

SI. 39 of 1996

Sections 15 and 40

Environment Protection (Impact Assessment) Regulations

(3rd June, 1996)

1. These Regulations may be cited as the Environment Protection (Impact Assessment) Regulations.

2. In these regulations unless the context otherwise requires -

"Authority" means the Authority as defined in regulation 2(a) of the Environment Protection (Miscellaneous) Regulations;

"proponent" means the owner of, or a person who has the charge, management or control of, the project or activity or any proposal, plan, or programme in respect of a project or activity whether in the public or in the private sector;

"EIA" means an Environment Impact Assessment Study;

"environmental authorisation" means an authorisation under section 15(1) of the Act

3. (1) For the purposes of section 15(1) of the Act-

(a) a project or activity specified in Schedule I; or

(b) any other project or activity which for reasons to be stated in writing is, in the opinion of the Authority, likely to have a significant impact on the environment, is a prescribed project or activity.

(2) For the purposes of section 15(1) of the Act any area specified in Schedule 2 is a protected area or an ecologically sensitive area, as the case may be.

4. (1) An application for an environmental authorisation of a project or activity shall be made by its proponent-

(a) where the project or activity is a development within the Town and Country Planning Act, to the Minister responsible for the administration of that Act or to the Town and Country Planning Authority established under that Act, as the case may be, who or which shall forward a copy of the application to the Authority; or

(b) where the project or activity does not fall within paragraph (a), to the Authority.

(2) Where the Minister or the Town and Country Planning Authority referred to in sub-regulation (1) (a) forwards a copy of an application under that sub-regulation to the Authority, the Minister or the Town and Country Planning Authority shall, in exercising the powers under the Town and Country Planning Act, have regard to a grant or refusal of an environmental authorisation in respect of that application.

5. (1) On receipt, under regulation 4, of an application for environmental authorisation, or a copy of the application, as the case may be, the Authority shall, subject to sub-regulation (2) determine whether the project or activity requires -

(a) an EIA class I; or

(b) an EIA class II.

(2) In making a determination under sub-regulation (1), the Authority shall have regard to the guidelines laid down by the Authority and the likely impact that the project or activity may have on the environment.

(3) The Authority shall inform its determination under sub-regulation (1) requiring an EIA class 1 to the proponent of the project or the activity and, where applicable, to the Minister or Town and Country Planning Authority referred to in regulation 4(1)(a) within 14 days after the receipt of the application or its copy by the Authority.

6. (1) Where the Authority determines under regulation 5 that a project or activity requires an EIA class I, the Authority shall define the terms of reference of the EIA and forthwith notify the proponent and, where applicable, the Minister or the Town and Country Planning Authority referred to in regulation 4(1)(a).

(2) Where the Authority determines under regulation 5 that a project or activity requires an EIA class II, the Authority may-

(a) on behalf of the proponent undertake the preparation of the EIA; or

(b) direct the proponent to prepare the EIA and define its terms of reference, and forthwith notify the proponent and, where applicable, the Minister or the Town and Country Planning Authority referred to in regulation 4(1)(a).

(3) Where the Authority undertakes the preparation of the EIA under sub regulation (2) (a), the Authority shall direct the proponent of the project or activity to submit to the Authority such information as may be necessary and obtain such other assistance from the proponent or any other organisation or agency in the public or private sector.

7. (1) A proponent of a project or activity shall, after the preparation by of the EIA in accordance with the terms of reference defined under regulation 6(1) or 6(2) (b), as the case may be, submit the EIA to the Authority along with other documents as may have been requested by the Authority.

(2) The Authority-

(a) shall make a preliminary review of the EIA and the documents submitted under sub-regulation (1); and

(b) may require the proponent to carry out further study or submit additional information for the purpose of ensuring that the EIA is as accurate and exhaustive as possible.

(3) On receipt of all the completed documents, in respect of an EIA class I the Authority shall give an acknowledgement to the proponent.

(4) The Authority may, for the purpose of the review under sub-regulation (2)(a), request any person or organisation or agency in the public or private sector to submit their observations in writing on the EIA.

