Netherlands Commission for Environmental Assessment

Uganda

EIA profile

Updated to: 23 March 2021

Overview ESIA procedure

The Ugandan ESIA regulations consider two types of procedures. Projects requiring submission of project briefs (=limited ESIA) and projects requiring full ESIA.

Projects for which project briefs are required according to Schedule 4, part I of the National Environment Act, 2019 can submit these directly to NEMA. NEMA will consult with lead agencies and will then take a decision on the project brief.

Projects for which project briefs are required according to Schedule 4, part II of the National Environment Act, 2019 can submit these directly to the applicable lead agency, who is then mandated to decide on the project brief.

For projects requiring project briefs, no scoping nor Terms of Reference are required.

Projects for which a full ESIA is mandatory (according to Schedule 5 and possibly Schedule 10 of the National Environment Act 2019) go through a more elaborate procedure, involving scoping/ToR, consideration of the ToR by NEMA (in consultation with lead agencies), undertaking the ESIA study including stakeholder consultation during the ESIA study. This results in the ESIA Statement, which is then submitted to NEMA. Review of the ESIA statement is done in consultation with the lead agencies and the general public and persons likely to be affected by the project. NEMA will then proceed to decision-making taking the review and consultation results into account. The decision will lead to an Environmental Certificate (of approval). In some cases NEMA may decide to hold a public hearing at the expense of the developer.

In some cases Environmental Risk Assessment is required as part of the ESIA (section 114 of the National Environment Act, 2019). This is for example the case when genetically modified organisms will be introduced.

NEMA may in liaison with the relevant lead agency, within 12 months of grant of a certificate of approval of the ESIA, arrange for onsite inspections and monitoring of the project to ensure compliance with the conditions in the Certificate of approval.

After the period of 12 months, the developer shall be subject to the requirements of the National Environment (Audit) Regulations.

source

National Environment Act, 2019

ESIA regulations no 143, December 2020

Screening

Screening process

The National Environmental Act contains 4 Schedules to support the screening process.

Schedule 4, part I lists project that are required to submit a project brief to NEMA. Schedule 4, part II lists projects for which a project brief is required to be submitted to the relevant lead agency. Schedule 5 lists projects for which a full ESIA is required. Schedule 10 contains a list of sensitive areas. Whenever a project is located in or near such areas, a full ESIA may be required. Schedule 11 lists projects or activities exempted from ESIA.

The lists contain in most cases thresholds or provide location criteria.

In the case of project briefs: where NEMA and/or the lead agency is satisfied that the project is likely not to have significant adverse impacts on human health or the environment or that the project brief contains sufficient mitigation measures to cope with the anticipated impacts, it may approve the project. However, when the project is likely to have significant adverse impacts on the environment or that the project brief does not disclose sufficient mitigation measures to cope with anticipated impacts, the NEMA and/or lead agency may reject the project or may require the developer to undertake a full ESIA.

In the case of full ESIAs the developer shall proceed to the scoping stage.

Additionally, the National Environment (wetlands, riverbanks and lakeshores management) Regulations, 2000, require permits and EIAs to be obtained before undertaking any activities in wetlands, lakeshores and riverbanks.

source

National Environment Act, 2019

ESIA regulations 2020, article 6

Contents of the starting document

Whenever a project brief is required, this should describe:

- the proposed project, including the name, purpose and nature of the project
- the proposed location, physical boundaries and coordinates clearly showing the projected area of land or air that may be affected
- for a linear activity, the route of the activity and an alternative route
- for an activity on a water body, the coordinates within which the activity is to be undertaken
- an evaluation of project alternatives, including a zero or no-project alternative in terms of project location, design or technologies to be used, and a justification for selecting the chosen option
- the project design and any other project related components, including the activities that shall be undertaken and the material inputs to be used during project construction, development and operation
- the projected project cost and workforce size
- the manner in which the proposed project and its location conform to existing laws and standards, including reference to relevant plans required under the Physical Planning Act, 2010
- permits, licences or other approvals that may be required for the project
- baseline conditions of the physical, biological and socio-economic environment of the project area, including results of relevant studies

- potential environmental, health, social, economic and cultural impacts of the project and their severity, and the proposed mitigation measures to be taken during the (pre)construction, operational and decommissioning phases of the project
- alternative resettlement areas for project affected persons, if any or any plans of compensation
- an environmental and social management and monitoring plan
- evidence of stakeholder consultation, and
- any other information required by NEMA or lead agency.

source

ESIA regulations, 2020, article 6

Timeline Screening

For project briefs submitted for project listed under Schedule 4, part I, NEMA shall take a decision within 30 days of receipt of the full project brief.

