

Coastal management in Cyprus

The beaches of Cyprus, renowned for their beauty and purity, are one of the primary tourist products of the island and their management yields significant economic benefits. In addition to their importance for the economy and recreation of both tourists and locals, the beaches of Cyprus are an important habitat for many species of flora and fauna, some of which have been identified by the International Union for Conservation of Nature (IUCN) as endangered, such as the loggerhead turtle (*Caretta caretta*), the green turtle (*Chelonia mydas*) and the monk seal (*Monachus monachus*), which are critically endangered, and the critically endangered endemic flora species *Malcolmia nana* var. *glabra*, the population of which is limited to a small area within the “Natura 2000” network.

On the other hand, the attractiveness of the Cypriot beaches creates inevitable pressures for development. Although this is expected, measures should be taken so that development is carried out in a way that ensures the sustainability of beaches, so that catastrophic, irreversible impacts are avoided.

Our Office, recognising the importance of effective management of these beaches, carried out an audit in order to ascertain whether the competent Authorities take all necessary measures for their protection, enhancement and appropriate financial and environmental management, in the context of the existing legal framework. We also examined whether proper action is taken to address the relevant risks and threats, and whether opportunities for better management are properly taken up.

Coastal management covers a broad spectrum of issues and is governed by numerous national laws, EU Directives and Regulations and international conventions ratified by the Republic of Cyprus. Recognising that it would be practically impossible for an audit to cover all aspects of such a complex issue, we focused in the areas where we considered that our audit would be most beneficial by adding value. This was done following an analysis of the strengths and weaknesses in coastal management, and the opportunities and threats that exist. We focused mainly on the supervision and financial management of beaches by the competent Local Authorities, their environmental management, with emphasis on protection measures for important sea turtle habitats, the constructions or other forms of interventions in the beach protection zone (BPZ), the measures taken to protect the coast

from recreational marine vessel waste, and general management issues, such as the accessibility of beaches to the disabled, bathing water quality, eutrophication and erosion.

The audit was conducted using both traditional techniques (questionnaires, on-site visits, collection and analysis of data and information), as well as more innovative techniques, such as the use of the digitized cadastral base, on which the coastal protection zone was superimposed, in conjunction with satellite imagery, to identify constructions/interventions within the BPZ.

The main findings of the audit are summarised below.

Beach monitoring

- The Central Beach Committee, which is responsible to supervise the management of beaches, is unable to exercise adequate monitoring.
- Certain Local Authorities manage beaches without adhering to the legal requirement for preparing a Beach Usage Plan (BUP), approved by the Central Beach Committee. In other cases, the maximum number of services provided on the beaches (sunbeds and umbrellas), as provided by the BUP is exceeded.
- The Local Beach Committees operate inadequately, and decisions on revisions of BUPs are only made by the respective Boards of Local Authorities.
- The Regulations determining the rentals for services (sunbeds and umbrellas) /facilities (water sports) are in need of revision, due to recent changes in legislation.
- No supervision is exercised over the charging of services and facilities to the public.
- The distribution of beach guards by the District Administration Offices is uneven; no inspection register is kept by the beach guards of all District Administration Offices.
- Certain Local Authorities have not assigned beach inspector duties.
- Monitoring of services, carried out by beach inspectors, is insufficient, since the inspections are not conducted on a regular basis and action against offenders was taken in only in two cases.

Financial management.

- It appears that, within the existing framework, efficient financial management of the beaches, by the Local Authorities themselves yields higher revenues, as compared to the licencing of these to the private sector, which seems to be due to the fact that assigning financial management to the private sector is not done through a competitive procedure. We recommended that, in order for the assignment to become more attractive, this should be done through competitive procedures, which would entail the provision of adequate information on the potential profitability of each beach, to interested parties. Because of the low capital expenditure needed, the contracts with the private sector should, at least at the beginning, have a relatively small duration, not exceeding two years, until more experience is gained and a more reliable database is developed. In the cases where management is currently carried out by the Local Authorities, service provision should be gradually assigned to the private sector through a competitive process, provided that the rentals offered will lead to an increase in revenues.
- The tourist product remains seasonal, since services are provided on the beaches only during the period from April 1st until October 30th.
- As per recent changes in legislation, licenses issued for the provision of services and facilities on beaches expire on 31.10.2014, and where the relevant Local Authorities decide not to provide these services themselves, then they should instigate appropriate procurement procedures.
- The Beach Protection (Licensing and Rights) (Amending) Regulations 2013, discriminate in favour of existing facility providers of each area, contrary to the provisions of Directive 2006/123/EC.
- In six beaches lying within a state forest area, services are provided without the prior approval of the Department of Forests, contrary to national Law.
- Deficiencies were noted in the Local Authorities' licensing process for service provision (services provided by non-licenced individuals, delays in licence issues, pricing disparities among service providers).
- Licences have not been issued by the Local Authorities in all cases, for the provision of services in private plots of land within the BPZ.

