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Marine Spatial Planning Framework Integration: Synergies, Compatibility and Incompatibility Issues. Evidence from Greece.

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Abstract

The Directive of the European Parliament and the Council of July 2014 established a general framework for Marine Spatial Planning (MSP) among EU Member States. The Directive aims to promote the sustainable development of marine areas and equitable use of marine resources. Within this context, Greece has initiated the procedure of the Directive's transposition into the national legislation. This paper focuses on the examination of the terms for the integration of the MSP Directive in the national spatial planning system in Greece. The main research focus is the transposition of EU MSP Directive in Greece and the challenges Greek authorities have to face, in correlation with the basic problems of spatial planning in Greece. Taking into account that the Greek spatial planning system has a significant number of tools for integrating MSP guidelines at almost all planning levels, this paper begins with a detailed presentation of the main provisions for the marine areas of the spatial planning legislation and the system of spatial planning in Greece. It then proceeds to a critical presentation of the main issues related to the first effort to transpose the EU MSP Directive into national legislation at the end of 2016.

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1. Introduction

The European Union (EU) is surrounded by oceans and seas. More than 200 million EU citizens live in coastal areas and of the approximately 88 million who also work in these areas, 5.4 million are employed in the marine and shipping sectors.¹

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¹ Communication from the Commission to the European Parliament, the council, the European economic and social committee and the committee of the regions 'Blue growth opportunities for marine and maritime sustainable growth (Text with EEA relevance)' COM [2012] 494 final, 2.



Seas and oceans are drivers to the European economy in terms of achieving the goals of the Europe 2020 strategy for smart, sustainable and inclusive growth.² 'Blue Growth' is the long-term strategy to support sustainable growth in the marine environment and marine sectors as a whole. The EU is seeking to introduce common management principles for its Member States, by promoting Maritime Spatial Planning (MSP) and Integrated Coastal Zone Management (ICZM).³ MSP represents a key instrument for Blue Growth and can contribute to the aim of boosting economic growth, as well as increasing the stability, transparency and predictability of the investment climate. MSP can facilitate the development of Blue Growth sectors in a context of increasing competition for space and limited ecosystem resources.⁴

MSP is a public interdisciplinary process of analysing and synthesising the spatial and temporal distribution of human activities in the marine environment in order to achieve ecological, economic and social goals, determined by political processes.⁵ Its principles include integrated planning, taking into account site specificities, adaptive management, and participatory processes. In that framework, the purpose of the Directive of the European Parliament and of the European Council 'Establishing a Framework for MSP' adopted in 2014⁶ is to promote the sustainable development of marine areas and the sustainable use of marine resources. The Directive also focuses on the contribution of MSP to the development of greater confidence and certainty for investors.⁷

However, it is necessary to consider MSP in relation to the terrestrial space, especially coastal zones, due to the interactions that occur. The need to ensure consistency between terrestrial spatial planning and MSP is evident in the definitions and principles contained in key institutional and policy texts at European level. The 2008 'Roadmap for MSP and the achievement of common principles in the EU' identifies as a key priority the coherence between coastal zone planning systems and MSP.⁸ However, the 2014 Directive is limited to spatial planning of the marine environment excluding ICZM. Member States did not reach an agreement on adopting legislative measures in this domain, due to the impact such an act would have had on the decision-making processes of national planning authorities,⁹ more specifically because of the implications on the competences of national planning authorities.

2 *ibid.*

3 Council Decision 2010/631/EU of 13 September 2010 concerning the conclusion, on behalf of the European Union, of the Protocol on Integrated Coastal Zone Management in the Mediterranean to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean [2010] OJ L 279/1 and Protocol on Integrated Coastal Zone Management in the Mediterranean [2009] OJ L34/19.

4 European MSP Platform, 'MSP for Blue Growth' <www.msp-platform.eu/faq/msp-blue-growth> accessed 30 July 2018.

5 Charles Ehler and Fanny Douvère, 'Marine Spatial Planning: A Step-by-Step Approach toward Ecosystem-based Management' (Intergovernmental Oceanographic Commission and Man and the Biosphere Programme, IOC Manual and Guides No 53, ICAM Dossier no 6 Paris: UNESCO, 2009)

<<http://unesdoc.unesco.org/images/0018/001865/186559e.pdf>> accessed 30 July 2018.

6 Council Directive (EU) 2014/89 Establishing a framework for maritime spatial planning [2014] OJ L257/135.

7 Antonia Zervaki, 'The Legalization of Maritime Spatial Planning in the European Union and Its Implications for Maritime Governance' (2016) 30 (1) *Ocean Yearbook* 32, 42.

8 Commission of the European Communities, 'A Roadmap for Maritime Spatial Planning: Achieving Common Principles in the EU' (Communication) COM (2008) 791 final 10, 11.

9 Antonia Zervaki, 'Introducing Maritime Spatial Planning Legislation in the EU: Fishing in 'Troubled Waters?'' [2015] 1 *Maritime Safety and Security Law Journal* 95, 105.



Despite the exclusion of ICZM from its scope, the Directive aims to promote coherence between MSP and existing states' practice in integrated coastal zone management.¹⁰ In this respect, the synergies among, and the compatibility of, coastal and marine uses are key issues for economic development, social and territorial cohesion and the environmental protection of the islands, the coastal zone and the marine areas.

The main focus of this paper concerns the challenges Greek authorities face for the transposition of the EU MSP Directive. These partially relate to the basic problems of spatial planning in Greece. Furthermore, it focuses on MSP efforts in Greece and also presents the options competent authorities have regarding the integration of MSP at different spatial planning levels.