For project briefs submitted for projects listed under Schedule 4, part II, the lead agency shall take a decision within 21 days of receipt of the full project brief

source

ESIA regulations 2020, articles 9 and 11

Scoping

Scoping process

A developer of a project set out in Schedule 5 of the National Environment Act 2019 (or possibly projects listed in Schedule 10 of the Act), shall conduct a full ESIA by way of scoping, and prepare ToR for the ESIA. This is to be done in accordance with ESIA Guidelines issued by NEMA.

The ToR is reviewed by NEMA. NEMA may consult a lead agency or persons likely to be affected by the project, where necessary.

After review and acceptance of the ToR by NEMA, the developer will be advised to proceed to conducting the ESIA study. The approved ToR are valid for a period of six months from the date of approval or such other period as NEMA may specify in writing

source

ESIA regulations, 2020, article 12

Contents of the scoping document

A ToR should be submitted, which reflects the results of the scoping exercise. The required contents are:

- proposed composition of (team of) environmental practitioners to undertake the ESIA study
- in the event of knowledge gaps, a reference to experts who may be incorporated to provide specialist knowledge

- description of the proposed project, including name, purpose and nature
- proposed project location clearly showing the projected physical area of land or air that may be affected
- for a linear activity, a project route description
- for an activity on a water body, the coordinates where the project is to be undertaken
- an indication of project alternatives including project design, technology, location and no-action alternative and how they will be evaluated
- an identification of potential environmental, health and socio-economic impacts to be assessed during the ESIA study
- a description of the proposed method of evaluating identified potential impacts and proposed mitigation measures;
- stakeholder groups identified and how they are to be involved in the ESIA study
- a list of any relevant and applicable laws, policies and plans to be reviewed
- a brief description of applicable institutional arrangements
- the methodology to be used to undertake the ESIA study and
- any other information the Authority may require.

source

ESIA regulations 2020, article 13.

Timeline scoping

The developer shall submit the ToR to NEMA for consideration. Where NEMA is the developer, it shall submit its ToR to the technical committee on environment and social assessment.

Within 7 days of receipt NEMA shall

(a) consult a lead agency or persons likely to be affected by the project, where applicable;

(b) require that an environmental risk assessment be undertaken in tandem with the ESIA study if applicable;

(c) approve the ToR and require the developer to undertake an ESIA study;

(d) request the developer to make amendments to the ToR and to re-submit them within three weeks for consideration; or

(e) reject the ToR and state the reasons for this decision in writing.

source

ESIA regulations 2020, article 14

Assessment

Assessment process

Upon approval of the terms of reference, the developer shall undertake the ESIA study, resulting in an ESIA report, which is supposed to be signed by all individuals who conducted the assessment.

The assessment process involves assessing the anticipated impacts (and benefits) of the project and proposing measures for avoidance, minimisation, mitigation or offsetting of negative impacts. In addition it is meant to provide an analysis of alternatives to enable decision-making regarding the project.

It is furthermore stated that the developer shall evaluate the proposed mitigation measures in accordance with the mitigation hierarchy, and may be required to develop offset or other compensation mechanisms associated with a project.

An environmental and social management and monitoring plan is also required and will be an integral part of the ESIA. The ESIA regulations provide minimum contents for such an ESMP in article 46.

Finally, it is prescribed that the developer shall, in undertaking the ESIA study, carry out consultations with relevant stakeholders, communities likely to be affected by the project and the public.

source

ESIA regulations, 2020, articles 15 and 16 and 46

Contents of the EIA report

There is no indication of the required content of the ESIA report, other than a reference to Schedule 2 of the ESIA regulations. This 4 p. Schedule lists considerations that the developer should take into account, such as ecological, physical and social considerations.

It also states that where an environmental risk assessment is undertaken in tandem with the ESIA study, this shall be submitted as a section of the ESIA statement.

source

ESIA Regulations, 2020, Schedule 1 and article 17.

