

Seminário internacional

A zona costeira de Portugal: Como a podemos defender?

7 de junho de 2017- Fundação Cidade de Lisboa

LA PLANIFICACIÓN COSTERO-MARINA EN ESPAÑA: ENTRE LA DESCENTRALIZACIÓN Y LOS RETOS DE LA INTEGRACIÓN EUROPEA

Juan L. Suárez de Vivero
Department of Human Geography
University of Seville

COASTAL CRISIS. THE FAILURE OF COASTAL MANAGEMENT

- Coastal management does not exist as integrated action
- A large diversity of partial intervention instruments on the coast
- Institutional fragmentation between the regional and national scope
- Submission to economic activities of immediate profitability / absence of long-term visions
- Loss of legitimacy and lack of social support
- Environmental rhetoric
- Discordance between economic and environmental policies

History: ADAPTING TO RETHORIC OF SUSTAINABILITY

	Title	Objective / Focus on
1969	The shores act	Public domain regulation/Updating public domain concept (continental shelf) [ABIOTIC]
1988	The shores act	Reinforcement of the public domain/ Additional ecosystems/Coastal zone management [ABIOTIC]
2010	Act on Protection of Marine Environment (EU MSFD)	Transposition of Directive 2008/56 / EC. Measures to achieve or maintain a good environmental status/Scope of the law: All jurisdictional waters (including CS)/First mention in the Spanish legislation to the marine spatial planning.
2013	Act on protection and sustainable use of coastal zone (modification of The shores act 1988)	Exclusion of ecosystems belonging to the public domain/ Inconsistency of measures to protect against climate change/Reduction of the protection zone/Promotes the massive tourist development of the coast
2017	RD on Maritime spatial planning (EU MSP)	Transposition of Directive 2014/89/EU/It is conceived as development or continuation of marine strategies/The concept of land-sea interaction is imprecise and is only mentioned in a single sense (land-sea)

The coastal space

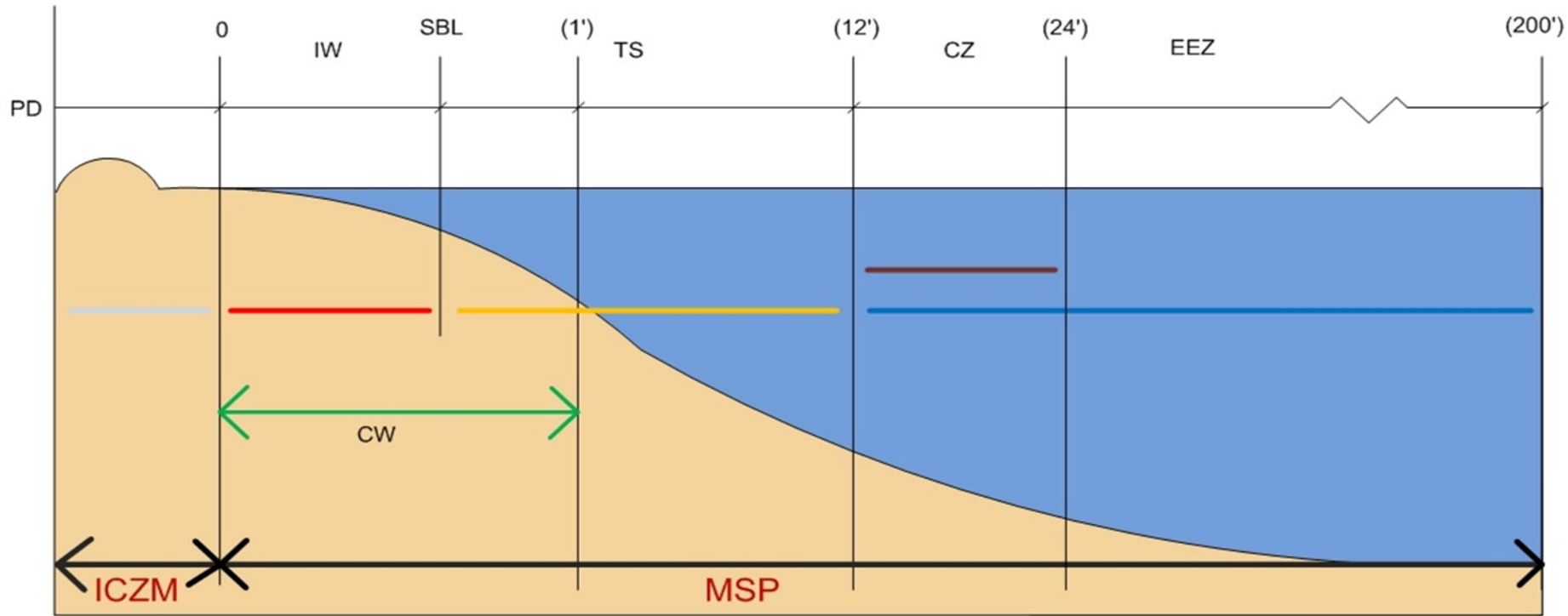
LAND-SEA INTERACTION: MORE THAN A BOUNDARY ISSUE

- The definition of coastal space for planning and distribution of competences does not correspond to the criteria of the Earth sciences and the environmental sciences.
- Legal practice (jurisprudence) has consolidated an artificial and simple division: the administrative limit of the municipal and regional territory is the **zero hydrographic** and the **internal waters** the marine space where regional governments exercise certain administrative powers.
- The combination of these two criteria forms the basis of local and regional administrative action in the coastal-marine environment. Plans for territorial and urban planning do not exceed hydrographic zero; Fisheries management and the declaration of marine protected areas are regional competence.

