

EIT Raw Materials: 1st Greek Raw Materials Community Dialogue

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Land use planning and Greek policies relevant to RM sector

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Policies and legislation ruling the spatial development of the extraction sector

- Mining exploitation in modern times was initially ruled by the sectoral policies.
- The sector's development took place in absence of a regulatory framework on spatial planning of productive activities
- The spatial management of the extraction industry was based on a licensing system, where the EIA permits were central.
- The problem of development pressures on areas with an extraction interest has been officially recognized by the mining companies at the 90s
- The question was not addressed during the next decades, with varying results. Among them the phenomenon of the appeals lodged with the Council of the State against mining developments.
- As other land uses develop, conflicts over the use of space become usual in many parts of the country and public resistance is common place near tourist or second home areas.
- Extraction activity is often resisted, partly as a result of past bitter experience but mainly because the mining operation is seen as an impediment to future tourist or second home development.

Sectoral legislation

- Greek mining legislation dates back to the 70s, apart from the law on aggregates.
- Environmental and spatial planning considerations are not embodied in mining legislation.
- Sectoral legislations do not manifest a special interest for the neighbouring of mining activities with other land uses.
- The possibility to designate mining zones is granted by the Mining Code, but this provision has not been yet activated.
- A similar provision has been proposed during the attempt to amend the legislation on industrial minerals and marble quarries
- Only the laws on aggregates' quarries (1428/1984, 2115/1993) provide for extractive zones.
- Land use planning considerations are integrated to the procedure of approval of environmental impact statements.
- But the complexity of the sector's spatial management reveals the need for more comprehensive approaches.

Spatial planning

- In Greece, the need for an integrated spatial planning became imperative in the 90s.
- Spatial planning did not start at national level.
- Attention has focused on the question of conflicting land uses and on the imperative to combine the development of multiple activities with the protection of the environment.
- A series of spatial planning studies have been committed. They resulted in the endorsement of a number of presidential decrees for islands and other sensitive areas with development pressures and conflicting land uses. Given the scope and orientations of these initiatives, the context was not favourable for extractive activities.



The Regional Spatial Plans (2003)

- The 12 Regional Spatial Plans endorsed in 2003, have not offered proper solutions to the crucial issue of security in exploitation areas and in face of competitive land uses.
- The aim of the regional plans is to provide strategic guidelines for the spatial development of the country's regions i.e. define the basic choices that determine spatial structure, the system of production and, thus, the spatial development of productive activities.
- They are not binding.
- The references made to the extractive activity were rather limited, not only regarding the operation guidance but also the description of the current situation.
- As a general rule, the Plans proposed the elaboration of additional, more specific, studies for the spatial organisation of mines or quarries.