(5) Any person, organisation or agency requested under subregulation (4) to submit observations on an EIA shall not divulge or communicate any information contained in the EIA to any other person, organisation or agency except with the consent in writing of the proponent in relation to that EIA or of the Authority.

(6) Any contravention of sub-regulation (5) is an offence punishable by a fine of R5000 and imprisonment for a period of 6 months.

8. (1) An EIA class I prepared by a proponent of a project or activity shall be open for public inspection at such place and such time as may be specified in a notice published by the Authority under this regulation.

(2) The notice under sub-regulation (1) shall state-

(a) the summary description of the project or activity;

(b) the location where the project or activity is to be carried out;

(c) the place where the EIA may be inspected;

(d) the period within which the EIA is open for inspection.

(3) The notice shall be published in 2 issues of a local newspaper with an interval of not less than seven days between the first and second publication.

(4) Any member of the public being a citizen or a resident of Seychelles may make in writing comments on the EIA or the project or activity relating to the EIA within the period specified in the notice under sub-regulation (1) or record the comments in the register kept by the Authority at the place of inspection specified in the notice under sub-regulation (1).

9. (1) Where it is considered necessary by the Authority, the Authority may refer the EIA to an Environmental Appraisal Committee appointed under section 15(2) of the Act.

(2) The Environmental Appraisal Committee, hereafter referred to as "EAC", shall consist of not less than 5 and not more than 7 technical experts in the relevant development sector and representatives of the concerned Ministries or departments.

(3) One half of the members of EAC shall constitute a quorum for any meeting of the EAC.

(4) The EAC, in relation to a referred project or activity, shall have a right of entry and inspection of the site, or as the case may be, premises, at any time prior to, during, or after the commencement of the operations relating to the project or activity.

(5) The EAC, in relation to a referred project or activity, may seek any additional information from the proponent or any other assistance that may be necessary for the purposes of examining the EIA.

(6) The EAC shall examine the EIA referred to it by the Authority along with the comments and observations made by it, and any public comments that may have been received.

(7) The EAC shall make its recommendations to the Authority.

(8) Subject to sub-regulation (3), the EAC shall regulate its meetings and proceedings.

10. (1) In granting an environmental authorisation for a project or activity, the Authority shall have regard to-

(a) made under regulation any comments 8(4); and

(b) any recommendations made by the EAC.

(2) The Authority may require the proponent of the project or activity to furnish any additional information as may be required any time before granting the environmental authorisation for the project or activity.

(3) An environmental authorisation granted for a project or activity may be subject to such terms and conditions as may be specified by the Authority.

(4) Where the Authority -

(a) approves the EIA in respect of a project or activity it shall grant an environmental authorisation to the proponent of the project or activity;

(b) does not approve the EIA in respect of a project or activity, it shall refuse to grant an environmental authorisation to the proponent of the project or activity.

(5) The Authority shall notify its decision -

(a) to grant an environmental authorisation; or

(b) to refuse an environmental authorisation,

for a project or activity to the proponent of the project or activity and, as the case may be, to the Minister or the Town and Country Planning Authority referred to in regulation 4(1) within 56 days after the date of acknowledgement of the documents given by the Authority under regulation 7(3) if the project or activity falls under the category requiring an EIA class I and

within 28 days after the receipt of the application if it falls under the category requiring an EIA class II.

11. (1) Any person aggrieved by a decision given by the Authority under regulation 10(4) may appeal to the Minister in Form I in Schedule 3 within 30 days from the date of receipt of the decision or order.

(2) An appeal under sub-regulation (1) shall be accompanied by a fee of R250.

12. (1) Where any development of land, not being a development falling within regulation 4(1)(a), requires permission of the Town and Country Planning Authority established under the Town and Country Planning Act, an application for such permission shall be referred to the Authority.

(2) The Authority shall consider the application referred to it under subregulation (1) within a period of 2 weeks after the referral and make its observations to the Town and Country Planning Authority.

(3) In granting permission for any development referred to in subregulation (1), the Town and Country Planning Authority shall have regard to the observations made under subregulation (1).