The coastal space

LAND-SEA INTERACTION: MORE THAN A BOUNDARY ISSUE

MARITIME SPATIAL PLANNING: ZONING FRAMEWORK



- 0 - Hydrographic zero
- IW - Inland waters
- ICZM - Integrated Coastal Zone Management
- TS - Territorial Sea (12')
- EEZ - Exclusive Economic Zone
- MSP - Marine Spatial Planning
- PD - Public Domain
- CW - Coastal Waters (Water Framework Directive (WFD))
- SBL - Straight Baseline
- CZ - Contiguous Zone

The management of the coastal zone and the territorial organization of the state

STATE AND AUTONOMOUS COMMUNITIES

- Spatial planning is the exclusive competence of the **Autonomous Communities** which exercise full powers for legislation, regulation and execution.
- Despite the importance of the Coastal Law in shaping coastal-maritime management policy, this Law does not provide sufficient mechanisms for developing authentic ICZM and, in spite of there being abundant **sectoral legislation** in existence for the coast, there is still no specific legislation for the integrated management of coastal zones in Spain
- The wide range of instruments and the high number of mandatory and sectoral regulatory instruments must be highlighted. There are some interesting specific instruments on the Autonomous Community scale but they have little application. **On the State scale there is no instrument of a strategic or operational nature specifically designed for the coast.**

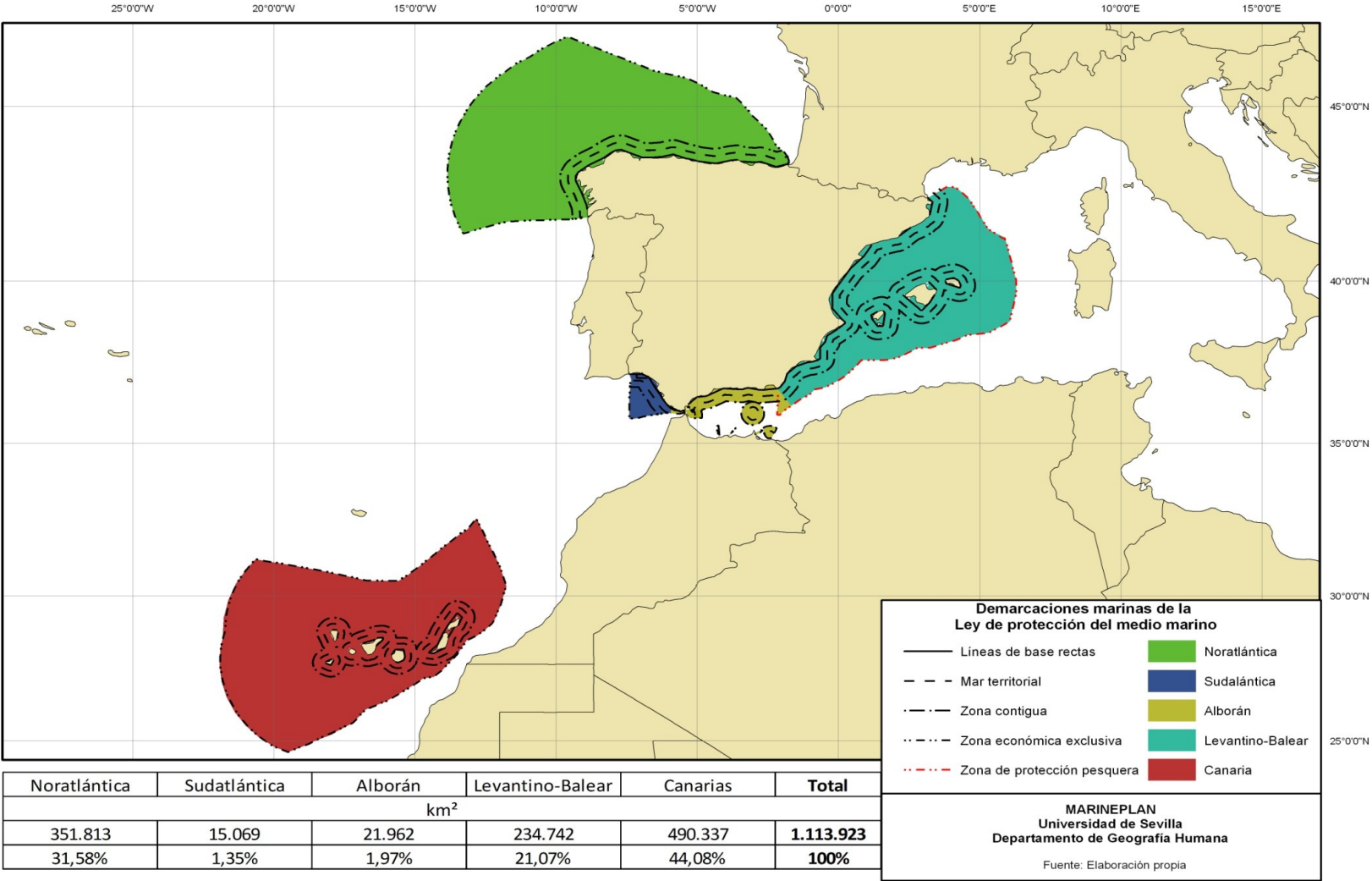
The management of the coastal zone and the territorial organization of the state