The Regional Spatial Plan for Crete 2003



The Regional Spatial Plan for Sterea Ellada 2003

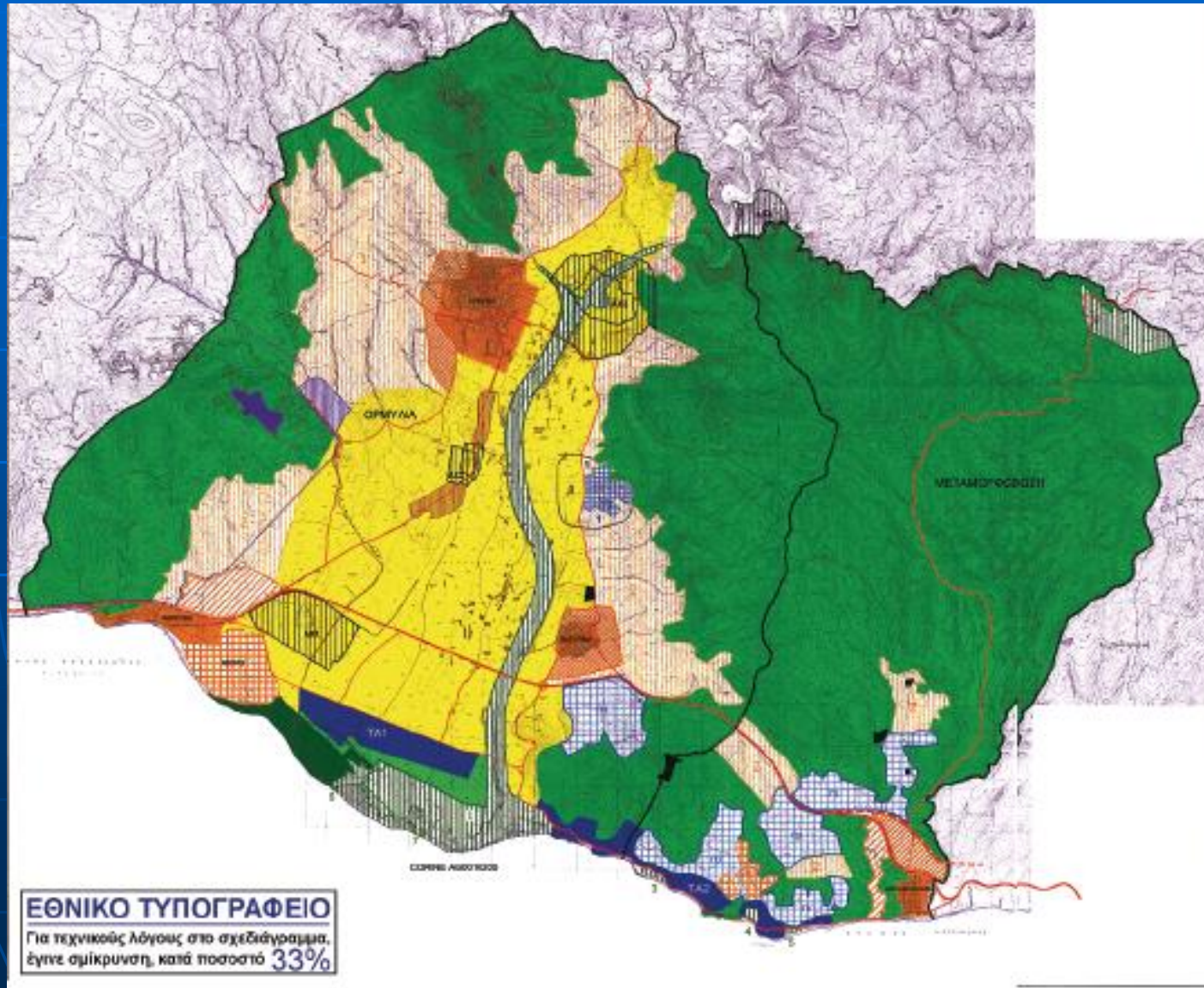
The results of the Regional Plans

- The shortcomings of the regional plans were closely linked to the fact that spatial planners were unfamiliar to the sector's spatial behaviour and needs.
- This, combined with public resistance against the operation of mines and quarries, led to plans which were not focused enough on extractive activities.
- In absence of statutory plans and adoption of ad hoc solutions and actions, the intervention of the State Council was decisive.
- The Council's rulings have overturned many administrative acts regarding individual permits, on the grounds that they were not granted in accordance to the provisions of formal spatial plans.
- The Council doesn't accept the permit-by-permit approach and demands the prior production and approval of statutory spatial plans, before permits or consents are considered and granted.
- Appeals using this argument, lodged with the Council by a variety of interested parties (individuals, NGO's, local authorities etc.), are usually upheld.
- Under these conditions, the risk for mining operations was significant, especially regarding the site selection for industrial units that accompany or complete the extractive activities.

Spatial planning at local level

- Spatial planning at local level is crucial for the mining industry because local plans are legally binding.
- Local plans provide land use guidance and designate land that is to be developed for different purposes.
- Since they have the role for organizing land uses, they may create severe problems to the mining activity especially due to the following reasons:
 - a) they are not in conformity with national and regional plans' guidance,
 - b) they avoid addressing the issue, and this, because of local resistance.
- The role of local authorities was extremely limited.
- They were usually acting as a pressure group resisting developments, in alignment with various environmental pressure groups. Only in the 90s were they given the possibility to commission local land use plans according to procedures laid down in L. 2508/97.

