

*Physical Planning and Development  
(Environmental Impact Assessment) Regulations*

**SAINT LUCIA**

STATUTORY INSTRUMENT, 2024, No. 146

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# SAINT LUCIA

STATUTORY INSTRUMENT, 2024, No. 146

[ 1<sup>st</sup> November, 2024 ]

In exercise of the power conferred under section 22(4) of the Physical Planning and Development Act, Cap. 5.12, the Minister responsible for planning and development makes these Regulations:

## **Citation**

1. These Regulations may be cited as the Physical Planning and Development (Environmental Impact Assessment) Regulations, 2024.

## **Interpretation**

2. In these Regulations —

“Act” means the Physical Planning and Development Act, Cap. 5.12;

“applicant” —

- (a) means a person who makes a formal application to the Head of the Physical Planning and Development Division for permission to develop land in Saint Lucia;
- (b) includes an employee or agent of the applicant;

“application” means an application for permission to develop land made to the Head of the Physical Planning and Development Division of the Ministry with responsibility for planning and development under Part 3 of the Act;

“environment” —

- (a) means the components of the earth;
- (b) includes —
  - (i) the air, land and water,
  - (ii) all layers of the atmosphere,

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(iii) all organic and inorganic matter and living organisms, and

(iv) the interacting natural systems that include components under subparagraphs (i) to (iii);

“environmental impact assessment” means the process of collection, analysis, evaluation and review of information on the likely effects of a proposed development on the environment and the means to overcome adverse effects which enables the Head of the Physical Planning and Development Division to determine whether development permission must be granted and the conditions to be attached to the proposed development, the procedure for which is specified under these Regulations;

“environmental impact statement” means the inclusion of concise information summarized from the environmental impact assessment;

“hotel” —

(a) means an establishment providing accommodation, meals, and other services for travelers, tourists and other guests for reward;

(b) includes a building or group of buildings, including the curtilage and all buildings within the curtilage, occupied together;

“initial environmental evaluation” means an intermediate level of an environmental impact assessment conducted primarily by using available information;

“residential development” means the creation of new dwelling units, buildings or structures developed or to be developed for residential use, typically on land that was previously undeveloped or used for other purposes;

“screening” means a quick and informal assessment of the proposed activity to determine whether its effects are likely to be significant;

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“Terms of Reference” means a document specifying the scope of work to be undertaken in carrying out an environmental impact assessment.

**Screening of application**

3.—(1) The Head of the Physical Planning and Development Division shall, within twenty-one days of receipt of the submission of an application, conduct a screening of that application and in any case —

- (a) where the application is for development that falls within a class mentioned in Schedule 4 of the Act, may exempt that application from the requirements of section 22(2) of the Act for the purpose of avoiding unnecessary investigations, if the screening shows the adverse environment impacts of such development are likely to be insignificant; and
- (b) of any other application, may require that an environmental impact assessment shall be carried out in respect of that application before it is determined, if the screening shows that the adverse environmental impacts of such development are likely to be significant, and

notify the applicant in writing giving the full reasons for that decision.

(2) The Head of the Physical Planning and Development Division shall in conducting a screening of an application under subregulation (1) take into account the screening guidelines specified in the Schedule.

(3) The Head of the Physical Planning and Development Division shall keep the screening guidelines under continuous review and revise the screening guidelines, to include the consideration of —

- (a) the size or scale of the proposed development;
- (b) the location of the proposed development in relation to sites or areas that are of special importance or vulnerability, including human settlement and sites and areas to which sections 33 and 34 of the Act apply; and

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- (c) the activities involved in the proposed development, particularly activities with complex and potentially adverse effects, including serious effects on human beings and valued ecosystem components, or which causes additional loading of the environment levels;
- (d) any other information that the Head of the Physical Planning Division requires.

(4) The Head of the Physical Planning and Development Division may request additional information from any party where the information submitted is inadequate to make a decision.

(5) Where the Head of the Physical Planning and Development Division requests additional information under subregulation (4), he or she shall defer the decision until the requested information is obtained.

**Scoping of environmental impact assessment**

4.—(1) where the Head of the Physical Planning and Development Division requires an environmental impact assessment in respect of an application, including an application for approval in principle, the Head of the Physical Planning and Development Division shall, within five weeks or any period agreed in writing between the Head of the Physical Planning Division and the developer of the date of the application under regulation 3, prepare and issue to an applicant the draft Terms of Reference for the environmental impact assessment required in respect of the proposed development.

(2) An applicant may conduct consultations with any governmental agencies, non-governmental organizations and members of the public on the required scope of work for the environmental impact assessment within twenty-one days of the date of issue of the draft Terms of Reference.

(3) The Head of the Physical Planning and Development Division shall —

- (a) consider any scoping report submitted by the applicant under subregulation (2); and
- (b) issue Terms of Reference for the environmental impact assessment within seven days after the date of submission of the scoping report or, if the applicant fails to submit

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a scoping report, after the expiry of the period specified under subregulation (2) for the submission of a scoping report, whichever is earlier.