THE ROLE OF THE GENERAL STATE ADMINISTRATION

- The General State Administration exercises its powers through EU regulations: MSFD Directive and MSP Directive and corresponding national Law/RD (Law 41/2010 on Marine Strategies and RD 363/2017 on MSP)
- The Directorate General of Coasts has prepared two directive or instruction documents; the Instruction for actions on beaches and the Instruction for dealing with the coastal edge, which facilitate decision making for actions taken in the future management of the Spanish coastal strip.
- In general, the State carries out all actions of protection, regeneration and conservation of beaches and dunes and some waterfront infrastructures that require substantial investments.

Integrated management and political integration

MSFD MARINE DEMARCATIONS



The way ahead

THE CHALLENGE OF BLUE GROWTH

The Spanish maritime sector has been characterised by its generation of major added value, especially thanks to activities like **fisheries** and **tourism**, and by its creation of the highest number of maritime jobs in Europe although it is a predominantly **traditional maritime sector** which is more labour-intensive than other sectors in the country's economy .



- With the coming into effect of the MSP Directive (2014), a dual institutional course for marine spatial planning seems to be opening up in Spain (and the EU): The Marine Strategy Framework Directive and/vs MSP Directive
- The existing maritime economy model is especially associated with regional aspirations while the blue growth drive requires more state policies (i.e. alternative and renewable energies).

Concluding remarks

MSFD vs. MSPD

- The development of these two initiatives in the EU is somewhat confusing because its complementary or repetitive character is not clear
- When seen from the perspective of the Spanish case, whereas the MSFD has not -thus far- been totally implemented the coming into effect of the MSPD can led to the second planning instrument being devised
- The fact that binding legislation (a Directive) might be opted for in the framework of the EU's Integrated Maritime Policy once the complicated process for developing the MSFD has been initiated (not without difficulties), the initiative could be regarded as redundant and as having dubious benefits. This only provides arguments to stoke the fires of scepticism that some States have with regard to this new policy.



THANK YOU
vivero@us.es

The management of the coastal zone and the territorial organization of the state **KEY POINTS (I)**

