

**AN OVERVIEW OF THE STATE OF MARINE SPATIAL PLANNING IN  
THE MEDITERRANEAN COUNTRIES**

**MALTA REPORT**



**Malta Environment & Planning Authority  
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## Introduction

This report has been drafted in response to a request by PAP/RAC for a short overview of the state of marine spatial planning in the Mediterranean countries. The report is structured following a set of six (6) pre set questions by PAP/RAC, it is based on published documentation and reflects the current situation.

### 1. Is there a specific law in your country to regulate marine spatial planning?

- **If yes, describe its main content and present the main elements of marine spatial plans.**
- **If not, are there some specific legal provisions to deal with marine planning in the law on spatial / physical / regional planning in the country? If yes, please, provide some details, characteristics.**

## Legal Provisions

The concepts of planning for development and controlling development at sea in the Maltese Islands are embedded as one of the core functions of the Malta Environment and Planning Authority (MEPA) where Section 30 (2) of the Development Planning Act of 1992 (as amended)<sup>1</sup> extends MEPA's jurisdiction for development control and planning to both land and sea. In accordance with Article 5 of this Act, MEPA is responsible for preparing development plans and planning policies in consultation with Government departments, private organisations and other persons relating to planning.

In addition to its planning functions, MEPA is also the Competent Authority empowered to implement the Environment Protection Act (2001)<sup>2</sup>. MEPA is assigned the duty to *advise* the Minister responsible for the Environment, in the formulation of policies relating to the promotion of sustainable development, protection and management of the environment and the sustainable management of natural resources. Under the Environment Protection Act MEPA is entitled to issue any licence or permit that may be required by and under this Act necessary for the control and management of activities having an impact on the environment. It is also MEPA's duty to liaise with public entities, NGOs and international organisations on matters relating to environmental protection and the sustainable management of the environment and natural resources.

In legal terms, therefore, whilst there is no specific reference to the term 'marine spatial planning' the existing planning legislation provides the necessary framework for the development of plans and also to issue development permits to regulate sea uses. At the same time, the environmental legislation provides for the sustainable management of the environment and natural resources which includes both the designation of protected areas as well as the regulation of activities through a

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<sup>1</sup> [http://www.mepa.org.mt/Planning/factbk/LNs/DPAAct\\_21\\_E.pdf](http://www.mepa.org.mt/Planning/factbk/LNs/DPAAct_21_E.pdf)

<sup>2</sup> [http://www.mepa.org.mt/environment/legislation/chapt435\\_2001\\_E.pdf](http://www.mepa.org.mt/environment/legislation/chapt435_2001_E.pdf)

licensing or permitting system. The fact that both the planning and environmental protection functions are within the same entity should facilitate any action towards the development of marine spatial plans in the Maltese Islands.

### **Current Practice**

Whilst no marine spatial plan has yet been developed, the principles of marine spatial planning have been in action since 1992 with the development control of fish farms and a subsequent policy framework adopted in early 1994 for a more holistic approach to regulate this sector. Over the last decade MEPA has also pioneered work in developing ICZM locally, and in the collection of marine data and the establishment of a marine GIS database. In practical terms, whilst some marine uses have been addressed in the Local Plans approved in 2006, there is not yet a consistent and integrated approach for marine spatial planning, namely because the focus had primarily been mainly in controlling development on land.

MEPA has been playing an important role in instilling a co-ordinated approach to marine development by facilitating consultation and the adoption of a multidisciplinary approach to the social and economic use of the sea to several development proposals, such as the identification of the potential for off-shore energy production and the development of the national aquaculture policy.

### **2. If there is no specific legislation dealing with marine spatial planning, which ministries (institutions) are competent to regulate sea-use, such as for the issuing of permits to install fish farming (aquaculture in general), define sea ways for ships, declare protected areas in the sea (nature protection, cultural heritage), define recreational zones, off-shore wind farms to produce energy, and alike?**

