

# **Developers Guide for Developments in Coastal Zone**

## **Permit Procedure**

In terms of Section 14 of the Coast Conservation Act No. 57 of 1981 no person shall engage in any development activity other than a prescribed development activity within the Coastal Zone except under the authority of a permit issued in that behalf by the Director, Coast Conservation.

If you need to build a house, tourist hotel, commercial building or otherwise carry out any development activity within the coastal zone, you may need a Coast Conservation permit issued by the Director, Coast Conservation Department (CCD).

This leaflet helps you to decide whether the location of your project or the activity you plan to do, will require a permit. It also provides the necessary guidelines to obtain a coastal development permit. If you need further clarifications please contact the Coast Conservation Department.

In order to avoid undue delay in the processing of the application, you are requested to consult the CCD staff before applying for a permit for any development activity, which might affect physical features of the coastal environment.

## **Check with CCD Early**

Early consultation with CCD will help to expedite the processing and approval of permit applications. When you fill out an application, please give us as much detail as possible.

An incomplete application will create unnecessary delays and processing problems in issuing of permits. Hence, all applications must be submitted with required survey plans, contour maps, drawings, relevant permit fee, sketch showing proper directions to the proposed site.

Application that is incomplete will be returned with a request for additional information or other requirements.

***It is advisable to consult CCD before you purchase or lease any properties lying within the coastal zone to minimize the risk of investment.***

## **Approval of Building Plans by Local Authorities**

Although issuing the final approval for construction of the buildings within the coastal zone is a responsibility of the respective local authority, it is compulsory to obtain a permit from the Coast Conservation Department prior to the commencement of construction of buildings, even if approved by the relevant local authority.

## Supply of Electricity for Unauthorized Constructions

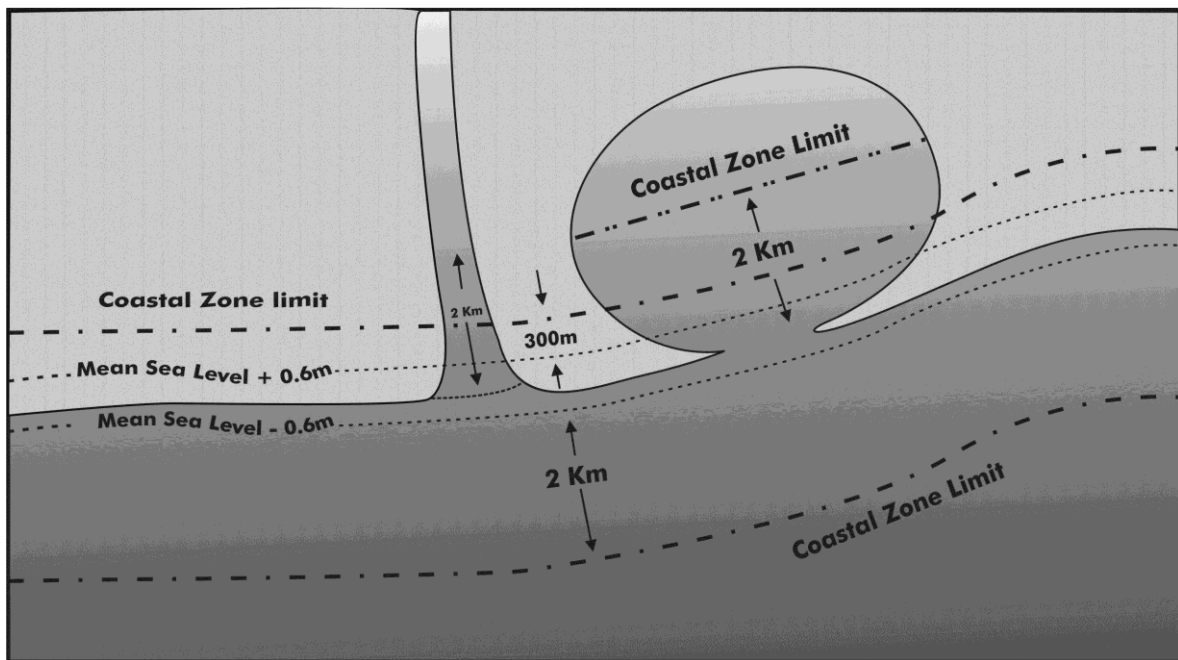
Supply of electricity will not be allowed in any event of unauthorized constructions within the coastal zone with effect from the year 2003.

