UK Overseas Territories and Crown Dependencies

Understanding our islands: How to get the best out of our GIS and data

ENVIRONMENTAL IMPACT ASSESSMENT (EIA) PROCESS IN TCI

QGIS and Data Management Training
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Department of Environment and Maritime Affairs (DEMA)
Providenciales, Turks and Caicos Islands

LEGAL BASIS:

- The **Physical Planning Ordinance (PPO)** is the main statue which controls development in TCI.
- Definition of **development** – the carrying out of building, engineering, mining or other operations in or, over or under any land, the making of any material change in the use of any building or land or the subdivision of any land.
- The **Development Manual** contains planning standards for persons wishing to carry out development, including the planning and height requirements for the erection of building or structures, or to carry out other operations as defined in the Physical Planning Ordinance.

LEGISLATIVE REQUIREMENTS

Section 34 (1) of the TCI Physical Planning Ordinance (1989) authorizes the Physical Planning Board while considering an application to take into account a number of factors in order to make a proper decision on the application. These factors include *inter alia:*

a) "the impact of the proposed development on the ecology of the island where it to take place,"

b) "the impact on the proposed development on the natural or built environment and on the uses of the adjacent land," and

c) in (f) (iii) of that section, "the benefits likely to accrue to and the disadvantages that may be imposed on the economic, social and welfare facilities, including prospects of employment and the effect on the infrastructure of the Islands, as a result of the proposed development."

Required Information in EIA

a) an executive summary;
b) description of the physical, biological, economic and socio-cultural environment of the development;
c) the data necessary to identify and assess the main effects which that development is likely to have on the environment;
d) a description of the likely significant effects, direct and indirect, on the environment of the development;
e) a plan to monitor the implementation of mitigating measures for the development during construction and operation.
f) the measures proposed to mitigate adverse effects identified with respects to any of the measures envisaged in order to avoid, reduce or remedy these effects.

An EIA may include, by way of explanation or simplification, any specified information on any of the following matters:

a) the land use requirements during construction and operational phases:

b) the main characteristics of any production process proposed, including the nature and quality of the materials to be used;

c) the estimated type and quantity or expected residues and emissions (including pollutants of water, air or soil, noise, vibration, light, heat and radiation) resulting from the proposed development when in operation;

d) the likely significant direct and indirect effects of the proposed development on the environment which may result from:

   i. the use of natural resources,

   ii. the emission of pollutant, the creation of nuisances, and the elimination of waste.

e) a description of the alternatives if any that were examined in respect of the development and an identification of other alternatives which would achieve the same objective.

PROJECTS FOR WHICH AN EIA IS REQUIRED

Category	Development	Description of project
1	Residential accommodation	Hotels; condominiums; guest houses greater than 10 bedrooms
2	Marine works	Marinas; boatyards and slipways; piers; wharves; jetties; sea defense structures; dredging; and mining; reclamation; landfill; wetlands development.
3	Disposal/treatment facilities	Sanitary landfill; incinerators; sewage treatment plants; anaerobic digesters; desalination plants; water treatment plants.
4	Infrastructure	Road construction; electricity, telephone and cable TV transmission; water and sewage of hazardous materials; other industrial plants such as rice and flour millings.

PROJECTS FOR WHICH AN EIA IS REQUIRED (Continuation)

Category	Development	Description of project
5	Industrial and/or hazardous uses	Rum distilleries; breweries; power plants; gas plants; service stations; storage of hazardous materials; other industrial plants such as rice and flour milling.
6	Waterworks related	Reservoirs; bridges/culverts; causeways; drainage works
7	Earthworks	Quarries; vegetation clearing; contouring and land forming.
8	Public serving facilities	Shopping complexes; commercial building; schools; churches; meeting halls; discos and dance halls; cinemas

Other development projects may require EIA such as:

a) intensive cultivation of vegetable and /or fruit using hydroponic or similar techniques

b) agriculture improvement schemes and

c) developments which may create excessive noise or may emit gaseous discharges or radioactive materials,

Resources Likely to be affected by Projects

Resources	Projects categories							
	1	2	4		5	6	7	**8**
Marine habitats								
Mangroves	S	S	S	M	S	m	-	**m**
Seagrass	**-**	**S**	**M**	**-**	**M**	**-**	**-**	**M**

S = Significant effect; M = Less significant or moderate effects; m =minor effects

Resources Likely to be affected by Projects

Resources	Projects categories							
	1	2	4		5	6	7	8
Reefs	m	S	M	M	m	m	m	-
Freshwater and other								
Ground water reserves	m	m	S	-	S	-	-	-
Springs	S	-	S	S	S	S	m	m
Catchments	m	-	-	S	-	S	S	-

S = Significant effect; M = Less significant or moderate effects; m =minor effects

Resources Likely to be affected by Projects

Wetlands	**M**	**S**	**M**	**M**	**S**	**S**	**-**	**m**
Surface runoff	S	m	-	S	-	S	S	-
Terrestrial habitats	S	-	M	M	-	S	m	**m**
Species	M	S	M	M	M	M	S	**M**
Soil	S	-	-	S	-	S	S	**m**
Beaches	**S**	**S**	**m**	**M**	**-**	**-**	**-**	**-**

S = Significant effect; M = Less significant or moderate effects; m =minor effects

PROCEDURE FOR THE PREPARATION AND REVIEW OF AN ENVIROMENTAL IMPACT STATEMENT

a) The Department of Planning establishes by reference to the list of development projects whether an EIS is required. This decision is made by the Director of Planning on the basis of a review of the preliminary information submitted with the project being proposed, and whether the location and character of the project may have an adverse effect on the economy or on the environment.

b) If the Director considers that an EIA is necessary the applicant is so notified. It may also be necessary in accordance with the Ordinance that the applicant advertises the proposed project.