(4) In preparing the Terms of Reference, the Head of the Physical Planning and Development Division shall take into account —

- (a) the specific characteristics of the particular development;
- (b) the specific characteristics of the development of the type concerned;
- (c) the environmental features likely to be affected by the development;
- (d) the findings of the initial environmental evaluation.

**Initial environmental evaluation**

5.—(1) Where the Head of the Physical Planning and Development Division requires an environmental impact assessment in respect of an application for approval in principle, an applicant shall submit in satisfaction of the requirements, an initial environmental evaluation that —

- (a) predicts the main impacts of the proposed development and evaluates the importance of the impacts;
- (b) indicates the key mitigating actions required if the development is permitted; and
- (c) identifies any significant gaps in knowledge and uncertainties on the environmental effects which must be addressed by a more rigorous environmental impact assessment before detailed plans are prepared and submitted to the Head of the Physical Planning and Development Division for approval.

(2) An initial environmental evaluation submitted to the Head of the Physical Planning and Development Division under subregulation (1), must assess the predicted environmental effects of the proposed development in sufficient detail to enable the Head of the Physical Planning and Development Division to identify any conditions subject to which approval in principle may be granted and any matters concerning which the Head of the Physical Planning and Development Division reserves permission until detailed plans have been submitted.

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(3) Where the Head of the Physical Planning and Development Division is of the opinion that the available information is not adequate for the purposes of an initial environmental evaluation under subregulations (1) and (2), he or she may require any supplementary preliminary studies and information that are reasonably necessary for the purposes to be undertaken or collected by the applicant.

(4) The information contained in the initial environmental evaluation forms part of the environmental impact assessment.

**Qualified persons to conduct assessment**

6.—(1) The Minister, after consultation with the Head of the Physical Planning and Development Division, may cause a register of persons with the qualifications, skills, knowledge and experiences to carry out environmental impact assessment studies to be compiled for the purposes of consumer protection.

(2) For the avoidance of doubt and subject to the provisions of any other written law, subregulation (1) does not prohibit an applicant or any other person employed by the applicant for that purpose from carrying out an environmental impact assessment for submission to the Head of the Physical Planning and Development Division under these Regulations.

**Public participation in assessment**

7.—(1) During the course of the environmental impact assessment, the Head of the Physical Planning and Development Division may require an applicant to provide an opportunity for the interested members of the public to meet with the applicant in order to —

- (a) provide information concerning the proposed development to persons whose environment may be affected by the development; and
- (b) record the concerns of the community regarding the environmental impact of the proposed development and to include the record of such concerns in the Environmental Impact Statement.

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(2) The procedure for public contact and involvement with the applicant may be specified by the Head of the Physical Planning and Development Division in the Terms of Reference.

(3) A developer shall publish information on the nature and location of the proposed development —

- (a) in two consecutive issues of a newspaper published in Saint Lucia;
- (b) the *Gazette*; and
- (c) by placing a notice in a conspicuous place on the site of the proposed development.

(4) A person may make written representations to the Head of the Physical Planning and Development Division with respect to the application within twenty-one days of the notice being published under subregulation (3).

(5) A non-technical decision or summary of the environmental impact assessment must be published after the environmental impact assessment is completed.

**Minimum contents of environmental impact statement**

- 8.** An environmental impact statement must include at a minimum —
- (a) a description of the proposed development, including in particular —
    - (i) a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases,
    - (ii) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used,
    - (iii) an estimate, by type and quantity, of expected residues and emissions, water, air and soil pollution, noise, vibration, light, heat, radiation resulting from the operation of the proposed development;
  - (b) a description of the potentially affected environment, including specific information necessary for identifying and assessing the environmental effects of the proposed development;

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- (c) a description of practical alternatives, as appropriate;
- (d) a description of the aspects of the environment likely to be significantly affected by the proposed development, including —
  - (i) population,
  - (ii) fauna,
  - (iii) flora,
  - (iv) soil,
  - (v) water,
  - (vi) air,
  - (vii) climatic factors,
  - (viii) material assets, such as the archaeological heritage, landscape, and
  - (ix) the interrelationship between the factors under subparagraphs (i) to (viii);
- (e) a description, including all data, of the likely significant effects or potential environmental impacts of the proposed development on the environment which covers the direct effects and any indirect, secondary, cumulative, short, medium, and long-term, permanent and temporary, positive and negative effects of the proposed development, resulting from —
  - (i) the existence of the development,
  - (ii) the sustainable use of the natural resources,
  - (iii) the emission of pollutants, the creation of nuisance and the elimination of waste, andthe description by the developer of the forecasting methods used to assess the effects on the environment;

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- (f) an indication of any difficulties, technical deficiencies or lack of knowhow, encountered by the developer in compiling the required information;
- (g) an indication of whether the environment of any other State or area beyond the national jurisdiction is likely to be affected by the proposed development or alternatives;
- (h) a brief non-technical summary of the information provided under paragraphs (a) to (g);
- (i) a description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment;
- (j) a description of the development comprising information on the site, design and size of the development.

(2) The environmental effects in an environmental impact statement must be assessed with a degree of detail commensurate with the likely environmental significance of the environmental effects.

