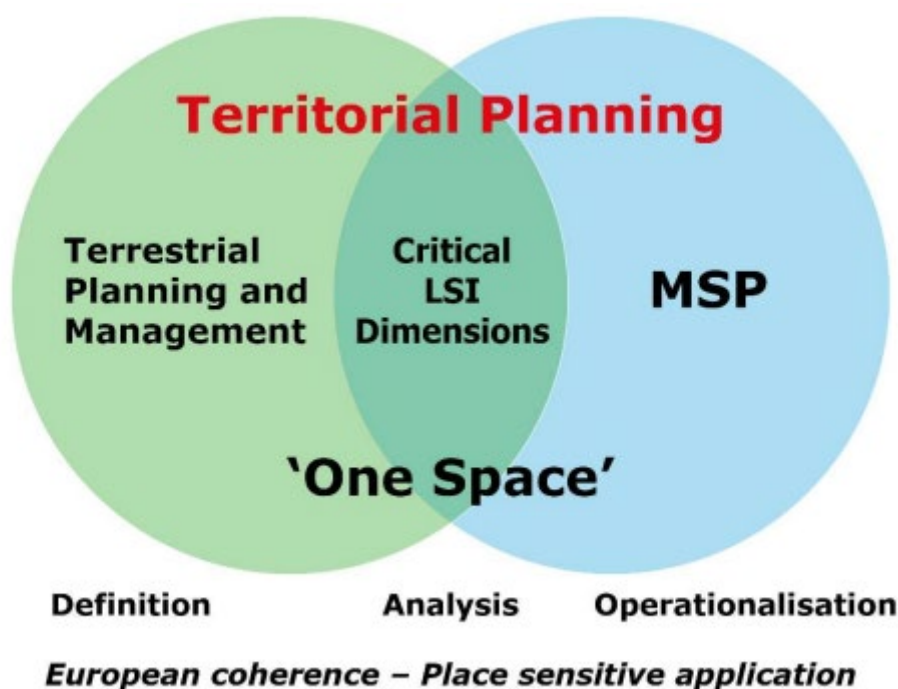
2.2 Legal Instruments promoting an explicit consideration of land sea interactions.

There has been an increasing realisation that the effective management of land sea interactions will be a critical issue in the sustainable development of both the land and sea, recognising both the opportunities and risks, and the need for a balanced approach, as a high-quality environment must be acknowledged as a necessary pre-condition for growth. The Barcelona Convention and associated Protocols are intended to provide a transnational sea basin approach to protect the fragile ecosystem of the Mediterranean, whilst enabling regional and national sustainable growth opportunities

Table 1. Main Legal Instruments for Land Sea Interaction in the Mediterranean Sea

<p>Barcelona Convention and associated Protocols</p> <p>Dumping Protocol (from ships and aircraft)</p> <p>Prevention and Emergency Protocol (pollution from ships and emergency situations)</p> <p>Land-based Sources and Activities Protocol</p> <p>Specially Protected Areas and Biological Diversity Protocol</p> <p>Offshore Protocol (pollution from exploration and exploitation)</p> <p>Hazardous Wastes Protocol</p> <p>Protocol on Integrated Coastal Zone Management (ICZM)</p>	<p>Collectively these are intended to contribute to meeting the overarching goals of the Barcelona Convention and inevitably focus on flows between land and sea and vice versa, with an overall aim of protecting the ecological integrity of critical ecosystems. Significantly, the EU, as well as individual nation states are signatories to both the Convention and Protocols. This means that if a nation state is part of the EU, then it can be seen to be <i>de facto</i> bound by the provisions of particular Protocols, whether or not it has actually ratified them. This Convention and associated Protocols, is not exclusively governed by EU rules and regulations, but all signatory countries with the Mediterranean Sea are expected to abide by their principles.</p>
EU's Marine Strategic Framework Directive	Seeks to achieve good ecological status for Europe's regional seas through transnational collaboration and national action to deal with the framework conditions affecting the ecological integrity of the seas
EU's Marine Spatial Planning Directive	Sought to have integrated marine spatial plans in place, by March 2021, designed to balance the range of economic, social and environmental interests in the sea, whilst paying specific attention to land sea interactions.
EU's Water Framework Directive	Seeks to ensure that the quality of terrestrial water bodies achieve a 'good ecological' status. This is important as ultimately these flow into the sea and can adversely affect the integrity of the marine environment.
EU's Birds and Habitats Directive	These seek to protect, conserve and enhance critical biodiversity assets many of which are either, at the interface between the land and the sea, or, in the sea itself

Many of these activities are sponsored by different European Commission Directorates and transposed in individual countries' national laws, with the responsibilities being given to different Ministries using different instruments of varying degrees or power. One of the most integrating Directives is the Marine Spatial Planning Directive and many countries have moved towards a 'one space' territorial planning approach (see Figure 2), within which the principles and practices of ICZM have been integrated with a single instrument (see chapter 3).

Figure 2. Towards a 'One Space' Territorial Planning Perspective.

(Source: ESPON. MSP-LSI Final Report. 2020)

By adopting an integrated 'one-space' approach to territorial planning, the MSI-LSI project was very interested in understanding the plans and policy frameworks operating, at what scale, and how in practice they sought to manage land sea interactions and balance the underlying concerns for sustainability (achieving a positive balance between economic, environmental and social/cultural concerns), with the closely linked concept of resilience (the ability to respond to pressure/change in an effective way). These policy tools or frameworks are fluid and should be subject to modification as circumstances change and new threats or opportunities/priorities emerge.

Linked to these plans and frameworks is an understanding of the processes that licence, or authorise development and change, either in marine space or on the land, with an understanding of the implications for LSI. Finally, both of the above factors are preconditioned by good governance for open transparent and integrated discussion, both vertically and horizontally between policy makers and other critical stakeholders to determine how different priorities can be balanced and reconciled and, where necessary, what other framework conditions might be necessary to facilitate appropriate development which is seen to be in the national interest.

Understanding this framework is important in appreciating how some of the specific opportunities and challenges that Cyprus faces determine the coastal zone in relation to the ICZM Protocol. Within the MSP-LSI project the coastal area or zone was defined in functional terms as follows *'an area of land and sea extending either side of the seashore in which the interaction between the marine and land parts occurs in the form of complex social-ecological systems and the relevant geographic area to be included will vary according to ecological, social, economic and governance factors'*. This in turn recognised that different boundaries could be prescribed on shore reflecting the territorial reach of the land sea interaction. Whilst it is true that most of the land sea interaction are felt most intensively at the land sea interface, depending on the issue, often the critical stakeholders were not necessarily closest to the coast, and this became readily apparent when the value chains of certain activities were spatially mapped. The key message here is that

land sea interactions are not necessarily proximate to the sea and perhaps new stakeholders need to be engaged in the process.