## Removal of Unauthorized Constructions

All development activities within the coastal zone which construct without obtaining a permit from the Coast Conservation Department is considered as an unauthorized construction and in compliance with the provisions of the Coast Conservation Act, Coast Conservation Department will take necessary actions to remove the unauthorized construction.

While the development activity is in progress according to a permit issued by the CCD, officers will inspect as to whether such activity conforms to the conditions laid down in the permit. In case if the said conditions have been violated, immediate action will be taken to cancel the permit and legal action will be followed.

## Coastal Zone



‘Coastal Zone’ is defined in the Coast Conservation Act as “the area lying within a limit of three hundred meters landward of the Mean High water Line and a limit of two kilometers seaward of the mean Low Water Line and in the case of rivers, streams lagoons or any other body of water connected to the sea either permanently or periodically, the landward boundary shall extend to a limit of two kilometers measured perpendicular to the straight base line drawn between the natural entrance points identified by the mean low water line thereof and shall include waters of such rivers, streams, and lagoons or any other body of water so connected to the sea”.

## **Types of Permits**

Two types of permits are issued for development activities within the coastal zone. A permit issued by the Director CCD referred to as a Major Permit. A permit issued by the Divisional Secretary on behalf of Director is referred as Minor Permit.

## **When Do You Need a Permit from the Coast Conservation Department?**

It is necessary to obtain a major permit issued by the Director of Coast Conservation for the following development activities in the coastal zone.

A Major permit is required for the following activities.

- Dwelling houses and related structures of total floor area 1000 sq. feet (93 Sq. m) or more
- Tourism, commercial and industrial structures
- Recreational/sports structures
- Harbour structures and navigational channels
- Roads, bridges and railway lines
- Public and religious structures
- Shoreline protection works
- Sewage treatment facilities and ocean outfalls
- Aquaculture facilities
- Waste water discharge facilities
- Disposal of solid wastes
- Dredging, filling landscaping and grading
- Removal of sand, sea shells or vegetation
- Mining and reclamation
- Removal of corals for research
- Breaching of sand bars.
- Reclamation
- Installation of oil, air, water pipes and electricity lines)
- Any other development activity that will alter the physical nature of the coastal zone.

For Minor permits such as construction of small houses, removal of small quantity of sand you must consult Divisional Secretary of your area before commencement of such activities.

A minor permit is issued by the Divisional Secretary for the following activities.

- Dwelling houses and related structures of total floor area less than 1000 sq. feet (93 sq.m)
- Small scale commercial structures total floor area less than 350 sq. feet (32.5 sq.m)
- Removal of sand up to two cubes from locations specified by the CCD
- Removal of sand bars to prevent floods

All public works within the coastal zone are subject to CCD permit procedure. Hence Public Institutions must consult, CCD prior to commencing the development activities.

## Environmental Impact Assessment

Upon receipt of an application for a permit to engage in a development activity within the Coastal Zone, the Director may require the applicant to furnish an Environmental Impact Assessment relating to such development activity and it shall be the duty of the applicant to comply with such requirement. Every environmental impact assessment furnished under this section shall contain such particulars as may be prescribed.

## How to Apply for a Permit

Coastal development permit is a written document that grants legal authorization to engage in or conduct activities which are likely to alter the physical nature of the coastal zone.

The standard application form (photocopies not accepted) available in the CCD offices or Divisional Secretariats must use to apply for a permit. The application requests, for basic information such as;

- Applicant's name and postal address
- The location of the project and nature of the project
- A statement of coastal erosion in the coastal reach of the proposed location
- Present land use
- Details of other agency approval obtained

## Other Documents Required With an Application

1. 3 copies of survey plans of the proposed site which are prepared within 5 years prior to the date of tendering the application. All copies should certify as true copies.
2. 3 copies of building plans including floor area (certified by an Architect).
3. Proof of payment for the specified permit fee: (The specified permit fee is varying according to the floor area of the proposed building and the relevant fee could be paid by cash or postal/money order or cheque drawn in favour of Director, Coast Conservation).

