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AND NATURAL HABITATS

Standing Committee

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Open file: 1995/06

Akamas peninsula (Cyprus)

- REPORT BY THE COMPLAINANT -

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Open casefile 1995/6: Cyprus – Akamas Peninsula Bureau Report

Following the adoption on 18 November 2016 of the new *Recommendation No. 191 (2016) of the Standing Committee on the conservation of the Akamas peninsula and the sea turtle nesting beaches of Chrysochou Bay [T-PVS (2016)29]*, we would like to inform the Bureau that we believe that for another year the Republic of Cyprus has not yet implemented the 13 points of the Recommendation.

At the same time, for some of them it is evident that the Government is not willing to implement them and for others not well organised to implement them fully and in accordance with the Recommendation.

Brief account of current situation regarding Akamas Peninsula and Limni area, Chrysochou Bay

Akamas Peninsula

The Government is still unwilling to expand the current Natura 2000 boundaries and, furthermore, is unwilling to declare the whole of the Akamas Peninsula as an IUCN National Park, an UNESCO Biosphere Reserve, or a Protected Area with comparable international protected status (**Rec. 1**). The area which is designated as a National Forest Park (NFP) is 7.662 hectares (ha), and as explained in the past, the terrestrial Natura 2000 has diminished significantly from the initially proposed Natura 2000 area in 2003 (Site of Community Importance – SCI CY4000010 and Special Protection Area – SPA CY4000023).

The first proposal in 1997 for an Akamas Biosphere Reserve included an area of about 23.000 ha (terrestrial). Then, and according to the project Special Areas of Conservation (Directive 92/43/EEC) in Cyprus (LIFE98 TCY/CY/172), between 1998-2003, the overall area of the proposed Natura 2000 area was 17.690 ha (terrestrial). The final Natura 2000 area for Akamas took place in 2010 and included an area of only 10.163 ha and finally as mentioned above, the NFP is 7.662 ha.

At the same time the whole Peninsula and its Natura 2000 sites is fragmented between two Local Plans which one was published in February 2023 (Local Plan for the Akamas Communities), and the other is under preparation since January 2016 (Pegeia Local Plan). The Local Plan for the Akamas Communities outlines, amongst other things, where and what type of developments can take place within it. The Town Planning and Housing Department has decided to fragment the Akamas Peninsula into two different Local Plans, despite the strong opposition of the authorities dealing with nature protection, as well as Environmental Non-Governmental Organisations (ENGOS) and other stakeholders. For example, the spatial planning of the Lara – Toxeftra Marine Protected Area (MPA) is fragmented into two parts, of which one includes Lara and the other Toxeftra.

This development is in direct contradiction to the **conclusions of the Report of the on-the-spot appraisal and page 7 last paragraph [T-PVS/Files (2016) 44]**, according to which: “*a nesting site should be considered as a unit and managed as such. Since anthropogenic impacts are cumulative, any impact assessment should be also done cumulatively at the whole nesting beach level (i.e. a development plan of the entire area and with estimates of potential light pollution and human visitors at the beach). It should not be for individual sub-units (i.e. fragmented plans and single projects), because each individual plan and project might be independently considered as sustainable and therefore approved. However, we believe that this would result in a non-sustainable overall effect by multiple projects*”.



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Additionally, the protection and management of the Natura 2000 sites seem to be treated by the government differently as two different types of Natura 2000 areas. The one type includes the state forest land that covers approximately 75% and the second type includes privately-owned land that covers approximately 25% of the Natura 2000 areas in Akamas Peninsula (SCI CY4000010 and SPA CY4000023).

Following the points raised above as well as other factors mentioned below, the whole area still cannot be appropriately and holistically managed in a sustainable, integrated way thus, **point 2 of the Recommendation cannot be implemented**. It is noted that, in the framework of an active infringement procedure (Ref. No. 2018/2058) on the insufficient designation of Natura 2000 Network in Cyprus, the European Commission sent a Formal Notice on 17.05.2018 and a Reasoned Opinion on 30.10.2020. Major gaps remain regarding the adequate representativity of several types of natural habitats, as well as species of wild flora and fauna in Cyprus, many of which are found in the Akamas Peninsula, but are not sufficiently protected, such as the Egyptian fruit bat (*Rousettus aegyptiacus*) and the Mediterranean horseshoe bat (*Rhinolophus euryale*).