General Town Plan of Ormilias- Chalkidiki peninsula (Gov. Gaz.260/27.06.2008)

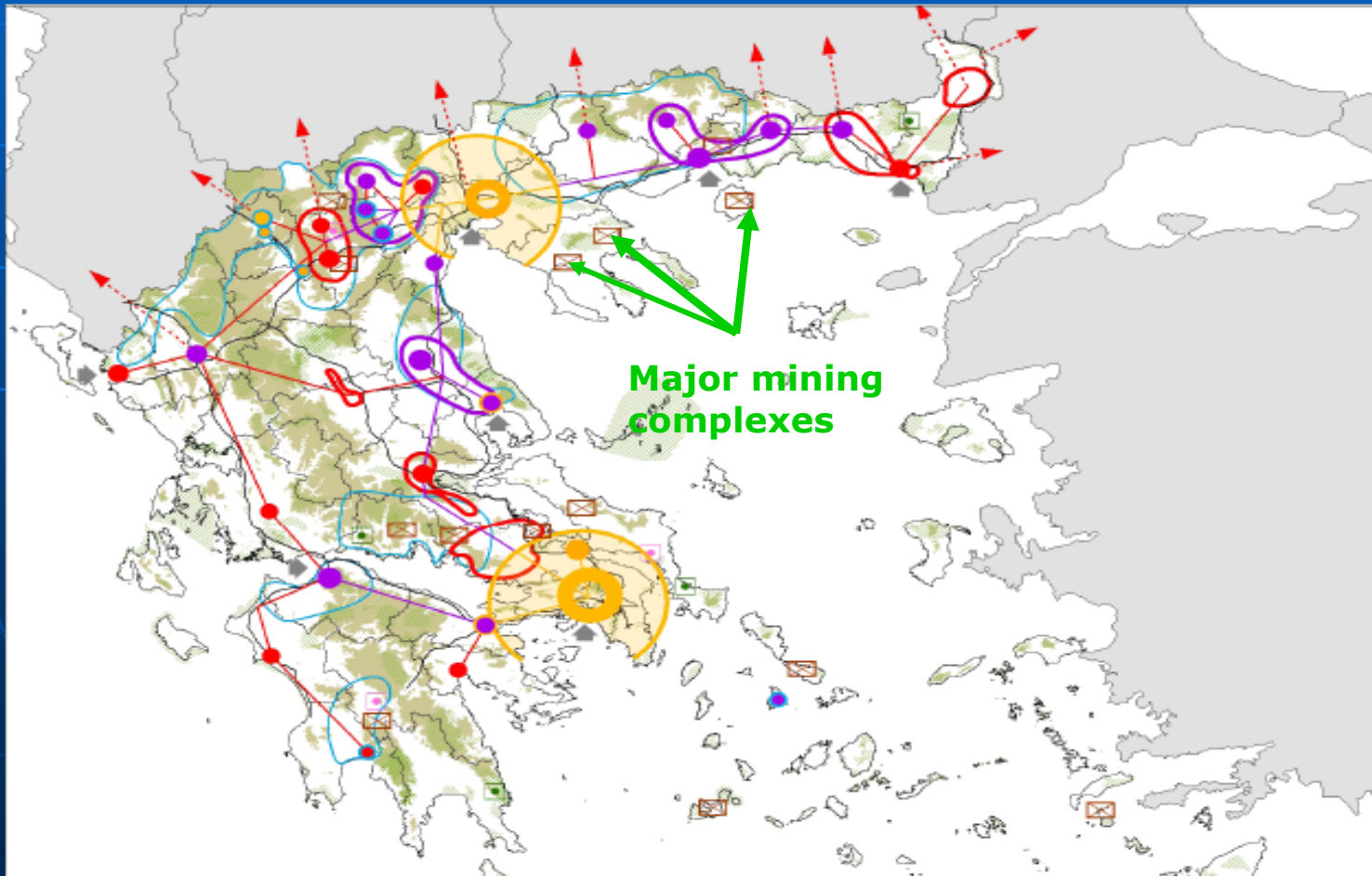


Spatial policies at national level

- **The National Spatial Plan** which traces the basic guidelines for the spatial organization of the activity was put into force only in 2008. It recognizes the usefulness and necessity of exploitation of mineral resources and designates the principles for the development, preservation and expansion of extractive activities.
- The NSP was elaborated and endorsed at a time marked by a rising concern on the role of spatial planning in mining activity's development and competitiveness on European level. The European Commission considered that «the need for land access to be an essential prerequisite for the further development of the industry and its relationship with regional and spatial planning that impact on this need». Land use planning is first considered as an instrument to protect minerals from other developments.
- The National Spatial Plan was followed by four sectoral spatial plans on important economic activities: Renewable Energy Resources, Industry, Tourism and Aquaculture.
- All of them have direct or indirect impacts on the spatial development of the mining industry.