## Applicable Fees for Permit

Floor area of proposed building		Permit Fee
1 - 1000 Sq. ft.	-	Rs. 100.00
1001 – 2000 Sq. ft.	-	Rs. 300.00
2001 – 3000 Sq. ft.	-	Rs. 500.00
Over 3000 Sq. ft.	-	Rs. 2000.00
Removal of sand (One cube or less)	-	Rs. 50.00
Processing of EIA	-	Rs. 25000.00

4. In case of construction of piers – jetties, coast protection structures and marinas a clearance letter must be obtained from the relevant District Fisheries Extension Office of the area.

The Department will allocate a special number for each application (Eg. PA/13/RS/97/23). In all future correspondence this permit application number must be referred to by the respective developers. On completion of administrative check in procedure a site inspection will be carried out by the officers of CCD. After careful screening by the Planning committee at the Department, a permit will be granted with conditions or denied. If your permit is denied, you may appeal to the Secretary of the Ministry of Fisheries and Aquatic Resources Development or if you are eligible under the guidelines given in the CZM Plan you may submit a Variance application to the Secretary/Chairman of the Coast Conservation Advisory Council;

The permit application review process involves several steps which include technical review, site inspection and evaluation, co-ordination of interagency review.

### **Permit Renewal**

The holder of a permit may, not less than one month prior to the date of expiration of such permit, apply for a renewal of such permit. An application for renewal of a permit shall be in the prescribed form and shall be accompanied by the prescribed fee.

It must be noted that there is no provisions under the Coast Conservation Act for issuing after the Fact Permit.

### **Coast Protection**

Private coast protections schemes will allow only if the proposed construction is in comply with the Master Plan for Coastal Erosion Management and the Coastal Zone Management Plan of 2004. To commencement of any construction related to coast protection you are requested to consult Chief Engineer (Works) of the CCD

### **Prohibited Activities**

The following activities are prohibited by law, within the coastal zone.

- Removal of corals other than for research purposes
- Development within the designated protected areas much as National parks/sanctuaries.
- Approval will not be granted for any development activity National Parks and sanctuaries located within the coastal zone including Vilpaththu, Yala, Kuman, Panama National Parks/Sanctuaries.
- Removal of sand except in areas identified by CCD & any development activity within

sand dune areas.

- A structure free set-back (buffer zone ) should be maintained from the seaward side of the fore dunes up to the landward toe of the back dunes, where the total width of the fore dunes (primary dunes) and the back dunes (secondary dunes) is more than 100 meters at Kalpitiya, Talavila, Udappuwa, Hambantota Koholankala, Kirinda in the west and the south coast and 200 meters at Panama, Potuvil, Thirukkivil, Manalkadu, Kashurina beach and the Mannar peninsular in the east and the north coast.
- Development within a radius of 200 m of archaeological, historical and religious sites designated by the Department of Archaeology
- Any development activity that will significantly degrade the quality of any area designated as being exceptional value

### **New Coastal Buffer Zones Stipulated After the Tsunami**

In considering the Tsunami event occurred on the 26<sup>th</sup> of December 2004, the government has declared the following buffer zones for development activities within the coastal zone..

“A 100 m buffer zone from the permanent vegetation line of the beach front should be delineated for any new construction in the west and south coast from Kala Oya river mouth (Gange Wadiya) to Kinindi Oya river mouth and 200 m buffer zone from the permanent vegetation line of the beach front should be delineated for any new construction in the East and the North coast from Kinindi Oya river mouth to Kala Oya (Gange Wadiya)”

In compliance with the government decision the declared buffer zones will be applied in issuing development permits within the coastal zone under the provisions of the Coast Conservation Act No.57 of 1981 .All permits for the development activities within the buffer zone will be issued by the Director Coast Conservation.