**Review of environmental impact statement**

9. When an environmental impact statement is submitted to the Head of the Physical Planning and Development Division, he or she shall examine the environmental impact statement within four weeks of the date of submission to determine whether the environmental impact statement substantially complies with the Terms of Reference and is of a satisfactory standard and, other than in a case to which regulation 10 applies, notify the applicant that the environmental impact statement is acceptable.

**Further requirements**

10.—(1) Where the Head of the Physical Planning and Development Division considers that the environmental impact assessment is deficient in any respect, the Head of the Physical Planning and Development Division may require an applicant to —

- (a) conduct further work; and
- (b) amend the environmental impact statement.

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(2) Where the Head of the Physical Planning and Development Division considers that an environmental impact assessment is deficient under subregulation (1) and decides to refer the assessment back for further work, the Head of the Physical Planning and Development Division shall indicate in writing to the applicant the nature of the further work that is required to satisfy the Terms of Reference.

(3) Where the Head of the Physical Planning and Development Division refers an environmental impact statement back for further work, consideration of the application to which the environmental impact assessment relates may be deferred until the amended environmental impact statement is resubmitted by the applicant.

**Public scrutiny of environmental impact statement**

**11.—**(1) After accepting an environmental impact statement in respect of a development, the Head of the Physical Planning and Development Division shall, in any manner which the Head of the Physical Planning and Development Division considers appropriate to facilitate public access to the report, publish a notice setting out the following information —

- (a) the date on which copies of the environmental impact statement is available for public scrutiny;
- (b) the place at which copies of the environmental impact statement may be scrutinized;
- (c) the deadline and address for submitting comments on the findings and recommendations of the environmental impact assessment.

(2) Prior to the deadline set out in the notice published by the Head of the Physical Planning and Development Division under subregulation (1), any person may submit comments with the Head of the Physical Planning and Development Division relating to the findings and recommendations and any other aspect of the environmental impact assessment.

**Decision**

**12.—**(1) The Head of the Physical Planning and Development Division shall, after taking into consideration the environmental impact

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statement and any comments submitted under regulation 11, take one of the following courses of action in respect of the application —

- (a) where, taking into account any mitigation measures that the Head of the Physical Planning and Development Division considers appropriate, the development is not likely to cause significant adverse environmental effects, the Head of the Physical Planning and Development Division may grant permission subject to conditions that reduce and mitigate any adverse effects of the development on the environment; or
- (b) where taking into account the implementation of any mitigation measures that the Head of the Physical Planning and Development Division considers appropriate the development is likely to cause significant adverse environmental effects which are not justified on other planning grounds, the Head of the Physical Planning and Development Division shall refuse permission for the development; or
- (c) where, taking into account the implementation of any mitigation measures that the Head of the Physical Planning and Development Division considers appropriate, the Head of the Physical Planning and Development Division is likely to cause significant environmental effects or not, the Head of the Physical Planning and Development Division may refuse the application or refer the matter to the Minister who shall provide directions on the advice of technical staff.

(2) Where the Head of the Physical Planning and Development Division or Cabinet grants permission for a development of land following an environmental impact assessment and such permission is granted subject to conditions intended to reduce and mitigate the adverse effects of the development on the environment, the Head of the Physical Planning and Development Division shall make provision for supervising compliance with those conditions and for monitoring the effect of the development on the environment after completion, notwithstanding the provision of any other written law.

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**SCHEDULE**

(Regulation 3)

**SCREENING APPLICATION GUIDELINES**

**Characteristics of proposed development**

**1.** The characteristics of the proposed development must be considered having regard to —

- (a) the magnitude of the development in relation to its surroundings;
- (b) the cumulative impact with other developments within the immediate area;
- (c) the sustainable use of natural resources;
- (d) the management of waste;
- (e) the management of pollution and nuisances created by the proposed development;
- (f) the risk of accidents, having regard in particular to substances or technologies used.

**Location of proposed development**

**2.** The environmental sensitivity of geographical areas likely to be affected by the proposed development must be considered, having regard to —

- (a) the existing land use at the site and within the immediate area;
- (b) the relative abundance, quality and regenerative capacity of natural resources in the area;
- (c) the absorption and regeneration capacity of the natural environment, paying particular attention to the following areas —
  - (i) wetlands,
  - (ii) coastal zones,

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- (iii) mountain and forest areas,
- (iv) nature reserves,
- (v) areas classified or designated for the protection and conservation of wild life, birds, natural habitats, and fauna and flora,
- (vi) areas where environmental standards or policies have been set out or established,
- (vii) densely populated areas,
- (viii) landscapes of historical, cultural or archaeological significance.

**Characteristics of the potential impact of the proposed development**

3. The potential significant effects of the proposed development must be considered in relation to the criteria set out under paragraphs 1 and 2, and having regard to —

- (a) the extent of the impact including the geographical areas size of the affected population;
- (b) the likely impact on adjacent properties;
- (c) the magnitude and complexity of the impact;
- (d) the probability of the impact;
- (e) the duration, frequency and reversibility of the impact.

Made this 31<sup>st</sup> day of October, 2024.

STEPHENSON KING,  
*Minister responsible for  
planning and development.*