Despite the fact that Greece has an adequate number of tools for the integration of MSP at almost all spatial planning levels (national, regional and local), MSP is not covered independently in Greek policy and legislative frameworks, except within the Strategic spatial plan for Aquaculture and Renewable Energy Resources. Spatial planning is the reference for the coordination and harmonisation of sectoral policies, programmes and investment projects carried out by different actors in the same area. Moreover, the Greek spatial planning system needs to overcome fundamental problems in order to deliver an effective and functional MSP. The main problems emerging from the implementation of spatial planning in Greece relate to: (a) inadequate harmonisation between different spatial planning levels, mainly due to significant delays in updating procedures; (b) the fragmentation and complexity of legislation, and the 'pluralism' of planning; (c) the ineffective cooperation between development policies and spatial planning; (d) the possibility for recourse to the Supreme Administrative Court for questions on the implementation of spatial plans that controvert the validity of their specific provisions.¹¹

Spatial issues are often more intense on islands and in coastal zones due to population concentration and location of economic activities.¹² Insularity constitutes one of the key features of Greece. With a coastline of more than 15,000 km and with more than 3000 islands corresponding to 19% of the total surface of the country, prosperity and economic growth of a coastal area are directly linked with sustainable use of marine space.¹³ Of 13 regions in Greece, only one is neither coastal nor insular. Coastal areas and seashores are characterized as a 'public good' and are protected by Article 24 of the Greek Constitution.¹⁴

10 *ibid* 107.

11 Anestis Gourgiotis and Georgios Tsilimigkas, 'A new approach for the spatial planning in Greece' [In Greek: *Mia nea proseggisi gia to xorotaksiko sxediasmo stin Ellada*] (2016) 26 *Aeichoros* 103, 114-115.

12 Georgios Tsilimigkas, Maria Pafi and Anestis Gourgiotis, 'Coastal landscape and the Greek spatial planning: evidence from wind power in the South Aegean islands' [2018] *Journal of Coastal Conservation: Planning and Management* 1, 2.

13 *ibid* 33.

14 Konstantinos Lalenis and Ioannis Papatheocharis, 'Greece', in Rachele Alterman et al (eds), *Mare Nostrum Project, First Interim Report: Existing Knowledge on the Legal-Institutional Frameworks for Coastline Management: The International, EU and National Levels*, ENPI CBC MSB Grant Agreement I-A/1.3/093, September 2013, 26-41, 26.



2. Marine spatial planning and spatial planning in Greece

2.1 Greek spatial planning system

According to the EU Compendium of Spatial Planning Systems and Policies, Greece follows the so-called ‘urbanism’ planning tradition, which ‘has a strong architectural character and concern with urban design, townscape and building control.’¹⁵ A great number of Local Plans for towns and settlements of the country were formed according to the first Decree of 1923 concerning Town Plans. On the contrary, strategic spatial planning in Greece developed slowly compared to other European countries. National and regional spatial planning legislation has existed for over 40 years. The first provisions for ex-urban spatial planning were introduced within the Greek Constitution of 1975 and Law 360/1976.¹⁶ Law 360/1976 was never implemented and was amended by Law 2742/99 ‘Spatial Planning and Sustainable Development Law’. This law provided at the national level a national territorial plan, namely the General Framework of Spatial Planning and Sustainable Development (GFSPSD).¹⁷ It also contained provisions for sectoral territorial plans for the whole country, namely the Special Frameworks of Spatial Planning and Sustainable Development (SFSPSD), including Renewable Energy,¹⁸ Industry,¹⁹ Aquaculture,²⁰ and Tourism.²¹ At the regional level, the Law 2742/99 provided regional spatial plans, namely the Regional Frameworks for Spatial Planning and Sustainable Development (RFSPSD),²² one for each of 12 of the 13 regions of the country (excluding the region of Attica).

15 European Commission, The EU Compendium of Spatial Planning Systems and Policies, CX-03-97-870-EN-C, 23/09/1997, 37.

16 Official Government Gazette, ‘On Planning and Environment’ (1976) [In Greek: *Peri xwrotaksias kai perivallontos*], *Efimeris tis Kyverniseos*, A’ 151].

17 Official Government Gazette, ‘General Framework of Spatial Planning and Sustainable Development’ National spatial planning framework and sustainable development (2008) [In Greek: *Geniko plaisio xorotaxikou sxediasmoy kai aiforou anaptiksi*, *Efimeris tis Kyverniseos*, A’ 128].

18 Official Government Gazette, ‘Special Framework for Spatial Planning and Sustainable Development for Renewable Energy Sources and Strategic Environmental Impact Assessment’ (2008) [In Greek: *Eidikó plaisio Chorotaxikou Schediasmoy kai Aeforoy Anaptysis gia tis Ananeosimes piges Energias kai tis stratigikis meletis periballontikon epiptoseon aytoy*, *Efimeris tis Kyverniseos*, B’ 2464].

19 Official Government Gazette, ‘Special Framework for Spatial Planning and Sustainable Development for Industry and Strategic Environmental Impact Assessment’ (2009) [In Greek: *Eidikó plaisio Chorotaxikoy schediasmoy kai Aeforoy Anaptysis gia tin viomixania kai tis stratigikis meletis periballontikon epiptoseon aytoy*, *Efimeris tis Kyverniseos*, AAPI 151].

20 Official Government Gazette, ‘Special Framework for Spatial Planning and Sustainable Development of Aquaculture and Strategic Environmental Impact Assessment’ (2011) [In Greek: *Eidikó plaisio Chorotaxikoy Schediasmoy kai Aeforoy Anaptysis gia tis Ydatokalliergeies kai tis stratigikis meletis periballontikon epiptoseon aytoy*, *Efimeris tis Kyverniseos*, B’ 2505].