### **Interim Guideline for Development Activities within the Coastal Zone**

The following guidelines should be treated as interim guidelines for all development activities within the coastal zone and will be effective until the formal guidelines are formulated based on the findings of the research, investigations and studies identified by the CCD which are to be conducted in.

### **Limitation Imposed On Dwelling Houses Construction within the Buffer Zone**

Approval will not be granted for the construction of dwelling houses within the 100m and 200m buffer zones respectively for western and southern coastal segment and northern and eastern coastal segment. However this limit will be relaxed for the land located in coastal headlands.

### **Set Back (Buffer Zone) Exemptions**

An exemption implies a significant deviation from the intent of the set back guidelines stipulated in the plan. Exemption may be granted by the Director only if the Coast Conservation Advisory Council determines that there are compelling reasons for allowing an exemption and recommends such exemptions.

Set Back (Buffer Zone) exemptions are determined by the Coast Conservation Advisory Council for the following development activities within the coastal zone.

- (i) Nationally important projects
- (ii) Fisheries related buildings and infrastructure
- (iii) Tourism related development projects within the declared tourism zones.

### **Guidelines for Approving Nationally Important Projects**

Approval will be granted with the concurrence of the Coast Conservation Advisory Council for the projects which could demonstrate significant benefits to the public. These includes housing development, industries, tourism , public infrastructure and construction related to national security which intended to be located within the declared 100 m and 200 m buffer zone respectively for western and the southern coastal segment and northern and eastern coastal segment.

Under this provision, a detailed proposal should be submitted through their respective ministries for the approval of the Coast Conservation Advisory Council.

### **Basic Requirements for Nationally Importance Projects**

- (1) A contour map showing three meter intervals for the site chosen for the proposed development activity.
- (2) A brief description of the soil and geomorphological conditions of the proposed site.
- (3) A set of building plans with a capacity to minimize the damages from the coastal hazards.
- (4) An evacuation plan that enables to relocate residents to safer locations within a short period of time during an unexpected event.
- (5) A justification and clear description on why the proposed project is nationally important.

### **Guidelines for Fisheries Related Buildings and Infrastructures**

Approval will be granted with the concurrence of Advisory Council for the development activities related to fisheries buildings and infrastructure excluding dwelling units within the set back areas

(buffer zone) of 100 m and 200 m respectively for western and the southern coastal segment and northern and eastern coastal segment.

The following activities will be considered as fishery related activities i. Storage facilities for fishing gear and other equipments.

- ii. Construction of temporary huts for storage of beach scene nets and crafts.
- iii. Facilities for ice production, storage and distribution.
- iv. Facilities for sea water intakes and purification systems for aquaculture.
- v. Facilities for fish auctions.
- vi. Non-residential facilities for fisheries harbours, anchorages and landing sites and fisheries related infrastructures.

### **Set Back Areas for Small Island**

Approval will be granted for the development activities within the coastal zone in islands around Sri Lanka with the following set back requirements.

- (i) A 100 M structure free set back (buffer zone) from the mean High water line should be delineated for the development activities that are carried out in the islands located in the West and the South coast from Kala oya river mouth (Ganga Wadiya) to Kirindi oya river mouth.
- (ii) A 200 m structure free set back ( buffer zone ) from the Mean High Water line should be delineated for the development activities that are carried out within the coastal zone in the islands located from Kirindi Oya river mouth to Kala Oya covering East and North coast

### **Set Back For the Development Activities Located In Head Land Areas**

With the concurrence of the Coast Conservation Advisory Council, approval will be granted with a minimum of twenty five meter structure free set-back (buffer zone) from the edge of the cliff when development activities carried out in the areas above five meter contour line from the Mean Sea Level in the following high ground areas characterized with rock outcrops or hard soil such as laterite in the west and the south coast from Kala Oya to Kirindi Oya river mouth and the Trincomalee Bay in the east coast.