SCHEDULE 1

Regulation 3(1)

PROJECTS OR ACTIVITIES REQUIRING ENVIRONMENTAL AUTHORISATION

CATEGORY OF PROJECT OR ACTIVITY
1 Mining: 1-1 Quarries and deposit sites. 1-2 Rock crushing, splitting, blasting and excavating. 1-3 Commercial production of aggregates and other materials. 1-4 Earthworks.
2. Agricultural production: 2-1 Commercial rearing of livestock, including pigs, cattle and poultry. 2-2 Drainage or irrigation for commercial purposes.

3 Forestry:

3-1 Logging operations and vegetation clearing.

3-2 Forest tracks or trails: construction or improvement.

3-3 Sawmills: construction.

4 Fish and associated products farming:

4-1 Fish farming works and extension, aquaculture.

4-2 Fish processing plants and equipment.

5 Chemical industries:

5-1 Manufacture, handling, storage and transportation of hazardous chemicals or substances.

6 Industry:

6-1 Construction of industrial buildings.

6-2 Installation of industrial equipments.

6-3 Transportation equipment of industrial products: (classified dangerous as per UNEP specifications)

7 Food and agricultural industries.

8 Energy production and distribution:

8-1 Power plant.

8-2 Electric line.

8-3 Gas storage.

8-4 Pipeline.

8-5 Bottling plant.

9 Water:

9-1 Dams and reservoirs.

9-2 Water treatment plant.

9-3 Public water supply network.

9-4 Desalinization plant.

10 Sewage and waste water:

10-1 Sewerage treatment plants.

10-2 Sewage networks and outfall.

11 Solid waste:

11-1 Dumping sites.

11-2 Treatment plant.

11-3 Collecting equipment.

12 Hotels, Restaurants, and Tourism :

12-1 New hotels or extension of existing hotels.

12-2 Facilities such as golf, swimming pools.

12-3 Restaurants.

13 Fishing vessels and fleet construction:

13-1 New industrial vessels.

14 Transport, Harbour and Marine:

14-1 Harbour construction and development.

14-2 Construction of airfields aviation strips and landing grounds.

14-3 Harbour dredging operations.

14-4 Equipment purchase and installation.

14-5 Sea defenses and sea walls.

14-6 Dry docks.

15 Land reclamation.

16 Habitat:

16-1 Housing development and/or land subdivision that would give rise to the creation of a large housing estate.

16-2 Housing development and/or land subdivision that would result in increase pressure on existing infrastructure and or environment.

17 Road network:

17-1 New roads.

17-2 Extension out from existing bank.

17-3 Surfacing of earth tracks or roads.

17-4 Water drainage networks.

SCHEDULE 2

regulation 3(2)

PROTECTED AND ECOLOGICALLY SENSITIVE AREAS

A) Protected areas

A.1. National parks, special nature or wildlife reserves and other protected areas:

(i) All areas designated under section 5 of the National Parks and Nature Conservancy Act (Cap 141)

(ii) Shell reserves as designated under the Fisheries Act. (Cap 82 Sub. Leg. pg 16)

(iii) Protected areas designated under the Protected Areas Act: African banks, - Ile Coco , -Ile la Fouche, -Ilot Platte, -Bel Ombre. (Cap. 185 Sub. Leg. pgs 9, 10 and 11)

(iv) Sainte Anne Island land use plan conservation area. NRC 95/13.

(v) Anse Lazio coastal belt (Landscape of outstanding beauty). CAB 95/54.

A.2. Historical sites and areas surrounding the National Monuments:

The area within a radial distance of fifty metres around each of the National Monuments which are protected by a declaration order under the National Monuments Act (Cap 140) or any other law and around those sites, buildings and monuments which are given in the list below (A3), except however, in the case of those historical sites, buildings or monuments located in any of the districts of Mount Buxton, English Rivers, St. Louis, Bel Air, Plaisance and Mont Fleuri in which case the radial distance shall be 30 meters instead of 50 meters.

A.3. Sites, buildings, monuments: (see A2 for conditions).

