
**TOWN AND COUNTRY PLANNING (ACCIDENTS
INVOLVING DANGEROUS SUBSTANCES)
REGULATIONS 2022**

The Chief Officer makes the following Regulations in exercise of the powers in section 86 of the Town and Country Planning Ordinance 2022(a).

Citation, commencement and delegation

1.—(1) These Regulations may be cited as the Town and Country Planning (Accidents Involving Dangerous Substances) Regulations 2022 and come into force on 16 May 2022.

(2) The functions of the Planning Authority, Chief Officer and Administrator in regulations 3, 4, 5, 6, 8, 9, 12 and 14 are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007(b).

Interpretation

2. In these Regulations—

“dangerous substance”, “establishment”, “installation” “lower-tier establishment”, “major accident”, “the public”, “the public concerned”, “risk” and “upper-tier establishment” have the same meaning as in article 3 of Directive 2012/18/EU(c);

“development plan document” means the policy statement, local plan or area plan and any amendments to, or revocation of, those documents;

“Directive 2012/18/EU” means Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC, as amended from time to time;

“EIA Ordinance” means the Environmental Impact Assessment Ordinance 2010(d);

“existing establishment” means an establishment that falls within the scope of these Regulations on the date they come into force and remains as either a lower-tier establishment or upper-tier establishment, as the case may be;

“new establishment” means—

- (a) an establishment that enters into operation or is constructed on or after the date these Regulations come into force; or
- (b) a site of operation that falls within the scope of these Regulations, on or after the date these Regulations come into force due to modifications to its installations or activities resulting in a change to its inventory of dangerous substances;
- (c) a lower tier establishment that becomes an upper tier establishment;

(a) Ordinance 10/2022.

(b) Ordinance 17/2007.

(c) OJ No. L 197, 24.7.2012, p1.

(d) Ordinance 26/2010, as amended by ordinances 19/2014 and 13/2019.

- (d) an upper tier establishment that becomes a lower tier establishment;
- “relevant authority” means the officer or authority of the Administration that is, as the case may be, responsible for either—
- (a) determining the planning decision; or
 - (b) preparing, adopting or approving the development plan document.

Major accident prevention and limitation of consequences

3.—(1) When preparing a development plan document the relevant authority must take due care to include policies to prevent major accidents involving dangerous substances and to limit the impact of any such accidents on human health and the environment (see regulation 4 for particular considerations).

(2) When making a planning decision the relevant authority must have regard to the need to prevent major accidents involving dangerous substances, and to limit the impact of any such accidents (see regulation 4 for particular considerations), where the development concerns—

- (a) the creation of a new establishment,
- (b) modifications to, or extensions of, existing establishments (see also regulation 5), or
- (c) development around locations such as transport routes, places frequented by the public, military bases and residential areas where the location means that the development may increase the risk of a major accident or its consequences.

Measures of protection

4. When acting in accordance with regulation 3 the relevant authority must have regard to the need to—

- (a) provide for appropriate distances to be maintained between establishments and—
 - (i) residential areas,
 - (ii) buildings or areas intended for use by the public,
 - (iii) major transport routes so far as possible,
 - (iv) recreational areas, and
 - (v) military bases.
- (b) protect areas of particular environmental sensitivity or interest through the use of appropriate safety distances or other measures.

Additional measures for existing establishments

5. When making a planning decision relating to an existing establishment the relevant authority must consider the need for the applicant to ensure that the risks to the public are not increased by taking additional technical measures to—

- (a) prevent major accidents involving dangerous substances; and
- (b) limit the consequences of any such accidents for people or the environment.

Consultation with other authorities

6.—(1) This regulation applies—

- (a) If the relevant authority considers that a proposed development plan document could increase the risk of a major accident; or
 - (b) when making a planning decision to which regulation 3(2) applies.
- (2) Before deciding how to proceed the relevant authority must consult—
- (a) the Director of the Department of Labour Inspection of the Ministry of Labour, Welfare and Social Insurance of the Republic; and

(b) any other authorities the relevant authority considers to be competent to advise on the control of major accidents involving dangerous substances.

(3) Before a relevant authority may initiate the consultation referred to in paragraph (2) in relation to a development referred to in regulation 3(2), the applicant must submit either—

(a) a study containing technical advice on the risk and potential impact of a major accident relating to the development; or

(b) if the application only relates to a lower-tier establishment, sufficient information regarding the risk and potential impact of a major accident relating to the development.

(4) For the purposes of paragraph (3)(b), information shall be deemed “sufficient” if it enables the relevant authority to make an informed assessment of, and decision relating to, an application in relation to a development referred to in regulation 3(2).

Application of regulations 8 to 13

7.—(1) Regulations 8 to 10 apply when making a planning decision to which regulation 3(2) applies, unless the EIA Ordinance applies to the development.

(2) Regulations 11 to 13 apply if the relevant authority considers that a proposed development plan document could affect the risk of a major accident, unless the Environmental Assessment of Plans and Programmes Ordinance 2016(a) applies to it.

Public consultation on planning decisions

8.—(1) Before taking a planning decision the relevant authority must take steps to ensure that the public concerned is consulted in accordance with regulation 9.

(2) When a planning decision is made after following the procedure in regulation 6 or 9, the relevant authority must make the following information publicly available in accordance with regulation 10—

(a) the decision taken by the relevant authority and the reasons for taking that decision;

(b) where and how information relating to the application is available for inspection by the public;

(c) information about how the decision can be judicially reviewed; and

(d) the outcome of the consultation and an explanation of how the representations received were taken into account.