21 Official Government Gazette, ‘Special Framework for Spatial Planning and Sustainable Development of Tourism and Strategic Environmental Impact Assessment’ (2009) and its amendment [In Greek: *Eidikó plaisio Chorotaxikoy Schediasmoy kai Aeforoy Anaptysis gia ton turismo kai tis stratigikis meletis periballontikon epiptoseon aytoy*, *Efimeris tis Kyverniseos* B’3155].

22 Official Government Gazette, ‘Regional Frameworks for Spatial Planning and Sustainable Development’ (2003, 2004). These frameworks came into force in 2003, 2004 and are currently under revision. The revision of the Regional Framework for Spatial Planning for the Region of Crete and its Strategic Environmental Impact Assessment, came into force in December 2017 [In Greek: *Egkrisi anatheorisis tou periferiakoy xorotaxikoy plasiy tis periferias Kritis kai egkrisi tis stratigikis meletis periballontikon epiptoseon aytoy* *Efimeris tis Kyverniseos*, AAP 260].



Other spatial planning tools included the regulatory plan for the metropolitan areas of Athens and Thessaloniki that entered into force in 1985. The regulatory plan of Athens was replaced in 2014 by the New Master Plan of Athens-Attica.²³ Furthermore, urban plans, and ‘Urban Development Control Zones’ which established land usage in areas outside the statutory town plans, were approved through urban legislation.²⁴

The strategic spatial planning Law 2742/99 was amended by Law 4269/2014 ‘Regional Planning and Urban Planning Reform - Sustainable Development’²⁵ and Law 4447/2016: ‘Spatial planning – Sustainable development’²⁶ which are currently in force. Today, apart from the constitutional provisions, the 2016 Law introduces the National Strategy of Spatial Planning (NSSP) that will replace the previous General Framework of Spatial Planning and Sustainable Development (GFSPSD). Under the NSSP two types of planning are provided: Strategic spatial planning and Regulatory spatial planning (Diagram 1). Strategic spatial planning provides objectives and guidelines on spatial development and business activities and protection provisions at the regional level. Regulatory spatial planning mainly provides the delineation of land uses and the build-up percentage. The law also comprises a wide range of planning tools, which extend from strategic plans at the national and regional level to regulatory town plans at the local level (Diagram 2).

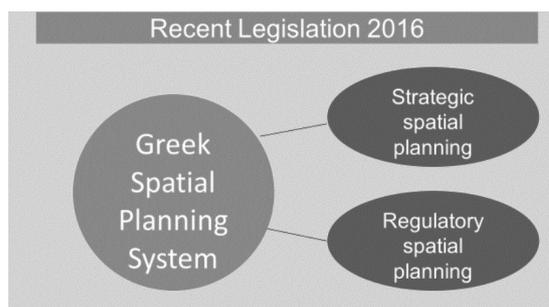


Diagram 1: Greek spatial planning system.



Diagram 2: Levels of spatial planning, 2016.

Source: Stefani, Gourgiotis and Tsilimigkas.

23 Official Government Gazette, ‘The New Master Plan of Athens/Attica’ (2014) [In Greek Neo Rythmistiko Sxedio Athinas-Attikis, Efimeris tis Kyverniseos, A’ 156].

24 Law 1337, Official Government Gazette, ‘Extension of urban development plans and residential development’ (1983) [In Greek: *epektasi ton poleodomikon schedion kai oikistiki anaptyxi*, Efimeris tis Kyverniseos A’ 33] and Law 2508 Official Government Gazette, ‘On sustainable residential development of towns and settlements in the country and other provisions’ (1997) [In Greek: *Viosimi oikistiki anaptyxi ton poleon kai oikismon*, Efimeris tis Kyverniseos A’ 124].

25 Official Government Gazette, ‘Regional Planning and Urban Planning Reform - Sustainable Development’ (2014) [In Greek: *Chorotaxiki kai poleodomiki metarithmisi - Viosimi anaptyksi*, Efimeris tis Kyverniseos in Greek A’ 142].

26 Official Government Gazette, ‘Spatial Planning and sustainable development’ (2016) [In Greek: *Chorikos sxediasmos kai biosimi anaptyksi*, Efimeris tis Kyverniseos in Greek A’ 241].



The levels of strategic spatial planning are, as detailed in Diagram 3:

- The Special Frameworks on Spatial Planning (SFSPSD)
- The Regional Spatial Plans of the 13 regions of the country for the development and spatial structure of the regions. The New Master Plan of Athens/Attica²⁷ is included in this level of regional planning.

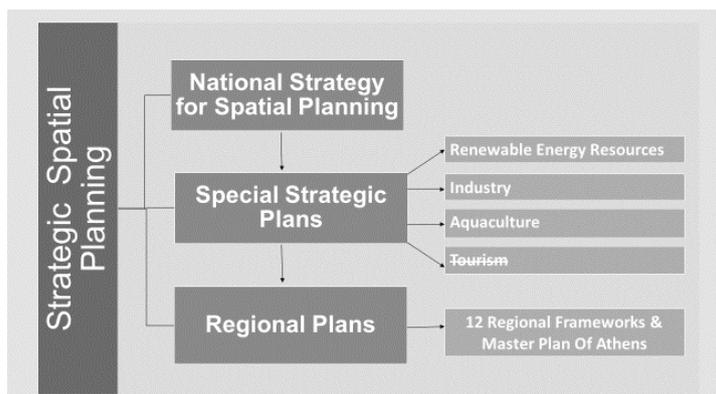


Diagram 3: Levels of strategic spatial planning in Greece.

Source: Stefani, Gourgiotis and Tsilimigkas.

Diagram 4 details the levels of regulatory spatial planning:

- The local spatial plans that establish the spatial organisation and development, the land uses and the building ratio for each municipality or group of neighbouring municipalities
- The Special Local Spatial Plans that establish land uses and building ratio. In certain areas for the development of public projects and private investments that are of strategic national importance
- The implementation plans.