- Despite the fact that several years have elapsed from the setting of ceiling and floor fees for issuing permits for the provision of services and facilities, in most cases, Local Authorities continue to impose fees that are inconsistent with current conditions.
- A certain Local Authority did not apply a uniform pricing policy for the issuance of licences. Moreover, we noted inconsistency in the procedures of issue/renewal of licences between Local Authorities.
- Our sample verification of the amount of cash kept by the collectors of Local Authorities, revealed surpluses, allegedly arising to the fact that the collectors kept their own money with the daily collections.

Environmental management

- A national list of all the endangered and threatened species of flora and fauna and their habitats has not been compiled, although it is an obligation of Cyprus, under the Protocol on Specially Protected Areas and Biological Diversity in the Mediterranean.
- Monitoring programs for endangered marine fauna species, implemented by the Department of Fisheries and Marine Research, are not included in official protocols or action plans.
- According to the six-year report on the implementation of Directive 92/43/EEC in Cyprus, the conservation status of the green turtle and monk seal is assessed as "bad" and "inadequate", respectively, with the overall trend in the conservation status of the species described as "improving" for the green turtle and "stable" for the monk seal.
- The Sea Turtle Protection Plan is implemented by external experts. The Department of Fisheries and Marine Research should ensure that expertise in this area will be gradually transferred to the State.
- Management Plans have been prepared for most coastal areas included in the "Natura 2000" network, however none of these has been designated as special area of conservation, as per the provisions of Directive 92/43/EEC.
- Management Plans have been prepared for coastal and marine areas of the "Natura 2000" network, with the exception of three areas. However, in no case has a Nature Management and Protection Decree been issued, contrary to the provisions of national Law no.153(I)/2003.

- In a letter of formal notice for the breach of the obligations of the Republic under the provisions of Directive 92/43/EEC, the European Commission notes the lack of necessary measures to establish and implement an effective system for the strict protection of the sea turtle species *Caretta caretta* and *Chelonia mydas*, in the Polis gulf area.
- The State approved the proposed design of a private company for a golf course partially extending into the «Natura 2000» network in Polis-Yialia area, in violation of the terms of the State policy for the creation of golf courses, on one of the most important nesting beaches for sea turtles. In its Opinion, the Environmental Authority admits not taking adequate measures to meet the principles of conservation and prevention in relation to environmental protection. In the same area, a six-meter wide pavement was constructed, upon demand of the Town Planning and Housing Department, in front of an existing villa complex, causing the leveling of sand dunes and the destruction of a significant part of the nesting grounds of turtles. The European Commission has issued letters of formal notice regarding these issues, claiming infringement of the obligations of the Republic under the provisions of Directive 92/43/EEC.
- The State's ability to address pollution of the marine environment due to a potential accident during the hydrocarbon extraction processes in the exclusive economic zone of Cyprus appears to be significantly limited.

Interventions within the Beach Protection Zone (BPZ)

- The BPZ was defined several years ago and was not revised to take into account changes, mainly due to erosion. As a result, the BPZ at certain points lies within the sea. Also, the definition of the BPZ is incompatible with the relevant Protocol of the Barcelona Convention, which has been ratified by the EU.
- No satisfactory explanations were provided regarding the way the BPZ was defined, particularly in relation to the significant variations in its width and with regard to specific areas, where the BPZ appears to circumvent specific land plots.
- Several relaxations of national law provisions are granted by the Council of Ministers for the construction of buildings or other structures within the BPZ and, in cases of detection of illegal constructions or non-compliance with the terms of the relaxations granted, no effective measures are taken to remedy the situation. As a result, the

achievement of the objectives set by legislation, in relation to the determination of BPZ (the protection or conservation of the character and amenities of the beach or public access) is in question.