- 1. Kala Oya – Serakuliya coastal segment
- 2. Maggona headland
- 3. Beruwala – Maradana high ground
- 4. High ground area proximity to the Ambalangoda Police Station
- 5. Closenberga at Galle
- 6. Rumassala headland
- 7. Kapparatota headland
- 8. Weligama – Mirissa Cliff
- 9. Matara Browns Hill area
- 10. Devinuwara lighthouse – Wauwa
- 11. Nilwella high ground area
- 12. Goyam Bokka – Tangalle Navy Camp
- 13. Trincomalle Bay including Dutch Bay, Marble Bay, Koneswaram



### **Set Back Areas for Bank of Rivers, Streams, Lagoons**

Structure free reservation area should be maintained either banks of the rivers, streams and lagoons that are permanently or temporary connected to the sea within the coastal zone, 100 m for the west & south coast and 200m for the north & east coast respectively.

### **Guidelines for Tourism Related Development Projects**

Approval will be granted in accordance with the following guidelines required by the TAFREN for the buildings that are used for hospitality business located within the coastal districts affected by the Tsunami event.

#### **(a) Hospitality Business Premises Not Damage by the Tsunami**

Such buildings will be allowed to remain within the coastal set-back area (buffer zone) provided that they had approval from all relevant regulatory authorities including the Sri Lanka Tourist Board prior to 26<sup>th</sup> December 2004.

#### **(b) Hospitality Business Premises partially damaged by the Tsunami**

A building is deemed to be partially damaged if the cost of repair is below 40 % of the replacement value of the building

Such buildings will be allowed to be re-constructed within the set-back area (buffer zone) provided they had approval from all relevant regulatory authorities including the Sri Lanka Tourist Board prior to December 2004.

#### **(c) Hospitality Business Premises completely destroyed by the Tsunami**

- A building is deemed to be completely destroyed if the cost of repair exceeds 40% of the replacement value of the building.
- Such buildings will not be permitted to be constructed within the set-back area (buffer zone). The government together with the Tourist Board will establish Tourism Zones in the future. Businesses that are prevented from rebuilding within the set back area (Buffer zone) will be given preference in allotment of land with similar or better facilities with the tourism zones to rebuild their businesses. The land will be provided free of charge.

#### **(d) Hospitality Business Premises under construction as at 25<sup>th</sup> December 2004**

- Building under construction that were not damaged by the Tsunami will be allowed to be completed provided they had approval from all relevant regulatory authorities including Sri Lanka Tourist Board prior to 26<sup>th</sup> December 2004.
  - Building under construction (with all relevant approval) that were damaged by the Tsunami will be allowed to be completed provided the cost of completing the buildings that does not exceed 60% of the value of the building when completed.
  - Establishment that are not entitled to complete the buildings will be entitled to land in the tourism zones described above.
  - The same privilege (land in tourism zones etc.) will be afforded to those who have already obtained government approvals to construct new buildings but had not commenced construction before 26<sup>th</sup> December 2004.
- (f) A building is deemed to be completely destroyed, if the cost of repair exceeds 40% of the replacement value of the new building. However such a building is located within a tourism zone to be declared by the government under the recommendation of the Sri Lanka Tourist Board, the approval for reconstruction or decision to providing an alternative land will be taken by the Coast Conservation Advisory Council based on the recommendations of all other relevant institutions by on case by case basis.
- (g) Buildings under construction with all relevant approval that were damaged by the Tsunami and if it is located in the tourism zone, the approval for reconstruction or decision to providing an alternative land will be taken by the Coast Conservation Advisory Council based on the recommendations of other institutions including the Tourist Board.

### **Further Information**

The following documents will help you obtain further details on the above matters and to carry out development activities within the coastal zone in compliance with the CCD guidelines and/or regulations.

- Coast Conservation Act No. 57 of 1981
- Coast Conservation Amendment Act No. 64 of 1988.
- Environmental Guidelines for Coastal Tourism Development in Sri Lanka (1995).
- Master Plan for Coastal Erosion Management
- Coastal Zone Management Plan 1997 and 2004 (English, Sinhala and Tamil versions).
- Special Area Management Plans (English version with summary in Sinhala) of Rekawa, Hikkaduwa, Negombo, Maduganga, Bar Reef, Habaraduwa- Unawatuna.

If you need any further particulars regarding permit procedure please contact Coastal Resources Development Division and the following Regional Offices.

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 New Secretariat  
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