Fiennes Esplanade, F. Rachel Av., Victoria	Signal Hill Look out Post, Mt. Signal,
Original Landing of the French, Baie Lazare.	Riv. Anglaise
Original site of Pierre de Possession, La Poudrière	Lenstiti kreol, Anse aux Pins.
Water Mill, Cascade.	Victoria Market, Victoria.
Carnegie Building, Victoria.	ex. St John Bosco School, Belonie, Victoria.
Lighthouse ,Victoria Harbour.	Camion Hall, CODEVAR, Victoria.
Northolme Hotel, Glacis.	Léproserie, Ile Ronde.
Old Pirogue Sheds, Anse aux Pins.	Syna Adeline plantation house, Anse Kerlan.
Regina Mundi School, MontFleuri.	Léproserie, Curieuse
Salles d'oeuvres, Victoria.	Queau de Quincy Tomb, State House.
Seychelles College, MontFleuri.	Remains of l'établissement du Roi, State House.
Seychelles Hospital, Victoria	War Memorial, Mont Fleuri Cemetery, Mont Fleuri.
BatteryGuns, Sainte Anne	Anse Boileau Catholic church.
Four à graisse de baleine, Sainte Anne.	Grande Anse Catholic church.
Queau de Quincy Building, Mont Fleuri.	Port Glaud Catholic church.
Bagatelle House and gardens.	St. Louischapel, Saint Louis.
Jardin du Roi House and gardens.	Sainte Anne chapel, Cerf Island.

Anse Royale, Church of England, Anse Royale	
Beauvoir church, La Misère.	
Cathedral of the Immaculate Conception, Victoria	St Matthew's church, Grand'Anse Praslin.
St Francis Catholic church, Baie Lazare	St. Joseph Catholic church, Grand'Anse Praslin.
St Roch Catholic church, Bel ombre.	Pentecostal church, Mont Fleuri.
St Johnthe Baptist Catholic church, Glacis.	AnseDéjeuner Churchof England.
St Anthony Catholic chuch, Anse étoile.	
Sr Theresa Catholic church, Plaisance.	
Cathedral of the Immaculate Conception, Victoria	Seven's day adventist chapel, St Louis.
St Francis Catholic church, Baie Lazare	New Apostolic church, Mont Fleuri.
St Roch Catholic church, Bel ombre.	Hindu temple, Victoria.
St Johnthe Baptist Catholic church, Glacis.	Islam Mosque, Victoria.
St Anthony Catholic chuch, Anse Ã©toile.	Francis Rachel street.
Sr Theresa Catholic church, Plaisance.	Market street.
St Michael Catholic church, Anse aux pins.	Albert street.
Sr Joseph Catholic church, Anse Royale.	Revolution avenue
St Mary Magdalena Catholic church, Takamaka.	

A.4. Remarkable natural landscapes:

All areas listed below are sites of outstanding natural and physical beauty, either natural or developed. As designated on maps deposited with the Division of Environment and certified by the Director General of Environment..

MAHE:	
-Mont Sebert - Les Dents.	-Rock at Anse Louis, "teapot".
-Castle peak.	-Rocks at Le Rocher
-Glacis du Cap at Anse aux pins.	-Danzille to Anse Major.
-Fairyland, Ile Souris et plages.	-Cascade de Grande Anse.
-Anse Parnel et Cap Lascars.	-Cascade de Bel ombre.
-Rochers d'Anse Forbans.	-Rocks at Baie Lazare beach.

-Anse Capucins.	
-Anse Petite Boileau.	PRASLIN:
-Pointe Police.	-Anse Lazio and Baie Chevalier.
-Pointe du Réduit	-Anse Georgette.
-Pointe Maravi.	- Petite Anse Kerlan
-Glacis de Val Mer.	-Anse Matelot.
-Pointe Gouvernement.	-Ilot Chauve Souris.
-Pointe Petit Gouvernement.	-Ilot Saint Pierre.
-Pointe Petite Anse.	-Rocher du Comédien
-Falaises des Remparts.	
-Pointe Barbarons.	LA DIGUE:
-Cascades de Souvenir, la Misère.	- Southern coast from pointe Source d`Argent to Grand l'Anse.
-Petite ile.	- Grande Anse and Petite Anse.
-Pointe Escalier.	- Western coastal strip from pointe Turcy to Anse Patate
-Cascade de Port Glaud.	- Pointe Cap Barbi.
-L'Ilot.	- La Passe rocks.
-Falaise de Danzille.	
-Pointe sud d'Anse Boileau.	
-La Réserve.	