Accreditation of consultants

There is an accreditation system, and minimum standards and criteria for qualification of ESIA practitioners are laid down in the National Environment Regulations (Conduct and Certification of Environmental Practitioners), 2003. The website of NEMA provides a list of registered and certified environmental practitioners in Uganda (2018).

source

https://nema.go.ug/sites/all/themes/nema/images/List%20of%20Environmental%20Practitioners%20-2018.pdf

Review

Review process

Upon receipt of the ESIA report, NEMA will send it to the relevant lead agencies for comment. Where the lead agency is the developer, the lead agency can not be part of the consultative process.

The lead agency reviews the ESIA report to ensure that it complies with the approved ToR, that all possible impacts have been identified and evaluated and that feasible mitigation measures have been proposed. It will also verify the findings and recommendations contained in the ESIA. The lead agency's comments are then sent to NEMA.

The technical committee on environmental and social assessment shall handle lead agency consultations in respect to an ESIA submitted by NEMA.

NEMA may also invite the public in the area where the project is proposed to be located and communities likely to be affected by the project, to make oral or written comments on the ESIA.

NEMA will then review the ESIA based on:

- the approved ToR
- comments of the lead agency and from the public and communities likely to be affected
- the type of proposed project and its life cycle;
- the location and size of the project, including the technology intended to be used;
- the likely benefits of the project;
- the likely negative impact of the project on human health and the environment, and the proposed mitigation measures;
- the type of land use, subject to the Physical Planning Act, 2010;
- the application of the mitigation hierarchy of avoidance, minimization and mitigation before considering use of an offset or compensation mechanism; and
- any other factors the Authority may consider necessary.

NEMA or the technical committee on environmental and social assessment in respect of a project by NEMA, may, as part of the review conduct field visits to verify the information presented in the ESIA and may also engage external expertise.

NEMA may also determine whether a public hearing is necessary. For this, a set of criteria is listed in article 21.

source

ESIA regulations, 2020, articles 19-21

Review expertise

Relevant ministries and governmental agencies (lead agencies) and the public are involved in the review process. In some cases the technical committee on environmental assessment is involved. NEMA may also invite external experts to be involved in the review process.

source

ESIA regulations, 2020, article 21

Timeline Review

The lead agencies should submit their comments to NEMA within 21 days, or such other period as NEMA

may specify in writing. Furthermore it is stated that the public and communities likely to be affected by the project shall provide comments to NEMA within the date indicated in the invitation. Furthermore in some occasions it may be decided to hold a public hearing. Therefore the timeline for review cannot be fixed.

source

ESIA regulations, 2020, 19-21

Decision making

Integration of ESIA into decision-making

The approval of the ESIA report automatically implies that a certificate of approval of ESIA will be awarded on payment of the fee prescribed in the regulations (article 49 and Schedule 4). Such a certificate of approval is required before any licensing authority issues a license for an activity. The ESIA approval is thus separate from licenses/permits for commencement of projects which are under the responsibility of different authorities. In some situations, NEMA also issues separate licenses, e.g. on wetlands, and on hazardous waste.

Article 4. mentions as a General prohibition that:

(1) A developer shall not implement a project without a certificate of approval and;

(2) A ministry, department, agency of Government or a local government shall not issue a licence, permit or other approval for any project or activity without proof of a certificate of approval.

The competent authority in decision-making is the Executive Director of NEMA.

Where the developer does not commence activities within twelve months from the date of issuance of the certificate of approval or such further period as NEMA considers necessary, the certificate shall be rendered invalid and the developer shall be required to undertake a fresh environment assessment.

source

ESIA regulations, 2020, article 24 and 25

Schedule 3, Form 2 provides a standard format for the Environmental Certificate

Decision justification

Decisions are justified. For example, it is required that if the proposed project is rejected, the reasons for rejection should be communicated to the proponent in writing.

The decision is not required to be published to the public but any member of the public may request access to the record of the decision. Article 24 states that a copy of the decision may be made available to the public at the office of NEMA.

The developer is required to exhibit the certificate of approval and make available all the conditions of approval (article 52).

source

ESIA regulations, 2020, articles 24 and 52.

Timeline decision-making

NEMA shall conclude the process of consultation and consideration of the ESIA and make a decision within 60 days from the date of receipt of **the complete** ESIA from the developer.

source

ESIA draft regulations, 2020, article 24.

