

# Guide

## For a swift and effective permit application process in the port of Amsterdam



Do you intend to establish a business in the port area? Or do you want to expand or change the range of activities of an existing business? If so, you should check as soon as possible which permissions and permits you require to do so. Some permit application processes can take as much as 26 weeks, excluding the time that is necessary to prepare the application. We advise you to take this into account in your planning process. To fail to prepare is to prepare to fail. This will also allow you to identify the required environmental and other measures in good time and avoid surprises.

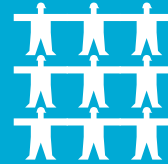
This guide presents information on the required permissions in the port of Amsterdam. It tells you what is expected of your business and what you are entitled to expect from the authorities involved such as Havenbedrijf Amsterdam (Port of Amsterdam), Omgevingsdienst Noordzeekanaalgebied (the Regional environmental protection agency in the area of the North Sea Canal), Provincie Noord-Holland (the Province of North Holland), Regionale Uitvoeringsdienst Noord-Holland Noord (the Regional Implementing Agency North Holland North) and sometimes Gemeente Amsterdam (the City of Amsterdam) as well. This guide will give you the answer to the questions: "How does this work?" "Who needs to do what?" and "How long will it take?"







# Allocation of roles



Various parties are involved in obtaining the required permissions. Each of these has its own role and responsibility.

## Business / initiator

As a business, you are responsible, when establishing a new location or a new activity, for informing the authorities and organisations involved in good time and for providing all required information and data. If you do not have that knowledge yourself, it is advisable to engage an expert adviser for this, such as a civil engineer or environmental adviser.



## Port of Amsterdam

Port of Amsterdam provides support for new businesses and can act as a sparring partner for existing businesses. This can, for example, consist of providing information on procedures and advising on engaging expert advisers.

## Omgevingsdienst Noordzeekanaalgebied (OD NZKG)

OD NZKG is a regional environmental protection agency in the area of the North Sea Canal and works on behalf of local governments. OD NZKG assesses your (draft) application for an environmental permit or notification and reviews it on the basis of the relevant laws and regulations for construction and the environment. Operating as a central hub in this connection, the OD NZKG obtains all relevant advice from the various authorities. The OD NZKG also grants the permit. The OD NZKG will also advise you on the process and the planning in relation to the required permissions. As a review body, however, the OD NZKG cannot advise you on the contents of your application. If you are looking for a sparring partner to do so, you can contact Port of Amsterdam. And if you require formal advice, you can obtain it from expert external advisers. You can contact these advisers yourself.

## City of Amsterdam

In most situations the City of Amsterdam is the competent authority. The City advises on the feasibility if an initiative conflicts with the zoning plan and on whether a building plan complies with reasonable requirements for external appearance. As the competent authority, the City of Amsterdam can also supervise a BIBOB assessment if that is required. The Public Administration Probity Screening Act (Wet Bevordering Integriteitsbeoordelingen door het Openbaar Bestuur (BIBOB)) is an instrument available to the competent authorities to protect themselves against inadvertently facilitating criminal activities. In the case of a criminal record, the permit may be refused. The permit application process/competent authorities for Port of Amsterdam has been delegated to the OD NZKG by the City of Amsterdam.

## Province of North Holland

The Province of North Holland is the competent authority for a number of businesses. If that is the case, it will supervise a BIBOB assessment if that is required. The Province of North Holland has delegated the integrated environmental permit process to the OD NZKG. The permit application process pursuant to the Nature Conservation Act (Wet natuurbescherming) has been delegated to the Regional Implementing Agency North Holland North.



## Regional Implementing Agency North Holland North (RUDNHN)

The Province of North Holland has assigned all implementing tasks relating to the Nature Conservation Act to the RUDNHN. The RUDNHN reviews the application for an exemption or permit under the Nature Conservation Act. An exemption may for instance be required in case work such as construction, maintenance or demolition needs to be carried out and that work may have an impact on protected plant or animal species. Businesses that produce nitrogen emissions are also faced with this Act by means of a permit.