2.3 Mapping the coastal zone in relation to the ICZM Protocol

Within the ICZM Protocol the coastal setback, from the edge of the high-water mark should normally be at least 100 metres, with the primary objective being the preservation of 'coastal natural habitats, landscapes and ecosystems'. But apart from designation it provides few clues as to how these assets should be managed and enhanced beyond being protected from development. By protecting a stretch of land at least 100 metres from the high-water mark, beyond the conservation benefits, it also serves to potentially protect future property rights in the face of the 'adaption of the coast to climate change' or perhaps alternatively act as a mechanism to constrain property rights. In a very useful, and interesting report produced by the [Shape project](#), the issues for the setback period on the land are explored in some depth. Here, interpretation of the 7th Protocol of the Barcelona Convention and the 100 metre buffer zone is largely seen as a guiding principle rather than a strict rule, primarily as a tool for the preservation of coastal natural habitats, landscapes, natural resources and ecosystems, within a wider objective of protecting the Mediterranean's natural and landscape heritage. As a planning or policy tool, simply zoning without proactive management is a pretty weak planning instrument. What is needed to sit alongside what is in effect a zoning or set back mechanism are some other framework conditions to promote proactive management of the sites. Furthermore, this approach also needs to be balanced against other projects of 'public interest', which might have an environmental focus, e.g. Habitats Directive, or may take the form of national developmental interests or more locally orientated local societal needs, economic and social development.

The real question is how do the planning and other policy frameworks reach a balanced approach between often conflicting and conflictual needs and aspirations, often emanating from different policy domains? It raises all sorts of generic questions as to how can the aspirations of ICZM and the more specific requirements of the ICZM Protocol be realized.

Spatial planning is a generic integrative activity which, in an ideal world, involves an open process of discussion and debate to produce an outcome, which takes the form of a plan. This is inevitably a snap shot of the position at a particular point in time and will need review and revision over time. The key is that planning should be seen as a continuous process and depending on the nature of the plan, scale and scope. To begin with ICZM was seen as a new and separate process, involving discussions with stakeholders to reach a plan or strategy that perhaps did not have statutory effect. This often led to the creation of new planning documents whose statutory role was at best ambiguous. More recently, ICZM as a process and its underlying principles, have increasingly become embedded within other planning policy instruments, (e.g. marine spatial plans, shoreline management plans, integrated national or regional territorial plans covering both land and sea). Through these practices, the principles of what ICZM is expected to achieve, the process of preparing a plan and embracing the 100 metre setback, are increasingly being integrated into a single territorial planning regime. This regime can integrate terrestrial and marine planning into a single national territorial plan, which then creates the context within which other lower tier plans can be prepared.

In the next chapter we explore some case studies to explore how this has evolved and how the requirements of the ICZM protocol have been satisfied.

3 Case Studies

In this chapter three case studies are explored in terms of how ICZM has been integrated into wider policy frameworks and how the specific requirements of the 100 metre set back have been applied. Whilst obviously the governance arrangement, particularly with regard to MSP, for all countries is very different these three case studies have been chosen as each presents some similarity to the challenges unique to Cyprus. It is hoped that drawing upon these three very different scenarios combined an overall scenario specific to Cyprus can be derived.

3.1 Island of Ireland

The island of Ireland is a small landmass in the North East Atlantic which is occupied by two countries, the Republic of Ireland an EU member state and Northern Ireland part of the United Kingdom which left the EU on the 1st January 2021. The main factor for the inclusion of this case study is the transboundary element of an island occupied by both an EU member and non-EU member, which is of particular relevance to the situation in Cyprus. Based on its location, neither Ireland nor the UK are subject to the Barcelona Convention. Both countries however have undertaken extensive research into the implementation of ICZM. Both were involved in the INTERREG IIB COREPOINT (Coastal Research and Policy Integration) Project which was designed to build capacity for the integration of ICZM at a number of levels (Ballinger et al. 2010).

Planning Legislation in Ireland and Northern Ireland

In Ireland, the National Marine Planning Framework (NMPF) was approved along with the new Maritime Area Planning Bill (MAP) in July 2021. Planning on land in Ireland has historically been under the legislation of the Local Government (Planning and Development) Act, 1963 and subsequently the Planning and Development Act, 2000 which repealed it. Historically there has been little integration between planning on land and at sea. Activities which take place within what is to be considered as the 'coastal zone' are leased and licenced under the Foreshore Act, 1933, which still remains the key legal regulatory tool for managing marine activities and has been revised in both 1992 and 2011. The MAP seeks to provide cohesion in Ireland's marine planning consent regimes, which includes gaps and duplication across various consent processes (foreshore, planning and environment). The Bill proposes to establish a new legal framework for the maritime area and replace the existing foreshore, planning and environmental processes with a single streamlined consent process. The MAP was preceded by the Maritime Area and Foreshore (Amendment) Bill 2013 which was published in October 2013 and underwent pre-legislative scrutiny with the then Oireachtas Joint Committee on Environment, Culture and the Gaeltacht in November 2013 but was never adopted. The current NMPF states the maritime area to extend from the high-water mark to the outer limit of Ireland's continental shelf and includes the territorial seas and the Exclusive Economic Zone (EEZ). Developed alongside the NMPF the National Planning Framework (NPF) guides strategic planning and development at a high level alongside a National Development Plan. Specific planning details are included in three Regional Spatial and Economic Strategies (RSESs) and all City and County Development Plans must adhere to their respective RSES. The specific requirements for each RSES are slightly different, however set back zones are not defined, rather zones for future maritime related developments aimed to achieve national targets in relation to blue growth. To complicate matters further, in the absence of a formal framework for the implementation of ICZM, Strategic Integrated Framework Plans have been established for specific areas such as the Shannon Estuary. One aim of these SIFPs is to, through the adoption of an ecosystem approach to planning, maintain the integrity of any Special Areas of Conservation (SAC) or Special Protection Areas (SPA) rather focusing development within strategic coastal locations.

The NPF and the NMPF both form part of Project Ireland 2040, designed to work alongside each other in a complementary fashion to address the historic discord which exists between marine and land planning using a holistic approach based in part on the principles of ICZM. A provision of the MAP is the ability of the establishment of Designated Maritime Protection Areas (DMAPs).

As part of the new bill these areas can be proposed by governmental and sectoral bodies beyond the MSP governing authority. This provides a flexibility both spatially and temporally that takes into consideration within the existing and developing planning framework to allow both existing and newly formed authorities to propose new planning frameworks.

In Northern Ireland there has been significant work seeking to integrate ICZM into national planning policy. In 2006 a report was published by the then Department for the Environment for Northern Ireland entitled “Towards an Integrated Coastal Zone Management Strategy for Northern Ireland 2006 – 2026”. This report decided an inland limit for the coastal zone of 3km, which is on the higher end of coastal zone limits for most other EU members states. The seaward boundary is defined in legislation under the Northern Ireland Adjacent Waters Boundaries (Northern Ireland) Order (2002). In general, Northern Ireland’s territorial waters extend to 12 nautical miles from baseline. The Draft Marine Plan for Northern Ireland was published in its latest form in 2018 and has undergone public consultation however it has not as yet been formally adopted. Within the draft document it is stated that the marine plan will also contribute to the implementation of the Integrated Coastal Zone Management Strategy.