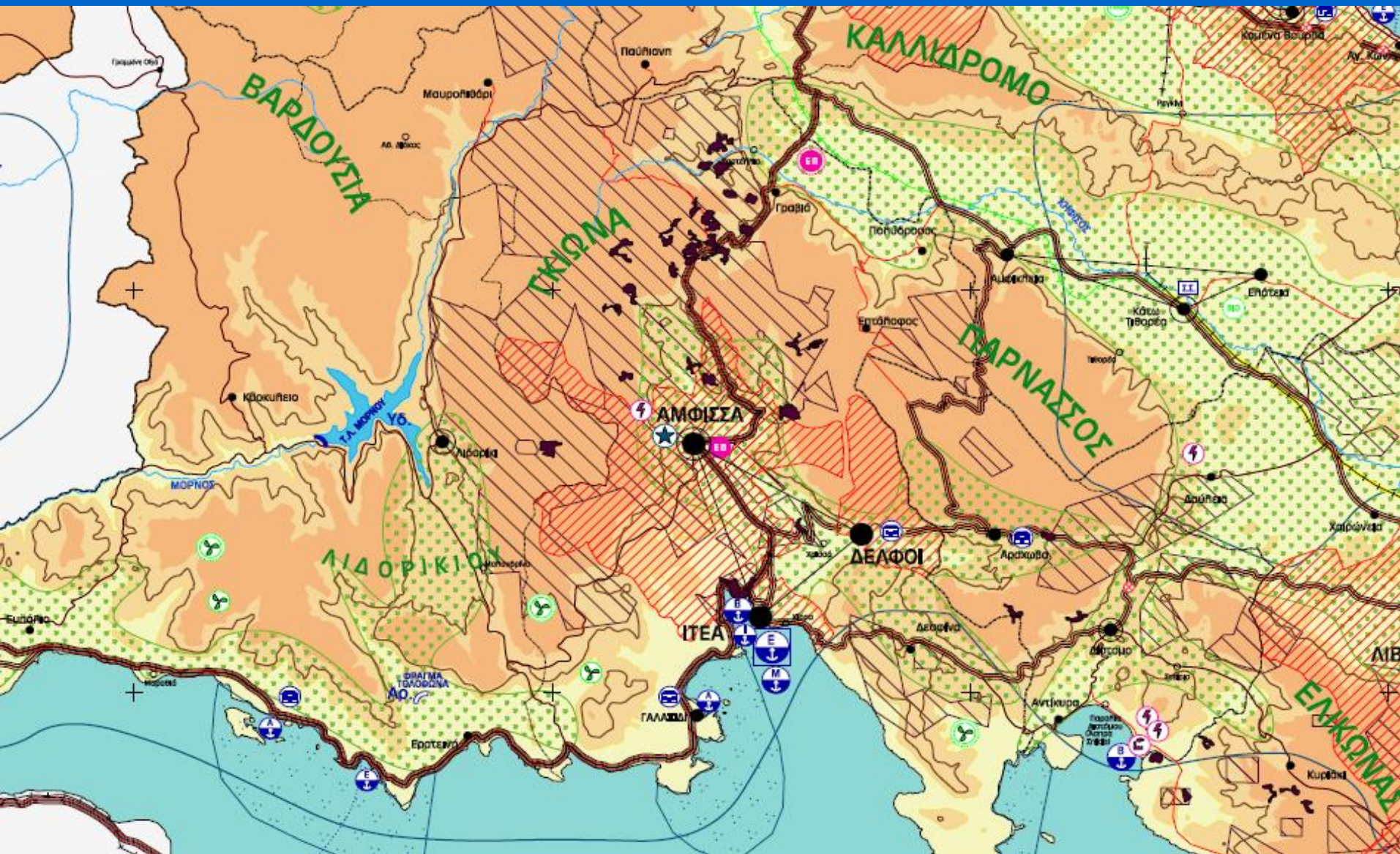
The Special Spatial Plan for Industry

contains some previsions for the extractive sector: it points out the main mining industries of the country, provides for the location of industrial units that accompany mining activities and secures the activity's access to the sea and the establishment of the necessary facilities.



Spatial policies at national and regional level after 2010

- The Greek National Policy for the Exploitation of Mineral Resources was announced in February 2012.
- Among the main goals of the Policy one may cite the sufficient and constant supply of MRM to the society and the ensuring of their use for the longest possible time. A prerequisite for these policy axes was the adequate land use planning that might ensure the possibility to access on MRM deposits and contributes to resolving issues related to the competition of different land-uses.
- The existence of a national policy, clearly expressed and endorsed, was a very important prerequisite for the revision of the 12 Regional Spatial Plans which were already in the process of production. In fact, the first phase of the plans which proceeds to the registration of MR of every region and assesses their economic importance and prospects of evaluation is more complete than ever before. Unfortunately, the plans are not yet endorsed, mainly due to governmental changes.



**The Regional Spatial plan of Sterea Ellada
2015- B1Phase**

How can a spatial planning instrument support the mineral industry?

- **The most proper way to address the problems encountered by the activity during its spatial development, would be the production of an integrated spatial plan for extraction at national level.**
- **It would comply with the legal and policy framework, especially on environmental protection and on sectoral issues.**
- **It would finalise and put into practice the national policy on raw materials.**
- **The endorsement of a specific plan has been judged as the only way to address the problems encountered by the activity during its spatial development due to public resistance.**
- **Under these conditions, the national framework that normally outlines strategic principles for the development of a specific sector, would have to solve local conflicts.**
