

A GUIDE

TO

PRELIMINARY ENVIRONMENTAL REPORT

DEPARTMENT OF ENVIRONMENT

MINISTRY OF ENVIRONMENT

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Section 15(2)(a) of the Environment Protection Act 2002 requires that

“No proponent shall commence, proceed with, carry out, execute, or conduct or cause to be commenced, proceeded with, carried out, executed or conducted an undertaking specified in Part A of the First Schedule, without an approval of a preliminary environmental report....”

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1.0 INTRODUCTION

Environmental assessment provides a means to integrate environmental factors into project planning and decision-making. It involves the preparation of an environmental assessment report and provides information about the expected environmental effects of a proposed project.

In Mauritius, Environmental Impact Assessment (EIA) has been in force since the 1st June 1993 with the promulgation of Part IV of the Environment Protection Act (EPA) 1991. On the basis of the experience gathered during the last nine years, a new Environment Protection Act was promulgated and came into force on the 5th September 2002.

The First Schedule to the EPA 2002 sets out explicitly the three categories of undertaking that would be submitted to scrutiny. Part A lists out those undertakings of a lesser scale which, by their very nature, are not highly polluting and for which more frequent applications are received. These undertakings would require the approval of a Preliminary Environmental Report (PER).

PER is a short form of EIA and this preliminary analysis is undertaken to identify the impacts associated with the proposed development and the means of mitigation. PER is also a tool to ascertain whether the project can go ahead as proposed or whether there are sufficient likely significant adverse environmental impacts to warrant a full EIA.

2.0 OBJECTIVE

The objective of this general guideline is to assist developers in providing a comprehensive report with all the required information on a project at the time of application.

3.0 GUIDELINE ON THE CONTENTS OF A PER

The proponent of an undertaking shall ensure, in his PER, that all the environmental parameters are addressed and their impacts are identified and taken into account in the project design. The PER should not comprise statements of a general nature but instead shall provide substantive and indicative information on the proposed measures to mitigate all adverse environmental aspects/effects as well as the opportunities for environmental enhancement so as to enable a proper assessment.

Prior to embarking on a project, a proponent shall ensure that the proposed development is compatible with the zoning of the site and that relevant clearances such as zoning certificate, land conversion permit or lease agreement (if applicable) have been obtained.

If the undertaking is not in the appropriate zone, the application will not be considered.

A PER shall be duly signed and dated by either the proponent of the undertaking or his legal representative.

Both proponent and consultant will be liable for misleading information.

A PER shall be prepared in the format as proposed below

3.1 Title page

This should contain details of

- the full title under which the PER has been prepared
- location of project
- the team responsible for the PER or name(s) of the consultant(s)/ consultancy firm if applicable
- name, address and signature of the proponent

3.2 An Executive or non technical summary

- It should give an outline of both the project and location
- It should focus primarily upon key impacts identified in the PER and measures taken to avoid and /or reduce them.

3.3 Introduction

It should provide background information on the project, the promoters, any experience in similar projects, project costs, benefits, and employment opportunities, as well as the technical, economic and environmental features essential to the project.

3.4 Site and Project Description

This section should describe the project and indicate the justification and rationale underlying the project.

3.4.1 Site Description

The site description should include -

- Ownership of land and proof thereof, or lease agreement clearly indicating the owner's consent to the project
- Zoning (obtainable from the Town & Country Planning Board or the local authorities)
- Plans and policies with which the project conforms

- Site characteristics in terms of site location, landform; present and past land use (if known), accessibility to site, flora and fauna, etc.
- Certified and comprehensive site and location plans drawn to scale and duly certified by a Sworn Land Surveyor with known landmarks as reference points and showing water bodies, wetlands, boreholes, etc within a 500m radius
- Surrounding environment indicating adjacent residential areas/built-up environment, environmentally sensitive areas, watercourses, designated sites of interest,
- Other attributes of the area e.g. amenities, recreational and agricultural values.
- Indication of other similar projects in the surroundings
- Existing infrastructure and availability of public utilities

3.4.2 Project Description

- Size and scale of the project
- Description of project in terms of activities to be carried out, raw materials, processes, equipment and machinery (Horse Power and noise level), work force, products, type of fuel used, marketing of products, hours of operation, etc
- Layout plans, flow diagrams, architectural plans, photographs and aerial photographs (available at the Ministry of Housing), whenever necessary
- Proposed schedule for implementation
- Project life cycle
- Zero development option
- Any enhanced advantage/benefits if the project goes ahead.