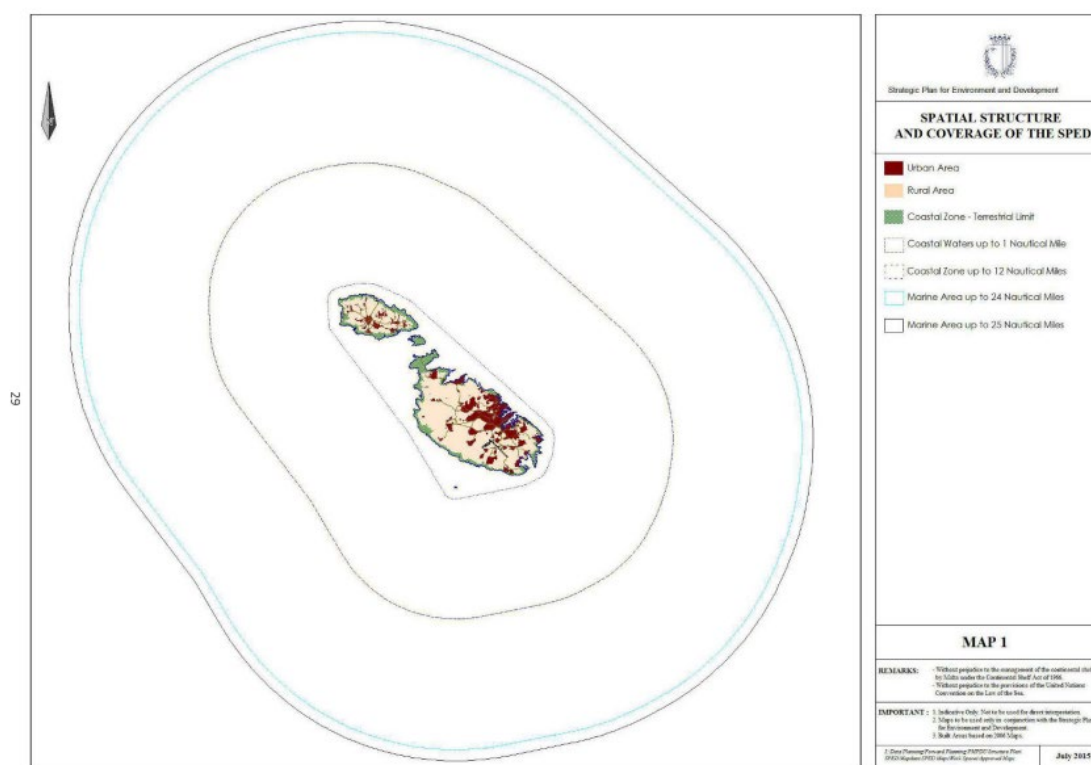
The ICZM Strategy for Northern Ireland is of interest as it pre-dates the ratification of the Protocol on Integrated Coastal Zone Management to the Barcelona Convention and as such a specific limits on construction within the coastal zone are not provided although they are referred to. The strategy however does state that a case could be made for a specific development plan to be produced for construction below the mean high-water spring under the Food and Environment Protection Act. Levels of non-statutory management do exist in Northern Ireland for example the Strangford Lough Management Scheme which feeds recommendations for sustainable development using ICZM principles into the local terrestrial Down and Ards Area Plan.

3.2 Malta

The island of Malta is a relatively small island within the Mediterranean Sea and an EU member state within the geographical regional scope of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention). Given its size the majority if not all of the island can be thought of as coastal in nature. As a Mediterranean island state with a strong economic reliance on tourism, Malta faces many similar pressures to Cyprus, particularly with regards to its implementation of the ICZM Protocol in already significantly built up areas of the coast.

Planning Legislation in Malta

The main legislative act for spatial planning in Malta is the Development Planning Act of 2016, which also addresses development at sea. Subsidiary legislation 552.27 under this Act was adopted on 18 October 2016 as the transposition of Directive 2014/89/EU on MSP into national legislation. Malta has had a marine spatial plan in place since 2015, the Strategic Plan for Environment and Development (2015-2020) (SPED), is currently under review as per the terms of the EU MSP Directive 2014/89/EU. The directive has been transposed into Maltese law under a subsidiary legislative ruling (S.L.552.27) under the Development Planning Act of 2016 (Cap.552) stating the SPED shall be considered as the marine spatial plan for the island. Unlike other states where separate plans exist for both terrestrial and maritime areas the SPED covers all including the Urban Area (Development Zone), the Rural Area (outside the Development Zone), the Coastal Zone (up to 12 nautical miles) and the Marine Area (12 to 15 nautical miles) and in addition the island of Gozo. These are all identified as five distinct areas covered by the plan (Map 1).



Map 1: Spatial Structure and Coverage of the SPED. (Source: SPED Malta. 2015. https://is-suu.com/planningauthority/docs/sped_approved_doc__1_)

Given its size, competition for space along the Maltese coastline is extremely high with national strategic infrastructure activities such as ports, energy production, desalination and sewage treatment all taking place within the coastal zone. In addition, over a sustained period of time when new development was not effectively managed much new constructions which did not explicitly require a coastal location were permitted and this has resulted in conflict for space with legitimate coastal uses. This competition has led to the displacement of traditional coastal communities which have almost exclusively been replaced by high rise recreational and tourist accommodation.

Malta became a signatory of the ICZM Protocol amendment to the Barcelona Convention on the 21st January 2008, and after review and further investigation, ratified the protocol on 10th April 2019. The Protocol entered into force the following month on the 10th May 2019 and signals Malta's intension to move towards increased cooperation for the sustainable development of the Mediterranean region. The path to the ratification process for Malta took many years to come into effect with numerous reports and studies conducted on how to include ICZM into coastal area management practices starting with the [PAP/RAC CAMP](#) Malta project and the [INTERREG DEDUCE](#) project both of which took place in the mid-2000s, prior to the ICZM protocol amendment to the Barcelona Convention.

The 100 m width zone prohibiting construction specified in Article 8 of the ICZM Protocol may well have been a stumbling block for a small island state which has already been extensively developed and possibly overdeveloped in certain areas, however the concession that adaptations may be made to this provision for both projects of public interest and in areas with geographical constraints, particularly relating to population density, will need to be taken into consideration for much of the coastal zone in Malta. In the Annex to the Ratification Checklist, which was submitted at the time of the motion to ratify the protocol on the 28th November 2018, the geographical context of the coastal zone is reiterated along with the provision that different limits can be afforded to Parties subject to these being communicated in a declaration to the Depositary at the time of the instrument of ratification, acceptance or accession of the protocol within certain constraints. As such for the purposes of ratification and accession Malta has defined its coastal zone as is described within the SPED 2015 and highlighted in Map 1 above.