The Government, still, has not yet put into force any appropriate management measures through legally binding mechanisms (e.g. Decrees for the Protection and Management of the Natura 2000 areas in Akamas Peninsula, SCI CY4000010 and SPA CY4000023). It is important to highlight that such measures are foreseen by the proposed Management Plans which still do not have legal force. It is noted that, in the framework of an active infringement procedure (Ref. No. 2021/2064) on the inadequate management of Natura 2000 Network protected areas in Cyprus, the European Commission sent a Formal Notice on 09.06.2021 and a Reasoned Opinion on 06.04.2022, as Special Areas of Conservation (SACs) and SPAs are not adequately protected in Cyprus, while adequate conservation objectives and management measures have not yet been established for the protected areas of the Natura 2000 Network, including Akamas Peninsula. Judgments of the European Court of Justice (ECJ) on related infringement procedures have been issued on 29.06.2023, *European Commission versus Ireland* (Case C-444/21) and on 21.09.2023, *European Commission versus Federal Republic of Germany* (Case C-116/22). Thus, on 13.03.2024, the European Commission decided the referral of the case against the Republic of Cyprus to the ECJ.

Moreover, there is no management body in place or an entity, with scientific staff and wardens, and no monitoring mechanism to react promptly to and stop any illegal activities that take place within the peninsula. Generally, the fragmentation of responsibilities between different authorities, results in a difficult /problematic coordination when several illegalities occur in Akamas Peninsula and Polis – Gialia areas. Currently there are no mechanisms in place to deal with issues like permits, supervision of permitted works and activities, early response and intervention, accountability, and imposing penalties and/or fines (**Rec. 3**).

As a result of the lack of controlled, organised and holistic management, there is also a lack of adequate patrolling within the area. Like every year, same this year, umbrellas, tents and sunbeds are still seen at some nesting beaches, imposing a great threat to the turtle nests and even after the warrant time is in force. In the past few years, rangers hired by the DFMR, are patrolling the nesting beaches of Lara – Toxeftra and Polis – Gialia MPAs and are authorized to issue fines on the spot and hopefully to discourage this illegal activity. The number of rangers though, still cannot be considered adequate to cover the needs of all beaches, including weekends and overtimes, as was also noticed during the previous years where, after the rangers' shift is finished, umbrellas, tents and sunbeds are put on the beaches. Additionally, a sea patrolling must be put in place urgently.

Another year goes by where the Government has not shut down or removed the illegal restaurants and beach bars within and adjacent to the Lara turtle nesting beaches, where they have been operating

illegally for years. Even more, while driving in Akamas, one can see several advertisement signs of the illegal facilities as if they are legally operating (**Rec. 9**).

Through the Sustainable Development Plan of Akamas NFP, official proposals foresee several upgrades of the road network and the creation of several new refreshment kiosks/snack bars, souvenir shops and parking lots, throughout the Natura 2000 sites, including two kiosks within and adjacent to the Lara – Toxeftra MPA and the main nesting beaches of the Green turtle (**Chelonia mydas*) and the Loggerhead turtle (**Caretta caretta*). All these facilities, along with the upgrading of the road network, will increase the pressure from visitors thus the pressure on the Natura 2000 sites (**Rec. 7**). The Sustainable Development Plan of the Akamas NFP covers exclusively state forest land and includes approximately 75% of the overall Natura 2000 areas, something which implies a significant and negative impact in the core area of the Akamas Peninsula. The plan includes the improvement of 11 existing main roads and the construction of 14 new facility nodes within Akamas NFP and the Natura 2000 area. The plan is not directly connected with or necessary to the management of the Natura 2000 area in Akamas Peninsula, but is likely to have a significant effect thereon, either individually or in combination with other plans or projects. The largest part of the project for the improvement of the main forest roads within the Akamas National Forest Park (Phase A') has been implemented in violation of the legally binding and substantial terms of the Appropriate Assessment (AA) Report, issued at the stage of Strategic Environmental Assessment (SEA) for the plan as a whole. The project for the improvement of the main forest roads within the Akamas NFP (Phase A') has not been subject to AA, at the stage of Environmental Impact Assessment (EIA) as a single project. Currently, the works within the Akamas NFP have stopped, until the re-assessment of the Sustainable Development Plan of Akamas NFP. Additionally, to the pre-existing pressures and threats to the area, we see a great disturbance by the works, also with no patrolling and/or monitoring. We see that no sufficient precautionary measures are being taken for the protection of species and habitats ex. sea turtle nests, sand dune systems, raptors' nesting sites, bat shelters, etc., by what is being done, but on contrary, protection measures previously set to protect the area have now been removed, leaving Akamas, especially during the touristic period, open to all sorts of dangers. This year we have again seen quad bikes and cars on the sand dunes and turtle nesting sites. These works are expected to finish in 2027 and until then, the area must be closely monitored since the threats are high.

The Local Plan for the Akamas Communities, published in February 2023, was given a 6-month period to be put into force, and within that period the government would investigate and suggest reimbursement options for the private landowners in Akamas, as a way to resolve once and for all, the strong reactions of the locals for losing their development rights within the Natura 2000 areas. Another year passed and no measures have been proposed yet, leaving the Local Plan of Akamas exposed and the locals not trusting the procedures. We need to say that worst has been avoided, at least for now, since what was initially proposed in the local Plan, was altered and adjusted in the final Local Plan.