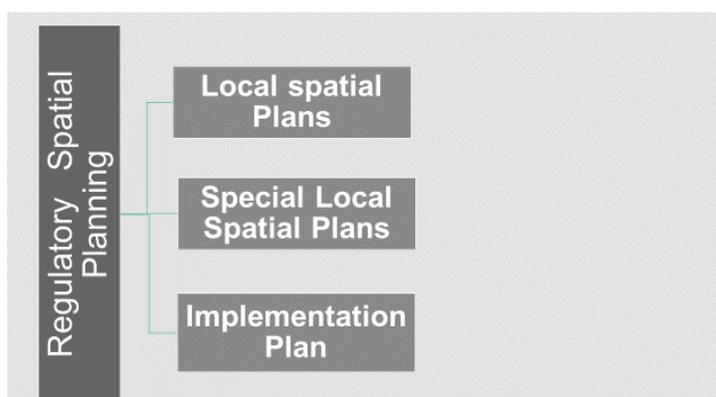


Diagram 4: Levels of regulatory spatial planning.

Source: Stefani, Gourgiotis and Tsilimigkas.

²⁷ Official Government Gazette, ‘The New Master Plan of Athens/Attica’ (2014) [In Greek: Neo Rythmistiko Sxedio Athinas-Attikis, Efimeris tis Kyverniseos A’ 156].



In order to be more flexible and responsive, the new institutional framework aims to face the problems and shortcomings of the spatial planning system by addressing a series of issues. Firstly, Diagrams 5 and 6 detail the reduction of the spatial planning levels. A paradigm example of this is that the New Master Plan of Athens is equal to a regional plan and the existing Master Plan of Thessaloniki will be incorporated in the Regional Spatial Plan of Central Macedonia. Secondly, the introduction of local Special Spatial Plans to facilitate public projects or private investments of strategic importance. Thirdly, the effective cooperation between spatial planning and development policies. The recent legislation establishes clearly the connection between development policies and spatial planning as the development strategy must have a spatial dimension adapted to the problems and prospects of the regions and towns.



Diagram 5: Amendments of Strategic Spatial Planning Levels in Greece.

Source: Stefani, Gourgiotis and Tsilimigkas.



Diagram 6: Amendments of the Regulatory Spatial Planning Levels in Greece.

Source: Stefani, Gourgiotis and Tsilimigkas.



The new legislation adopts the spirit of the previous legislation and establishes a hierarchical structure between different plan types. The lower level spatial plans must follow the directions of the upper levels and can further define them at the regional and local level. However, this harmonisation and specification has encountered several obstacles. The necessary modifications in case of opposite directions provided by the lower level spatial plans are not automatic and certain procedures must be followed to enable revision to occur.²⁸

At the national level, the main competence for national, regional and local planning lies with the Ministry for Environment and Energy which is responsible for the elaboration, monitoring, assessment and revision of national, regional and local plans. Other Ministries with sectoral competence such as industry, tourism, agriculture, aquaculture and transport, may intervene in the formulation and integration of spatial planning policy especially in the field of sectoral spatial plans.²⁹

Other executive bodies such as the decentralized authorities, the regions and the municipalities are empowered to implement the spatial plans and legislation, although the role of municipalities remains mostly advisory.

2.2 Marine spatial planning in Greece

The management of the marine environment was included initially in the 2011 amendment Law 4030/2011.³⁰ More specifically, it was founded on the principle of integrated management of marine space and coastal areas. Moreover, the Special Frameworks for Spatial Planning refer to the development and organisation of the national space in marine, coastal and insular areas. This principle aims to protect the marine ecosystem and promote sustainable development by coordinating and harmonising individual policies, programs, and investment plans of different uses in the same area such as productive activities, recreation and sports activities.

The 2014 legislation for spatial planning, urban reform, and sustainable development³¹ adopted (to a lesser extent) a similar logic. Special reference for marine areas is only found in the chapter for the Special Spatial Strategic Plans. Specifically, the reference addresses the need to provide guidance for the spatial development and organisation of areas of the national territory of particular importance such as coastal areas, marine areas and islands. This provision remains in Law 4447/2016: 'Spatial Planning – Sustainable Development and Other Provisions'. It should also be underlined that there is a particular reference to the marine space in the principles of the aforementioned National Spatial Strategy. In particular, emphasis is given to the sustainable development of the marine, insular and coastal areas.

28 If conflicting directions arise between the Regional Plans and Special Strategic Plans, a relevant decision of the Ministry of Environment and Energy is issued after a submission of the competent Directorate.

29 Espon Interstrat, Current context of integrated territorial development strategic planning in Greece (European Union, 2013).

30 Official Government Gazette (2011). The article 41 'Additions of Law 2742/99' of Law 4030/2011 [Efimeris tis Kyverniseos in Greek A' 249].

31 Law 4269, Official Government Gazette, 'Regional Planning and Urban Planning Reform - Sustainable Development' (2014) [In Greek: *Chorotaxiki kai poleodomiki metarithmisi - Viosimi anaptyksi*, Efimeris tis Kyverniseos in Greek A' 142].