There are key advantages to Malta in ratifying the protocol. One major advantage is the creation of legislation and a common legal framework which is comparable with neighbouring countries, therefore making a transboundary and sea basin led approach to sustainable development in coastal and marine areas a much easier proposition. The ratification and accession of the protocol also brings the importance of the environmental protection as a necessary consideration for all future planning proposals where under previous strategies, economic and infrastructure considerations were seen to be of greater importance within the decision-making process. In addition, Malta was a party involved in the drafting of the original protocol text to ensure the interests of small island states were included and taken into consideration. They will have felt a political will to remain part of any ICZM discussions going forward which could only realistically occur if they ratified the Protocol. Malta provides a clear example of how the protocol can be ratified in circumstances where many of the requirements, including the 100 m construction rule are difficult to implement due to widespread existing development that has taken place.

3.3 Slovenia

Slovenia is a small country in the Mediterranean Sea who ratified the 2008 ICZM Directive in 2009 and it entered into force on 24/3/2011. In 2021, it produced its first marine spatial plan. The interesting points about this case study are that the marine spatial plan is territorial in nature and within it, ICZM process and practices have been fully integrated.

Planning Legislation in Slovenia

The Spatial Management Act (modified in 2017) gave responsibility to the Ministry of Environment and Spatial Planning for the development of national plans, both on land and sea, and ensuring that the local policy frameworks conformed to national policy. Thus, a single Ministry is responsible for both strategic planning both on the land and in the sea. Hence it is reasonable to argue that there is an integrated territorial approach (land and sea) to planning which enables a more effective approach to dealing with the complexities of land sea interaction and the designation of a coastal strip within one integrating instrument.

The Decree on the Maritime Spatial Plan of Slovenia which was adopted in July 2021, in accordance with Spatial Planning Act adopted in 2017 (OG no. 61/17 – ZUreP-2), announced the plan's clearly articulated objectives:

The Plan determines the objectives and guidelines for further development of activity and use at sea in a manner that will attain sustainable spatial development, sustainable growth of maritime economies, sustainable development of maritime areas and sustainable use of sea resources.

Furthermore, the plan is clearly the starting point of a process on implementation and review and must be seen as starting point for drafting sectoral policy documents and legislation that impacts on the sea and coastal activities as well as other national, regional and local plans. Hence, it appears to be an integrating document which has involved fruitful discussions with a wide range of stakeholders with an interest in the sea.

The coastal strip has been defined following the principles set out in the ICZM Protocol. In seaward terms this is seen as 150 metres from the shoreline towards the sea, although nationally designated areas, ports and existing marinas have been excluded. On the land, the coastal strip is defined as being at least 100 metres from the shoreline. Areas excluded from the coastal strip include areas of national importance, urban areas and ports and marinas. Local communities have local planning powers and they can define/refine/extend what are known as spatial planning units (SPUs) taking into account their own spatial planning competencies and the requirements for the coastal strip, as set out in the plan. These SPUs are already developed areas, towns, specific campsites or nature conservation areas where the specific types of permitted development have been specified and therefore are outside the coastal strip. Furthermore, the plan specifies a long list of guidelines for permissive use (see Table 2) of appropriate or inappropriate development. Outside of the SPUs, development of any form is usually prohibited

unless it is related to the enhancement and development of a coastal path from Croatia in the south to Italy in the north and only then with the permission of the appropriate spatial planning authorities. Furthermore, it can only be illuminated in urban areas.

Beyond the main urban area of Koper, which contains an important port, the rest of the coastal part of Slovenia is heavily dependent on tourism with an emphasis of enhancing the quality of the experience and hence restricting development.

Table 2 Guidelines and Permissive Uses within the SPUs.

Free access to the sea and free navigation along the coastline in all parts of the coastal strip needs to be ensured, and all existing walking paths are preserved and maintained.
Spatial development in the naturally preserved parts of the contact between the sea and land is not permitted.
Construction of facilities is not permitted, except for facilities of public service infrastructure in accordance with relevant legislation and facilities planned with other provisions of this Plan.
Construction of facilities intended for residence or accommodation is prohibited.
The movement, driving and anchoring of vessels in nature protected areas and areas of natural assets is limited or prohibited.
The movement, driving and parking of land vehicles in natural areas is limited or prohibited.
Commercial activities that require immediate vicinity of the sea: fisheries, mariculture maritime transport, ship building, sport, tourist, leisure and other nautical recreational activities, education and training at sea and nature conservation and cultural heritage protection are permitted.
Commercial and recreational fishing, its scope and method of implementation must be carried out in accordance with relevant regulations.
The preservation of a favourable state of nature and the conservation of natural assets is ensured.
Nature conservation is ensured in all SPUs of the coastal strip. Spatial development and activities are permitted in protected areas in accordance with plans for the protection of protected areas. Preservation and research of natural heritage and its presentation to the public, education, research and sustainable tourism is enabled and encouraged in all nature protected areas.
Considerations for preservation and research are implemented in all SPUs in areas with the nature conservation status of permissible use.
Cultural heritage preservation, its exploration and presentation to the public should be ensured. If there is non-compliance between the permissible usages and permissible encroachments determined for individual SPUs in the next chapter and legal regimes of cultural heritage protection, the latter prevails.
Characteristic landscape elements are preserved and developed in all SPUs of the coastal strip. Agricultural and industrial activities must be carried out by protecting the environment. Spatial regulations for sport and recreational activities are permitted.
It is permitted to examine the possibility of expansion of the coastline boundary (expansion of the sea into the land part) in areas where the coastline boundary has already been changed by human activity.
Development must not encroach upon fishing areas.
Development must not encroach upon the existing mariculture farms.
Developmental projects must not encroach on the areas of vulnerable habitat types (underwater meadows, coral reefs and coralligenous assemblages).
Developmental projects must not modify or endanger the quality coastal landscape.
Developmental projects must not modify or endanger coastal forests.
Non-invasive scientific research is permissible in all parts of the coastal strip. Implementation of invasive research is permitted if consent of the spatial planning authorities is obtained, with the exception of exploration of oil and gas, which is prohibited.
Spatial arrangements of national importance are permitted in all parts of the coastal strip with consideration of other provisions of this Plan provided that consent is obtained from the spatial planning authorities.

It is permitted to develop rainwater discharges into the sea in all parts of the coastal strip.

(Source: Ministry of the Environment and Spatial Planning, 2021).