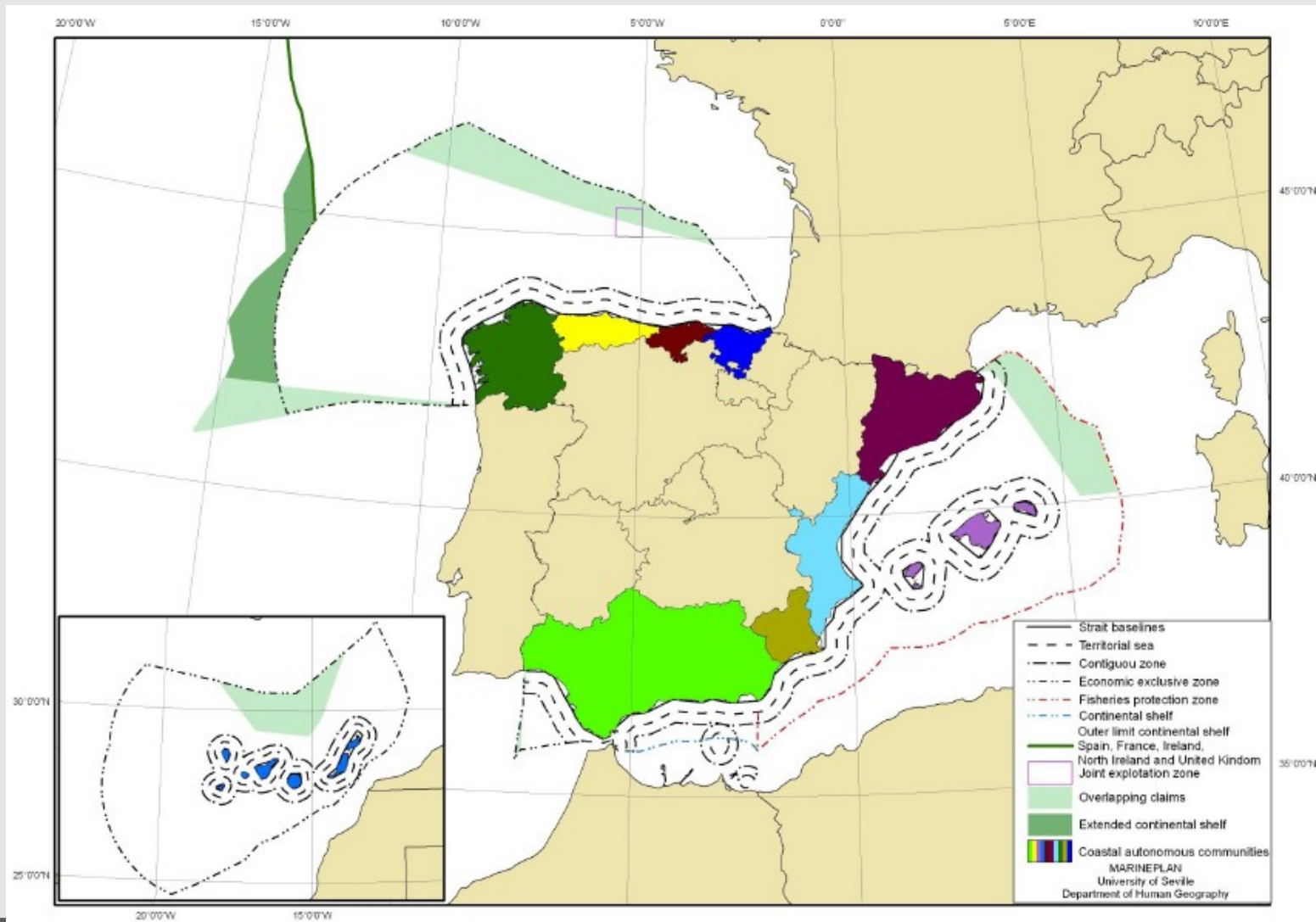
- **Territorial Planning** and **urban development** are the responsibility of the Regional Governments.
- **Coastal Planning** is an exclusive responsibility of the Autonomous Communities.
- There is no legal delimitation of the coastal zone. Coastal Law only defines the **maritime-terrestrial public domain**.
- **Urban Development** and **territorial planning plans** may cover the coastal area but this does not include the maritime area beyond hydrographic zero.

The management of the coastal zone and the territorial organization of the state KEY POINTS (II)

- **There are no spatial plans** that cover the coastal zone (land-sea interface) in its entirety.
- Maritime space (internal waters, the territorial sea, EEZ, etc.) can be planned for under new Law 49/2010 (Directive 2008/56/EC) and RD on MSP (2017).
- **As specific planning instruments for the littoral (land-sea interface) do not exist** either on the State or the Autonomous Community levels, there has been no widespread practice of this.
- Despite several strategies being in existence for the management of marine space and notice given of a range of measures included in these, on the practical level they have not had the desired effect.

The management of the coastal zone and the territorial organization of the state

AUTONOMOUS COMMUNITIES AND MARITIME JURISDICTIONS



The management of the coastal zone and the territorial organization of the state

PLANNING TOOLS: ANDALUSIA

TOWN PLANNING (Local Scale)

GENERAL URBAN DEVELOPMENT PLANS (Contents)

- ✓ Land classification and categories.
- ✓ General Systems and Local Systems comprising Parks and Gardens, Infrastructure and Services, and other Public funded services.
- ✓ Uses, densities and building potential: overall for areas and specific for lots.
- ✓ Areas reserved for protected housing.
- ✓ Areas and features of interest due to their historical, architectural, cultural, natural and landscape values.

SUBREGIONAL PLANS (Contents)

- ✓ Objectives and proposals
- ✓ Outline of basic infrastructure and facility distribution
- ✓ Management areas: setting out of criteria and measures that have to be developed by the various Public Administration organisations
- ✓ Adaptation of the resolutions in the Plans that Affect Spatial Planning and the Town Planning Plans that are in force in the area (justifying any alterations proposed to same)
- ✓ Implementation of said resolutions in the plan
- ✓ Forecasts for the development, monitoring and execution of the plan
- ✓ Aspects that the Governing Council takes into consideration for the goals of the plan to be fulfilled

