

Planning and Building Regulations (Environmental Impact Statements), 1982

(Translation)

By the authority granted to me under Section 265 of the Planning and Building Law, 1965 and following consultations with the National Board for Planning and Building, I hereby make the following regulations:

Definitions

1. Within these regulations:

"environmental adviser" means a person appointed by the Minister of the Interior in consultation with the Ministers of Agriculture, Health and Industry and Commerce to be an environmental adviser;

"environmental impact statement" or "statement" means a document stating the connection between a proposed scheme and the environment within which the scheme is to be implemented, including assessments as to anticipated or forecasted impacts of the proposed scheme on that environment, and specifications of the means necessary for the prevention of negative impacts as specified in regulation 4.

Obligation of statement submission

2. (a) A planning agency will not consider or decide upon a scheme of the types detailed in sub regulation (b) unless an environmental impact statement has been prepared and attached to the scheme.

(b) The following are the types of schemes:

(1) power plants, airports, seaports and toxic waste disposal sites;

(2) airport landing strips, jetties, national water supply arteries, dams and reservoirs, waste water purification plants, mining and quarrying sites, and solid waste disposal sites, which, in the opinion of the National Board or the District Commission considering these schemes, will have significant environmental impact exceeding the local limits;

(3) an industrial plant in an area not used or designated for industrial use which, in the opinion of the National Board or the District Commission considering the schemes, is about to cause significant environmental impact exceeding the local limits.

Authority to require statement submission

3. In addition to the provisions of regulation 2, a representative of a minister in a planning agency or a planning agency presented with a scheme whose implementation may, in its opinion, have a significant impact upon environmental quality, may require the

submitter of the scheme to prepare a statement and to submit it to the planning agency in addition to the scheme documentation submitted; a requirement for submission of a statement may be made at any stage of consideration of the scheme prior to its approval.

Content of statement

4. An environmental impact statement will be prepared according to guidelines established by the planning agency in accordance with the provisions of regulation 5, and will include details on the following subjects:

(a) description of the environment to which the scheme relates before implementation of the proposed scheme; for the purposes of this section "environment" means the environment which, in the opinion of the planning agency, may be affected by the scheme's implementation;

(b) specifications of the reasons for the preference of the proposed siting of the scheme and the activities resulting from its implementation;

(c) description of the activities resulting from implementation of the proposed scheme;

(d) specification and assessment of anticipated or forecasted impacts on environmental quality as a consequence of implementation of the scheme and the activities resulting from its implementation, as well as a description of the means necessary for the prevention of negative impacts as stated;

(e) findings and proposals for the provisions of the scheme.

Guidelines for statement preparation

5. (a) Upon submission to the planning agency of a scheme to which regulation 2 or 3 applies, the planning agency will instruct the environmental advisor to prepare a proposal for guidelines for preparation of the statement; the proposal will be presented to the planning agency which will establish the guidelines.

(b) The planning agency will deliver to the submitter of the scheme, for the purpose of statement submission, the guidelines it has established and any information in its possession relevant to preparation of the statement.

Submission of the statement

6. (a) The submitter of the scheme will be responsible for the preparation of the statement as required and will submit it to the appropriate planning agency:

(1) if regulation 2 applies to the scheme --

together with the scheme documentation;
(2) if regulation 3 applies to the scheme -- in accordance with the requirements of the planning agency and the timetable established by it.

(b) A planning agency which has received a statement will notify the submitter of the scheme of its position within three months of the date of receipt of the statement. In the event that the planning agency is of the opinion that it is not possible to notify the submitter of the scheme of its position within the stated time period, it will inform him of the reason for the delay.

Conditions for approval 7. A planning agency will not approve a scheme submitted with an environmental impact statement in accordance with these regulations unless it has reviewed all details of the statement and has decided upon the findings and instructions to be included in the provisions of the scheme as a result of the statement.

Commencement of validity 8. These regulations will become valid six months following their publication.