3.4 Reflections and Lessons Learnt

From these case studies there are a number of lessons learnt that can be useful to the Cyprus case:

- ICZM, as process, has been integrated into more formal planning systems which recognised the potential of territorial development, land and sea being conceived as one national territory and hence the land and sea interaction either at the interface on the coast and/or the wider spatial linkages beyond the immediate coastal hinterland.
- What seems to be important in this approach is the principle of what the ICZM Protocol is attempting to achieve, which is more important than focusing on the procedural niceties of a precise 100 metre land ward setback designation. This is of particular importance in areas where significant development of the coast has already taken place making the requirement for such a setback in legislation untenable as is the case in Malta and to a certain extent Ireland.
- The setback distance from the coast should be seen as only one of the instruments or tools that can be used to achieve the objectives of the ICZM Protocol and these may be more effective in delivering the required outcomes. For example strategic zoning of specific areas for development and other conservation, preventing fragmentation of protected areas as occurs in Ireland.
- A setback line of whatever width, while it can be used to limit development opportunities, is a negative tool which on its own will not achieve the ambitions of ICZM. If positive change is required, then other framework conditions which proactively look to manage the coast are needed, and these often operate outside of the formal planning system. In many cases, access to the beaches, whether through vehicular access, or the anchoring of marine vessels offshore, whilst perhaps being illegal, are not strictly a planning matter. Similarly land based pollution, whether in the form of litter, diffuse pollution from agriculture, historical and unregulated sewerage outflows can have significant impacts but are not strictly planning issues.
- In both Malta and Slovenia, the ratification of the ICZM Protocol was not perceived to bring unnecessary constraints so long as the objectives of what is trying to be achieved, namely the broader objective of preserving the Mediterranean's 'natural and landscape heritage' was fully appreciated. Furthermore, they have chosen to embed the principles of the Protocol into other broader policy instruments.

- Marine Spatial Plans embody the notion of areas of the coast where certain types of development might be permitted, and areas (usually outside the main towns or special development areas) where the setbacks are of variable widths depending on local conditions and where the types of appropriate or inappropriate development are clearly specified. In both, Slovenia and Malta, by having the same body responsible for planning on the land and sea at a national level, planning policy for the land can be readily adjusted.
- Implementation can be achieved either by integrating instruments (a territorial plan and/or other guidance (Malta and Slovenia) and/or aligning governance arrangements. Although it is very important in implementation terms to understand the opportunities and limitations of spatial planning, which is largely defined by its scope to enable or prevent certain types of development in certain locations. Other management practices instigated by different public sector organisations also have a key role to play, perhaps related to unauthorised access to sensitive areas, organising litter collection, proactive management of agricultural land and other environmentally sensitive areas. It is important to recognise what spatial planning can and cannot deliver.
- National plans and policies guide and frame lower tier spatial strategies. Other framework conditions, how effectively development is regulated and how other factors shape ecological integrity at the coast, are critical to effective implementation.
- If new legislation is planned, particularly with regards to the implementation of MSP, the proposed introduction of Designated Maritime Protected Areas (DMAPs) should be examined in suitable areas.

4 Challenges of Implementing the ICZM Protocol for Cyprus

There are a number of opportunities and challenges facing Cyprus in implementing the expectations of the ICZM Protocol, as part of the Barcelona Convention. Although Cyprus, as a country, has not yet formally ratified the Protocol, because the EU has, it can be considered a part of the '*acquis communautaire*.' In this section we briefly review what the current situation is and suggest opportunities, within a context of ongoing government reform, where both the objectives of the Protocol can be considered and how, in the future, the planning and policy environment could future proof the country against further actions. It is important to remember the broader policy objectives of the Protocol and the role of the setback as being one tool which could contribute to delivering the outcomes.

With many countries within Europe, showing an increased tendency for a more integrated approach between policy instruments on the land and in the sea and at the interface between land and sea, one of the real challenges is how can the requirements of the ICZM Protocol, with the expectations of a 100 metre-set back be combined with adopting an ecosystem services approach.

Although a relatively simple idea 'the ecosystems services approach 'is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way....' that 'requires adaptive management to deal with the complex and dynamic nature of ecosystems and the absence of complete knowledge or understanding of their functioning' (Langlet and Rayfuse, 2019, 1) in practice its application has to be dynamic, adaptive and based around societal choice. The 12 so called Malawi Principles for Ecosystem Services, elaborated by the Parties to the Convention on Biodiversity, placed great emphasis on societal choice (Principle 1) and involving all critical stakeholders (Principle 12), decision making should be made at the appropriate scale (Principle 2), considering all forms of relevant information (Principle 10) and managed at the appropriate scale (Principle 7). Furthermore, there needs to be a balance between economic costs and benefits (Principle 4) and that change is inevitable (Principle 9).

With spatial planning (both on the land and within the sea) being a **process** which seeks to balance competing interests over the use of space and the output being a **plan** produced at a particular point in **time**, this is a stage where these competing perspectives can now be re-explored within the context with the specific focus on integrating the requirements of the ICZM Protocol with refreshing the set-back zone, by taking a practical and pragmatic approach.

4.1 Framing the Cypriot Context

In terms of setting the context there are three inter-related issues, all of which relate to governance issues of land sea interaction now and in the future, these are:

- who has responsibility for managing land sea interaction,
- what instruments currently exist, and,
- how does local government reform reshape the policy context

In terms of the key responsibilities for the critical policy instruments associated with dealing with land-sea interaction, ICZM is dealt with by the Department of the Environment, MSP is the Shipping Deputy Ministry and planning on the land, including the Foreshore Protection Law is the overseen by the Department of Town Planning and Housing, which is within the Ministry of Interior. This fragmentation of policy arenas is not an uncommon characteristic which has challenged many countries within Europe. The case studies outlined above show different approaches to reconciling an integrating, what might be seen as competing interests. In Ireland, for example collaborative working groups mean that integration can be achieved through partnership working. In Malta and Slovenia, an integrated policy instrument at the national scale, frames both in terms of opportunities and constraints how broad environmental management and protection goals can be balanced against economic and social needs

A piece of legislation, dating from 1978, The Foreshore Protection Act, designates a landward zone 'not exceeding 100 yards from the high-water mark' where restriction on development should be strictly applied unless exceptionally permitted, often with conditions, by the District Officer, or Minister depending on the type of development. Furthermore, the District Officer, an area-based arm of central government can issue an official notice restricting activities within the coastal zone and requiring individuals to remove any offending objects. Whilst this legislation is undoubtedly outdated and needing reforming, it has set a longstanding precedent of a set-back zone where development should be avoided. However, it is seen as a maximum step back rather than a minimum and there is little evidence to suggest how successfully this instrument has been applied. Anecdotal evidence using aerial photographs suggest that some scattered development has occurred within this coastal strip, but whether this is unregulated or authorised development or a combination of the two is uncertain. Though interestingly, with the appropriate authorisation, some development along the foreshore may be permitted, and this has been the case with nationally designated Tourism Development Zones, designed to attract international investment (Ioannou et al 2019). Nevertheless, the principle of a set-back zone on the land has been very well established in Cyprus, and this was/is consistent with the ICZM Protocol.

Finally, it is understood that local government re-organisation is being proposed. Currently the country, administratively is divided into 6 Districts and each District is headed by a District Officer who is essentially the local representative or extended arm of the government. The District Officer acts as the chief-coordinator of the activities of all Ministries in the District. District Officers are answerable to the Ministry of the Interior, which is headed by a Permanent Secretary as chief

administrator.