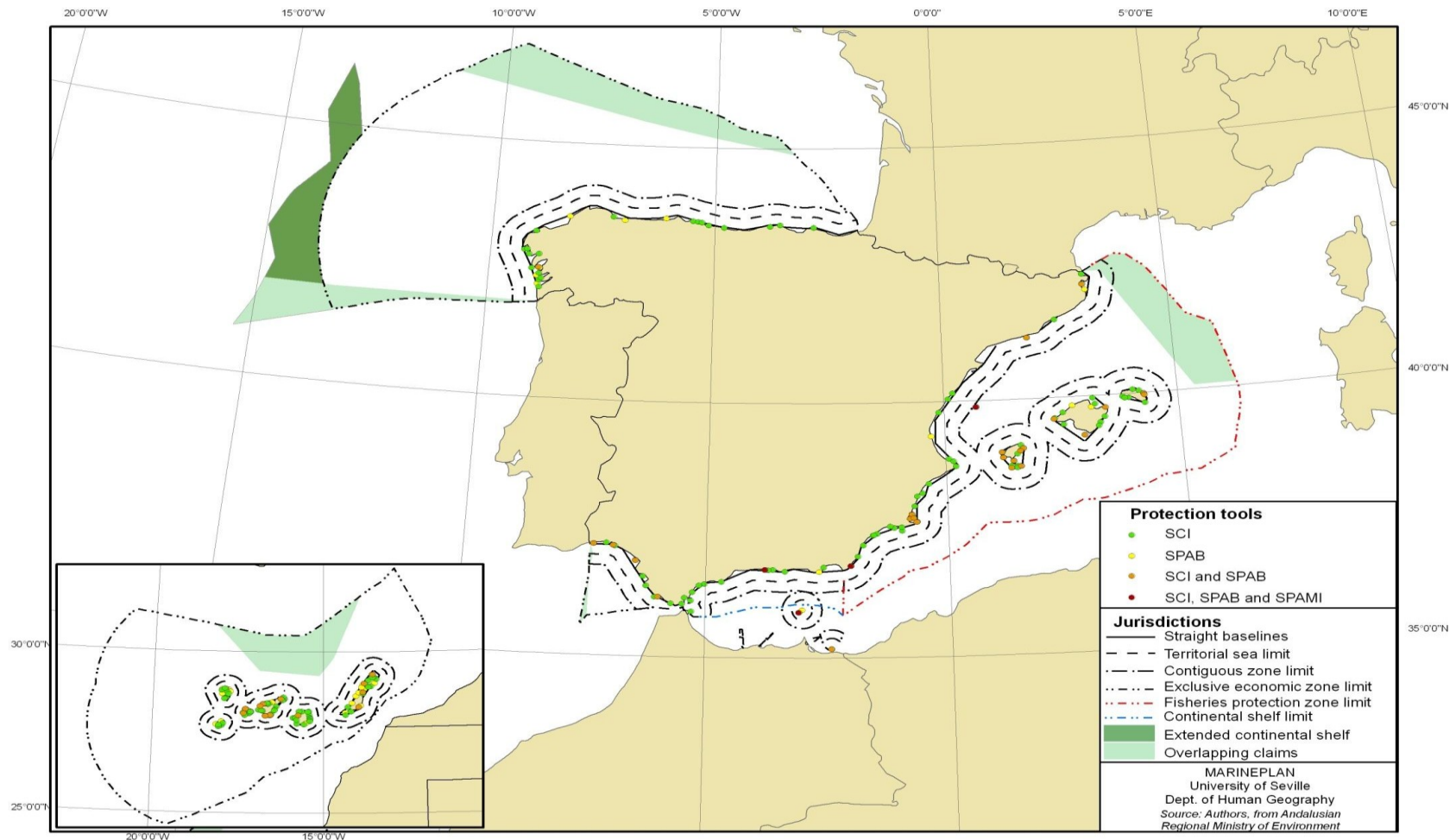
The management of the coastal zone and the territorial organization of the state

REGIONAL PLANNING TOOLS: ANDALUSIA

Regional Spatial Management Plans and Directives	Andalusian Land Management Plan (POTA).
	Bases and strategies of the Andalusian Land Management Plan.
	Regional Directives for the Andalusian Shore.
Sub-regional spatial management plans	Eastern Almeria Spatial Plan.
	Western Almeria Spatial Plan.
	Granada Coast Spatial Plan.
	Malaga Urban Agglomeration Spatial Plan.
	Eastern Malaga-Axarquía Coast Spatial Plan.
	Western Costa del Sol Spatial Plan.
	'Campo de Gibraltar' Spatial Plan (Cadiz province).
Sectoral Spatial Plans	Andalusian Hazardous Waste Prevention and Management Plan.
	Andalusian Infrastructure Master Plan
	Andalusian Energy Plan.
	Andalusian Tourism General Plan.
	Plan for the Prevention of Avenues and Flooding in Andalusian Urban Water Basins.

The management of the coastal zone and the territorial organization of the state MPAs AND THE REGIONAL ADMINISTRATION

National Scale



The management of the coastal zone and the territorial organization of the state

MPAS AND THE GENERAL STATE ADMINISTRATION



Integrated management and political integration (UE)

COMING BACK TO CENTRALIZATION?