A.5. Viewpoints:

The area extending upto 50 meters downwards, away from the road, around viewpoints indicated below:

- Forêt Noire road down "Tea factory" -altitude from 80 to120 m, and 160 to 180m.
- Forêt Noire road at "Sans Soucis" -altitude from 200 to 210m, and 420 to 430m.
- Mission Lodge car park.
- La Misère road before "Grande Anse" -altitude from 100 to 150 meters.
- La Misère road at "la Misère" -altitude from 170 to190 meters.
- Grand Fond at Praslin -altitude above 300 meters.

A.6. Inter-urban buffer zones:

The areas as defined in the indicative land use plan (PAT June 1992).

A.7. Water catchment areas:

Those areas located upstream of dams that are used for public water catchment and water storage, and the following areas that are potential water catchment basins:

Rivière Mare aux cochons. Above 50 meters altitude.

Rivière les Mamelles. Above 80 meters altitude.

Rivière Pasquière. Above 50 meters altitude.

La Digue: 150 meters radius around the wells at "le Plateau"

A.8. Industrial risk areas:

Areas in the vicinity of industrial equipments or activities, with a high risk potential in case of an accident or an hazard.

Mahé:-200 meters around Fuel and LPG storage at Newport Victoria.

-200 meters around Fuel storage at Mahé airport:

-50 meters each side of river Anse Etoile, downstream of La Gogue Dam:

-25 meters each side of river Rochon downstream to Rochon dam.

-Mahe Airport landing path:

1000 m. radius from the end of the airstrip in both directions, in a 10° Angle.

-200 metres around Anse Royale dumping site.

-200 meters around Petit Paris dumping site.

-200 meters around Pointe Larue quarry.

-200 meters around Providence quarry.

Praslin:-200 meters around Fuel storage at Baie Sainte Anne

-Airport landing path:

500 m. radius from the end of the airstrip in both directions, in a 10° Angle.

-200 m. Around La Jalousie dumping site.

-200 m. Around La Jalousie quarry.

-200 m. Around Anse Citron quarry.

La Digue: -200 m. Around L'Union dumping site.

A.9. Natural risk areas:

Areas with a risk potential, by natural hazards, especially landslides and fall of boulders, on granitic and red earth steepest slopes and surroundings, such as: "Trois Freres Estate",

"Pied du Morne" area, North east of "Copolia", "Le Rocher" and "Brillant" area, "Anse Talbot" and "Riviere Bayonne" area, Mont Buxton area. As designated on corresponding maps...

A.10. Steep slopes:

Any area where the average slope within 50 meters on each side of the proposed development is higher than 1:2 gradient.

A.11. Earth erosion areas:

Areas which are highly eroded, particularly as a consequence of the destruction of the vegetation. An area is considered as eroded when the vegetation covers less than 50 % of the ground, on an average basis.

A.12. High elevations:

Areas located at an altitude of more than 200 meters above the sea level, except in the following districts viz: English River, Mont Buxton, St Louis, Bel Air, Plaisance, Anse Etoile and Grande Anse, where the altitude is set at 300 m. above the sea level.

A.13. Skyline:

Skyline is the line at which earth and sky appear to meet. It has an altitude higher than 50 meters above sea level and a water flow descending in two different directions. The sensitive area includes a 50 meter radius or strip from the skyline.

(B) Ecologically sensitive areas:

B.1. Natural Habitats for rare, protected or endemic species of fauna and flora:

The areas categorised below are based on one or more of the following considerations:

- to protect the endemic species
- to protect species according to national or international (CITES) conventions, laws or regulations.
- to protect endangered species which need special attention because of particular uses which threaten their population.

Extension as designated on maps deposited with the Division of Environment and certified by the Director General of Environment

MAHE:

- Montagne Glacis.