There are two types of local authorities, Municipalities and Communities, which are governed by separate laws. In principle, Municipalities constitute the form of local government in urban and tourist centres while communities constitute the local structure in rural areas.

Within the Districts, there is a comprehensive system of local government which comprises 30 municipal councils in urban areas, including major towns and tourist areas; and 350 community councils in rural areas, which cover 85% of the island's total land area. According to the Law, the main responsibilities of municipalities are the construction, maintenance and lighting of streets, the collection, disposal and treatment of waste, the protection and improvement of the environment and the good appearance of the municipal areas, the construction, development and maintenance of municipal gardens and parks and the protection of public health. In addition to the Municipalities Law, there are several laws giving municipalities important powers such as the Streets and Buildings Regulation Law, the Civil Marriages Law and the Sewerage Systems Law. The main sources of revenue for the municipalities are municipal taxes, fees and duties (professional tax, immovable property tax, hotel accommodation tax, fees for issuing permits and licences, fees for refuse collection, fines etc.), as well as state subsidies. Taxes, duties and fees represent the major source of revenue, while state grants and subsidies amount to only a small percentage of the income.

Municipalities are the competent authority for granting building permits under the Streets and Buildings Regulation Law. Community councils have significantly less powers and their income largely comes from state allocation.

In terms of development control, the Department of Town Planning and Housing functions as the higher central planning authority of the country. The main towns of Nicosia, Limassol, Larnaca and Pafos have their own planning functions and elsewhere the Department of Town Planning and Housing provides the administrative umbrella for the predominantly rural districts.

The formulation of Development Plans is the responsibility of the Department of Town Planning and Housing, part of the Ministry of Interior. The Development Plans comprise a three-tier hierarchy, namely the Island Plan, the Local Plans and the Area Schemes:

- (a) The Island Plan, the strategic spatial plan for the island that remains inactive since 1974 due to the division of the Island. In view of that, under the Town Country Planning Legislation a "replacement" Development Plan was introduced, the Statement of Policy for the Countryside, which covers all the (mostly rural) areas outside the boundaries of Local Plans or Area Schemes.
- (b) The Local Plans, the middle tier of Development Plans, cover the main urban areas together with their urbanised fringes, which are experiencing pressures for expansion and population growth.

(c) The Area Schemes, at the lower end of the hierarchy, cover specific smaller areas of particular interest, either within or outside the framework of a Local Plan, and detail site-specific development proposals on the basis of the strategic guidelines and policies of the Local Plans or the Policy for the Countryside.

Local government reform is being discussed with a view to creating a more unified governance structure with greater autonomy being granted to local government across the island, with a smaller number of larger units, but it remains likely that many will still be heavily dependent on central government for core funding (Coucounis, 2021). It is not yet clear what planning powers and responsibilities will be devolved to these new authorities, but it seems a safe assumption that they will be equivalent to current municipalities, whereby local plans for either the towns or specific tourism areas are created, and a licencing process controlling both, the principle and character of specific development and ensuring appropriate building codes, are followed.

If this analysis is correct, then it follows that central government through a series of guidance notes or plans will be setting the context for development at a local level.

4.2 Classification of Cyprus' coastal zones

The coastal zone in Cyprus is not a unified planning area, there is no separate institutional or land use planning framework specifically pertaining to the whole of the coastal areas. Coastal land use zones form parts of several Development Plans applying to different local administrative areas. Each section of the coast is covered by land use zones together with those covering the wider inland planning area falling under either a Local Plan (such as Limassol, Larnaca and Paphos) or the out-of-urban-areas Statement of Policy for the Countryside. The existing Development Plans are demarcated along an urban/rural distinction rather than the coastal/inland dimension.

In terms of delivering an ICZM strategy or an MSP, many studies have been completed highlighting the conditions at the interface between land and sea. In fairly general terms (see Table 3) nearly 50% of the coastal zone has been classified as being developed or having the potential for development (Constantinou, 2019), and in theory these areas should be covered by a land use plan.

Table 3. Classification of Planning Zones on the Coast

Category of Planning Zone	Percentage of Total(%)	Rural v Areas of development
Protected Zones	45%	
Agricultural Zones	8.5%	53.5%

Touristic Zones	31%	
Housing and Commercial Zones	9%	
Industrial Zones	3%	
Other Zones	3.5%	46.5%

(Source: Constantinou, 2019)

Within developed or built up areas (such as the coastal town/village centres), in common with practices elsewhere, the set-back zones are either non-existent or of a lesser depth than those specified in the ICZM Protocol. In other areas, the set back is applied, with varying degrees of stringency. But this does not mean management practice associated with proactively managing land sea interactions could not be introduced. Beyond these development areas, 25 areas have been suggested, by a group of experts, who helped formulate the Draft ICZM Plan for Cyprus, as Areas for Special Management (see figure 3). If these areas, identified as being of importance for nature conservation were to be formally adopted, there is no reason to suggest why, within these areas, the set-back limits could not be extended to cover the whole of the Areas of Special Management, which will probably be, in most cases more than 100 metres. Indeed, taking this pragmatic approach, within existing nature conservation designation of European significance, under the Birds or Habitats Directives, the whole of these areas could be designated as having an extended set-back zone, beyond 100 yards.

Consideration should be given to whether the agricultural areas collectively, or in part provide a cultural or heritage landscape that is worthy of protection. There are critical issues to consider such as longstanding land fragmentation (Demetriou, Stillwell and See, 2012) in agricultural holdings, which in turn may well drive scattered, unregulated and illegal development, for which there does not appear to be effective enforcement action (Mourmouris, Caramondani, and Hadjicharalambous, 2019), which is threatening the integrity of the coastal strip. Here, the issue is not necessarily what the law says, but rather how it is implemented and effectively enforced, and this is often a question of planning culture and capacity, which will remain an issue even if a new 100 metre set back zone is initiated.

Figure 3. Areas for Special Management (Mourmouris, Caramondani, and Hadjicharalambous, 2019)



Source: Mourmouris et al. National ICZM Strategy and Action Plan for Cyprus (2081-2030). 2019

4.3 Some concluding reflections

Much of Cyprus's GDP is generated on the coast by tourism, and maintaining this as an asset going forward will inevitably mean there needs to be a good balance between meeting the needs for development with preserving and protecting the coast upon which a thriving and sustainable tourism depends. There have been many detailed studies undertaken over a considerable period of time about what Cyprus' coastal assets are that need protecting, but simply designating a zone where development should be restricted is insufficient to allow for effective pro-active management.

The challenges being faced by Cyprus are not unique, and many other countries both within the Mediterranean and further afield are grappling with similar issues. It is not the purpose of this report to tell Cyprus how to resolve these issues, but to provide options to be considered particularly when fulfilling the obligations and expectations of the ICZM Protocol.