Such an application for an exemption or a permit can be applied for separately from an integrated environmental permit. This can be submitted directly to the RUDNHN and does need to be submitted several days before the application for an integrated environmental permit. If an application is submitted together with an integrated environmental permit, a comprehensive procedure will apply and the OD NZKG will coordinate the procedure.

### Other authorities

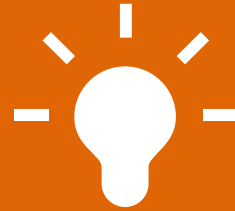
In addition to the parties referred to above, other authorities may also be involved, such as the Safety Region (fire service) or the water quality manager (the Waternet water company or the Dutch Directorate-General for Public Works and Water Management). This may for instance be the case if an authority is designated in law as adviser or if other permits are required in addition to the integrated environmental permit. This brochure focuses primarily on the integrated environmental permit and therefore does not discuss this. If these authorities need to be involved, the OD NZKG will discuss this with you as part of the preparations for the application.





# 2

## First steps for an initiative



### **Initial consultation with Port of Amsterdam: discuss initiative**

Port of Amsterdam can help you get started on your assessments of whether a permit or a notification is required for your initiative (e.g. building, environment, spatial planning). The permit check on [www.omgevingsloket.nl](http://www.omgevingsloket.nl) is a useful tool. Another tool is the Activities Decree (Activiteitenbesluit) Internet module ([www.aimonline.nl](http://www.aimonline.nl)). This module can show you whether a permit is required for the aspect 'environment' or whether a notification will suffice. Port of Amsterdam can also give you an indication of the compatibility of your business with the area.

The first consultation with Port of Amsterdam is very important for arriving at a proper estimate of the time required for preparations. If you need a permit before you are allowed to start with the initiative, you will need to allow 8 weeks for a straightforward application and 26 weeks for a complex application. If no integrated environmental permit is required, a notification up to 4 weeks before the start of your initiative will suffice.

### **Complexity of process**

Sound preparation is important and will benefit the efficiency and speed of the formal procedures. You may need to engage one or more advisers in this connection. It is also important for you to have a clear idea in advance of what your business will look like and which activities will be carried out. That is all the more important as, due to legislation, a small change may mean that you have to start all over again.

### Example: small change can cause delays

An example of a small change that leads to major delays is a change in the location of an installation with noise hindrance aspects and liquid with a potential impact on soil (for instance, a machine involving a significant volume of diesel storage) compared with the preceding plan. The noise and soil investigation will then need to be adjusted and re-assessed. If the change takes place after the draft decision has been drawn up, the draft decision will need to be redrafted and made available for inspection.

Preparations for an application for an integrated environmental permit can be time-consuming. This is partly due to the fact that multiple aspects, such as construction and the environment, need to be coordinated with each other in connection with the application. Moreover, other permissions and/or permits may be required for which the procedures proceed in parallel. Examples include applying for a water permit or exemptions and applications in connection with the Nature Conservation Act.

In order to streamline this process, Port of Amsterdam and the OD NZKG can help you draw up a realistic roadmap.







# 3

## Preparations for an application



Applying for an integrated environmental permit requires thorough preparation. We advise you to engage in a 'prior consultation' (known as 'vooroverleg' in Dutch) before you submit an application. This prior consultation consists of several consultations with various authorities. As a business, you are responsible for taking the initiative for this.

### **Kick-off consultation with North Sea Canal Area Environment Agency and other authorities involved**

Following the initial consultation with Port of Amsterdam, you should prepare for the prior consultation with the OD NZKG and the other parties involved. Ahead of the first meeting, make sure you collect the information already available and prepare a provisional draft of your plan. After you have requested (via Port of Amsterdam or directly) a prior consultation, the OD NZKG will organise the prior consultation.

The purpose of the prior consultation is to obtain an understanding of the viability of your initiative in terms of granting the permit and in terms of its compatibility (zoning plan). This consultation is crucial for the smooth progress of the permit procedures. Sound preparation for this prior consultation will benefit the efficiency and speed of this consultation and subsequently of the formal permit application procedure.

In this first consultation, we will discuss the procedure to be followed and the corresponding timeframe, so that a realistic roadmap can be drawn up. In addition you will obtain insight into the reports on environmental and technical assessments and other information you are required to submit as part of the application. We will also discuss the main (environmental) measures and/or facilities you are expected to put in place.

