
STATUTORY INSTRUMENTS

1995 No. 490

The Antarctic Regulations 1995

PART 2

PERMITS

Comprehensive Environmental Evaluation

6.—(1) If the Secretary of State at any time after the making of an application considers that the activity which is the subject of the application is likely to have more than a minor or transitory impact on the environment of Antarctica, he shall require the applicant to submit to him a draft Comprehensive Environmental Evaluation.

(2) Such draft Comprehensive Environmental Evaluation shall be in such form, and accompanied by such number of copies, as the Secretary of State may require and shall contain sufficient information for the Secretary of State to be able to consider or determine—

- (a) possible alternatives to the proposed activity, including the alternative of not proceeding with it;
 - (b) the initial environmental reference state with which predicted changes are to be compared, and the likely future environmental state in the absence of the proposed activity;
 - (c) whether the methods and data used to forecast the impacts of the proposed activity are satisfactory for that purpose;
 - (d) the nature, extent, duration and intensity of the likely direct impacts of the proposed activity;
 - (e) possible indirect or second order impacts of the proposed activity;
 - (f) any cumulative impacts of the proposed activity in the light of existing activities and other known planned activities;
 - (g) the measures which could be taken to minimize or mitigate impacts of the proposed activity, and whether a monitoring programme to verify foreseen impacts or detect unforeseen impacts, and provide early warning of any adverse effects of the activity, should be provided for;
 - (h) the measures which could be taken to deal promptly and effectively with accidents;
 - (i) whether there may be any unavoidable impacts of the proposed activity;
 - (j) the effects of the proposed activity on the conduct of scientific research and on other existing uses and values; and
 - (k) whether there are gaps in knowledge or uncertainties with regard to the possible impact of the proposed activity.
- (a) (3) (a) When so required by the Secretary of State, the applicant shall submit to him a final Comprehensive Environmental Evaluation in such form, and accompanied by such number of copies, as the Secretary of State may require.
- (b) When making such a requirement the Secretary of State shall provide the applicant with

- (i) any comments in writing on the draft Comprehensive Environmental Evaluation which have been received by the Secretary of State from any person in accordance with paragraph (5);
- (ii) any comments on such Evaluation from another Contracting Party;
- (iii) any advice in respect of such Evaluation from the Committee for Environmental Protection established under the Protocol; and
- (iv) an account of the consideration by the Antarctic Treaty Consultative Meeting of such Evaluation in the light of such advice,

and the applicant shall, in preparing the final Comprehensive Environmental Evaluation, take into account such comments, advice and account and include or summarize them in the final Comprehensive Environmental Evaluation.

(4) The Secretary of State shall, while an application is pending and for one year thereafter, make available the draft and the final Comprehensive Environmental Evaluation for inspection during normal office hours by any person who may so request in writing, and shall provide any person with copies on request in writing subject to payment of reasonable charges for supplying the copies, including postage.

(5) The Secretary of State shall, by a notice published in the London Gazette, notify receipt by him of each draft Comprehensive Environmental Evaluation and each final Comprehensive Environmental Evaluation, draw attention to the provisions of paragraph (4), and invite comments in writing, in the case of a draft Comprehensive Environmental Evaluation, within 90 days of publication of the notice and, in the case of a final Comprehensive Environmental Evaluation, within 30 days of the publication of the notice.

(6) The Secretary of State in taking his decision whether to grant a permit shall take into account any comments in writing submitted to him by any person in accordance with paragraph (5), if the comments are received within the relevant period specified in that paragraph.