Based on the aforementioned legal and policy framework for spatial planning, a number of tools provide various institutional directions and provisions (of strategic and statutory character) for marine and coastal areas. According to this, in the General Framework of Spatial Planning, the strategic options for the organisation of the national space include the sustainable use and management of the marine space, as well as the spatial organisation and development of coastal zones and islands. This strategic framework includes guidelines that directly or indirectly affect these particular areas. More particularly, MSP elements are incorporated in the key priorities and strategic guidelines proposed for the spatial development and organisation of the national territory on issues such as: (i) ports of the cities, as spatial development poles; (ii) the specification of the role of ports and guidelines for their infrastructure upgrading; (iii) aquaculture activities and coastal fisheries; (iv) specific guidelines for the development of coastal and island territories; (v) sustainable management of marine resources and protection of the marine environment; and (vi) guidelines adopted for mitigating the impact of climate change and desertification.³²

Concerning the sectoral spatial policies, aquaculture is the only marine activity that has enacted a legal framework focused on the spatial plan at the national level since 2011. During the last thirty years, Greece has registered a spectacular growth of its aquaculture sector. The Greek marine area has advantages including an extensive insular and mainland coastline, a variety of natural protected areas, purity of coastal waters and ideal oceanographic conditions temperature, salinity and water renewal. These advantages especially favoured marine fish aquaculture that developed into one of the most productive economic sectors in the country. The Special Framework of Spatial Planning for Aquaculture establishes the National Model for the Organization of Aquaculture activity by setting guidelines for the promotion of a spatial development model that ensures the strengthening of the sector with respect to environmental protection. Its aim is the production of multiplier effects at local, regional and national levels. The framework is mainly oriented to marine fish and shellfish aquaculture, since the need for spatial arrangement is more urgent for these types of farming. It also designates the accompanying facilities on the continental shelf and defines those that may be located in the public domain coastal strip. It supports the organised zones for the development of aquaculture managed in appropriate areas that are represented on a map. This map derives from the assessment of spatial, environmental, economic characteristics, and the existing aquaculture units. The precise desirable location of the organised zones is designated at a lower spatial level with a Presidential Decree considering specific spatial, environmental and economic criteria. However, it recognises the need for individual location in special cases under spatial prerequisites. As regards the reduction of conflicts between different uses, the framework sets criteria for the compatibility between aquaculture units with other marine activities.

The Special Framework of Spatial Planning for Renewable Energy Resources (RES), establishes spatial guidelines and criteria that enable the development of sustainable RES installations integrated with the natural and anthropogenic environment. The framework excludes areas for the location of

32 Foteini Stefani and Georgios Tsilimigkas, 'The importance of maritime spatial planning in the protection and development of Greek marine space' [2015] (Proceedings of the 4th Panhellenic Congress in Spatial Planning and Regional development, Volos, September 2015) (Greece, University of Thessaly Press) (in Greek) 4, 5 conference prd4.prd.uth.gr.



wind farms, designates minimum distances from specific activities and uses, establishes maximum wind power densities and sets specific prerequisites for the embodiment of wind installations in the landscape. Special divisions involve the offshore marine area, the inhabited islands and uninhabited islets. For these areas, specific criteria for wind farms are defined. The wind infrastructures are authorised in all sea areas of the country that meet wind capacity requirements (they are not authorised in areas such as shipping lanes).

The Special Framework of Spatial Planning for Tourism, and its amendment, is notable for its significant contribution to marine and coastal areas despite its abolition by the Supreme Administrative Court. The Special Framework of Spatial Planning for Tourism is no longer applicable following the Supreme Administrative Court decisions 3632/2015 and 519/2017.

According to the goal of the Special Framework, tourism shall increase its competitiveness and also increase the tourist season through spatial organisation. There are distinct categories of marine tourism such as cruises, leisure boats, fishing and diving. For the best possible combination of marine tourism activities, eleven units with corresponding support centres (which would be equipped with modern docking, refuelling and repairing facilities) were introduced. For the further development of leisure tourism, the framework proposed to densify the network of tourist ports through development of marinas, anchorages and shelters. The 2013 framework amendment provided guidelines for the spatial organisation and development of marine tourist activities such as cruises, yachting, fishing, and diving; building upon this, priority areas for large cruise ships were proposed.

Emphasis is given to the fact that a Special Framework for Spatial Planning of coastal zones and islands, which was necessary to specialise and complement the guidelines of the General Framework of Spatial Planning, was brought forth. It related to the development and organisation of the coastal zones, the islands and the marine areas of the national territory, which could contribute to their sustainable management. Despite the importance and necessity of a policy focusing on these particular areas this plan never entered into force.

In the 12 Regional Spatial Frameworks,³³ the marine spatial planning elements concern marine transport and connectivity between ports, the development of fisheries and aquaculture, the protection of marine resources, and the management of coastal areas. Furthermore, there are two major Greek marine protected areas of significance national importance – the National Marine Park of Alonissos in the Sporades islands (for the protection of monk seal *Monachusmonachus*), and the National Marine Park of Zakynthos in the Ionian Sea (for the protection of the sea turtle *Caretta caretta*). In addition, for the protection of seabirds, Mediterranean seals, sea turtles and cetaceans, a recent Joint Ministerial Decision extended the Marine Protected Areas network of Greek national waters from 6.1% to 22% of marine surface area.³⁴

33 Official Government Gazette, 'Regional Frameworks for Spatial Planning and Sustainable Development' (2003, 2004).

34 Official Government Gazette, 'Revision of national list of sites of the European Natura 2000 ecological network' (2017) [in Greek, B' 4432].



That marine space for Greece is of vital importance, for both socioeconomic and environmental reasons, and that 12 of the 13 regions of the country have direct access to the sea is reflected in the current revision of the Regional Frameworks for Spatial Planning, which contains elements related to coastal and marine areas. It is noted that both the Law 4269/2014, as well as the recent Law 4447/2016, strengthen the role of the Regional Spatial Frameworks, without essentially transforming their character. The Regional Frameworks provide guidelines and specific directions for each municipality on basic spatial issues that must be adopted at the local planning level. In this respect, the synergy and compatibility of coastal and marine uses are key issues for economic development, social and territorial cohesion, and the environmental protection of the islands, the coastal zone and the marine areas. The specification of the directions from the regional to the local level with binding terms is the main prerequisite for their implementation.