3.5 Method of assessment including baseline data

- Data source, data collection methodology and results of site investigation
- any constraints in collection of data
- baseline information on which the PER was based
- a geotechnical report including subsurface strata, maximum level of water table and results of a soil percolation test as applicable.

3.6 Assessment of the direct and indirect environmental impacts

- in terms of noise, odour, emissions, , smoke, flies, rodents, traffic implications including a brief traffic impact analysis, *etc.*
- source, type, generation, collection and disposal of solid waste.
- source, type and volume of wastewater generated. Physical, chemical and biological characteristics, method of collection, treatment and disposal (with appropriate design calculations and drawings) of wastewater.

3.7 Socio cultural and socio economic impacts

- including impacts on adjacent residential areas; local community; current activities carried out by different stakeholders, including recreational activities.

3.8 An impact management plan and mitigation measures.

- This section should state all the impacts identified and for each impact indicate the steps to avoid or reduce same and the likely effectiveness and adequacy of mitigation

3.9 An Environmental Monitoring Plan

- To provide for on site monitoring during various phases of the project, including site preparation, construction and operational phases, and any decommissioning.
- The plan should also indicate the specific responsibilities during various phases.

3.10 Enhancement opportunities such as landscaping and embellishment.

- The proponent should indicate how the project is going to enhance the existing environment, its maintenance and upkeep.

3.11 identification of any additional studies necessary to implement the mitigating measures and monitoring plan as proposed in the PER

- The proponent should indicate if other studies would be required in due course to monitor effectiveness of proposed Mitigative measures

3.12 Public consultation undertaken, if any and details thereon including neighbours' consent.

- where the project is adjacent to a built-up area, consultation with the local population is compulsory

- In case of coastal projects, consultation with local fishermen is required to resolve conflicts (if any).

3.13 Conclusions and summary of environmental outcomes

- Include any irreversible residual impacts which cannot be mitigated

3.14 Any alternative site identified

- Can the project be undertaken elsewhere?

3.15 Appendices

- As appropriate, include any additional technical information, safety data sheets; a full list of reference materials; names, addresses and qualifications/expertise of the PER consultants; copies of clearances/ permits obtained (if any) or applied for from the authorities, title deed, proof of ownership.

4.0 PROCESSING OF PER

On applying for the approval of a PER, a proponent has to submit 8 copies of a PER to the Director of Environment. Prior to acceptance of the application, the PER is checked by the Environmental Assessment (EA) Division of the Department of Environment to ensure that the report contains in principle all the necessary information for a proper assessment.

