



Public participation in Flanders

Information and participation of the public during the environmental permit procedure

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DEPARTMENT OF
**ENVIRONMENT
& SPATIAL
DEVELOPMENT**



Introduction

Participation/ information

Numbers

Introduction

- ▶ **Since 2017**
 - 1 permit
 - 2 procedures
 - 3 authorities
 - Digital

Introduction

- ▶ 1 permit
 - Urban planning acts/ building projects
 - Exploitations
 - Vegetations changes
 - Retail activities

- ▶ 2 procedures
 - General: with public information and **participation**
 - Simplified: with public information

Introduction

- ▶ **Applicable law (in a nutshell)**

- Procedural provisions (procedure, how, what, who, how long..)

- Environmental provisions (conditions, grounds for assessment,..)

- ▶ **Procedure (in a nutshell)**

- Submit forms

- Completeness check/ screening

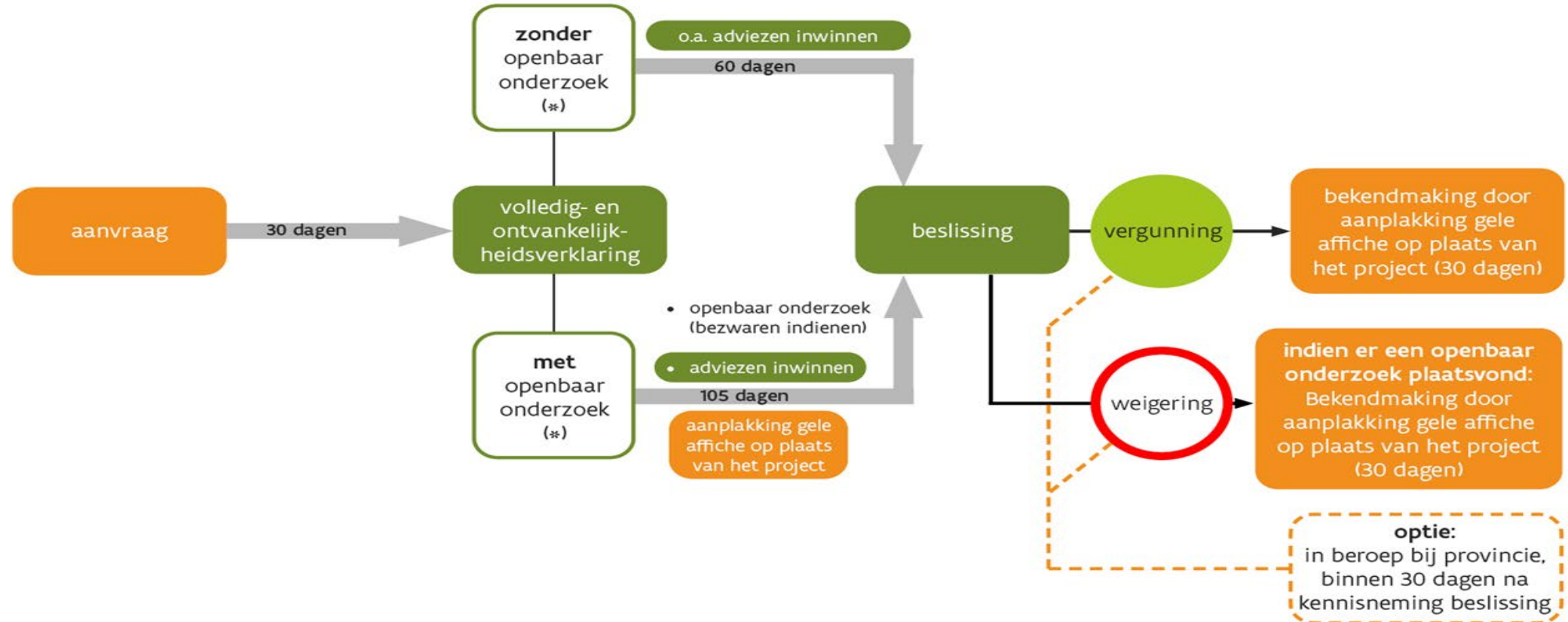
- Public participation

- Consultation of advisory bodies

- Review

- Decision

Verloop doorsnee omgevingsvergunning



● = taak aanvrager ● = taak overheid

(*) Welke werken onderhevig zijn aan een openbaar onderzoek, is wettelijk bepaald

Disclaimer

Let op: dit schema is een voorstelling van het meest eenvoudige dossierverloop. In dit schema werd geen rekening gehouden met elementen die de termijnen kunnen verlengen.

Bvb:

- Bevoegde overheid vraagt om de ingediende aanvraag te vervolledigen
- Aanvrager wil nog aanpassingen indienen
- Er is een advies nodig van de omgevingsvergunningscommissie.
- Er is een beslissing nodig van de gemeenteraad.
- ...

Public participation

- ▶ Information and consultation
- ▶ Every natural person
- ▶ Permit file can be consulted
- ▶ Transboundary consultation
- ▶ Different ways to participate, depends on the project itself
 - Information by notification before demand i.c.o. EIA or safety report
 - Information meeting i.c.o. EIA or safety report
 - Public inquiry

More specifically...

- ▶ **Projects dangerous substances/ hazardous activities**
 - according to criteria of the Helsinki convention and European SEVESO-directive
 - Upper-tier establishments
 - 15 km from border

- ▶ **1. notification**
 - Notify intention to make safety report
- ▶ **2. participation**
 - Public inquiry on safety report and project
- ▶ **3. publication**
 - Decision

1. Information on the demand-to-be

- ▶ Notification of intention + decision on content of safety report
- ▶ Digital public platform
 - Every Belgian citizen with e-ID
- ▶ Website Departement Omgeving
 - Platform where EIA and safety reports are coordinated
 - Every natural person
- ▶ Email
 - Other authorities with question if want to participate
- ▶ On paper possible on request
 - Every natural person

2. Participation in the procedure

- ▶ Public inquiry on safety report and project demand
- ▶ Belgian citizen
 - Public platform
- ▶ Other member states
 - Written
 - Give advise
- ▶ Citizen from other countries
 - Written
 - Currently developing digital solution

3. Information on the decision

- ▶ Result of the assessment of safety report + decision on permit

- ▶ Digital public platform
 - Every Belgian citizen with e-ID
 - Display
 - Letter in case of EIA
- ▶ Website Departement Omgeving
 - Platform where EIA and safety reports are coordinated
 - Every natural person
- ▶ Email
 - Other authorities

Decision

- ▶ **Procedural provisions provide in an obligation:**
 - to mention results of public participation in the review of the demand and in the decision
 - To respond to queries about the demand, and even remedies if necessary
 - To publish decision and announce to other countries even when after review there is no transboundary effect possible

In a few numbers...

- ▶ 116 high-level SEVESO companies within range 15 km from border
- ▶ 6/ 116 have potential transboundary effects in case of accident
- ▶ Every 5 years update of safety report for all 116 high-level SEVESO companies

- ▶ In 2021
 - 11 demands for permit with potential transboundary effects
 - 0/ 11 had actual transboundary effect after analysis

Planning

- ▶ Integration of safety concerns in land-use planning
 - Transboundary consultation in land-use planning is explicitly introduced into the land-use planning legislation of 2016
 - Procedure is similar as for permit