(3) Paragraph (2) does not apply where the Administrator has issued a certificate in accordance with section 30(7) or 31(6) of the Town and Country Planning Ordinance 2022.

Public consultation on planning decisions: procedure

9.—(1) When regulation 8(1) applies, the applicant must publish a notice in at least two Cypriot daily newspapers circulated in the Areas that includes the following information—

(a) the applicant’s application;

(b) the type and subject of the proposed development;

(c) confirmation—

(i) that the proposed development is not subject to an environmental impact assessment under the EIA Ordinance; and

(ii) as to whether the proposed development is subject to consultation with the Republic in accordance with regulation 14;

(d) details of the relevant authority and how written representations can be submitted to them;

(a) Ordinance 5/2016.

- (e) the expected outcome of the decision by the relevant authority, or, if available, its draft decision;
 - (f) when and how information about the application will be made available to the public;
 - (g) a statement that the application is available to be viewed by the public at the offices of the Planning Authority during working hours; and
 - (h) that written representations can be submitted to the relevant authority within 35 days of the date of publication of the notice.
- (2) The relevant authority must—
- (a) ensure that, within reasonable time frames, any report, advice or information that is relevant for the purposes of determining the application is made available—
 - (i) online; and
 - (ii) during working days and hours at the offices of the relevant authority;
 - (b) take any representations received in time into account when determining the application.

Publication of planning decision

10. When regulation 8(2) applies, the information referred to must be made available to the public—

- (a) through publication in two daily Cypriot newspapers circulated in the Areas;
- (b) during business hours at the offices of the relevant authority; and
- (c) online.

Public consultation on development plan documents

11.—(1) When preparing a development plan document referred to in regulation 7(2) the relevant authority must consult the public in accordance with regulation 12.

(2) When the relevant authority decides to adopt or approve a development plan document after following the procedure in regulation 6 or 12, the relevant authority must make the following information publicly available in accordance with regulation 13—

- (a) the decision taken by the relevant authority and the reasons for taking that decision;
- (b) where and when information relating to the development plan document is available for inspection by the public;
- (c) information about how the decision can be judicially reviewed; and
- (d) the outcome of the consultation and an explanation of how the representations received were taken into account.

Public consultation on development plan documents: procedure

12.—(1) When regulation 11(1) applies the relevant authority must publish a notice in at least two daily Cypriot newspapers circulated in the Areas, and online, that includes the following information—

- (a) the relevant authority’s intention to prepare the development plan document;
- (b) the name of the development plan document and the area it relates to;
- (c) where and when the public can view the proposed policy or amendment; and
- (d) that written representations can be submitted to the relevant authority within 35 days of the date of publication of the notice.

(2) The relevant authority must take any representations received in time into account when deciding whether, and how, to proceed with the preparation of the development plan document.

Publication of a decision on a policy

13. When regulation 11(2) applies, the information referred to must be made available to the public—

- (a) through publication in two daily Cypriot newspapers circulated in the Areas;
- (b) during working days and hours at the offices of the relevant authority; and
- (c) online.

Consultation with the Republic

14. Where the relevant authority considers that a decision referred to in regulation 3 could increase the risk of a major accident involving an upper-tier establishment affecting the Republic it must inform the Republic and take any representations made by the Republic into account before deciding how to proceed.

Dated this 12th day of May 2022.

Clare Elizabeth Simpson,
Chief Officer,
Sovereign Base Areas.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. This explanatory note relates to the Town and Country Planning (Accidents Involving Dangerous Substances) Regulations 2022 (the “Regulations”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Regulations. It does not form part of the Regulations.

2. The Regulations are based on the Republic’s Town and Country Planning (Accidents Involving Dangerous Substances) Regulations 2017^(a) (the “Republican Regulations”). Those Regulations are themselves based on Directive 2012/18/EU of the European Parliament and the Council on the control of major-accident hazards involving dangerous substances (the “2012 Directive”).

3. Several terms in regulation 2 are defined by reference to the 2012 Directive on which the equivalent definitions in the Republican Regulations are based. The terms are defined by reference to the Directive as amended from time to time, displacing the assumption in section 9(2) of the Interpretation Ordinance 2012.

4. Regulation 3 requires the relevant authority to have regard to the need to prevent major accidents when preparing development plan documents or taking planning decisions.

5. Regulation 4 sets out particular considerations that the planning authority must have regard to when doing so. Regulation 5 sets out additional considerations that apply to planning decisions relating to existing establishments.

6. Under regulation 6 the relevant authority is required to consult other authorities that could assist with the prevention of major accidents before taking a decision.

7. Regulations 7 to 13 set out the requirement, and procedure, for public consultation when preparing development plan documents or taking planning decisions.

8. Public consultation is not required if the development plan document is subject to a strategic environmental impact assessment, or the project is subject to an environmental impact assessment. Those processes have their own procedures to ensure public engagement.

9. Regulations 8(2) and 11(2) require the public to be provided with certain information when a decision has been taken. This does not apply where a planning decision has been taken by the Administrator and the Administrator has certified that providing information about the decision could affect the Crown’s military or security interests.

10. Regulation 14 requires the relevant authority to consult the Republic if their decision could increase the risk to the Republic of a major accident involving an upper-tier establishment.

(a) Public instrument 76/2017 of the Republic, published in Supplement III(I) of the Republic of Cyprus Gazette No. 5002 of 10 March 2017.

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