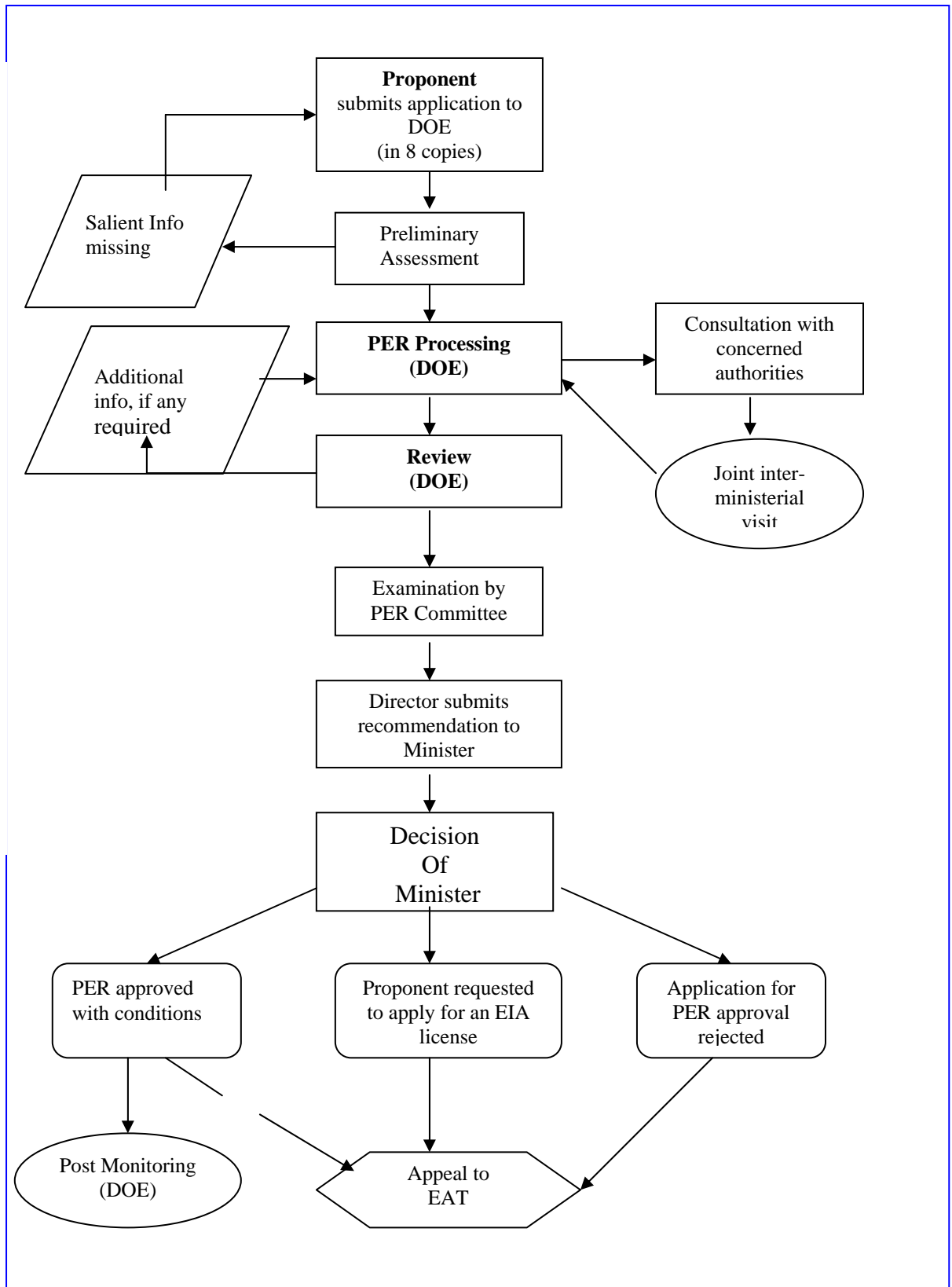
A copy of the report is circulated to the authorities concerned for their views and a joint inter-ministerial site visit is organized to assess the environmental implications/ impacts of the proposed project.

The EA Division reviews the application taking into consideration the views of the authorities concerned and prepares a report. A committee chaired by the Deputy Director and comprising heads of Divisions in the Department of Environment as well as the authorities concerned examines the report and makes recommendations to the Director. The latter thereafter forwards the recommendations to the Minister with his own comments and observations.

EPA 2002 provides for authorities consulted to submit their views within 14 days. The Department of Environment relies on the prompt collaboration of the authorities to ensure processing of PER applications within a specific time frame.

According to section 16(6) of EPA 2002, the Minister, on being referred a PER may:

- (i) approve the report with conditions
- (ii) reject the report or
- (iii) request the submission of an application for an EIA Licence for the project.



5.0 APPEAL

Any person who is not satisfied with the decision of the Minister on a PER may appeal within 30 days of the decision to the Environment Appeal Tribunal.

APPENDIX 1

REQUIREMENTS FOR A PER ACCORDING TO EPA 2002

Section 15(2)(a) of the EPA 2002 requires that “No proponent shall commence, proceed with, carry out, execute, or conduct or cause to be commenced, proceeded with, carried out, executed or conducted an undertaking specified in Part A of the First Schedule, without an approval of a preliminary environmental report in accordance with section 16.”