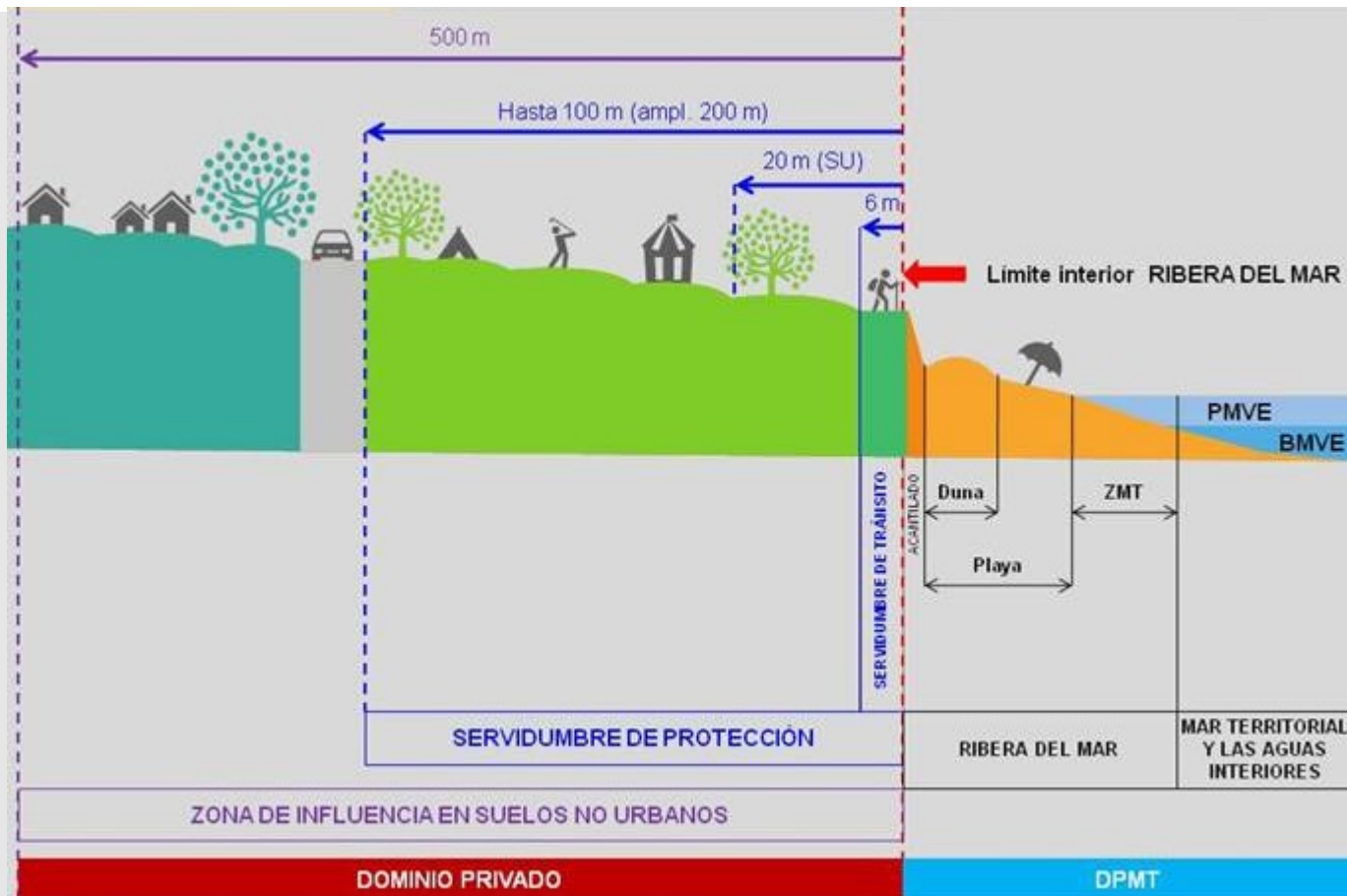
Marine Environment Protection Act (2010)

TARGET/PURPOSE	
Transposition of Directive 2008/56/CE into national law. It sets out the legal regime that governs the adoption of measures to achieve or maintain the good environmental status of the marine environment through its planning, tutelage and protection.	
INSTRUMENTS	PROCEDURES
<p>The basic instrument in the Law is the Marine Strategies, conceived as a set of consecutive steps that culminate in a programme of measures.</p> <p>A marine strategy will be drawn up for each subdivision or demarcation.</p>	<ul style="list-style-type: none"> - Initial assessment - Good environmental status - Environmental objectives - Monitoring programme [priority areas] (2014) - Programme of measures (2015) - Updating.
PROGRAMME OF MEASURES	
<p>1 Input control: management measures that affect the permitted intensiveness of a human activity.</p> <p>2 Output control: management measures that affect the permitted disruption of an element in the ecosystem.</p> <p>3 Control of spatial and temporal distribution: management measures that affect the place and the time that an activity is authorised.</p> <p>4 Management coordination measures: instruments to guarantee said coordination.</p> <p>5 Measures to improve traceability of marine pollution, when viable</p> <p>6 Economic incentives management measures that use economic interest to encourage users of marine ecosystems to behave in a way that contributes to the achievement of a good environmental status.</p>	<p>7 Attenuation and repair instruments: management instruments that steer human activity towards the restoration of damaged elements in marine ecosystems.</p> <p>8 Communication, stakeholder involvement and public awareness.</p> <p>9 Conservation strategies, Recovery Plans and marine species Conservation Plans included in the Spanish National Catalogue of Endangered Species.</p> <p>10 Strategies and Plans or instruments for the conservation and restoration of marine habitats included in the Spanish National Catalogue of Habitats in Danger of Disappearing.</p> <p>11 Marine spatial planning.</p> <p>12 Protected marine areas.</p>

