

---

**ENVIRONMENTAL IMPACT ASSESSMENT ORDINANCE 2010**

---

An Ordinance to require assessments to be carried out in relation to the environmental impact of certain types of projects

**J. H. GORDON**  
**ADMINISTRATOR**

*31st August 2010.*

**BE** it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

**Part 1**  
**Preliminary**

**1. Short title**

This Ordinance may be cited as the Environmental Impact Assessment Ordinance 2010.

**2. Interpretation**

“building permit” means a permit issued under section 3 of the Streets and Buildings Regulation (Consolidation) Ordinance**(a)**;

“the corresponding Republican law” means the Environmental Impact Assessment of Certain Projects Law 2005 (Law 140(I)/2005)**(b)** and includes any law replacing or amending that law, and any subsidiary legislation made under that law;

“the Crown” means Her Majesty in right of Her Government in the United Kingdom and in right of Her Administration of the Areas;

“the environment” means all or any of the following elements: landscape, water, air and soil, and any organisms living in those elements;

“Environment Authority” means the Head of the Environment Department of the Administration;

“environmental impact” includes all impact whether positive or negative, direct or indirect, permanent or temporary, short term, medium term or long term, cumulative or secondary, biophysical or social, that affects:

- (a) any natural person;

- (b) the flora and fauna;
- (c) the natural, historic and anthropogenic landscape;
- (d) underground or surface water, the atmosphere, the soil, the sea and the climate;
- (e) any material goods;
- (f) the architectural heritage;
- (g) the cultural heritage; or
- (h) the interrelationship between any of the factors referred to in paragraphs (a) to (g);

“environmental impact assessment” means a document or series of documents produced in accordance with section 7;

“installation” has the meaning assigned to that word in the Control of Water Pollution Ordinance(c);

“preliminary environmental impact report” means a document or series of documents produced in accordance with section 9;

“project” means:

- (a) the execution of any construction works or of any other installation or scheme; or
- (b) any other intervention in the environment, including the extraction of mineral resources;

“project sponsor” means the person or body responsible for running a project or proposed project;

“public project” means a project carried out by or on behalf of the Crown or the Republic;

“Schedule 1” means the first Schedule to the corresponding Republican law;

“Schedule 1 project” means a project belonging to a category listed at Schedule 1;

“Schedule 2” means the second Schedule to the corresponding Republican law;

“Schedule 2 project” means a project belonging to a category listed at Schedule 2;

“Schedule 3” means the third Schedule to the corresponding Republican law;

“Schedule 4” means the fourth Schedule to the corresponding Republican law.

## **Part 2**

### **Substantive**

#### **3. Scope**

- (1) Subject to subsections (2) and (4), this Ordinance applies to any Schedule 1 project or Schedule 2 project whether or not that project:
  - (a) is a public project, or
  - (b) is of a type that requires a building permit or any other type of permit under any other Ordinance.
- (2) The Administrator may, by Order published in the Gazette, exempt a project from this Ordinance if satisfied that:
  - (a) the project is for the purposes of defence, and
  - (b) the project would be adversely affected if it was not exempted.
- (3) Where a project is exempted under subsection (2), the Environment Authority must examine the possible environmental impact of the project and may recommend the taking of appropriate environmental measures so as to reduce the impact, particularly if the project is likely to affect:
  - (a) protected wild fauna and flora habitats;

- (b) coastal areas of particular environmental significance; or
  - (c) protected natural areas, or areas of a historical, cultural, architectural or archaeological significance.
- (4) Subject to subsection (5), this Ordinance does not apply to a project (or part of a project) where:
- (a) an Ordinance has been enacted specifically in relation to that project, or
  - (b) the Administrator, being satisfied that a public project is of an exceptional nature and that it will not have a significant impact on the environment of the Republic or of another State, makes an Order published in the Gazette declaring that the project in whole or in part is exempt from the Ordinance and stating the reasons why.
- (5) Where the Administrator grants an exemption under subsection (4)(b), the Administrator may:
- (a) ask the Environment Authority to prepare (in cooperation with the public authority that is to carry out the project) such other form of assessment of the impact of the proposed project as the Administrator may prescribe, taking into account the criteria set out in Schedule 4; and
  - (b) publish the information gathered for the purposes of such assessment, to the extent that the publication of such information does not compromise United Kingdom defence and security interests.
- (6) An Order made under subsections (2) or (4)(b) must be publicised in two newspapers having a circulation in the Areas and the Republic, and on the Administration's website.