But, there is a long history in Cyprus of having a landward set-back zone where pressures on the coast should be restricted. The real questions moving forward are how can these zones be redrawn and to what extent did their designation provide effective mechanisms of protection? Adopting a fairly pragmatic approach, it needs to be realised that a simple process of zoning or designation in spatial plans does not necessarily deliver the desired outcomes. The scope of

spatial planning is in practice often limited to framing and regulating where new should occur, or equally not be permitted. It may be that other factors, framework conditions or other regulatory bodies need to take greater responsibility for delivering the necessary outcomes when it comes to the effective management of the coastal strip, both on the land and in the sea. In terms of defining /redefining the coastal strip, our work suggests that many of the critical issues lie beyond the urban areas and tourism development zones. These areas are largely already regulated through the spatial planning system, both in terms of plan and policy making and regulating development. Within the existing European and national designations for nature, landscape and cultural heritage, pragmatically extending the Foreshore Protection Zone to more than 100 metres, and possibly to the landward extent of the designation could be considered. With the proposed Special Areas for Management a similar approach could be considered. This would leave a relatively small area, currently designated as agricultural zones still to determine where the landward foreshore boundary should be. As has already been noted redesignation could be a relatively straight forward process, which according to the ecosystems services approach requires a collaborative approach. What is more challenging is how the desired outcomes are to be effectively managed. From a narrowly defined planning perspective there does seem to be a historical issue of unauthorised and unregulated development, and effective enforcement seems to be lacking. Other impacts on the coast, such as diffuse pollution from agriculture cannot be managed through spatial planning

5 Conclusions and Recommendations

In this final section, policy options are provided to deal with the specific questions under consideration, recognising that planning is a political process. Public planning as a state activity obtains its power and authority from the state, to realise state objectives of balancing economic, social and environmental concerns. From this perspective planning is an inherently complex and contested activity, which seeks to serve the public interest and in the outcomes of the planning process is a combination of the *principles for planning*, the *instruments used in the planning process* and the *other framework conditions* that might lead to, or restrict development activities in a particular place. The priorities for the spatial planning system are complex, none linear and continuously evolving. This requires planning systems that are dynamic, responsive. Recently there has been a growing recognition of the potential of the marine environment to generate blue growth, and of the importance of land-sea interactions, which requires a good quality of environment in both domains and a necessary precondition for growth. Within this context ICZM can be seen as a management device designed to promote environmental quality in the coastal strip.

By exploring these three themes and based on the experiences both of Cyprus and elsewhere we seek to provide suggestions to the following questions:

How to define the geographical coverage (landward limit) of the coastal zone by applying the ecosystems approach whilst taking into account economic and social criteria and considering the specific needs related to geomorphological characteristics and to take into account the negative effects of climate change (Article 3)?

What are the criteria for adoption of the minimum coastal zone width (100m) and where are the critical pinch points in possibly extending the Foreshore Protection zone?

How can policy regimes be best integrated to ensure that sustainable use of the coastal zone is effectively integrated into national legal instruments (Development Plans)? (Article 8, para. 3)

According to the protocol, such criteria, taking into account specific local conditions, shall include, inter alia, the following:

- (a) identifying and delimiting, outside protected areas, open areas in which urban development and other activities are restricted or, where necessary, prohibited;
- (b) limiting the linear extension of urban development and the creation of new transport infrastructure along the coast;
- (c) ensuring that environmental concerns are integrated into the rules for the management and use of the public maritime domain;

- (d) providing for freedom of access by the public to the sea and along the shore;
- (e) restricting or, where necessary, prohibiting the movement and parking of land vehicles, as well as the movement and anchoring of marine vessels, in fragile natural areas on land or at sea, including beaches and dunes.

5.1 Principles for Planning

Perhaps one of the easiest aspects is to recognise that the sustainable use of the coastal zone is critical in achieving the objectives of national government and this also contributes to wider goals of protecting the ecological integrity of the Mediterranean Sea, in accordance with the Barcelona Convention and associated Protocols to which the EU is a signatory. Also, within other EU policy regimes, the principles of paying more attention to managing land-sea interactions particularly at the coast and in spatial planning terms, many countries within Europe are taking a much more integrated approach, taking either a territorial approach particularly at the national level or ensuring that competent authorities liaise much more closely with each other. This 'One-Space' approach as promoted in the ESPON MSP-LSI project seeks to envisage the land and sea under the jurisdiction of a nation state as being an intergrated single territorial space to be managed holistically. A key starting point is that there is a national commitment to 'protecting and preserving the natural, cultural and heritage assets of the coast'.

5.2 Instruments for effective planning

Spatial planning is seen as an important part of reconciling conflicting and competing interest in the 'public interest' and the challenges for planning are constantly changing and the frameworks for planning continue to evolve in response to particular social challenges or opportunities. Currently within Cyprus there is a process of local government re-organisation and new planning powers might be devolved to some local authorities. The key question is how does the national government frame what can happen at the local level? Furthermore, three different authorities seem to be responsible for three different, but complementary planning regimes, marine spatial planning, ICZM and land-based planning. These are overlapping and complementary and there seems to be scope for integration.

In many countries planning law specifies what competencies planning authorities at varying levels have and how plans at various spatial scales should operate, the extent to which lower level plans need to comply with higher level policy principles and practice, and the mechanisms of higher-level scrutiny before plans are approved. Perhaps just as critical is the way that planning regulations are effectively implemented and indeed this raises the issue of competency to deal with particular forms of infringement, whether permanent or temporary. This raises the question of the scope of

the planning system and its ability take effectively enforcement action for transgressions. This is particularly relevant in relation to the unregulated temporary parking of vehicles or boats, in or around, sensitive coastal locations. Without undermining the significance of these issues in maintaining the integrity of the coastal strip, these are arguably not issues that can be dealt with by planning per se, largely because of the temporary nature of the transgression. More significant is the extent to which enforcement action is effective against more permanent developments that have not been authorised. These unregulated developments may be because of longstanding property rights development associated with land ownership, but the critical question is one of planning culture and the extent to which effective enforcement can be implemented.

With many new and emerging national land-based or territorial plans with a coastal reach, these frame areas of jurisdiction for potential development and areas for special protection where certain types of activity on the coast should be restricted. Most areas along Cyprus' coastline have been designated as areas for development (predominately urban municipal areas and tourism areas) and areas for protection. This is then providing the framework for a new integrative national spatial strategy which could designate different types of land where development normally would be permitted and equally where development restrictions could be applied. The international case studies provide some inspiration of how others have tackled the dilemmas of integrating set-back zones in conformity with the ICZM Protocol, but within a single policy instrument, perhaps following the style of Slovenia. This has been produced following a process of consultation with key stakeholders, and for example includes provisions for development of a coastal footpath but without lighting outside of the development areas.

Already the main municipalities have local plans for their urban areas which embrace the coastal strip. Tourism areas are also designated as development areas, and these have already been designated as being in the national interest.

