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Legal framework for construction and EIA for large offshore infrastructure – current situation in Estonia

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21.05.2013, Riga

Overview

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- EIA procedure
- Development consents and EIA:
 - superficies licence;
 - permit for special use of water;
 - building permit.
- Spatial planning and SEA
- Conclusion

Legislation

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- Superficies licence – Water Act
- Permit for special use of water – Water Act
- Building permit – Building Act
- EIA and SEA – Environmental Impact Assessment and Environmental Management System Act
- Spatial planning – Planning Act
- Nature conservation – Nature Conservation Act
- ...

EIA procedure (1)

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- Parties of the EIA procedure:
 - Developer
 - Decision-maker
 - Supervisor of EIA
 - (EIA) experts
 - Concerned authorities
 - The public
 - ...

EIA procedure (2)

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- Application for a development consent.
- Initiation of and refusal to initiate EIA
 - If initiated: suspension of processing of the development consent until the approval of EIA report.
- EIA programme phase
 - Public display and public hearing.
- Approval of and refusal to approve the EIA programme.
- EIA report phase (in principle similar to the prior).
- Transboundary EIA.

Superficies licence (1)

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- Differences due to building in a public water body a construction work that:
 - has a permanent connection to the shore;
 - does not have a permanent connection to the shore.
- Legislation on superficies licence (*hoonestus-luba*) entered into force in 27.02.2010.

Superficies licence (2)

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- The right with a specified term for encumbering a distinct part of a public water body with a construction work that:
 - has a permanent connection to the bottom of the water body/seabed;
 - does not have a permanent connection to the shore.
- Decision-maker: the Cabinet of Ministers of the Republic of Estonia.
- Authority conducting proceedings: the Ministry of Economic Affairs and Communications.

Superficies licence (3)

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- Specific requirements on applying and issuing (granting, modification, revocation).
- Before initiation of the processing of the application:
 - consultation with relevant ministries and authorities;
 - publication of the information of the application.
- Decision on initiation, including initiation of or refusal to initiate EIA.
- Validity: 50 years, annual fee.

Permit for special use of water

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- A document permitting specified activities:
 - conditions for the volume of abstracted water;
 - the recipient;
 - obligations and restrictions concerning water use.
- Decision-maker: the Ministry of the Environment.
- The applicant has to have the consent of the owner of the water body.

Building permit

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- An authorisation granted by local authority or the government for:
 - the erection of a construction work, and of any civil engineering work necessary to service the construction work, on the land or in the water body specified in the building permit;
 - also extension, renovation and demolition are covered.
- Decision-maker (including design specifications, occupancy and use permit): Estonian Technical Surveillance Authority.

Spatial planning and SEA

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- Ongoing proceedings:
 - Hiiu County maritime spatial plan;
 - Pärnu County maritime spatial plan.
- General purpose: to determine general terms and conditions for the spatial use of sea area of the counties.
- In both cases SEA has been initiated.

Practice/conclusion

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- There is an existing legal framework for construction and EIA for offshore infrastructure – the permitting system and EIA should function properly.
- Superficial licence applications have been submitted.
- EIA procedure is clear and comprehensive (EIA programme, EIA report, licenced EIA experts, extensive public participation possibilities).
- Potential improvements: developments on strategic level – more clarity on consent level.



Thank you for your attention!