

## **Place of EIA in the development control: „one-stop shop” vs multi-stage permitting**

### **Abstract**

The amended EIA Directive requires that in order to improve the effectiveness of the assessments, reduce administrative complexity and increase economic efficiency, where the obligation to carry out assessments related to environmental issues arises simultaneously from the EIA Directive and other directives Member States should ensure that coordinated and/ or joint procedures fulfilling the requirements of these Directives are provided, where appropriate and taking into account their specific organisational characteristics.

The paper aims to examine the above obligation in the light of the wider context of the role of EIA in development control and two different approaches in this respect. The role of the development control system is to assure compliance of the proposed development project with the planning regulations, construction regulations, sanitary regulations and environmental regulations. Bearing in mind variety of environmental regulations alone (air, water, waste, noise, nature etc) this usually results in development control consisting of a number of consecutive or parallel procedures.

The issue was subject to a number of cases under the Court of Justice of the European Union ( C-201/02 (Delena Wells), Crystal Palace/White City (C-508/03), Barker (C-290/03), (C-416/10, Križan) which clarified some aspects but still provided a considerable level of discretion to Member States in structuring its development control systems.

While quite popular recently are attempts to combine the above procedures into one permit under so called „one-stop shop” approach, nevertheless most countries in Europe (in particular in new Member States) adopted a multi-stage development consent system which consists usually of the following stages:

- So called environmental or EIA decision
- Siting decision/planning permission
- Construction/building permit
- Pollution control (IPPC) permit and/or resource use decisions (e.g. water permit, mining license, nuclear permit)

The paper assumes that potentially subject to integration is the following scope of control:

- Planning
- Construction
- Pollution control
- Biodiversity
- Water
- Industrial accidents

The following modalities should be taken into account:

- Documents needed for various types of control
  - Ownership of land

- Details regarding technical and architectural design
  - Assessment report
- Competent authority
  - Level
  - Competence
- Activities covered
- Scope of assessment

Bearing in mind the above factors the paper aims at comparing both approaches from the point of view of their ability to successfully combine the aspects subject to integration.