#### **4. Environmental approval required**

- (1) A person must not carry out a Schedule 1 or Schedule 2 project unless the Chief Officer has granted environmental approval ("approval").
- (2) Where approval is granted under subsection (1) subject to one or more conditions, a person must not breach that condition or those conditions.

#### **5. Applications for environmental approval**

- (1) An application for approval under section 4 must be made to the Chief Officer and must include:
  - (a) an environmental impact assessment ("assessment"), in relation to Schedule 1 projects; or
  - (b) a preliminary environmental impact report ("preliminary report"), in relation to Schedule 2 projects.
- (2) The Administrator may make additional provision by public instrument, as to what procedures must be followed and what information must be included when applying for approval in accordance with subsection (1).

#### **6. Seeking of Environment Authority's opinion**

- (1) Upon receipt of an application for approval under section 4, the Chief Officer must request the Environment Authority to prepare an opinion and make recommendations.
- (2) As soon as practicable after making a request under subsection (1), the Chief Officer must provide the Environment Authority with a copy of the application and the assessment or the preliminary report as the case may be together with any additional information which the Chief Officer considers may assist the Environment Authority in its task.
- (3) The functions of the Environment Authority under this section are general delegated functions under the Delegation of Functions to the Republic Ordinance 2007(d).

#### **7. Content of the environmental impact assessment**

- (1) The assessment to be submitted under section 5(a) must be in English and (except where the project is a public project and the sponsor is the Crown) in one of the official languages of the Republic.
- (2) The assessment must include the following information in relation to the project:

- (a) the information referred to in Schedule 3, in such detail as to enable the evaluation of the impact of the project on the environment;
  - (b) any other information that the Environment Authority requires to be included in the assessment under section 8(2); and
  - (c) a non-technical summary of all the information referred to in paragraphs (a) and (b).
- (3) The information included under subsection (2) must take account of current knowledge and methods of assessment.
- (4) The assessment must identify, describe and assess the environmental impact of the project on:
- (a) any natural person;
  - (b) the flora and fauna;
  - (c) the natural, historic and anthropogenic landscape;
  - (d) underground or surface water, the atmosphere, the soil, the sea and the climate;
  - (e) any material goods;
  - (f) the architectural heritage;
  - (g) the cultural heritage;
  - (h) the interrelationship between any of the factors referred to in paragraphs (a) to (g).
- (5) The assessment may also assess, where it is relevant, the impact of the proposed project within the territory of the Republic.

## **8. Evaluation of the environmental impact assessment**

- (1) On receipt of the assessment, the Environment Authority must determine whether the information in the assessment is adequate.
- (2) If the Environment Authority determines that the information in the assessment is not adequate, it may require the project sponsor to provide additional information within a specified period of time.
- (3) If the information requested under subsection (2) is not provided within the specified period of time, the Environment Authority may refuse to examine the assessment.
- (4) If the project is an installation, the Environment Authority may require the project sponsor to carry out a risk assessment for the purpose of assessing the risks of water pollution.
- (5) If the Environment Authority determines that the information in the assessment together with any information provided subsequently is adequate, it must prepare an opinion, taking into account any representations made in accordance with section 14(2), and forward it to the Chief Officer.
- (6) The opinion referred to in subsection (5) must not be forwarded to the Chief Officer until 30 days have expired since the publication of the notification referred to at section 14.
- (7) The opinion sent under subsection (5) may include a recommendation that:
- (a) approval is refused, on the grounds that the project is likely to have significant adverse environmental impact despite any conditions that may be imposed; or
  - (b) approval is granted subject to specified conditions aimed at preventing, reducing or offsetting the adverse environmental impact; or
  - (c) approval is granted without conditions.
- (8) The opinion must be accompanied by:
- (a) copies of any additional information provided by the project sponsor, any directions given to the project sponsor under section 11 and any advice given to the project sponsor under section 12; and
  - (b) an account of the Environment Authority's reasoning process, including the way it took into account the representations made in accordance with section 14(2).