Possibilities for appeal

- Appeals can be made to the high court
- Appeals can be made against any decision of the Executive Director
- Any aggrieved person or institution has the right to make an appeal

These provisions are part of the National Environment Act 2019

source

National Environment Act 2019, article 140

Follow-up

Compliance monitoring

NEMA may, in liaison with the relevant lead agency, within 12 months of grant of a certificate of approval arrange for onsite inspections and monitoring of the project to ensure compliance with the conditions in the certificate of approval of the ESIA.

After the period of 12 months from grant of certificate of approval, the developer shall be subject to the requirements of the National Environment (Audit) Regulations no. 47, 2020.

A developer shall monitor the project and any environmental phenomena of the project

- to assess and mitigate its possible impacts on human health or the environment.
- to ensure conformity with environmental laws, environmental standards and conditions in permits, licences and other approvals
- to ensure the effectiveness of mitigation measures; and
- to ensure delivery of conservation outcomes required to achieve either a no net loss or a net gain when a biodiversity or other offset or compensation mechanism has been implemented to address residual impact.

Where an environmental and social management and monitoring plan is required as part of an ESIA,

the developer or operator shall monitor the project against the measurable actions and targets of this plan.

NEMA or a lead agency may, where there is public

interest or cause to believe that a project has or may have adverse impacts on human health or the environment carry out an environmental enforcement audit or instruct the developer to carry out an environmental compliance audit, within a specified period determined by NEMA.

The proponent is required to undertake an initial environmental audit (by a specified date, which is between 12 to 36 months after commencement of the project) carried out by persons whose names and qualifications have been approved by the Executive Director of NEMA. Subsequently, the Executive Director may require other audits at any other time. After each audit, an environmental audit report shall be prepared by the developer and submitted to the Executive Director.

There are possibilities for external monitoring. Inspectors, "gazetted" by NEMA, may conduct inspections at any time. In addition inspection can be undertaken by lead agencies for areas under their jurisdiction. The public may, after showing reasonable cause, request that an environmental audit be carried out.

source

ESIA regulations, 2020, articles 53 and 54

Part XII of the National Environment Act, on environmental compliance and enforcement.

National Environment (Audit) Regulations, no. 47, 2020

Non-compliance penalties

NEMA may cancel the certificate of approval where:

- information or data given by the developer in a project brief or an ESIA or during public consultations or public hearings was false, substantially incorrect or intended to mislead
- information leading to approval of the project was hidden or concealed and gave rise to a wrong decision
- there is non-compliance with the conditions set out in the certificate;
- it is necessary to protect human health or to prevent harm or further harm to the environment, due to a situation that was not foreseen during the ESIA approval process;
- there is a substantial change or modification in project implementation or operation which may lead to adverse environmental and social impacts or endanger human health or safety; or
- there is any other substantive undesirable social, health or environmental effect not contemplated at the time of approval.

Article 56 of the ESIA regulations specifies in which cases someone commits an offence and is liable on conviction to a fine or imprisonment not exceeding 5 years, or both.

The National Environmental Act of 2019 states additional reasons for non-compliance.

source

The National Environment Act, 2019, Part XVI on Offences, Penalties, Fees, Fines and other Charges.

ESIA regulations, 2020, articles 29 and 56

Stakeholder engagement

Public participation requirements for ESIA process stages

There are provisions for public participation. The public can participate during the stages of the project brief, scoping/ToR, ESIA study and ESIA report review.

The ESIA regulations (article 16) require the proponent to take all necessary measures to seek the views

of affected people during the assessment stage, through:

- choosing the mode of consultation, taking into account the nature and location of the project and the key issues to be consulted upon;
- giving notice of the proposed consultation;
- holding meetings with relevant stakeholders, communities likely to be affected by the project and the public to explain the project, its likely benefits, likely negative impacts and proposed mitigation measures, and to receive their oral or written views
- where the consultations involve holding meetings, ensure that the venues and times of the meetings are convenient to the relevant stakeholders, communities likely to be affected by the project and the public; and
- ensuring that the comments received during consultations are recorded and integrated into the environmental and social impact study.

During the review phase of the ESIA, NEMA may invite the public in the area the project is proposed to be located and communities likely to be affected by the project, to make oral or written comments on the ESIA statement. The ESIA regulations (article 20) contain requirements concerning how the invitation should be carried out.

