

Ordinance 04 of 2019

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**ENVIRONMENTAL ASSESSMENT OF PLANS AND
PROGRAMMES (AMENDMENT) ORDINANCE 2019**

An Ordinance to amend the Environmental Assessment of Plans and Programmes Ordinance 2016.

J. Illingworth

27 February 2019

ADMINISTRATOR

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

Short title and commencement

1.—(1) This Ordinance may be cited as the Environmental Assessment of Plans and Programmes (Amendment) Ordinance 2019.

(2) This Ordinance comes into force on 4 March 2019.

Environmental Assessment of Plans and Programmes Ordinance 2016 amended

2. The Environmental Assessment of Plans and Programmes Ordinance 2016(a) is amended in accordance with sections 3 to 6.

(a) Ordinance 5/2016, as corrected by the corrigendum in notice 25/2016.

Amendment to section 2

3. In section 2, in the definition of “plan” or “programme”, after “is required by” insert “, or is made under, or pursuant to,”.

Amendments to section 7

4.—(1) Section 7 (obligation to assess environmental effects) is amended in accordance with this section.

(2) In subsection (4)(a) for “paragraph (b) applies” substitute “paragraphs (b) to (d) apply”.

(3) For subsection (4)(b) substitute—

“(b) subject to paragraph (d), the area within the scope of the draft development plan, or the part of an existing development plan which may be modified, shall be deemed to have been designated a “white zone” under subsection 5 of the Protection of the Environment Ordinance 1998(a);

(c) the Chief Officer may, by order published in the Gazette, prescribe any conditions or measures necessary for the control of development in such a white zone;

(d) the Chief Officer may, by order published in the Gazette, determine that—

(i) notwithstanding paragraph (b), the whole or part of the area is not deemed to have been designated a white zone, or

(ii) a specified type of development, in the whole or part of the area, that would otherwise be prohibited by the deemed designation of the area as a white zone under paragraph (b), is nonetheless permitted,

if the Chief Officer is satisfied that doing so will not prevent the effective implementation of the draft development plan or modification.”

Amendments to section 10

5.—(1) Section 10 (information on submitting an environmental report and representations) is amended in accordance with this section.

(2) In subsection (1)—

(a) for “the Environment Authority, the Area Officers” substitute “the Environment Authority and the Area Officers”, and

(b) omit “and any local councils whose areas are likely to be affected by the plan or programme”.

(3) In subsection (2)(a), omit “and the interested authorities to which it was submitted under subsection (1)”.

Amendment to section 12

6. In section 12 (content of an environmental report), subsection (2) (requirement to consult local councils on the extent and level of detail to be contained in an environmental report) is omitted.

(a) Ordinance 9/1998 as amended by Ordinance 19/2008.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Environmental Assessment of Plans and Programmes (Amendment) Ordinance 2019 (the “Ordinance”). It 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 Ordinance amends the Environmental Assessment of Plans and Programmes Ordinance 2016 (the “principal Ordinance”). Section 3 amends section 2 of the principal Ordinance so that the principal Ordinance may apply to plans or programmes made under, or pursuant to, legislation, in addition to those plans or programmes required by legislation.

3. Section 4 amends section 7(4) of the principal Ordinance which generally deems areas affected by a draft development plan to be “white zones” for the purposes of the Protection of the Environment Ordinance 1998. Development in white zones is generally only allowed if it can be regarded as essential to the area.

4. The Chief Officer will now be able to prescribe any conditions or measures necessary for the control of development in such areas. The Chief Officer will also be able to exempt those areas from the deemed designation referred to above, or to prevent white zone restrictions from applying to certain types of development, if doing so will not prevent the effective implementation of the draft development plan.

5. Section 5 amends section 10 of the principal Ordinance so that the environmental report and draft plan or programme need no longer be submitted to affected local councils. Such local councils may still inspect those documents and submit opinions or representations in respect of them.

6. Section 6 omits section 12(2) of the principal Ordinance so that the Environment Authority will not be required to consult local councils over the extent and level of detail of environmental reports.