- (9) Upon consideration of all relevant documents, the Chief Officer must determine whether to grant approval, and whether such approval should be subject to specified conditions.
- (10) Any decision taken by the Chief Officer under subsection (9) must be notified to the project sponsor as soon as practicable and publicised in accordance with section 15.
- (11) The functions of the Environment Authority under this section are general delegated functions under the Delegation of Functions to the Republic Ordinance 2007.

#### **9. Form and content of preliminary environmental impact report**

- (1) A preliminary report must include sufficient information to enable the likely extent and duration of the environmental impact of the project to be ascertained.
- (2) A preliminary report must be presented in a form prescribed for the equivalent purpose by the corresponding Republican law.

#### **10. Evaluation of the preliminary environmental impact report**

- (1) When the Environment Authority receives a preliminary report under section 5, it must determine whether the information in the report is adequate.
- (2) If the Environment Authority determines that the information is not adequate, it may request additional information from the project sponsor.
- (3) When the Environment Authority considers it has all the information it requires, it must:
  - (a) prepare an opinion on the effects that the project is likely to have on the environment, and
  - (b) forward that opinion to the Chief Officer together with recommendations.
- (4) The recommendations may include a recommendation that:
  - (a) approval is granted without conditions;
  - (b) approval is granted subject to specified conditions; or
  - (c) the project sponsor is required to submit an assessment, to be evaluated by the Environment Authority in accordance with section 8;
- (5) The Chief Officer must make a decision on the recommendations, which he must notify to the project sponsor as soon as practicable.
- (6) The functions of the Environment Authority under this section are general delegated functions under the Delegation of Functions to the Republic Ordinance 2007.

#### **11. Directions**

- (1) A person intending to carry out a project that appears on the face of it to be a Schedule 1 project or Schedule 2 project may request directions from the Environment Authority in relation to the need to prepare an assessment or preliminary report.
- (2) A request under subsection (1) must be accompanied by:
  - (a) a plan showing the immovable property on which the project is to be carried out;
  - (b) a brief description of the nature, the landscape, the area and the size of the project and the purpose of the project;
  - (c) any other information that the project sponsor considers useful or necessary in relation to the possible environmental impact of the project.
- (3) On receiving the request, the Environment Authority may request in writing additional information from the project sponsor, which must be provided in order for the request to be considered.
- (4) The Environment Authority must examine the application in accordance with the criteria listed in Schedule 4 and, within 30 days of receipt of the application or the additional information where requested, issue directions to the project sponsor.
- (5) The functions of the Environment Authority under this section are general delegated functions under the Delegation of Functions to the Republic Ordinance 2007.

## **12. Advice on assessments**

- (1) A person who intends to apply for approval under section 4 in relation to a Schedule 1 project may request in writing advice from the Environment Authority regarding the information that should be submitted with the application, or the assessment that the person intends to submit.
- (2) A request under subsection (1) must be accompanied by:
  - (a) a plan showing the immovable property on which the project is to be carried out;
  - (b) a brief description of the nature, the landscape, the area and the size of the project and the purpose of the project;
  - (c) any other information that the project sponsor considers useful or necessary in relation to the possible environmental impact of the project.
- (3) On receiving a request under subsection (1), the Environment Authority may request in writing additional information from the project sponsor.
- (4) Where a request is made under subsection (3), the Environment Authority must not provide the advice until the information has been provided.
- (5) Notwithstanding subsection (3), the Environment Authority may at any time request the submission of additional information as part of the assessment.
- (6) The Environment Authority must, within 30 days of receipt of the application or the additional information where requested, provide the requested advice to the project sponsor.
- (7) The functions of the Environment Authority under are general delegated functions under the Delegation of Functions to the Republic Ordinance 2007.

## **13. Disclosure of information**

- (1) Subject to subsections (2) and (3) where the project sponsor requests information from a public body including the Crown, and that information could reasonably be regarded as necessary or useful to a proposed assessment or preliminary report, the public body must supply that information if it holds that information.
- (2) A public body does not have to supply information that it considers confidential, commercially sensitive or that could compromise national security.
- (3) A public body may levy a reasonable and proportionate charge for supplying information referred to at subsection (1).