- The documentation, by the competent Authorities, of how the public interest is served, in justifying the granting of a relaxation is, in most cases, inadequate.
- High tolerance is exhibited in cases of applications for the approval of interventions in the BPZ relating to constructions in progress or already completed. Specifically, instead of applying sanctions to offenders, ex-post approvals are granted.
- High tolerance is exhibited by the competent Authorities, where the conditions set for granting the town planning or building permit, or the relaxation, are not met.
- Structures were identified within the BPZ, some of them in government plots which had not been leased, for which no application for a relaxation was submitted, and were thus illegal.
- District Administration Offices do not perform systematic inspections to identify illegal interventions within the BPZ, so that timely measures may be taken.
- We identified cases of illegal interventions in the marine area, and although these were known to the competent Authorities, no action was taken against the offenders.
- The plot title deeds submitted with relaxation requests and town planning permit applications, are not up to date.
- District Administration Offices do not always consult the Department of Public Works before granting permission for the extraction of sand from beaches.
- According to the District Administration Offices, most interventions identified within the marine area involve groynes, which were constructed decades ago.

Recreational marine vessel waste

- We noted an overlapping of responsibilities between District Officers and the Minister of Communications and Works, regarding the prohibition of waste disposal at sea.

- Vessel waste management is handled by a number of authorities, with no central coordinating body. Moreover, we noted a legislative gap regarding the exercise of control over waste disposal of recreational vessels and vessels tying up at piers.
- The inspections of vessels carried out by the Department of Merchant Shipping, regarding waste management, are not adequate, while administrative fines have never been imposed.
- We noted discrepancies between the records of the responsible Departments (Department of Merchant Shipping and Department of Fisheries and Marine Research), indicating that the responsible Department is not informed in all cases regarding recreational vessels docking in fishing shelters. As a result, no control is exercised over the waste disposal of these vessels.
- The cases of non-delivery of sewage by vessels in the fishing shelter reception facilities are investigated by the Department of Fisheries and Marine Research, however the reasons for non-delivery of sewage are not documented.
- The Department of Merchant Shipping does not keep updated information in relation to the size of the sewage retention tanks of marine vessels.
- Vessels of less than 12 passengers are not legally required to deliver sewage to the reception facilities in marinas, as these vessels are allowed, under the MARPOL Convention, to dump comminuted sewage at a distance of more than three nautical miles from the nearest land. Compliance with the above provision is almost impossible to control.
- Vessels tying up at the Protaras dock are not charged with usage fees, while management of the waste of these vessels, as well as vessels anchoring in the “Nissia” marine area, is not supervised.

General issues

- Coastal management is governed by a wide range of legislation, which in many cases has not been updated, resulting in the fragmentation of responsibilities among various bodies, without any coordination mechanism having been established. The absence of a national coastal management strategy further complicates the situation, since

often there are conflicting goals among competent authorities. We also noted legislative gaps and overlapping responsibilities.

- The designated "bathers areas" (as per the national Law on the Protection of Bathers 72/1968) are not entirely consistent with the "bathing water areas" (defined as per the Bathing Water Quality Directive 2006/7/EC and national Law 57(I)/2008). This results in beaches used by a large number of bathers not being designated with safety buoys.
- A national coastal management strategy has not been prepared. The Department of Environment has implemented the Coastal Zone Management Program "CAMP-Cyprus", however the recommendations of the program were not implemented due to budgetary constraints.
- Despite the fact that the Protocol on Integrated Coastal Zone Management in the Mediterranean has been ratified by the EU, Cyprus has not yet proceeded with its ratification, due to its incompatibility with the provisions of the Beach Protection Law, regarding the width of the zone where construction is not allowed.
- During the period 1963-2008, the coast of Cyprus was eroded by a total area of 2.2km², due to anthropogenic and natural phenomena. In particular, during the above period the coastline of Cyprus has undergone average erosion of 14m (maximum 260m - minimum 3.5m) over a coastal front of 92,338m in length, that is 19.8% of the shoreline. However, no risk assessment has been performed regarding the coastal areas of the island exposed to the effects of erosion and submersion.
- The Public Works Department has not performed assessments of illegal coastal defense structures, with the exception of areas for which coastal defense studies were prepared. Furthermore, no effectiveness assessment reports are prepared for the coastal protection works constructed by the Department.
- The construction of water dams minimizes the transport of sediment by rivers to the sea, contributing to coastal erosion, a problem that may be addressed by constructing pre-dams to trap sediment upstream of the main dams, and use this to enrich beaches.
- Only 37 beaches in Cyprus are accessible to the disabled, of which 25 only provide partial access up to a point on the beach. The implementation of the Central Beach Committee's recommendation, to

install accessibility infrastructure in at least one of their beaches, was not monitored.

- Several beaches are not manned with lifeguards, while the employment period and working hours of lifeguards vary among Local Authorities and beaches.
- Eutrophication first appeared in Cyprus around 1990, with periodic bouts which were later limited to a sheltered bay in Ayia Napa, where conditions seem to favour its emergence. In recent years, eutrophication effects are intensified upon each reoccurrence.