In addition to the Development Planning Act of 1992 (as amended) there are a number of regulations that enable other ministries and government entities to regulate specific sea-uses or specific marine areas. The National Report on the Implementation of the EU ICZM Recommendation prepared by MEPA in 2006 identified that eight (8) out of fourteen (14) Ministries in the Maltese Islands are directly involved in regulating coastal and marine areas or uses. Table 1 outlines the main agencies that are involved in regulating the major activities on the coast and adjacent marine waters. It must be noted that other agencies and departments may also be involved as stakeholders in policy development, such as the Malta Tourism Authority, which plays an important role in identifying how potential marine development is likely to affect the tourism industry. With the exception of the Development Planning Act of 1992 (as amended), there is no legal obligation for co-ordination between government entities in their policy formulation stages. The majority of the main legislation identifies the entity's respective responsibilities together with regulations affecting the majority of coastal uses. In certain cases some provisions exist that call for interdepartmental consultations, such as for example the issue of aquaculture permits under the Fisheries Conservation and Management Act of 2001 which is subject to consultations with MEPA and the Malta Maritime Authority; under the Cultural Heritage Act of 2002, measures to co-ordinate the protection of cultural heritage are to be undertaken in consultation with MEPA and the Malta Tourism Authority.

|                        | Office of the Prime Minister | Min for Justice & Home Affairs |                        |                   | Min for Tourism & Culture |                |                                      | Min for Competitiveness & Communications | Min for Resources & Infrastructure |                | Min of Health, the Elderly & Community Care | Min for Investment, Industry & Information Technology |                            | Min for Rural Affairs & Environment |                  |  |   |                |      |
|------------------------|------------------------------|--------------------------------|------------------------|-------------------|---------------------------|----------------|--------------------------------------|--|------------------------------------|----------------|---|---|----------------------------|-------------------------------------|------------------|--|---|----------------|------|
|                        | Armed Forces of Malta        | Police Corps                   | Civil Protection Dept. | Property Division | Malta Tourism Authority   | Heritage Malta | Superintendency of Cultural Heritage | Malta Maritime Authority                 | Malta Resources Authority          | Works Division | Oil Exploration Division                    | Dept of Health  | Water Services Corporation | Malta Freeport Corporation          | Malta Enterprise | Agricultural Services & Rural Development Department | Fisheries Control & Conservation Division | Wasteserv Ltd. | MEPA |
| Land ownership         |                              |                                |                        | X                 |                           |                |                                      |  |                                    |                | X   |   |                            |                                     | X                |  |   |                |      |
| Development control    |                              |                                |                        |                   |                           |                |                                      |  |                                    |                |   |   |                            |                                     |                  |  |   |                | X    |
| Port Management        |                              |                                |                        |                   |                           |                |                                      | X  |                                    |                |   |   |                            | X                                   |                  |  |   |                |      |
| Bunkering              |                              |                                |                        |                   |                           |                |                                      | X  |                                    |                |   |   |                            |                                     |                  |  |   |                |      |
| Yachting               |                              |                                |                        |                   |                           |                |                                      | X  |                                    |                |   |   |                            |                                     |                  |  |   |                |      |
| Fisheries              | X                            |                                |                        |                   |                           |                |                                      |  |                                    |                |   |   |                            |                                     |                  |  | X   |                |      |
| Aquaculture            |                              |                                |                        |                   |                           |                |                                      |  |                                    |                |   |   |                            |                                     |                  |  | X   |                | X    |
| Agriculture            |                              |                                |                        | X                 |                           |                |                                      |  | X                                  |                |   | X   |                            |                                     |                  | X  |   |                | X    |
| Quarrying              |                              |                                |                        |                   |                           |                |                                      |  | X                                  |                |   |   |                            |                                     |                  |  |   |                | X    |
| Groundwater extraction |                              |                                |                        |                   |                           |                |                                      |  | X                                  |                |   | X   |                            |                                     |                  |  |   |                | X    |
| Soil                   |                              |                                |                        |                   |                           |                |                                      |  | X                                  |                |   |   |                            |                                     |                  | X  |   |                | X    |
| Hydrocarbons           |                              |                                |                        |                   |                           |                |                                      |  |                                    |                | X   |   |                            |                                     |                  |  |   |                |      |
| Energy production      |                              |                                |                        |                   |                           |                |                                      |  | X                                  |                |   |   |                            |                                     |                  |  |   |                |      |
| Water production       |                              |                                |                        |                   |                           |                |                                      |  | X                                  |                |   |   | X                          |                                     |                  |  |   |                |      |
| Waste                  |                              |                                |                        |                   |                           |                |                                      |  |                                    | X              |   |   |                            |                                     |                  |  |   | X              |      |
| Biodiversity           |                              |                                |                        |                   |                           |                |                                      |  |                                    |                |   |   |                            |                                     |                  |  |   |                | X    |
| Pollution Control      | X                            |                                | X                      |                   |                           |                |                                      | X  |                                    |                |   | X   |                            |                                     |                  |  |   |                | X    |
| Cultural Heritage      |                              |                                |                        |                   |                           | X              | X                                    |  |                                    |                |   |   |                            |                                     |                  |  |   |                | X    |