The New Master Plan of Athens-Attica³⁵ defines crucial elements for marine spatial planning; these are:

- the role and designation of major ports (including Piraeus, Lavrio, Rafina, Aegina)
- the improvement of marine connectivity among the islands of Attica
- the protection and promotion of coastal areas as part of the ICZM of Attica
- the protection and classification of wetlands
- the upgrading of the waterfront of the metropolitan area
- the protection and upgrading of the coastal landscape of Attica.

The above multiple strategic directions for the Metropolitan Region of Attica are very important for its future priorities and competitiveness at the international and European level. The New Master Plan of Athens intends to activate the processes of economic and spatial maritime development of Attica based on its multidimensional identity and its comparative advantages, placing environmental sustainability and social cohesion as an integral part of this development. These goals could be achieved through the implementation of marine spatial plans in connection with the local spatial plans. At the local planning level, only a few Local Plans³⁶ make reference to marine space. For example, the Local Plan of Mytilene Island³⁷ includes a special field for aquaculture installations and designates two sea areas for the development of aquaculture. Thus, it provides investment security for a crucial Greek productive sector over other competitive coastal uses. Additionally, it sets minimum distances from residential areas.

The above analysis demonstrates that marine space is taken into consideration in a fragmented way in the existing national spatial planning system. Although the plans referenced herein contain significant directions for the coastal and marine areas and islands, MSP in Greece has not been addressed independently in national legislation and has not been the subject of a single, integrated

35 Official Government Gazette, 'The New Master Plan of Athens/Attica' (2014) [In Greek: Neo Rythmistiko Sxedio Athinas-Attikis, Efimeris tis Kyverniseos A' 156].

36 In Greek: *Geniko Poleodomiko Sxedio (GPS) and Sxedio Xorikis kai Oikistikis Organosis Anoixtis Polis*.

37 Official Government Gazette, 'Local Plan of Mytilini' (2007) [Geniko Poleodomiko sxedio Mytilinis in Greek, Efimeris tis Kyverniseos AAT 328].



policy. Additionally, there are some uses and vital activities for the country's economy for which no spatial approach exists, despite their great impact (Table 1).

Spatial planning of sectoral policies

Current MSP related uses	Spatial planning Framework	Development Policy
Shipping	None	Existence of sectoral policy
Ports (all categories)	General Framework	Existence of sectoral policy
Fisheries	None	Existence of sectoral policy
Aquaculture	Special Framework of Aquaculture	Existence of sectoral policy
Renewable energy resources	Special Framework of RES	Existence of sectoral policy
Submarine cables and pipelines	None	Existence of sectoral policy
Industry	Special Framework of Industry	Existence of sectoral policy
Tourism	Special Framework of Tourism	Existence of sectoral policy
Oil and gas	None	Existence of sectoral policy
Under water cultural heritage	None	Existence of sectoral policy

Table 1: Spatial planning of sectoral policies.

Source: Economou,³⁸ 2013 modified by Stefani, Gourgiotis and Tsilimigkas.

Finally, in the recent Ministerial Decisions³⁹ on the specifications of the Local Plans there is no reference to the marine environment either for the development of productive activities such as aquaculture, or the linkage to the MSP. This, combined with the lack of reference to climate change measures and to landscape protection and improvement as necessary specifications of the regional plans, raises questions about the relation and effectiveness of local planning with these crucial European policies.

38 Dimitris Economou, 'Maritime Spatial Planning' (in Greek) (Meeting 'Blue Growth and marine areas in Greece', Rhodes, South Aegean Region, Greece, August 2013) 9, Conference papers.

39 Official Government Gazette, 'Specifications for the Local Plan studies' (2017) [In Greek: *Texnikes Prodiagrafes meleton Topikon Xorikon Sxedion toy n. 4447/2016 B'1975*] and 'Specifications for the Special Local Plan studies' [In Greek: *Texnikes Prodiagrafes meleton Eidikon Xorikon Sxedion toy n. 4447/2016 B' 1976*].



3. Issues emerging from the transposition of the directive into the national law

A bill was put forward for consultation for the transposition of the Directive for MSP. The main issues of the first transposition effort of the EU MSP Directive into the Greek national legal system at the end of 2016 are highlighted below. Moreover, this article proceeds to a critical presentation of the points raised by this transposition with the contents of the Directive and the current spatial planning system in Greece.

The main provisions of the Directive for 'Maritime Spatial Planning' are:⁴⁰

- The establishment of a framework for MSP which promotes the “*sustainable growth of marine economies, the sustainable development of marine areas, and the sustainable use of marine resources*” within the EU’s Integrated Marine Policy, taking into account land-sea interactions;
- The scope shall apply to marine waters and shall not apply to coastal waters or parts thereof falling under a Member State’s town and country planning and “*shall not influence the delineation of marine boundaries by the Member States in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea (UNCLOS)*”;
- ‘MSP’ is defined as the process by which human activities in marine areas are analysed and organised by the competent authorities to achieve ecological, economic and social objectives;
- The key objective is the promotion of sustainable marine development and growth applying an ecosystem-based approach. MSP is also intended to contribute to the sustainable development of the marine energy sectors, marine transport, fisheries and aquaculture, tourism, extraction of raw materials, and the preservation, protection and improvement of the environment, including resilience to climate change impacts;
- “*Member States shall establish means of public participation by informing all interested parties and by consulting relevant stakeholders and authorities and the public concerned at an early stage in the development of marine spatial plans*”.