Concluding remarks

COASTAL SPACE AND PLANNING. CONFUSING PERSPECTIVES

- It has not come to generate a system of coastal planning that integrates all the coastal space (land-sea interface)
- Marine strategies and the MSP are still a question of effectiveness as instruments of coastal-marine planning.
- The lack of flexibility in the current distribution of competencies between the Central Administration (marine environment) and regional governments (coastal dry segment planning) constitutes an obstacle to the development of the different instruments of coastal-marine management

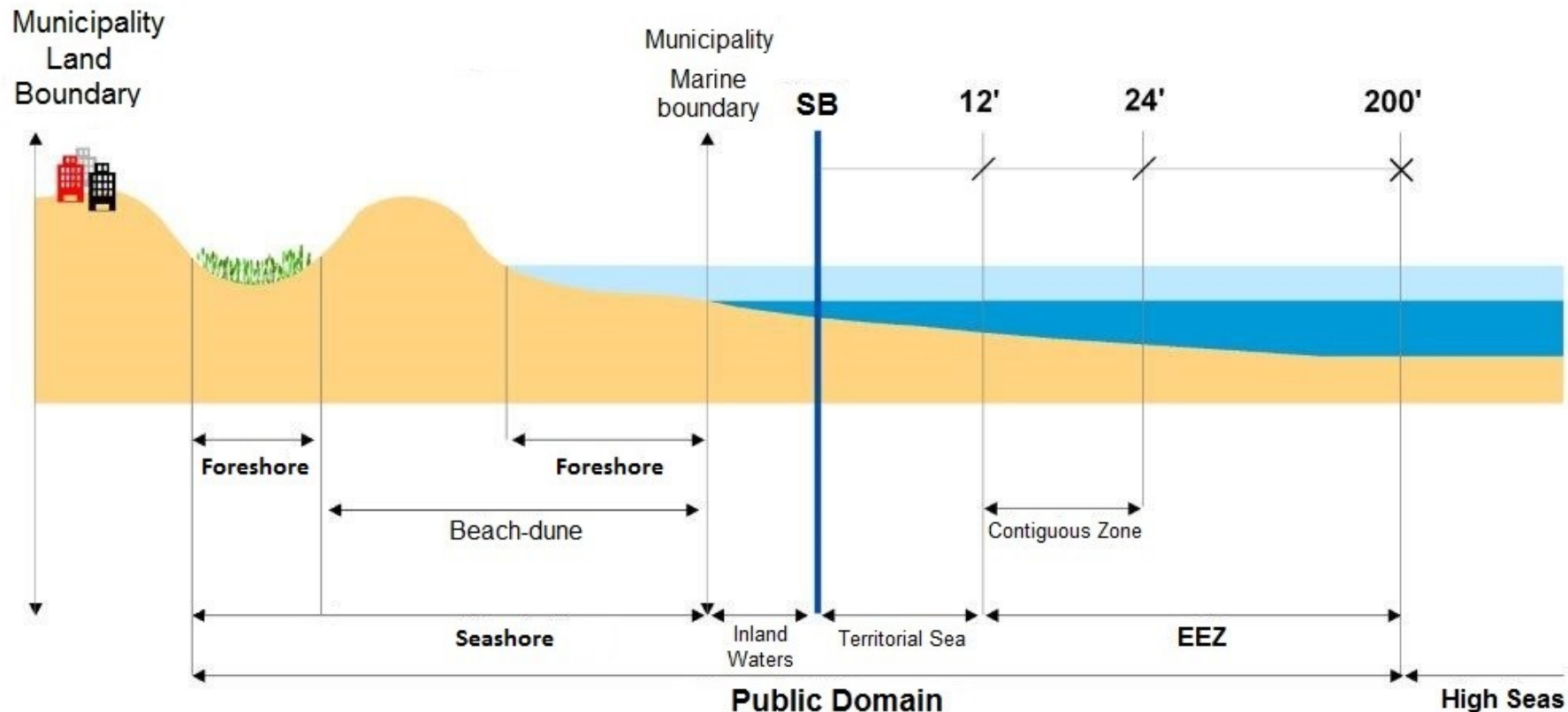


CONTENT

- History
- The coastal space
- The management of the coastal zone and the territorial organization of the state
- Integrated management and political integration (UE)
- The way ahead
- Concluding remarks