**Table 1: Main administrative involvement in coastal and marine area (Source MEPA 2006)**

### **3. What is the procedure of co- ordination (decision-making) for these sea-uses?**

Unless required by statutory requirements as indicated earlier, most co-ordination is mainly on an ad-hoc basis. Development proposals at sea are reviewed by MEPA and as part of the development control process the related entities are consulted accordingly. Where development projects are at a conceptual stage MEPA is consulted primarily to identify the environmental and planning concerns that would enable an overall evaluation of the proposal in question. Such examples include the identification of search areas for potential off-shore aquaculture sites and off-shore wind farm development. In such cases, co-ordination is carried out by the entity/developer in question.

As required by law the preparation of development plans calls for consultation and MEPA carries this out through a series of meetings with stakeholders at different stages of the plan making process. In a workshop carried out in December 2005<sup>3</sup> to evaluate the national progress on ICZM implementation, it emerged that efforts towards integration are left to the goodwill of the agencies involved. In practice, a number of inter-agency/inter-department networks already exist. Their existence is testimony to the fact that co-operation can be achieved. The areas where such co-operation exists include pollution control, water quality monitoring and enforcement of regulations relating to swimming zones.

### **4. If sea-use plans exist, provide some examples in the annex of this report (maps of local, regional, state sea-use plans). If no such plans exist, provide some examples of the current state of sea-uses at local / regional level.**

No sea use plans currently exist in the Maltese Islands however sea use policies have been adopted to some extent in Local Plans. In the absence of a strategic policy for the marine space the different plans mainly address particular localities, close to the coast. The main uses that are addressed include bathing, water sports, aquaculture and environment protection. The Grand Harbour Local Plan<sup>4</sup> encompasses perhaps the best example where a comprehensive and co-ordinated approach for coastal and sea uses planning has been attempted. This Plan has been prepared in consultation with the Malta Maritime Authority, putting forward the Grand Harbour port strategy which allocates different zones for different uses.

The state of marine use has been evaluated to a certain extent within the Coastal Strategy Topic Paper<sup>5</sup>, prepared by MEPA in 2002. The main limitation at the time was the availability of data to allow for a better understanding of the spatial extent of marine activities, and thus the maps provided were only for indicative purposes. The map of major marine uses is attached in Annex 1. Additional surveys carried out by different institutions have been ongoing particularly over the last decade and have been instrumental in producing local marine data, mainly on physical oceanography and benthic ecology. One use where spatial distribution of the commercial activity has been mapped is fisheries.

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<sup>3</sup> National Workshop on the Implementation of ICZM, MEPA 2005

<sup>4</sup> [http://www.mepa.org.mt/Planning/index.htm?local\\_plans/ghlp/mainframe.htm&1](http://www.mepa.org.mt/Planning/index.htm?local_plans/ghlp/mainframe.htm&1)  
[http://www.mepa.org.mt/Planning/index.htm?local\\_plans/ghlp/mainframe\\_amendments.htm&1](http://www.mepa.org.mt/Planning/index.htm?local_plans/ghlp/mainframe_amendments.htm&1)

<sup>5</sup> [http://www.mepa.org.mt/index.htm?spr/topics\\_coastal.htm&1](http://www.mepa.org.mt/index.htm?spr/topics_coastal.htm&1)

The proposed strategy has been taken on board in the formulation of the Replacement Structure Plan currently under preparation by MEPA, which will provide a strategic policy framework for planning and development for the next 20 years. As a national development plan it makes proposals about the future scale, distribution and type of development, ensuring that the provision for development is consistent with national policies. One of the strategic objectives of the Replacement Plan is specifically aimed to safeguard and manage the marine environment; this objective is then followed through in the sectoral objectives and policies. Therefore, while the Replacement Plan cannot be considered as a marine spatial plan, it does provide the strategic direction for one.