The MSP Directive attempts to strike a balance between economic, social, and environmental concerns and objectives in line with the ecosystem approach. It is also a multipurpose process focusing mainly on the creation of favourable conditions for the economic uses of the marine environment in line with the Commission’s Blue Growth Agenda.⁴¹

The November 2016 Bill consisted of two parts, but it was not accompanied, as is customary, by an explanatory report. Part I of the Bill, that concerns the transposition of the EU Directive, follows to some extent the structure of the latter and additionally gives emphasis to the Protocol on Integrated

40 The Italics in the text are taken from the text Chapter I/ General Provisions and Chapter II/ MSP, of the Directive 2014/89/EU, EP&C (European Parliament and of the Council), establishing a framework for marine spatial planning.

41 Zervaki (n 7) 42.



Coastal Zone Management in the Mediterranean^{42,43} and coastal zones. The second Part refers to the national implementation measures and designates the General Secretariat for Spatial Planning and Urban Environment of the Ministry of Environment and Energy, which is the competent authority for spatial planning in Greece, as the competent authority for the enforcement of MSP.

Regarding the content of the Bill, the main issues are:

- Following the Directive, MSP is defined as the process by which human activities in marine and coastal areas are analysed and organised by competent authorities to achieve ecological, environmental, economic and social goals;
- Equally, the application of an ecosystem-based approach is defined as a key objective. The MSP is also intended to contribute to sustainable development of the marine energy sectors, marine transport, fisheries and aquaculture, tourism, extraction of raw materials, and the preservation, protection and improvement of the environment, including resilience to climate change impacts;
- Additionally, it applies not only to marine waters but also to coastal zones and ICZM is introduced into MSP processes within the context of the EU IMP (integrated maritime policy);
- Moreover, 'Integrated Coastal Zone Management' and 'marine waters' are defined as per the Protocol on Integrated Coastal Zone Management of the Mediterranean to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, approved by the European Union in the Decision 2010/631/EU of 13 September 2010 (OJ L 279/2010);
- Regarding the establishment and implementation of marine spatial planning in accordance with the institutional and governance levels determined by the Member States, MSP consists of the National Spatial Strategy for Marine Space as a substantial part of the National Spatial Strategy and the marine spatial plans. The National Spatial Strategy for Marine Space determines the strategic guidelines for marine and coastal zones and indicates the necessity for the development of Marine Spatial Plans in spatial units. The National Spatial Planning Strategy for the Marine Area is composed under the responsibility of the General Secretariat for Spatial Planning and Urban Environment of the Ministry of Environment and Energy and is approved by an Act of the Council of Ministers and communicated to Parliament. The Marine Spatial Plans correspond to the Regional Spatial Planning level and refer to marine and coastal spatial units that are not related to the regional administrative boundaries;
- The competent authority when composing the National Spatial Strategy and the MSP plans takes into account activities and uses in marine waters and coastal zones;
- The competent authority shall ensure at the early stage of the MSP process that public authorities, stakeholders and the public are able to participate in a public consultation.

In accordance with the comments on the Bill, and considering that Greece has not ratified the Protocol on Integrated Coastal Zone Management in the Mediterranean,⁴⁴ a key point that raised issues

42 Council Decision 2010/631/EU (n3).

43 UNEP/MAP/PAP, Protocol on Integrated Coastal Zone Management in the Mediterranean. Priority Actions Programme (2008).

44 Council Decision 2010/631/EU (n 3).



for discussion was that the Bill applies not only to marine waters but also to coastal zones. The Bill did not follow the precise spirit of the Directive as coastal areas are included within the scope of the MSP to every single article, introducing ICZM into MSP processes, which is not included in the provisions of Directive 2014/89/EU. This has created confusion as regards the tools for determination of uses in terrestrial areas, considering that part of the coastal zone is already regulated by spatial and urban planning. Furthermore, the inclusion of Article 8 of the Protocol was suggested by some participants (this means that the coastal zone may vary depending on the relief and geomorphology, the population density and the specific needs and characteristics of each area). In this context, the necessity to promote the institutional framework for Integrated Coastal Zone Management (ICZM) was also suggested so that the two frameworks – MSP and ICZM – can be complementary.

Another crucial concern about which there is ambiguity is the time and manner of the Bill's implementation. According to the Bill, Marine Spatial Plans correspond to the Regional planning level and the Bill refers to marine and coastal spatial units that are not linked to administrative boundaries. On the contrary, Law 4447/2016 'Spatial Planning - Sustainable Development' specifies that the spatial development and organisation of coastal and marine areas should be defined in National Spatial Frameworks. More specifically, article 5, states that the national spatial Frameworks provide guidelines for the spatial development and organisation of areas of national importance such as coastal and marine areas and islands.

4. Discussion

The 2016 Bill on MSP is a significant step towards the transposition of the Directive. The implementation of the Directive for 'Maritime Spatial Planning' should also be based on existing national, regional and local rules and mechanisms.

Comprehensive marine and terrestrial spatial planning constitutes a significant parameter of the integrated approach vis-a-vis marine space management. The land / sea interaction is significant and often characterised not only by the concentration of activities and their conflicts or synergies, but also by significant impacts on natural resources and ecosystems. These findings have led to the development of MSP and ICZM initiatives, which aim to ensure the sustainability of the actions that are being developed in the marine and coastal area.⁴⁵

The Protocol on Integrated Coastal Zone Management in the Mediterranean as reflected in the relevant European Council Recommendation (2002) and the Protocol of the Barcelona Convention for

45 Spyros Niavis, Dora Papatheochari and Charis Coccossis, 'Exploring the socioeconomic dimensions within the link of Maritime Spatial Planning and Integrated Coastal Zone Management: The case of the Adriatic-Ionian region', (2016) in Greek. *Aeichoros-Spec. Issue MSP 23 Spatial development and planning, marine spatial planning and integrated coastal area management* 64, 66.



the Protection of the Marine Environment of the Mediterranean,⁴⁶ is the coordinated implementation of the various policies affecting the coastal zone that are related to activities such as aquaculture, fisheries, agriculture, industry, energy, shipping, tourism, infrastructure development and adaptation to climate change.