## **14. Notification to submit representations**

- (1) A project sponsor who submits an environmental impact assessment must as soon as practicable publish a notification of that assessment in two newspapers having a circulation in the Areas and the Republic, which must include the following:
  - (a) a statement that an application for approval has been made in relation to a project;
  - (b) a statement that the project is subject to an assessment, the date that the assessment was submitted and the name of the project sponsor;
  - (c) the nature of the possible decisions to be taken in relation to the project;
  - (d) a description of the nature and location of the proposed project;
  - (e) a statement that the assessment is available for public inspection during normal working hours at:
    - i. the offices of Environment Authority;
    - ii. in the case of a project to be carried out by the Crown, at the Area Office;
    - iii. in the case of a project to be carried out by or on behalf of the Government of the Republic, the offices of the appropriate Government Department; or
    - iv. in the case of a project to be carried out on behalf of a public utility corporation, the office of the corporation;

- (f) a statement that any person may submit representations to the Environment Authority about the assessment or the possible environmental impact of the proposed project, and any representations should be submitted within 30 days of the notification.
- (2) Where a representation is submitted within 30 days of the notification, the Environment Authority must take it into account insofar as it is relevant when evaluating the assessment and when preparing an opinion and recommendations.
- (3) The functions of the Environment Authority under this section are general delegated functions under the Delegation of Functions to the Republic Ordinance 2007.

#### **15. Information about the Chief Officer's decision**

- (1) Following the decision of the Chief Officer under section 8(9), the Chief Officer must provide the Environment Authority with the following information:
  - (a) the decision to grant or refuse approval, and any conditions to which an approval is subject, and
  - (b) an account of the reasoning process, including the assessments on which the decision was based and the way that representations made in accordance with section 14(2) were taken into account.
- (2) The Chief Officer must publicise, both on the Administration's website and in two newspapers having a circulation in the Areas and in the Republic:
  - (a) the information referred to in subsection (1)(a); and
  - (b) a notification that the information referred to in subsection (1) can be found on the register of projects referred to in section 16.
- (3) The functions of the Environment Authority under this section are general delegated functions under the Delegation of Functions to the Republic Ordinance 2007.

#### **16. Keeping of register**

- (1) The Chief Officer must establish and maintain a register of projects, which must contain:
  - (a) all assessments and preliminary reports submitted under this Ordinance;
  - (b) all opinions and recommendations submitted by the Environment Authority under this Ordinance;
  - (c) the information referred to at section 15(1);
  - (d) all representations submitted in relation to assessments or preliminary reports;
  - (e) information as to projects exempted under section 3.
- (2) The register referred to in subsection (1) is to be available for inspection by the public at the Area Office upon the giving of reasonable notice.
- (3) The functions of the Environment Authority under this section are general delegated functions under the Delegation of Functions to the Republic Ordinance 2007.

#### **17. Offences and penalties**

- (1) A person who contravenes section 4 commits an offence and is liable to imprisonment for 6 months or to a fine of €25,629 (or to both).
- (2) In addition to any penalty which may be imposed under subsection (1), the Court may:
  - (a) order that the project (in whole or in part) in respect of which an offence has been committed, be demolished, removed, or in the case of a failure to comply with conditions attached to the approval, modified so as to ensure compliance with such conditions; and
  - (b) specify the period of time within which the convicted person must comply with such Court Order.
- (3) Where a person fails to comply with a Court Order issued pursuant to subsection (2) within the period of time specified, the Chief Officer may ask the Environment Authority or the Area Office to execute the Order, and where the Chief Officer does so, the Environment Authority or the Area Officer as the case may be, may recover all reasonable expenses from the person.

- (4) A person who fails to comply with a Court Order issued pursuant to subsection (2) commits an offence and is liable to imprisonment for 6 months or to a fine of €51,258 (or to both).
- (5) Where an offence under subsection (1) or (4) is committed by a body corporate and it is committed with the consent or the connivance of, or is attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, that officer as well as the body corporate commits that offence and is liable to be punished as provided for by subsection (1) or (4).
- (6) The function of the Environment Authority under subsection (3) is a general delegated function under the Delegation of Functions to the Republic Ordinance 2007.