In a later stage of the prior consultation, the draft application can be reviewed and advance assessments that are necessary for the construction activity can be applied for – such as fire safety, noise policy, equivalence Buildings Decree (Bouwbesluit) and external appearance.

### **Drawing up draft application / engaging expert adviser**

After the first prior consultation, you can start preparations for a draft application. The required specialist assessments in areas such as fire and external safety, building structure, noise, air quality, odour, soil, energy, nature) should preferably be drawn up by an expert adviser, as these require specialist knowledge. It is up to you to engage an expert adviser.

### **Submitting draft application**

The OD NZKG will assess your application in terms of completeness. If your application is not complete, you will have to add to it and that will entail delays. We therefore strongly advise you to submit a draft application (90% version) first. This draft application should be accompanied by all required annexes, such as reports and drawings in draft form.

You should submit your draft application via the Omgevingsloket Online (Online Environmental Desk – OLO), by uploading the application in the OLO. To do so, you must follow a number of steps in the OLO, as when filling in a tax return. Then click on 'Contact competent authority', to open up your draft application for consultation.

### **Assessment of draft application**

The OD NZKG will assess your draft application and all associated documents and will inform you of its findings. If required, you should modify your application and/or additional consultation will take place. The OD NZKG can also agree with you that you will submit a second draft.





## Submitting finalised application for integrated environmental permit

If you have reached agreement with the OD NZKG on the contents of the application, you should submit the final application together with all annexes via the Omgevingsloket Online (OLO).

## Timeframe for procedure

The procedure for an integrated environmental permit starts from the time when the final application is submitted, and takes 26 weeks for a comprehensive procedure or 8 weeks for a regular procedure. This is the minimum time to completion without deferrals for a request for additional data and without an extension of the time limit for a decision (standard 6 weeks). The 26 weeks for the comprehensive procedure are an indicative period and may be exceeded in the case of complex applications.

The law prescribes which procedure needs to be followed. For instance, if the activity 'environment' is part of the application, or if it is inconsistent with the zoning plan, a comprehensive procedure will usually have to be followed.

The principal difference between the regular and the comprehensive procedure is that a draft permit is drawn up as part of the latter and that there are more scheduled public consultation opportunities than in the regular procedure.

## Energy savings and mobility restrictions

Assessments considering energy savings and mobility restrictions are also requested as part of the application. Participation in certification can also be considered as an alternative to having these assessments performed. Certification gives the entrepreneur the freedom to choose how to implement the energy saving obligations – including mobility – set pursuant to the Environmental Management Act (Wet milieubeheer) (and the EED). More information is provided on <http://www.rvo.nl/onderwerpen/duurzaam-ondernemen/energie-besparen/europese-energie-efficiency-richtlijn/energie-audit/alternatieve-invulling-met-keurmerk> on the available certifications. Each certification has been assessed by the Netherlands Enterprise Agency (Rijksdienst voor Ondernemend Nederland – RVO) in terms of its compliance with the statutory obligations (including the Environmental Management Act) or whether additions are required by the competent authorities.





# Steps for applying for an integrated environmental permit: comprehensive procedure

## **STEP 1 - Assessment of completeness of application for integrated environmental permit: comprehensive procedure**

Your application is assessed by the OD NZKG in terms of its completeness. In a number of cases, advice will be requested from other organisations. If necessary, you will be requested to provide additional information. The time limit for the procedure will be deferred during the period of the request for additional information and the submission of the additions. The duration of this period depends on the complexity of the required additional information.

If the additions are not provided in time in full or in part, the application may not be processed. This can be prevented as much as possible by conducting sound prior consultation. This draft is discussed with the applicant in the case of complex permits.

## **STEP 2 - Drawing up provisional draft integrated environmental permit**

If the application is complete, it will be assessed by the OD NZKG and the provisional draft permit with the various regulations will be drawn up..