Still, the Akamas Local plan needs to be monitored since the objections on it by the private landowners remain. Also, a lot of pressure is imposed by the quarrying companies, for the expansion of the quarrying zone adjacent to Natura 200 area. The new Quarrying Zone was not approved by the Akamas local Plan, but gave three years to be studied:

- To what extent is the need to create a new quarry Zone of aggregates, in Androlikou gorges, is imperative compared to available alternative placements.
- The conservation status of the area's habitats and species in relation to quarrying activities.

Upon completion of the above, it will be decided whether the creation of a new Quarrying Zone in the specific area will be further discussed. It is noted that, on May 2024, the Mines Service has launched a public procurement for the preparation of a joint SEA and AA study for the creation of a new Quarrying Zone in Androlikou, adjacent to the Natura 2000 sites.



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Following the above, we believe this cannot be considered satisfactory for the protection of priority species since the option of a new quarrying zone in the area remains an option. This new quarry zone fails to justify its necessity and *other imperative reasons of overriding public interest* (Art. 6.4, 92/43/EEC), since there are sufficient reserves in the existing quarry next to the proposed new quarry, as well as in other quarries in other parts of Cyprus with less environmental sensitivity, and it not documented that there are no other alternative solutions.

Regarding the new quarry zone, the SEA Opinion (February 2021) states: «...*alternative mining locations for the material have already been unsuccessfully proposed. Given the presence and potential impact on the priority species, Article 6(4) of Directive 92/43/EEC should be activated which requires the Commission's Opinion, to other imperative reasons of overriding public interest*».

The AA Report (February 2021) also states: «*The operation of a quarry zone in an area adjacent to the Natura 2000 network will lead to permanent irreversible and widespread adverse effects on the species for which the area has been designated as a Natura 2000 site, due to human presence as well as noise pollution, explosions, vibrations, dust and the constant movement of heavy vehicles. It is estimated that the creation of the quarry zone will strongly affect the species of fauna (birds and bats) that use both the wider and the exclusive area*».

It is noted that, in the framework of an active infringement procedure (Ref. No. 2019/2303) on the inadequate Appropriate Assessment of several plans and projects in Cyprus, the European Commission sent a Formal Notice on 27.11.2019 and a Reasoned Opinion on 13.03.2024. Seven out of 29 projects included in the active infringement procedure and have not been subject to AA are situated within and/or adjacent to Natura 2000 areas in Akamas Peninsula. These seven projects include two limestone quarries that have been expanded in the area of Androlikou gorges, an important habitat of the Egyptian fruit bat (*Rousettus aegyptiacus*), the Bonelli's eagle (*Aquila fasciata*), the Long-legged buzzard (*Buteo rufinus*), the Peregrine falcon (*Falco peregrinus*) and the Roller (*Coracias garrulus*). The other five out of seven projects that are in Akamas Peninsula include four residential and tourist developments, as well as one pedestrian road, that have already been constructed in the area of Pegeia sea caves, an important habitat of the Mediterranean monk seal (**Monachus monachus*), the Lesser mouse-eared bat (*Myotis blythii*) and the Common bent-wing bat (*Miniopterus schreibersii*).

Furthermore, the Petition Committee of the European Parliament is currently examining two petitions by ENGOs on alleged violations of EU environmental legislation and development projects in the Akamas Peninsula in Cyprus. The petitions have been presented and discussed on two sessions of the Petition Committee, on 24.05.2023 and 14.02.2024. Currently, the petitions remain open.

Limni area, Chrysochou Bay

Regarding the proposal for the construction and operation of two golf courses and associated development, including housing, a hotel, tourist and commercial facilities in Limni, the Government gave the green light to the private company to go ahead with its plans. This ignored the 500-meter zero building/lighting zone from the sea, which would have minimised lighting and human disturbance problems to the sea turtle nesting beach.

With the closing of the infringement procedure against Cyprus over the “Limni Bay Project” on the part of the European Commission (Ref. No. 2014/4091), and the Planning Permits already granted by the Town Planning and Housing Department (issued on 08.02.2013 and re-issued on 03.08.2018), the green light was given to begin development. With the Planning Permits in force until 08.02.2025 and the possibility of expansion until 08.02.2031, as well as a Cypriot Bank being the new owner of the land and the planned project, it is still uncertain how the “Limni Bay Project” will proceed.



The concerns are great considering the granted Planning Permits and that an investor might buy at any time the licences and proceed with the development. With everything ready for development, the significant ecological value, conservation targets and integrity of the area is still in imminent threat. It is stressed that the European Commission has decided to re-include “Limni Bay Project” in the ongoing infringement procedure (Ref. No. 2019/2303) on the inadequate Appropriate Assessment of several plans and projects in Cyprus, in the framework of the Reasoned Opinion sent recently, on 13.03.2024.

In this framework, we firmly believe and strongly encourage the Bureau to bring the file for discussion this December.

Thank you for your cooperation and please let us know should you require any further clarifications/information.