



PUBLIC & ADMINISTRATIVE LAW

The upholding of the tourism land-use development plan of Mykonos

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# The upholding of the tourism land-use development plan of Mykonos

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The Council of State issued three judgements (No 1936-8/2023) on the three actions for annulment submitted by the Municipality of Mykonos regarding a special strategic development plan for Mykonos in the tourism sector. More specifically, the Municipality had challenged (a) the location planning of hotel and port facilities, (b) the building permits, and had also protested the non-extension of the suspension of issuance of building permits, including permits issued based on land-use development plans.

The Court ruled that:

a) Hotel facilities constructed based on land-use development plans have environmental advantages compared to those constructed based on constitution of isolated buildings outside urban planning zones, as their environmental impacts are assessed in two stages and there is better assurance provided by the relevant authorities (forestry, archaeological, etc.).

b) The inspection of land-use development plans, whether for tourism or other purposes, by the interested public, as well as the Court, and in terms of compatibility with wider land-use planning (e.g., Regional Frameworks, etc.), ensures the coherence of the planning and alignment with the Constitution.

c) Municipalities have advisory authority in the field of land-use planning, but - as long as the scale of the respective project exceeds their capabilities, they are also entitled to obstruct development plans by refusing to serve the planned facilities in terms of waste disposal, water supply, etc.

d) Finally, since it concerns port projects (anchorage, marinas, etc.), these can be designated as an appurtenance of the tourist facility and have the corresponding (limited) capacity in number of vessels, as prescribed by the law. However, they cannot be intended to cover broader docking needs, irrelevant to the hotel.

Thus, the Council of State upheld the tourism land-use development plan for Mykonos but annulled the designation of a tourist anchorage and the encroachments in the land area port. However, it acknowledged that the plan was legal in all other aspects (desalination, marine fauna, protection of antiquities, wastewater treatment, access road, etc.).

Hence, it goes without saying that hotel marinas cannot be intended to cover broader mooring needs, unrelated to the hotel unit, as the Council of State ruled with its current abovementioned decision.

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