## **18. Regulations and orders**

The Administrator may make regulations and orders for the better application of this Ordinance, which may include provision for offences and penalties.

## **19. Legal proceedings**

- (1) A Court of the Areas may take judicial notice of a law of the Republic and of any other Republican document of any description granted or otherwise made under a law of the Republic.
- (2) For the purposes of this section, the production of a copy of any part of a Republican enactment:
  - (a) contained in a printed collection of enactments purporting to be printed and published by an authority of the Republic; or
  - (b) contained in an issue of the Official Gazette of the Republic, or
  - (c) purporting to be printed by the Government Printer of the Republic, by whatever name called,

is evidence for all purposes, and may be held by a Court to be conclusive evidence, of the due and lawful making of that enactment.

- (3) For the purposes of this section, a version of any part of a Republican enactment in the English language:
  - (a) purporting to be produced by an authority of the Republic;
  - (b) certified as being accurate by an officer of the Administration considered by the Court to have been at the time of such certification a competent and adequate translator into the English language from the language in which the Republican enactment was published in the Republic;
  - (c) given or produced in the course of oral evidence of a person whom the Court considers to be a competent translator for the purpose;
  - (d) stated orally in court or produced in writing by a Registrar or official court interpreter;

may in any of those cases be held by the Court to be conclusive evidence for all purposes that such version is the accurate English version of the Republican enactment or part of the Republican enactment in question.

- (4) For the purposes of this section, the production of:
  - (a) a relevant document, the accuracy of which is certified in writing by a senior officer of the Government Department of the Republic responsible for the relevant enactment under which the relevant document was made; or
  - (b) an English translation of a relevant document, the accuracy of which is certified in writing by a translator of recognised competence;

may be held by the Court to be conclusive evidence for all purposes of the contents of such document.



## Part 3

### Miscellaneous and final

#### 20. Application to the Crown

- (1) Subject to subsection (3), this Ordinance, and any public instruments made under it, bind the Crown.
- (2) For the purposes of this Ordinance and any public instruments made under it, persons in the service of the Crown shall be treated as employees of the Crown, whether or not they would otherwise be so treated apart from this subsection.
- (3) Section 17 (Offences and penalties) does not bind the Crown.
- (4) Notwithstanding subsection (3), this Ordinance and any regulations made under it apply to employees of the Crown as they apply to other persons.
- (5) Where an offence committed under this Ordinance by any employee of the Crown is proved to have been committed on the instruction, or with the consent or connivance of or to have been attributable to any neglect on the part of that person's Head of Department or any other person employed by the Crown who is in a position of authority over that person, the Head of Department or that other person, as the case may be, as well as the employee himself, commits an offence and is liable to the same penalty.

#### 21. Repeal

The Environmental Impact Assessment Ordinance 2003(e) ("the 2003 Ordinance") is repealed.

#### 22. Commencement and transitional provisions

- (1) This Ordinance comes into force on 1 September 2010.
- (2) Subject to subsection (3), this Ordinance applies to all projects and proposed projects where an application for approval has been made under section 4 of the 2003 Ordinance.
- (3) Where an assessment has been submitted to the Environment Authority of the Republic under the 2003 Ordinance before the coming into force of this Ordinance, and that Authority has not yet made a decision under section 6(3) of the 2003 Ordinance, that Authority may make that decision, and that decision will have effect as if it had been made by the Chief Officer under section 8(9) of this Ordinance.

---

#### Notes

- (a) Ordinance 7/84.
- (b) Laws of the Republic of Cyprus, Gazette Number 4055, 2.12.2005.
- (c) Ordinance 1/05.
- (d) Ordinance 17/07.
- (e) Ordinance 11/03, as amended by Ordinance 25/08.

## EXPLANATORY NOTE

**(This note does not form part of the Ordinance)**

### Introduction

1. This note relates to the Environmental Impact Assessment Ordinance 2010 (“the Ordinance”). The note has been prepared by the office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.