## **STEP 3 - Draft integrated environmental permit**

The OD NZKG will draw up the draft permit. This draft permit is published on the internet ([overheid.nl](http://overheid.nl) and on [odnzk.nl](http://odnzk.nl)) and made available for inspection during a period of 6 weeks. Anyone can submit opinions during this period of 6 weeks. Provincial permits are also published in free local papers. In the case of departures from the zoning plan (project decisions under the Environmental Permitting

(General Provisions) Act (WABO projectbesluit) they are also published in the Government Gazette (Staatscourant) and on [ruimtelijkeplannen.nl](http://ruimtelijkeplannen.nl).

#### **STEP 4 - Processing of opinions**

If opinions have been submitted, they will be considered in the finalised permit. Depending on their relevance for your business, we will discuss the opinions with you.

#### **STEP 5 - Finalised integrated environmental permit**

After processing the opinions submitted, if any, the OD NZKG will draw up the finalised integrated environmental permit. This integrated environmental permit and all associated documents will be published on ([www.odnzkg.nl/bekendmakingen](http://www.odnzkg.nl/bekendmakingen)) and again made available for inspection for 6 weeks. Stakeholders – such as the business itself, local residents, community organisations and interest groups – that submitted an opinion in response to the draft can appeal against the permit during these 6 weeks. If no appeal has been filed, your permit will be irrevocable after that period. If an appeal is filed, however, and preliminary relief has been requested from the district court, you will need to wait for the court's decision. If only an appeal has been filed, it is sometimes possible, at your own risk, (pending the court decision) to commence your activities. More information is available from the OD NZKG.









# 4 More information

Various parties are involved in obtaining the required permissions. Each of these has its own role and responsibility.



## Havenbedrijf Amsterdam (Port of Amsterdam)

For establishing a business in the Port of Amsterdam:

[www.portofamsterdam.com/nl/business/vestigen/vestigingsklimaat](http://www.portofamsterdam.com/nl/business/vestigen/vestigingsklimaat)



## Omgevingsdienst Noordzeekanaalgebied (OD NZKG)

For more information on the permit application process: [www.odnzkg.nl](http://www.odnzkg.nl)



## Omgevingsloket Online (OLO) (Online Environmental Desk)

For submitting the (draft) application and carrying out a permit check:

[www.omgevingsloket.nl](http://www.omgevingsloket.nl)



## Activiteitenbesluit Internetmodule (AIM) (Activities Decree Internet module)

This module provides insight into whether a permit is required for the environment, or whether a notification will be sufficient. This module can also be used to compile the

package of regulations for businesses subject to a notification obligation. [www.aimonline.nl](http://www.aimonline.nl)



## Gemeente Amsterdam (City of Amsterdam)

For more information on the options and support for taking environmental measures and

applying for grants: [www.amsterdam.nl/ondernemen/duurzaam-ondernemen](http://www.amsterdam.nl/ondernemen/duurzaam-ondernemen)







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### Havenbedrijf Amsterdam

De Ruyterkade 7, 1013 AA Amsterdam

tel: (020) 523 45 37

[www.portofamsterdam.com](http://www.portofamsterdam.com)



**Port of  
Amsterdam**



### Omgevingsdienst Noordzeekanaalgebied

Ebbehout 31, 1507 EA Zaandam

tel: (088) 567 02 00

[www.odnzkg.nl](http://www.odnzkg.nl)

**Omgevingsdienst**

noordzeekanaalgebied



### Gemeente Amsterdam

Weesperplein 8, 1018 XA Amsterdam

tel: (020) 624 11 11

[www.amsterdam.nl](http://www.amsterdam.nl)



**Gemeente  
Amsterdam**



### Provincie Noord-Holland

Dreef 3, 2012 HR Haarlem

tel: (023) 514 31 43

[www.noord-holland.nl](http://www.noord-holland.nl)



**Provincie  
Noord-Holland**



### Regionale Uitvoeringsdienst Noord-Holland Noord (RUDNHN)

Dampden 2, 1624 NR Hoorn

tel: (088) 102 13 00

[www.rudnhn.nl](http://www.rudnhn.nl)

Disclaimer: The organisations involved have aimed to provide as much information as possible above, to provide assistance concerning the permit application process to be followed when establishing a business in the Amsterdam port area. However, they cannot accept any liability for permit applications by businesses in the port area, as businesses have to follow these application procedures autonomously at the various permit-granting authorities.



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