Moving forward, there is an open question as the extent to which further development areas along the coast might be authorised. This in part might be a function of how local government reform plays itself out, and what planning powers will in the future be devolved to these new organisations and the level of scrutiny national government has over these powers, both in terms of approving plans and monitoring development trajectories. But in theory, lower level plans should be in general conformity with higher level plans.

Effective integration means having a coherent policy framework from national to local. At the national level this inevitably involves a combination of planning laws, planning frameworks and national spatial plans which set the context. Mechanisms of scrutinising local plan reforms should enable extensions of development opportunities along the coast to be discussed and agreed as being in conformity with both local and national needs. Included within any extensions might be conditions that mean that the coastal strip might be more proactively managed.

The final part of the planning process is how the development process is actually managed and enforced. Evidence suggests that outside of the major urban areas and tourism development zones there have been some unregulated developments. Within the planning arena, development

management or licensing of development is often seen, on an individual basis, as a restrictive practice of state control. Furthermore, the longstanding Foreshore Protection Law provides plenty of scope to limit unauthorised activity within the coastal strip. Some infringements seem to be of a temporary nature and are not strictly planning issues, but part of a broader agenda of culture and management in these sensitive areas. Beyond regulating development, District Authorities seem to have a lot of power, responsibility and authority on paper, but in practice, a culture has emerged whereby rules and regulations are circumnavigated and addressing this cultural issue may be a significant challenge, especially in the light of local government reforms, where new institutional capacity will need to be built.

5.3 Other Framework Conditions Impacting on the coastal zone

The final part of the equation is what are the necessary framework conditions that support and/or restrict activities in the coastal zone? Many of these, may or may not be directly related to planning. Where development is likely to occur either within urban areas or in new coastal development zones, improved development restrictions might be considered to better manage land sea interaction and/or ideas such as biodiversity net gain, or betterment fees may be required for improved coastal management.

As alluded to earlier, some of the challenges facing coastal integrity lie outside of the formal planning system and fall within the responsibility of other jurisdictions. For example, illegal parking is not really a planning matter, neither is waste management and collection. Both these aspects of ensuring coastal assets can be effectively managed and enjoyed by all but require additional resources, and in some countries/places a bed tax is levied with the money being ring-fenced to help pay for more proactive interventions.

These elements are often an under-recognised and under-appreciated aspect of place management.

5.4 Final Reflections

Many of these considerations reflect on how the planning system works in its totality especially in a period of institutional change and a resetting and restating of policy framework, not just in terms of how it deals with a specific issue in relation to land sea interaction at the coastal interface. At the coastal interface, there has been a great deal of evidence gathering, consultation and an understanding of the principles for planning and the challenges facing planning and management in Cyprus. In relation to the ICZM Protocol, and more specifically the ratification process by Cyprus, our work suggests that many principles of integrated coastal management are already in place and suitable instruments could be employed to ensure that the spirit of the Protocol is being pursued.

Recommendation 1. Serious consideration should be given to better integrating MSP, ICZM and land use planning through closer inter-institutional collaboration and/or more closely linking the instruments together.

International case studies have illustrated how strategic planning for the land and sea are increasing being integrated and within MSP, application of the ICZM Protocol is being embedded within a single policy instrument. MSP is a relatively new policy instrument, where there is much experimentation taking place both in terms of the process of preparation, what the plan actually says and how the aspirations are to be achieved. This learning is likely to be a continuous process of adaption and reflection

Recommendation 2. The national Development Plan can be used as an integrating framework for embedding ICZM principals in national and local policy, but recognising that spatial planning alone, with its focus on regulating development cannot deliver effective management of the ICZM zones.

This recognises that many other agencies will also have a role to play in the effective management of the coastal strip (see recommendation 4).

Recommendation 3. Take a practical and pragmatic approach to the set-back position from the coast where development should normally be prevented, recognising that the principle of a set-back has already been long established via the Foreshore Protection Act of 1978. Thus, this is a process of updating, refreshing and possibly extending the set-back using the ecosystems services approach of collaborative planning

A set-back of 100 yards inland from the coast has been a long established practice with Cyprus and actual ratification of the ICZM Protocol or *de facto* ratification by means of Cyprus's membership of the EU means that this set-back area outside the urban areas and tourism development zones needs revisiting. The areas along the coast, designated with development opportunities in the national interest account for 46% of the coastline. Most of the remaining coast has been designated as a protected area (46%) leaving 8.5% as the agricultural zones (Constantinou, 2019). The Protocol sets a minimum distance for the landward extent of the set-back zone of 100 metres rather than yards and in some places the existing set back zone has been significantly affected by coastal erosion. The practical and pragmatic approach starts by looking at existing European and national nature, landscape and cultural designations and asks whether the set-back zones could be extended landwards, sometimes beyond 100 metres, to the edge of these designations. Similarly, with the proposed Special Areas for Management, which presumably have taken an ecosystem approach to designation, if adopted, then a similar set-back to the designation could be proposed. This is consistent with the practice within Slovenia, whereby for important national designations the set-back is extended. This would then leave relatively small areas of agricultural designation where a minimum of 100 metres could be proposed. It is these areas that are considered the pinch points. For this to be agreed in practice, and in accordance with the Malawi principles a process of stakeholder consultation is proposed.

This approach implies for most areas along the coastal strip the minimum 100 metres set-back zone would normally be exceeded to the landward extent of the international or nation designation of a protection area

Recommendation 4. Clear recognition and acknowledgement needs to be given to the fact that plans and policies simple frame what could happen, effective mechanism of regulating development, including enforcement and other framework conditions, are important in understanding how a place works and operates.

From this perspective, it is important that other framework conditions, outside a narrow definition of planning will be required to ensure the aspirations of the ICZM Protocol can be achieve. For example, 'prohibiting the movement of land vehicles or the anchoring of marine vessels' is more of a police issue and waste management and collection is more an urban management issue. One of the critical planning issues is the extent to which, within the set-back zone, development activities should be restricted, or prohibited. This in part is a question about property rights and development, and in theory the planning system controls the principle of development through a development control mechanism, although it is not clear how closely this relates to the granting of construction permits. Nevertheless within the generic set-back zones, there is some potential to be permissive for some forms of development, whereas elsewhere the zones could be extremely restrictive. Again the Slovenia case study shows evidence of this practice.

Recommendation 5. Update the national spatial planning frameworks to ensure that the framework for existing local planning authorities and potential new authorities is fully understood.

Currently, at a national level there is a Development Plan and A Statement of Policy for the Countryside. If the changes being suggested here are being implement, either in terms of extending the set-back zones and/ or establishing revised broad principles for what, if any, new development may be permitted, then at the very least some broad mechanism for amending national policy should be consider. With a new Marine Spatial Plan about to be published, perhaps now is an opportune time to consider how this interacts with land based instruments and whether there are other changes in priority and emphasis for planning more generally.

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