The coastal space

LAND-SEA INTERACTION: MORE THAN A BOUNDARY ISSUE

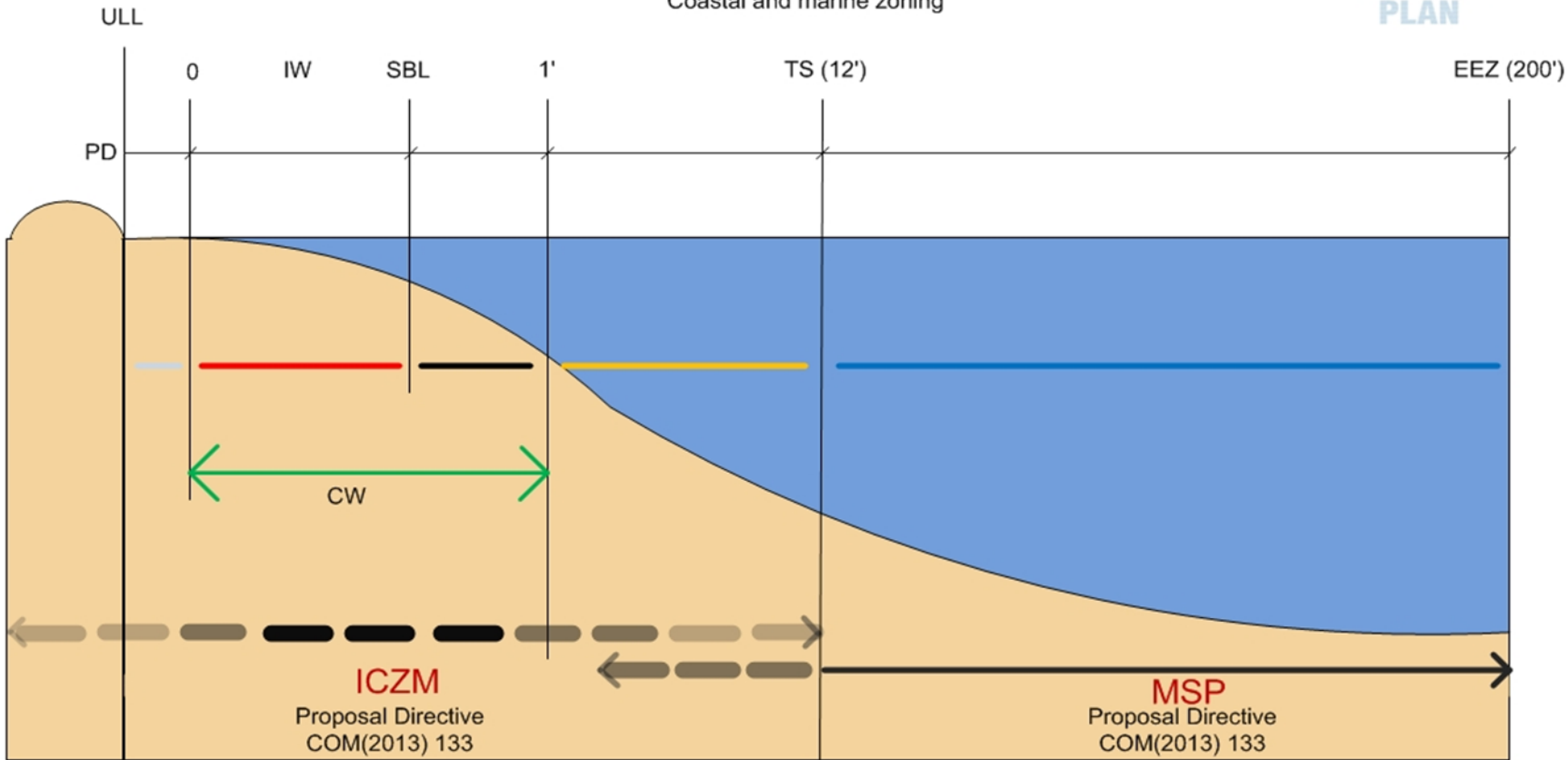


Juan Luis Suarez de Vivero
University of Seville
Department of Human Geography

The coastal space

LAND-SEA INTERACTION: MORE THAN A BOUNDARY ISSUE

PROPOSAL FOR A DIRECTIVE ON MSP AND ICZM
Coastal and marine zoning



ULL – Undefined landward limit
0 - Hydrographic zero
IW - Inland waters
ICZM - Integrated Coastal Zone Management
SBL – Straight baseline

TS - Territorial Sea (12')
EEZ - Exclusive Economic Zone
MSP - Marine Spatial Planning
PD - Public Domain
CW - Coastal Waters (Water Frameworks directive)

The management of the coastal zone and the territorial organization of the state

STATE AND AUTONOMOUS COMMUNITIES

