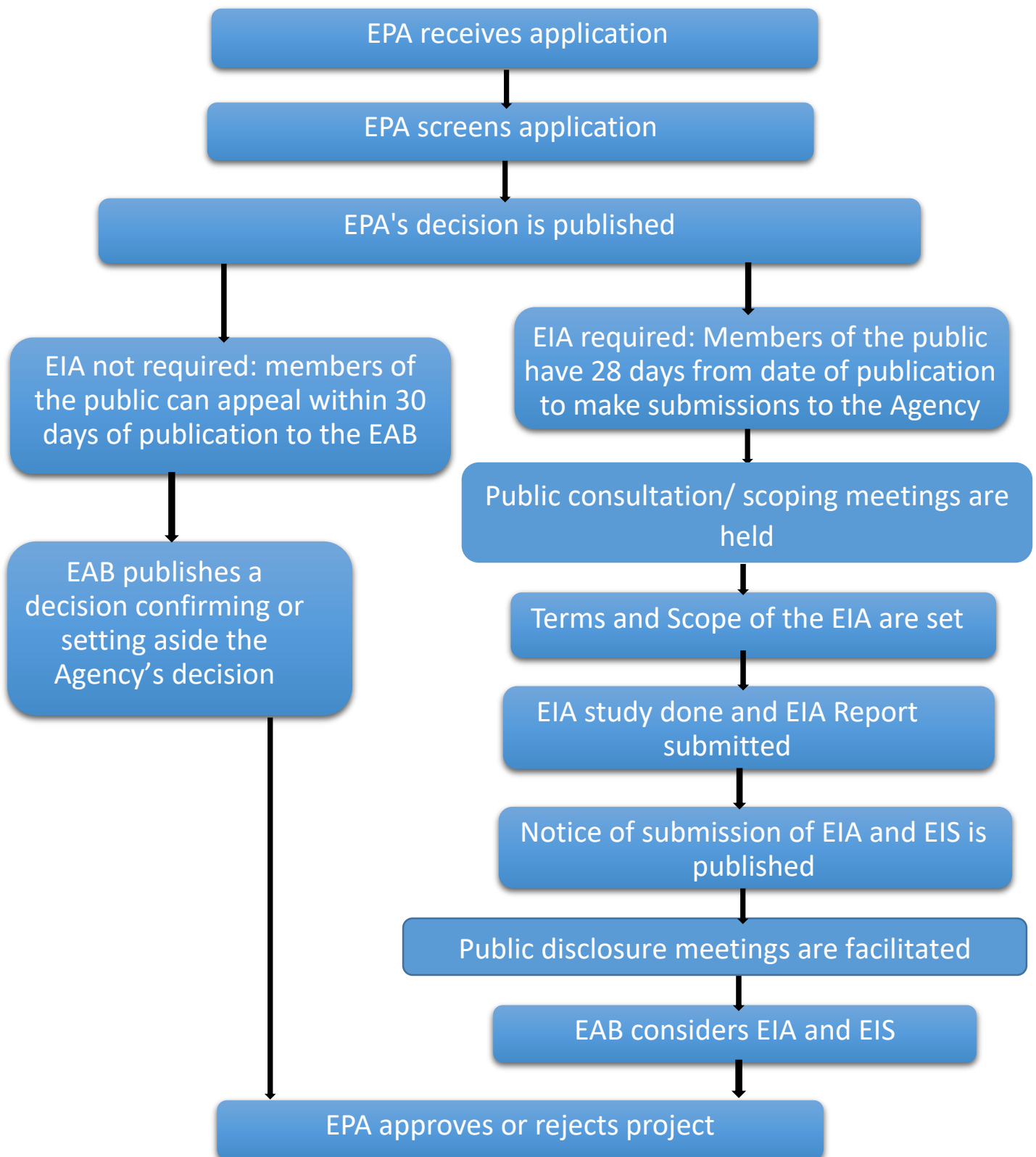


## The Environmental Authorisation process

### Overview



## **The Environmental Authorisation process explained**

### **Submission of application**

- ✚ The environmental assessment process begins when a developer submits an application for an environmental permit. Pursuant to Section 11(1) of the Environmental Protection Act: **“A developer of any project listed in the Fourth Schedule, or any other project which may significantly affect the environment shall apply to the Agency for an environmental permit...”**

**Note:** Where applications are incomplete, the EPA shall require that the outstanding information be submitted. The EPA may also request additional information that it considers necessary.