- Mont Josephine .
- Mt. Planeau -L` Abondance -Grand Bois -Varigault.
- Mont Sebert -Les Dents.
- Montagne Brulee -Castle Peak .
- Mont Parnel.
- Le Desert.
- Mont Signal.
- Montagne Corail -Mont Cauvin -Giraffe.
- Riviere Dauban, Bardeau.
- Copolia.
- Anse Capucin
- Anse Bazarca.
- Glacis between Anse Louis and Souvenir.
- Glacis at Barbarons
- Glacis BÃ©oliÃre.
- L'Islette.
- Sainte Anne, Grande Anse.
- Souvenir.
- Roche Caiman, Bird Sanctuary.
- Endangered birds nesting areas.

PRASLIN:

- Nouvelle decouverte.
- Consolation.
- Fond Ferdinand, Fond d'Albaretz.
- Cap Jean Marie.

- Rivière Pelissier.
- Mont Cabris.
- Pointe Badamier.
- Newcome.
- Savoie.
- Petite Cour glacis.
- Grande Anse, Fond de l'Anse.
- Baie Pasquière.
- Endangered birds nesting areas.

LA DIGUE

- Nid d'Aigle.
- Woodlands of le Plateau- nesting territories for La Veuve
- Belle Vue
- Endangered birds nesting areas.

B.2. Marshes and Wetlands habitats:

Areas where the water table enables specific vegetation to thrive, whether the area is permanently or temporarily flooded, or fresh or salt water, including all mangroves.

The relevant areas may show some of the following characteristics:

- contributes to decrease in water pollution before it outflows to the sea
- decreases excessive flooding of lands
- contains specific fauna habitats and contributes to nesting and breeding of this type of fauna.

B.3. Streams and Surroundings:

Areas as categorised in Schedule A of the State Land and River Reserves Act. (Cap 228)

B.4. Coastal Strip:

The area extending upto a distance of 100 meters towards landward side from the high water mark except in the following cases:

- Where a paved and regularly used vehicular road alongside the sea has been built nearer than 100 meters towards land. In this case, the road defines the boundary of the coastal strip.
- Where the area is already developed, including a 20 meter radius around the existing development.
- Where the area has been scheduled in an approved development plan for the proposed development.
- Where an integrated coastal zone management plan (ICZM) has defined the delineation of the coastal strip under section 11 of the Environmental Protection Act.
- On the eastern coast of Mahé from North east Point to Ile du Suète.

B.5. Beaches and intertidal zones:

All areas between the lowest low tide and the dune crest plus 20 meters on the landward side. If a dune crest does not exist, the landward boundary will be 30 meters from the high water mark.

B.6. Seabed:

All lands that are regularly flooded by the sea within the territorial waters fall in this category. For estuary and mangroves, the sea bed boundary is defined by a junction line across the outflow at the high water mark.

B.7. Small islands and outlying islands:

All Seychelles islands except the main islands of Mahe, Praslin, La Digue where the sensitive areas are defined based on specific considerations.

SCHEDULE 3

FORM I

(Regulation 11)

(FORM OF MEMORANDUM OF APPEAL)

Memorandum of Appeal under Regulation 11 of the Environment Protection (Impact Assessments) Regulations.

.....

.....

.....

..... Appellant

(here furnish complete postal address)

Vs.

.....

.....

(here mention the name and designation of
the Authority)

..... Respondent

(1) The appellant named above, begs to prefer this Memorandum of Appeal against the decision /order dated passed by.....

(2) The facts of the case are as under:

(here briefly mention the facts of the case)

(3) The grounds on which the appellant relies for the purpose of this Appeal are as below:

(here mention the grounds on which the appeal is made)

(4) In the light of what is stated above the appellant respectfully prays that the decision/order is unreasonable and be set aside/varied in the following manner.

(here mention the manner in which the objections are made)

(5) The amount of Rs(Seychelles Rupees.....) as fee for this Appeal has been paid to..... vide receipt No. dated

Place: Signature of the Appellant:

Date: Name:

Occupation:

Address:

Verification

I (Appellant's name) in the above Memorandum of Appeal/or/duly authorised agent do/does hereby declare that what it stated therein is true to the best of my knowledge and belief and nothing has been hidden thereunder.

Signature

Name

(in block letters)

Occupation

Address

.....

.....

.....**Date:**