The main objective of MSP and ICZM is to ensure the sustainability of the activities in marine and coastal areas. Despite the common objective, the long-term perspective, the similarities and convergences (such as ensuring the active involvement of local communities and stakeholders), there are some important differences in the structure and implementation processes between the two. In spatial terms, MSP mainly regulates uses that are developed in the marine environment, while ICZM aims to regulate uses of coastal areas.⁴⁷ MSP controls uses of regional, even national or international-scale, with the responsibility of planning given to national authorities. ICZM projects are of a lesser scale, with local authorities principally in charge of planning and implementation. In addition, MSP has greater legal commitments than the more flexible ICZM projects. From the abovementioned issues it is clear that MSP has a spatial character whilst ICZM has a managerial one.⁴⁸

In comparison with the previous points, the Special Framework for coastal zones and islands, which has never been institutionalised, referred to the spatial organisation and integrated management of the wider coastal area (land and sea) through the establishment of zones, the elimination of land-use conflicts and the operational regulation of development activities. The coastal area was categorised into three management areas (the Critical Zone, the Dynamic Zone and the Transitional Zone), where land uses and building restrictions were defined. For the accurate determination of the width of the terrestrial section of the Critical Zone and Dynamic Zone of coastal areas, a series of characteristics such as geographic, geomorphological, social, economic, environmental, the sea-shore, the beach, existing constructions (including ports and roads), and existing activities would be considered. The Critical Terrestrial Coastal Zone was divided into two individual zones. The first zone had 50m width from the designated sea line and the second zone had 100m width. In this second zone, residential and leisure uses (according to the guidelines of the existing Special Spatial Plan for Tourism) were to be permitted. It was noted that if the specific characteristics of the area required different identification, the width may be modified on a case-by-case basis according to relief and geomorphology.

In conclusion, taking into consideration: a) the specified timeframe b) the issues that arose from the recent transposition effort of the MSP Directive c) the fact that the transposition has not yet completed, it is necessary to transpose immediately the MSP Directive into Greek legislation in accordance with the spirit of the Directive. Moreover, the coherence of MSP with the objectives and

46 Protocol on Integrated Coastal Zone Management [2009] (n 3) and the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) 1976.

47 Spyros Niavis, Dora Papatheochari and Charis Coccoisis, 'Exploring the socioeconomic dimensions within the link of Maritime Spatial Planning and Integrated Coastal Zone Management: The case of the Adriatic-Ionian region', (2016) in Greek. Aichoros-Spec. Issue MSP 23 *Spatial development and planning, marine spatial planning and integrated coastal area management* 64, 67-68.

48 *ibid.*



options of national and regional spatial planning policies must be restored. Ensuring the coherence between terrestrial spatial planning and MSP for an integrated policy framework constitutes another key issue. It is a priority to determine the degree of interaction with the existing spatial frameworks and the determination of the implementation levels, in connection with recent legislation (Law 4447/2016) or the need to modify it.

The establishment of a parallel spatial planning framework for the sea, taking also into account the coastal areas, will be an impossible burden for the Greek spatial planning system and the development policies. In particular, MSP is a complex and multidimensional process, whose character is principally determined by the application scale.⁴⁹ Maritime Spatial Plans in Greece can be developed at national, regional and local levels. The key issues are the often poor interaction with the development policies and coherence with the existing spatial plans (Strategic special/Regional/Local Plans). At large spatial scales, strategic MSP should ensure and promote synergies and compatibilities between spatial, development, and sectoral policies. At small spatial scales, the character of MSP is regulatory and should be based on resolving conflicts and promoting synergies between marine uses.⁵⁰

Additionally, in this context, the General Secretariat for Spatial Planning of the Ministry of Environment and Energy being the proposed competent authority should ensure close cooperation with the co-competent bodies which implement sectorial policies for overcoming the often competitive objectives and ensure synergies between the policies adopted and the programs as they are implemented.⁵¹ A key factor for resolving problems and effective implementation is the consultation between the political governance and administration bodies for national and regional spatial levels, and the participatory processes by involving the stakeholders and local users for local level.⁵² It is necessary to proceed to the gradual promotion of MSP through pilot studies and cross-regional, at-scale projects due to Greece's extensive coastlines and the need to ensure topological continuity and to enable where necessary the area for MSP to be defined ad hoc, based on particular needs, especially in areas where pressures arise from usage conflicts.

Greece must amplify its efforts for the transposition of the Directive and marine spatial plans. It is necessary to prepare an integrated medium and long term approach to MSP based on the characteristic conditions of the country in order to achieve sustainable blue growth.

49 Georgios Tsilimigkas and Nikolaos Rempis, 'Marine uses, synergies and conflicts. Evidence from Crete Island, Greece' (2017) 22(2) *Journal of Coastal Conservation* 235, 241.

50 Georgios Tsilimigkas and Nikolaos Rempis, 'Marine spatial planning and spatial planning: Synergy issues and incompatibilities. Evidence from Crete Island, Greece' (2017) (139) *Ocean & Coastal Management* 33, 40.

51 Foteini Stefani, Georgios Tsilimigkas and Anestis Gourgiotis, 'Issues of establishing a comprehensive framework for marine Spatial Planning' [In Greek: Zitimata syntaksis enos olokliromenou plaisiou gia ton Thalassio Xorotaksiko Sxediasmo] (2016), Aeichoros. -Spec. Issue MSP 23, *spatial development and planning, marine spatial planning and integrated coastal area management* 135,147.

52 Nikolaos Rempis, George Alexandrakis, Georgios Tsilimigkas and Nikolaos Kampanis, 'Coastal use synergies and conflicts evaluation in the framework of spatial, development and sectoral policies' (2018) 116 *Ocean and Coastal Management* 40.