PROCEDURE FOR THE PREPARATION AND REVIEW OF AN EIS (continuation)

c) The applicant is requested to submit to the Department of Planning names and experiences of consultants who may be engaged to undertake the work required.

d) The draft terms of reference (TOR) for the consultant's work is prepared by the Director and based on the probable effects as listed in Table 7-3. This draft provides essentially the scope of the work to be carried out in assessing the impact of the particular project on the environment and the estimated timing of the components.

e) A detailed time table and work program is developed by the Consultant for the approval of the Department of Planning.

PROCEDURE FOR THE PREPARATION AND REVIEW OF AN EIS (continuation)

f. The draft EIS is presented by the applicant to the Department of Planning.

g. The draft EIS is studied by the staff of the Department and circulated to other concerned Government Departments and Agencies for comment.

h. The applicant and consultant are informed of the views/comments of the Department of Planning and other Agencies.

i. The final EIS should be submitted by the applicant within one month of receipt of comments from the Department of Planning.

j. The Department may elicit public comment on the final draft before submitting the project to the Board.

k. The Director of Planning prepares a report to the Board. The report contains the views of the Department and comments from other Government Department and agencies and from the public when consulted.

TECHNICAL INPUTS REQUIRED

a) While the consultants to be engaged for the EIA must be qualified and experienced in the assigned tasks, the Director of Planning does not have legal authority to effect the mix and level of technical skills to be used in the study. The Director will however advise the developer on the skill requirement of the technical personnel based on the probable effects on the environment which may be caused by the proposed development

TECHNICAL INPUTS REQUIRED (continuation)

b) In general it would be expected that the developers would engage personnel with specific skills for the study of various aspects of development such as:

i) marine habitats – a marine biologist

ii) coastal problems – a person trained in oceanography and the effects of movement of sediments

iii) effects on groundwater supplies – a hydrologist or water engineer iv) port construction – a port engineer

v) sea defence – a team of experts will normally be required with expertise in coastal engineering, oceanography and civil/structural engineering.

vi) building design – an architect and structural engineer

vii) effects on plant life – a botanist/biologist

viii) economic feasibility – a technical team including an economist

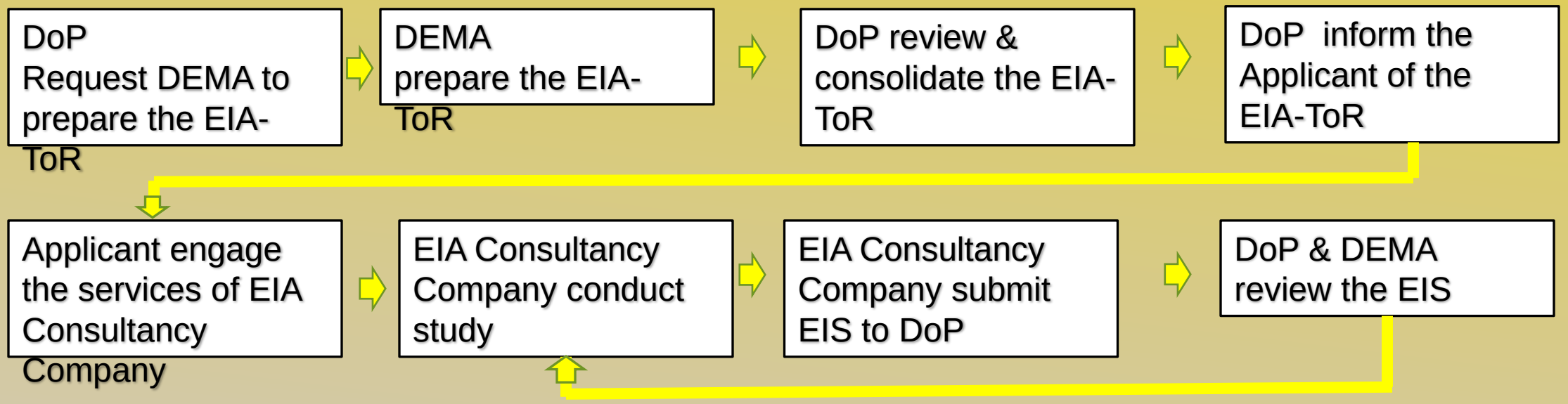
TECHNICAL INPUTS REQUIRED (continuation)

c) It may be very necessary for the developers to engage a sociologist to study the effects of the proposed development on the residents impacted on by the project. However the study team must be competent to examine the problems objective and must be experienced to provide solutions which will avoid or mitigate any problems caused by the development.

An Environmental Impact Assessment (EIA) may be required

The Director (Department of Planning) or the Board (Physical Planning Board) may require the applicant to submit an EIA of the effect of the development when considering the application for (1) grant of outline development approval, (2) detailed development permission

Simplified process:



Thank You!

The presentation was lifted from the TCI Development Manual (2014), except the simplified process (Slide 18)