### **Screening of application**

- ✚ The EPA screens the application to determine whether it is clear or not that the project will significantly affect the environment. (Section 11 (2) of the EP Act). Where it is unclear whether the project will significantly affect the environment, the EPA must, within a reasonable time, publish in at least one daily newspaper a decision with reasons as to whether the project:
  - (a) will not significantly affect the environment, and is therefore exempt from the requirement for an environmental impact assessment; or*
  - (b) may significantly affect the environment and will require an environmental impact assessment*

### **EIA not required**

- ✚ Following the decision that an EIA is not required, the EPA, at the developer's expense, publishes a notice of the project, **with reasons for the decision**, in at least one daily newspaper, and makes available the summary of the project on its website (**section 11(2) of the EP Act**). Any person who may be affected by the exempted project may lodge an appeal with the EAB within 30 days of the date of publication of the Agency's decision. (**Section 3(a) of the EP Act**)
- ✚ The EAB shall within a reasonable time publish a decision confirming or setting aside the Agency's decision.
- ✚ Where there is no appeal, or where there was an appeal and the EAB decides to confirm the EPA's decision, the EPA evaluates the information submitted to determine whether to approve or reject the proposed project.
- ✚ If the project is approved, the EPA issues an Environmental Permit subject to conditions which are reasonably necessary to protect human health and the environment.

### **EIA required**

- ✚ Following the decision that an EIA is required, the EPA, at the developer's expense, publishes a notice of the project, with reasons for the decision, in at least one daily

newspaper, and makes available the summary of the project on its website (**section 11(2) of the EP Act**).

- ✚ After this publication, members of the public are allowed 28 days within which to make written submissions to the Agency setting out questions and matters which should be answered or considered in the EIA (*section 11(7) of the EP Act*).

### **Scoping**

- ✚ Scoping is the stage where the boundaries of the EIA are established. Based on the inputs made, the determination is made as to what the EIA should consider.
- ✚ Scoping is led **by the developer**. During this period, meetings are held to engage members of the public on the EIA. The role of the EPA at these exercises is to document questions and matters which the public believe ought to be considered in the EIA.
- ✚ When scoping is completed, the EPA consults with the persons conducting the EIA and sets the terms and scope of the EIA. Once this is finalised, the EIA is then conducted.
- ✚ It should be noted that neither the developer nor the EPA conduct the EIA. Rather, independent and suitably qualified persons conduct the EIA (*section 11(4) of the EP Act*).

### **Consultation during the course of the EIA**

During the course of the EIA, the developer and the person carrying out the EIA are required to;

- ✚ consult members of the public, interested bodies and organisations, and
- ✚ provide to members of the public on request, copies of information obtained for the purpose of the EIA.

### **Post EIA**

- ✚ When the EIA is completed, the developer and the person who carried out the EIA submit the EIA together with an Environmental Impact Statement (“EIS”) to the EPA for evaluation and recommendations (*section 11(10) of the EP Act*).
- ✚ At the same time, the developer and the person who carried out the EIA publish a notice in at least one daily newspaper confirming that the EIA and the EIS have been submitted to the EPA (*section 11(10) of the EP Act*).
- ✚ For 60 days after the publication, members of the public are given an opportunity to make submissions to the EPA as they consider appropriate (*section 11(10) of the EP Act*).
- ✚ During the 60 days period, the developer and the person who conducted the EIA would host public disclosure meetings to sensitize the public on the contents of the EIA and EIS submitted.

- ✚ The EPA also submits the EIA and EIS to the Environmental Assessment Board (“EAB”) for its considerations and recommendations as to whether the EIA and EIS are acceptable (*section 11(13) of the EP Act*).

## **Decision**

- ✚ The EPA then makes its decision as to whether to approve the project taking into account:
  - the EAB’s recommendations;
  - the public’s submissions;
  - the EIA; and
  - the EIS.
- ✚ The EPA publishes its decision and the grounds on which it was made.
- ✚ The EPA then issues an environmental permit subject to conditions which are reasonably necessary to protect human health and the environment.