Background

A Coast Protection Unit was established in the Colombo Port Commission in 1963, with the realization that a comprehensive approach to coastal resources management was required. In the 1970s problems associated with coastal development began to surface. A more management oriented approach was recommended in 1971, in a report submitted to the Government by the Coast Protection Unit of the Colombo Port Commission. In 1978, a Coast Conservation Division was established in the Ministry of Fisheries. This division was upgraded to a Department, the Coast Conservation Department., in 1984.

Coast Conservation Act

In 1981 Parliament enacted the Coast Conservation Act No 57 of 1981. This Act decreed the appointment of a Director of Coast Conservation with the following responsibilities.

1) Administration and implementation of the provisions of the Act;

2) Formulation and execution of schemes of the work for coast conservation within the Coastal Zone ; and

3) Conduct of research, in collaboration with other Departments, Agencies and Institutions for the purpose of coast conservation.
The Coastal Zone is defined in the Coast Conservation Act as that area lying within a limit of three hundred meters landwards of the Mean High Water Line and a limit of two kilometers seaward of the Mean Low Water Line. In the case of rivers, streams, lagoons, or any other body of water connected to the sea, either permanently or periodically, the landward boundary extends to a limit of two kilometers, measured perpendicular to the straight base line drawn between the natural entrance points and includes waters of such rivers, streams and lagoons or any other body of water so connected to the sea (Figure 1).

![Figure 1. The Sri Lankan Coastal Zone](image)

The Coast Conservation Act required the Director of Coast Conservation to have a survey made of the Coastal Zone and, on the basis of the results of the survey, to prepare a comprehensive Coastal Zone Management Plan.

It also established the Coast Conservation Advisory Council which reviews coastal management problems of significant concern and advises the Minister in charge of Coast Conservation.

**Coastal Zone Management Plan**

The legal framework for this plan is provided by the Coast Conservation Act No. 57 of 1981 and the Coast Conservation Act (Amendment) No. 64 of 1988. The plan received the assent of Cabinet Ministers in April 1990. The Objectives of the plan area to:

- Identify coastal problems that need to be addressed;
- Indicate why these problems are important;
- Present the Coast Conservation Department's Management Programme to address these problems;
- Identify what should be done by Governmental and Non Governmental organizations and the public to reduce the scope and magnitude of the coastal problems; and
- Identify research activities of immediate importance to the management of coastal resources.
The Coastal Zone Management Plan deals with the coastal problems, erosion, loss and degradation of natural coastal habitats and loss and degradation of archeological, historical and cultural monuments and sites and recreational and scenic areas. It describes the nature, scope, severity and causes associated with each of this problems. Objectives and policies for the management of each problem are identified along with specific management techniques. In particular, the rationale and procedures for continuing the coastal permit system are outlined in detail. Implementing actions in this plan are of several types: regulations, direct development, research coordination, education and plan and policy development.

**Regulations**
The regulation of various types of coastal activities constitutes the primary type of implementing action in the Coastal Zone Management Plan. The principal means of regulation is the appraisal of proposed development activities in the designated coastal zone by the Coast Conservation Department Staff prior to issuances of a permit for the proposed development activity. A permit is required for all development activities that are likely to alter the physical nature of the Coast Zone. But fishing, cultivation of crops, planting of trees and other vegetation, and construction and maintenance of coastal protection works by the Coast Conservation Department may be engaged in without a permit within the Coastal Zone.

Activities within the Coastal Zone prohibited by the Coast Conservation Department are:

- Removal of coral other than for research purposes;
- Mining of sand except in areas identified by the Coast Conservation Department;
- Development within 200 meters of designated archeological sites; and
- Any development activity that will significantly degrade the quality of designated natural areas of exceptional value

All the other development activities within the Coastal Zone may require permits. The Director shall issue a permit if:

- The activity is consistent with management policies stated in chapter 3, 4 and 5 of Coastal Zone Management Plan.
- The activity is not prohibited by the Coastal Zone Management Plan
- The activity is outside designated set-back lines.

The National Standards set by the Sri Lanka Standards Institute for the relevant environmental parameters are met, and where such standards are not available the interim standards of the Central Environmental Authority are met.

- The activity allows for continuation of existing fishing activities.
- The activity is consistence with the intent agency zoning schemes and /or guidelines recognized by Coast Conservation Department

**Issue of Permits**
Issue of permits is handled by the Coastal Resources Development and Planning
division of the Coast Conservation Department (Figure- 2) Any person desiring to engage in a development activity within the Coastal Zone will be required to obtain a permit issued by the Department prior to commencing the activity. The procedures for obtaining a Coast Conservation Department permit are summarized in Figure 3.

**Set-backs**
A set-back is defined as an area left free of any physical modification. It is good planning practice to leave a minimum set-back of 60 meters from the Mean Sea Level Line. Such a set-back desirable to allow for dynamics of seasonal and long term fluctuations of the coast line, and to ensure public access to the water front and visual access to it. The set-back standards for construction activities listed in Table 2.2. of the Coastal Zone Management Plan have been designated as minimum standards.
Figure 2. Coast Conservation Department procedure for reviewing and issuing permits.