- **It would be implemented as a legally-binding process embracing not only principles and guidance but also concrete tools that will be integrated in local spatial planning. In this sense, there is a challenge in balancing a top-down planning approach reflecting governmental policies with a bottom-up consensus of stakeholders.**

Key points of the Plan

- The crucial issue for extraction activities is that planning deals with them on an equal basis with other land uses
- **Need for the recognition of raw materials as a group of natural resources that have to be protected**
- Registering and reporting on a map of the areas of interest. A detailed survey might not be necessary in case that adequate criteria and means of intervention are specified and applied in all cases of extraction operations.
- A crucial question is: Will this survey be fully considered by spatial planners?
- **The understanding of the spatial behaviour and needs of the mineral industry is a prerequisite for effective spatial planning and presupposes a thorough examination of the spatial significance of the sectoral legislation and the harmonisation with it.**

Scope and content of the Plan: some preliminary thoughts about

- **As a sectoral plan, its main goal is to register, make explicit and serve the basic spatial needs of extractive industries in a way that their operation does not disturb in any way the function and development of other activities or irreversibly damages the environment.**
- **The Plan will express the basic principles and directions for the sector's spatial development and define the necessary conditions for extractive operations.**
- **It may propose a system for the spatial development of the extractive industry, based on a zoning principle, while recognizing the need for individual location.**
- **It will indicate the necessary procedures for the designation of the different zones and cite the necessary and accompanying facilities, while setting criteria for their location.**
- **The Plan will also include provisions relatively to the interaction of mineral industry with other activities and provide for the distances from incompatible land uses.**
- **It will propose amendments to other pieces of law, in order to facilitate the achievement of its goals and objectives and it will set an action programme for its implementation.**
- **A central goal of the Plan will be the provision of guidelines for land planning systems managed by local authorities**

**Thank you very much for your
attention**