Section 16 of the EPA 2002 provides a general guide on a Preliminary Environmental Report (PER). According to section 16(1), a PER shall be:

- (a) in such form as may be approved by the Director
- (b) duly signed by the proponent of the undertaking or his duly appointed legal representative; and
- (c) deposited at the Director’s office in 5 copies or in such additional copies as the Director may request.

According to section 16 (2), a preliminary environmental report shall contain a description of the undertaking with particulars of –

- (a) its location and its surroundings;
- (b) its process, design and size;
- (c) any data or information necessary to identify and assess the effects which the undertaking is likely to have on the environment, people and society;
- (d) the measures which the proponent proposes to take to avoid, reduce and, where possible, remedy any significant effect that the undertaking is likely to have on the environment; and
- (e) such other aspects of the undertaking as the Director may require

According to section 16 (3), a preliminary environmental report shall be accompanied by-

- (a) a site plan indicating the location of the undertaking;
- (b) a non-technical summary, where the report is prepared by a consultant;
- (c) a certificate issued by a notary expressing his opinion as to the ownership of the land on which the undertaking is to be executed, or where the proponent is not the owner of the land, by a written evidence of the

permission of the owner, and a certificate issued by a notary expressing his opinion as to the owner's title.

Furthermore, the Director may request such additional information from the proponent as he thinks necessary.

Any proponent who gives false or misleading information, or fails to disclose any material fact or information in a preliminary environmental report, shall commit an offence, and shall on a first conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 2 years.

Any proponent who contravenes section 15(2) shall on a first conviction, be liable to a fine which shall be not less than 50,000 rupees and not more than 100,000 rupees and to imprisonment for a term not exceeding 4 years.

The Director of Environment may serve, or cause to be served, on any person who commences or carries on any development or activity without the relevant licence or permit issued under the EPA 2002 a **stop order** prohibiting the development or the activity.

APPENDIX 2

List of undertakings requiring a Preliminary Environment Report as per Part A of the First Schedule to EPA 2002

1. Assembly of batteries
2. Assembly of motor vehicles
3. Bakery
4. Barachois development
5. Block making plant manufacturing up to 10,000 blocks per day
6. Bulk storage of pesticides and dangerous chemicals
7. Cold rooms and refrigeration plants
8. Coral sand crushing and processing
9. Decommissioning of treatment plant or industrial plant
10. Demolition of buildings and hotels
11. Depot for buses
12. Discotheque and night-club
13. Electroplating
14. Filling Station
15. Food canning industry
16. Food processing industry
17. Hotels (inland)
18. Housing project and apartments of 20 units and not more than 50 units
19. Installation of high tension lines
20. Land reclamation and backfilling
21. Laundry
22. Manufacture of animal feed
23. Manufacture of ceramics

24. Manufacture of plastics and plastic products
25. Manufacture of rubber products
26. Mirror manufacture
27. Multi-purpose hall, including wedding hall
28. Nautical centre
29. Parcelling out la land between 1 to 3 ha-
 - (a) otherwise than by way of division in kind among heirs;
 - (b) to be allocated to persons other than such persons as may be approved by the Minister responsible for the subject of agriculture and who are –
 - (i) bona fide occupiers of housing units forming part of sugar estate camps owned by sugar millers of sugarcane planters;
 - (ii) bona fide occupiers of housing units forming part of tea estate camps;
 - (iii) workers affected by the closure of a sugar factory; or
 - (iv) workers opting for the Voluntary Retirement Scheme
30. Pesticides formulation and packing
31. Processing bottling and canning of beverages, syrup and water
32. Quarantine station for livestock
33. Rearing of livestock including cattle, goat, pig, poultry and sheep
34. Recycling plant
35. Removal of marine flora such as sea grasses and marine algae, except for use as bait by a local fisherman
36. Slaughter house
37. Textile industry associated with spinning, weaving, washing, knitting, bleaching and printing
38. Traffic centre
39. Wastewater treatment plant