NEMA shall during the consideration of the ESIA, determine whether a public hearing is necessary. This depends on:

- the validity of the predictions made in the ESIA
- the comments made;
- any public interest in the project;
- any identified controversy associated with the proposed project, including social and cultural values;
- the gravity of potential impacts of the project
- inter-district or transboundary impacts of the proposed project; or
- any other factors the Authority may consider necessary.

Article 22 of the ESIA regulations describes how such a public hearing should be conducted. Such public hearing will be led by a presiding officer, who shall submit a report of the public hearing to NEMA (article 23).

Both oral and written comments can be given. Comments on the ESIA report are submitted in writing while during a public hearing formal presentations (written) and informal presentation (verbal) may be given to the NEMA presiding officer.

NEMA is required to take into account the comments on the ESIA report and all comments made in a public hearing. When a project is approved, it is not required to specifically address the public comments in the decision statement. When a project is rejected, public comments that have contributed to the rejection may be mentioned.

The public has to pay to obtain a summary/report of the public hearing and to obtain a copy of the ESIA report, although copies should also be available at a local library at no cost. On ocassion, digital copies are provided upon request.

source

ESIA regulations, articles 13, 16, 20, 22 and 23

Timeline for public comments

The public and communities likely to be affected by the project shall provide comments to NEMA within the date indicated in the invitation.

Whenever a public hearing is held, which must be announced at least two weeks in advance, the presiding officer shall submit a report of the public hearing to NEMA within seven days from the conclusion of the public hearing.

NEMA may issue guidelines for public hearings.

source

ESIA regulations, 2020, articles 20-23

Access to information

Subject to the Constitution and Access to Information Act, 2005, documents pertaining to the environmental and social impact assessment process submitted to NEMA shall be public documents. A person who desires to access the documents shall apply to NEMA and pay the prescribed fee.

The invitation for comments is published in a newspaper having nation-wide circulation or a newspaper having local circulation in the area the project is proposed to be located. In addition, through announcements on radios with local coverage, on the NEMA website and other relevant websites; or by distributing the necessary information about the proposed project through local authorities, in the languages understood by the majority of the affected people.

A public hearing is advertised through radio and print media in the locality of the project and through a national newspaper and radio. If a public hearing is held, multiple sessions may be organized at multiple locations. At least one session should be held in the community located nearest to the site of the proposed project.

The developer is required to exhibit the certificate of approval of environmental and social assessment and make available all the conditions of approval.

source

ESIA regulations, article 20, 22, 51 and 52

ESIA practice

Annual no. of ESIAs

460 ESIAs were done in Uganda in 2010. But there are no recent numbers available.

Central ESIA database

NEMA keeps a list of all project briefs, ESIAs submitted to the Executive Director, the names of proponents and their contacts. Where approval was granted, the conditions of approval are also entered into the database. The database also contains the projects which were rejected and the reasons for their rejection. NEMA is currently working on an on-line version of the ESIA database.

source

ESIA regulations 2020, article 50

Professional bodies

- *Uganda Association for Impact Assessment*: professionals involved in ESIA need to be a member of this association. Administration and certification of ESIA consultants is provided an by an independent committee on registration of environmental practitioners. This committee has its secretariat within NEMA.
- *Eastern Africa Association of Impact Assessment (EAAIA)* was formed to enable the Eastern Africa region to establish a well-managed database that acts a as: a source of EA information, a mechanism for exchange and sharing of knowledge, information and experience on EA policies and practice; support maximization on the use of available resources in the region. Uganda is a member.
- *East African Network for Environmental Compliance and Enforcement (EANECE)*: Regional network of governmental agencies which have in their mandate environmental management, compliance and enforcement responsibilities in the East African nations of Kenya, Uganda, Tanzania, Rwanda and Burundi.

source

http://uaia.or.ug/

Relevant links

- EIA public hearing guidelines 1999

Background information

History of ESIA

EIA practice was legislated in Uganda for the first time in the 1995 National Environment Statute, which turned into the National Environment Act (NEA Cap 153). In March 2019, the new National Environment Act 2019 came into force. The Act contains provisions for SEA (Article 47) and for ESIA (Articles 110 to 116). The Act also contains schedules indicating projects that are subject to project briefs (Schedule 4), projects that require full ESIA (Schedule 5), sensitive areas that may lead to a full ESIA (Schedule 10) and projects that are exempt from ESIA (Schedule 11). The original ESIA regulations from 1998 are revoked and replace by the ESIA regulations no. 143 of 2020. SEA regulations and guidelines have also been formally approved in 2020. There is ample ESIA practise in Uganda and growing SEA practice.