2. The note should be read in conjunction with the Ordinance. It is not, and is not meant to be, a comprehensive description of the Ordinance. So when a section or part of a section does not seem to require any explanation or comment, none is given.

### The Ordinance

3. The Ordinance is intended to broadly replicate the effect of the Republican Environmental Impact Assessment of Certain Projects Law 2005, referred to in this Ordinance as “the corresponding Republican law”, which implements EU Council Directive 3003/35/EC85/337/EEC as amended by Council Directive 97/11/EC.

4. Except in relation to the exceptional types of projects described in section 3, the Ordinance extends to all projects belonging to any category described in Schedules 1 or 2 of the corresponding Republican law. The Ordinance prevents any such project from being carried out unless the Chief Officer has given it environmental impact approval (“approval”).

5. The procedure for applying for approval depends on whether the project is a Schedule 1 or a Schedule 2 project. For Schedule 1 projects, the project sponsor must arrange for an environmental impact assessment (“assessment”) to be carried out. The form and content of the assessment are specified at section 7. For Schedule 2 projects, the sponsor must arrange for a preliminary environmental impact report (“preliminary report”) to be carried out. The form and content of the preliminary report are specified at section 9.

6. The procedure for applying for approval is the same whether or not the project is of a type requiring a building permit under the Streets and Buildings Regulation (Consolidation) Ordinance (Ordinance 7/84). The procedure applies to both public and private projects. In all cases, the project sponsor must apply for approval, together with the required assessment or preliminary report, and must not commence or proceed with works unless and until such approval is given.

7. The assessments are evaluated by the Environment Authority, defined as the Head of the SBAA Environment Department, who makes recommendations to the Chief Officer as to whether approval should be granted, and if so, whether it should be granted subject to conditions. The preliminary reports are also evaluated by the Environment Authority, who makes recommendations as to whether approval should be granted or whether an assessment should be carried out. The functions of the Environment Authority are, however, delegated to the Republic of Cyprus under the Delegation of Functions to the Republic Ordinance 2007 as general delegated functions. This means that the officers in the Republic who carry out the corresponding function in the Republic may carry out that function in the Areas without the prior consent of the Administration, subject to certain caveats and exceptions (for example when carrying out the function on land owned or controlled by the Ministry of Defence).

8. It is for the Chief Officer to decide whether approval is to be given, and if so, whether it is to be given subject to specified conditions designed to avoid, reduce or mitigate the environmental impact. The Chief Officer’s decision-making function is not delegated to the Republic.

9. Section 19 of the Ordinance makes provision to ensure that in any legal proceedings, the Court can consider and rely on a translation of the corresponding Republican law or part of that Republican law in the same way that it considers and relies on the text of an SBA Ordinance.

10. A copy of the first, second, third and fourth Schedules to the Republican law together with a translation in English may be found on the Administration’s website (the address of which is currently [www.sba.mod.uk](http://www.sba.mod.uk)) and is also available for inspection at the Area Offices during normal working hours.

11. The Ordinance repeals and replaces the Environmental Impact Assessment Ordinance 2003 (“the 2003 Ordinance”). The 2003 Ordinance has similar to this Ordinance and the Schedules are identical. The most significant changes are:

- (1) The penalties for committing an offence have been significantly increased,
- (2) It is for the Chief Officer to decide whether to grant environmental approval, and if so whether it should be subject to conditions. This function is not delegated to the Republic, and
- (3) The Chief Officer has a duty to publicise the reasoning process, including the way representations by the public have been taken into account.

12. Approvals already given under the 2003 Ordinance remain valid by virtue of the Interpretation Ordinance. The transitional provision at section 22 (together with the Interpretation Ordinance) ensures that, with one exception, the 2010 Ordinance rather than the 2003 Ordinance applies to all projects or proposed projects in relation to which an application for approval has been made under the 2003 Ordinance. The exception is where an assessment has been submitted to the Environment Authority of the Republic and they have yet to decide whether to grant or refuse environmental approval, with or without conditions. In such cases, it is for the Environment Authority of the Republic to make that decision, not the Chief Officer, as would be the case under the 2010 Ordinance.