**5. Give some comments on how you find the issue of co-ordination of the uses on the sea in the country. What are the expected conflicts/problems if sea-use is not regulated in the future? Which are the most emerging conflicts?**

As indicated in section 3 above, whilst the need for co-ordination is increasingly becoming more appreciated, whether through new legal obligations or through acknowledgement that co-ordination facilitates proper resource use, it is still not ingrained within the administrative system. The results of the National Workshop on the Implementation of ICZM (MEPA, 2005) acknowledged that the elements that would lead to further progress for co-ordination are present, however it seems that there is not enough will or commitment to move forward to the development of co-ordinated plan making and moreover to the implementation phase which is highly dependent on participation of administrative institutions and key stakeholders. The true mechanisms are perhaps still not effectively operational. Such a situation may perhaps suggest that not enough information is being communicated on matters related to the need for an integrated approach to managing the marine and coastal resources or else reflects a lack of awareness in the subject matter itself.

As indicated in section 2 above, the majority of sea uses are regulated, what is lacking is a co-ordinated approach that aims to reduce conflicts between uses, based on environmental data that allow for an ecosystems approach. From a socio-economic point of view, the lack of a strategic plan for the maritime space reflects the need for a prioritisation exercise upon which proper planning of marine use can be developed. In its absence, the current situation is likely to continue, whereby each sector exerts pressure for space with potential impacts on the marine environment, public use and other economic sectors. Without direction, growth in certain sectors is likely to be restricted by non profitable activities that occupy a larger space; whilst other small scale traditional activities can be displaced. In essence, the most direct consequence of lack of planning is unsustainable development. With the emergent EU maritime policy, the most obvious conflicts that are likely to arise relate to a potential increase in shipping related activities and the consequent demand for space and increase in traffic, in relation to other coastal uses and marine environment.

**6. What would you recommend for the regulation of the sea-use and marine spatial planning in your country? What should in your opinion be the relation ICZM vs. marine spatial planning?**

If marine spatial planning is the way forward then the experience learned from adopting ICZM principles and tools can assist its adoption considerably. The main element that hinders effective ICZM and thus potential marine spatial planning is the sectoral approach within the administrative agencies having jurisdiction over specific coastal areas and/or uses.

The way forward for better sea-use management in the Maltese Islands is to have a framework that address both the spatial and administrative elements of marine use from an integrated way. The consolidation of such an integrated approach within the legal and day-to-day operations of regulatory bodies that is also based on the ecosystems approach and stakeholder participation would be a step in the right direction towards sustainable marine resources management. The case for such an approach has been made since 2002 within the Coastal Strategy Topic Paper which identified that *'with the potential of marine related development still not fully exploited, it is possible that future development proposals for marine use will also increase. In the absence of a holistic policy direction, the potential for conflicts between marine uses as well as coastal activities is high.'*

The Draft National Strategy for Sustainable Development <sup>6</sup>(2006) links the role of the marine environment with the economic well-being of this Island State by stating that *'Malta's long-term economic and social development are directly linked to the wise use of coastal and marine resources, involving the ability to maintain the integrity of such resources.'*

The most explicit call for marine spatial planning has been made in MEPA's Annual Report for 2006<sup>7</sup> which states that *'Marine spatial planning may not provide a solution to every challenge faced to the sea around Malta but it should provide a sound and transparent system to apply the principles of sustainable development to protect the marine environment and to continue to enjoy its economic benefits.'*