1. **Filing of Permit Application with CCD**
2. **Initial permit review and site visit by CCD staff**
3. **Determination of whether EIA is required**
   - **EIA Required**
     - **Call for EIA from Developer**
     - **Review of EIA by CCD Advisory Council and Public**
   - **EIA Not Required**
     - **Request Observations of Relevant Agencies**
4. **Permit Decision**
   - **Permit Granted**
   - **Permit Conditionally Granted or Not Granted**
     - **Appeal to Secretary Ministry of Defense**
     - **Permit Granted or Conditionally Granted**
     - **Permit Denied**
**Variance**

Variance from a standards (for example set-back) may be granted by the Director only if the Coast Conservation Advisory Council determines that there are compelling reasons for allowing a variance and recommends the granting of same. Variance may be granted only if the following criteria are met:

- The proposed alteration will not result in significant adverse environmental impacts due to conflict;
- Due to conditions at the site in question, the variance will cause applicant undue hardship;
- The variance requested by the applicant is the minimum necessary to relieve undue hardship; and
- The undue hardship is not the result of any prior action of the applicant.

**Exemptions**

Exemptions may be granted to engage in prohibited activities if the proposed activity serves compelling public purpose which provides benefits to the whole as opposed to the public as a whole or private interests. Such an exemption may be granted by the director if the Coast Conservation Advisory Council determines that there are compelling reasons for allowing an exemption and recommends the granting of same.

**Environmental Impact Assessment**

An Environmental Impact Assessment (EIA) will be required in the case of development activities that are considered to have significant impacts on the coastal environment. Terms of Reference of EIA will be given to the developer for preparation of the EIA report. On receipt of the EIA, the Director shall submit a copy of EIA to the Coast Conservation Advisory Council for its comments. The Director shall also publish notice in the gazette, indicating the place and time at which the EIA can be inspected by the public and invite public to comment in it. The Coast Conservation Advisory Council and the public will submit the comments to the Director within 30 days of gazette notification. The Director shall consider all comments received and make a decision whether a permit can be issued, and the conditions thereof.

**Contravention**

Engaging in any development activity prior to obtaining a permit issued by the Director, and/or non compliance with conditions stipulated in the permit are contravention. The Coast Conservation Act specifies penalties for contravention of the provisions of the Act. Penalties may include fines and imprisonment and/or confiscation of equipment and machinery and/or demolishing of unauthorized structures.
Decentralization of Permit Procedures

The Coast Conservation Department has decentralized several functions to the Divisional Secretaries under the terms of Public Administration Circular No. 21/92 dated 21st May 1992. This delegation of administrative authority is being made under Section 5 of the Coast Conservation Act No.57 of 1981. The delegation of authority has been designed to improve the efficiency of the Coast Management Programme by allowing local authority to:

1) Issue minor permits for removal of 2 cubes of sand from specified areas of the Coastal Zone, designated by the Coast Conservation Department; and

2) Issue minor permits for small houses and commercial establishments with floor areas not exceeding 1,00 sq feet, outside set-back areas defined in the Coastal Zone Management Plan.

Monitoring

The Coast Conservation Department ensure compliance with permit conditions through a monitoring system. Monitoring is mainly done through periodic site visits by Coast Conservation Department Staff and the direct supervision by Coast Conservation Department personnel or by a nominated authority such as Divisional Secretary or Urban Council. Further, survey teams such as Universities are hired for surveys of permit compliance, on annual basis. Some developers are required to furnish certificate of conformity from a nominated authority that the permit conditions have been addressed to, and to submit reports, carry out surveys, test etc.

Implementation Experience

Since permit system was implemented in 1983, 2600 applications have been issued up to August 1994. The distribution of permit applications by year type of development activity is shown in Table 1. Most of the permits have been for houses and sand mining. Environmental Impact Assessment have been called for a limited number of development projects such as coal fired thermal power plant projects, fishing harbors and hotel complexes. Demolition of unauthorized structures such as hotel extensions, parapet walls, lime kilns have been carried out by the Department.

Lessons learned in the implementation of the Coast Conservation Act during the past decade include:

- Coastal resources management is interrelated and requires more than one agency and a variety of management techniques.
- Single agency and spectral approaches must be replaced by a more comprehensive perspective and approach.
- The present narrow geographical definition of "the coastal zone" has provided an inadequate basis for the effective management of shore front erosion and construction.
- The emphasis on regulation needs to be revised; and
• Local and Provincial officials and coastal communities must be involved in formulating plans and strategies

Table 1

Permit Application by Year and by Activity

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<th>Year</th>
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<th>Sand Mining</th>
<th>Hotels</th>
<th>Miscellaneous</th>
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