In 2003, The National Environmental Regulation (Conduct and Certification of Environmental Practitioners) was promulgated to provide a code of conduct for ESIA practice and a system of ESIA experts? certification. There is also a National Environmental (Audit) Regulations of 2020, no. 47.

source

The National Environment Act, 2019

Legal framework

Enabling law

The National Environmental Act, 2019

source

The National Environmental Act, 2019

National detailed regulation

- National Environment (Environmental and Social Assessment) Regulations (2020), no 143
- The National Environment (conduct and certification of environmental practitioners) regulations (2003) set minimum standards and criteria for qualification of ESIA practitioners.
- The National Environment (wetlands, riverbanks and lakeshores management) Regulations (2000) require permits to be obtained and ESIA to be undertaken before undertaking any activities in wetlands, lakeshores and riverbanks.
- The Environmental Audit Regulations (2020), no 47, specify the auditing procedure.

source

NEMA website

Guidelines

Environmental Impact Assessment Guidelines (1997) issued by NEMA

Environmental Impact Assessment Public Hearing Guidelines (1999) issued by NEMA.

source

Environmental Impact Assessment Guidelines (1997) issued by NEMA

Environmental Impact Assessment Public Hearing Guidelines (1999) issued by NEMA.

Sector specific procedures or regulations

References to ESIA are made in sectoral policies such as those related to forests, mining, fisheries, energy and petroleum requiring ESIA application to certain projects in that sector. NEMA has ESIA guidelines (in preparation) for mining, forestry, fisheries, energy, agriculture, urban planning and infratructure. Separate guidelines on ESIA for water and roads are made by the responsible sectoral agencies.

source

Waiswa Ayazika, NEMA, 2009

EIA Guidelines for the Energy Sector of 2004 (and 2014), issued by NEMA

EIA guidelines for water resources related projects in Uganda (2011), Ministry of Water and Environment

Scope of application

All activities listed under Schedule 4, 5 and 10 of the National Environment Act, 2019.

source

The National Environment Act 2019

Exemptions from application

Exemptions can be made for projects or activities mentioned in Schedule 11 to the National Environment Act of 2019. There are 12 mentioned, amongst which for instance emergency situations, health programs and construction of tourism trails in protected areas.

source

National Environment Act, 2019

Institutional setting

Central ESIA authority

The National Environment Management Authority (NEMA) is the principal agency in Uganda for regulating, monitoring, supervising and coordinating all activities relating to the environment. Amongst the 20 mandates and functions of NEMA listed in the National Environment Act, 2019, there is the function to review and make decisions on environmental and social impact assessments, environmental audits and other studies or reports.

source

National Environment Act, 2019, Article 9

Other key (governmental) parties

Lead agencies (meaning a ministry, department, agency, local government or public officer in which or in whom the functions of control or management of any segment of the environment are vested) also have the mandate to review environment assessments and environmental audits.

Part 2 of Schedule 4 of the National Environment Act list project to be submitted to the lead agency. This means that screening will be handled by lead agencies in consultation with NEMA.

In general, lead agencies or public stakeholders are consulted during the ESIA procedure for their opinion on the project brief, the ToR and the ESIA report. Certified and registered consultants have to be engaged to undertake an ESIA.

source

National Environment Act, 2019

EIA regulations, 2020

(De)centralisation of mandates

In Uganda, decision-making regarding ESIA partly also takes place at lead agency or local level (for instance screening decisions can be taken on projects listed under Schedule 4, part II). In general,

decision-making falls under the responsibility of the executive director of NEMA at national level. Nevertheless, before taking the decisions, lead agencies including local authorities are consulted for projects that fall within their mandate or across their boundaries.

source

NCEA, 2011. Report on EIA Mapping in Uganda.

National Environment Act, 2019, part X, articles 110-116

Payment system

The developer is required to pay fees to process the project briefs and ESIA to NEMA. The fees and costs payable are prescribed in Schedule 4 to the ESIA regulations (and article 49).

It is stated that the developer shall pay a non-refundable administration fee of 30% of the total fees payable on submission of the project brief or ESIA report. Where the Authority determines that the project brief or ESIA report is viable, the developer shall pay the balance of 70% of the fees.

These fees depend on the total cost of the project.

source

ESIA regulations 2020, article 49 and Schedule 4

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