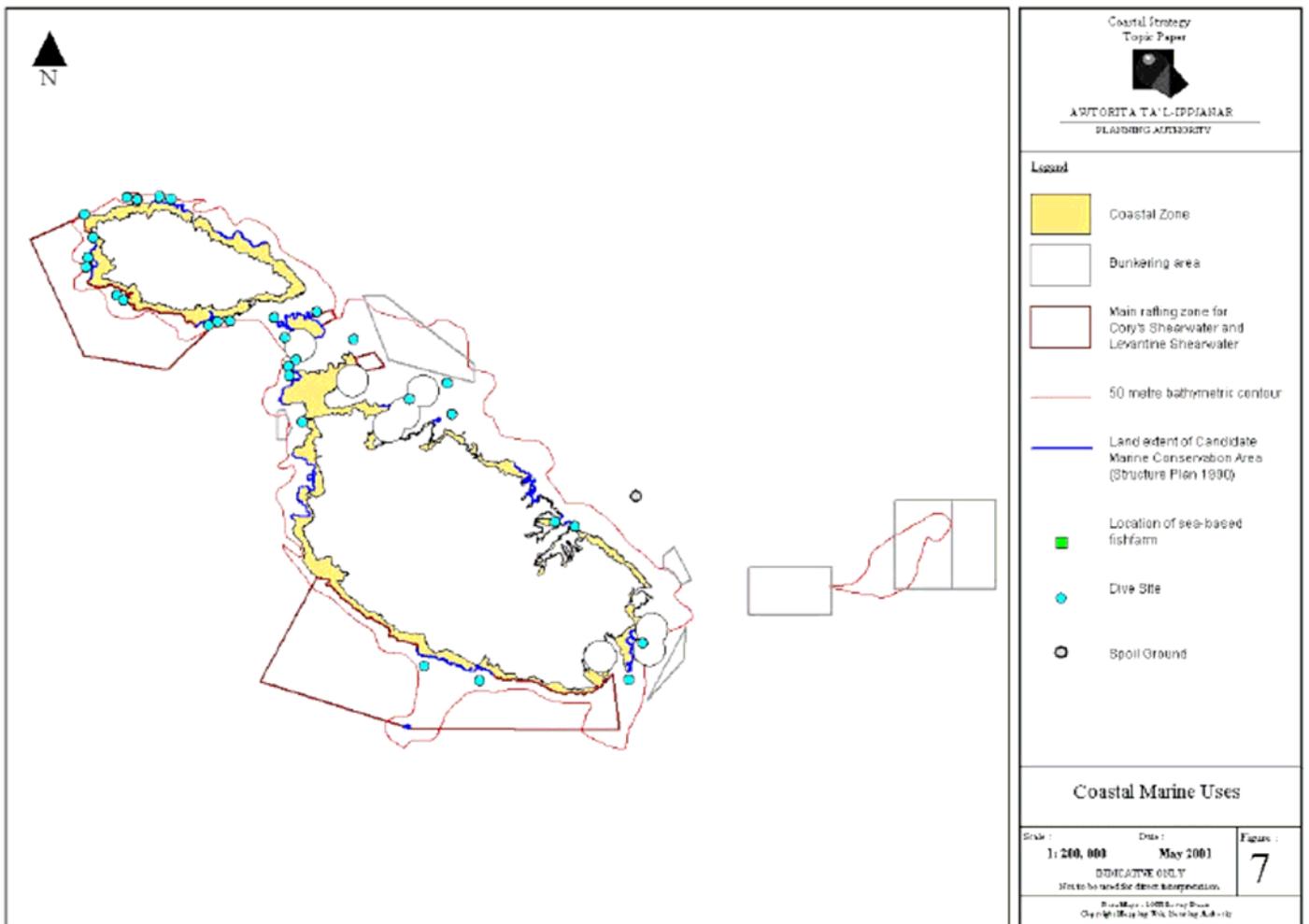
Although marine spatial planning as a tool is useful to allocate appropriate use of marine space it may not be the only tool that has to be applied to regulate sea-uses. This implies that an overall national maritime policy that incorporates all the administrative elements to regulate sea use may be necessary to secure the required administrative co-ordination from all ministries and sectors concerned. The successful development and implementation of marine spatial plans is dependent on such a national policy framework.

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<sup>6</sup> <http://www.mrae.gov.mt/htdocs/docs/ncsd.pdf>

<sup>7</sup> [http://mepaweb/press/AnnReps/MEPA\\_AnnualReport2006.pdf](http://mepaweb/press/AnnReps/MEPA_AnnualReport2006.pdf)

# Annex 1: Coastal marine uses



Source: Coastal Strategy Topic Paper MEPA 2002)