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Environmental Aspects of the Subdivision Permit under Algerian Legislation

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Abstract:

The subdivision permit is one of the most important instruments of prior administrative control over construction activities, as it provides protection for land and property within the boundaries established by law. Since the subdivision permit is a key tool employed by the administration in its activity and constitutes a central element in the performance of public service, the legislator requires that specific procedures be followed in order to obtain it, thereby ensuring the rights of individuals and upholding the principle of legality.

Keywords: The subdivision permit; Construction; Division; Administrative oversight.

Subdivision is an urban planning instrument designed to provide organized individual housing that is harmonized with the urban fabric and integrated within master plans for urban orientation and development. Municipalities and their real estate agencies are responsible for preparing and supervising its implementation in order to ensure the effective provision of individual housing.

Due to the environmental damage caused by subdivision activities, the Algerian legislator has subjected every operation involving the division of real property into two or more plots for construction purposes to prior control through the subdivision permit. This mechanism contributes to achieving preventive environmental protection. To fully grasp the various rules governing the subdivision permit and ensure its alignment with environmental protection requirements, and before addressing its preventive environmental role (Section II), it is necessary first to examine its theoretical framework (Section I).

Chapter One: Theoretical Framework of the Subdivision Permit

The subdivision process consists in dividing immovable property into several plots to be granted to individuals intending to construct residential buildings. It is governed by the legal and regulatory provisions of urban planning. To fully understand the rules regulating the subdivision permit under Algerian law, we shall first examine its concept, and then outline the procedures required for its acquisition .

Section One: The Concept of the Subdivision Permit

The subdivision permit (Le permit de lotir) is one of the most important instruments of prior administrative control over construction activities, as it provides protection for land and property within the limits prescribed by law.

Article 57 of Law No. 90 29 merely stipulates that it is: “a permit required for any operation involving the division of a single immovable property or several immovable properties, regardless of their location, into two or more plots.” Whereas, Article 7 of Executive Decree No. 15 19, which defines the procedures for preparing and issuing urban planning contracts, describes it as: “an operation consisting in the division of one immovable property or several immovable properties, regardless of their location, into two or more plots, where one or several of the resulting plots must be used for the construction of a building.”⁽¹⁾

Moreover, the clearest definition was provided in Article 24 of Law No. 82-02, which was repealed by Law No. 90-29 through its Article 79, annulling all of its provisions. That article stated: “The subdivision of land for construction is an operation consisting in the division of one immovable property or several immovable properties into two or more plots for the purpose of erecting a building, whatever its intended use.”

By means of these provisions, we deduce that the subdivision permit is an administrative document issued in the form of an administrative decision⁽²⁾ to any natural or legal person holding ownership of land who intends to carry out the division of a single real property or several properties into two or more plots for the purpose of constructing residential buildings, regardless of their location. This administrative decision must be issued in a specific form and according to defined procedures, in order to safeguard individual rights and uphold the principle of legality. Should the administration deviate from these requirements, its decision becomes unlawful⁽³⁾.

Section Two: Procedures for Granting the Subdivision

Permit Within the framework of Articles 57 and 58 of Law No. 90-29, a subdivision permit is required for any operation involving the division of two or more plots from a single property or multiple properties, regardless of their location, if the resulting plot or plots are intended for the construction of a building.

Since the subdivision permit constitutes one of the most important instruments used by the administration in its activity and represents a central pillar in the performance of public service, the legislator requires that specific procedures should be followed to obtain it, in order to safeguard individual rights and uphold the principle of legality. Therefore, the concerned party must submit an application to the competent authority, which examines and investigates the request, and subsequently issues a decision regarding the application .

Section One: Application for the Subdivision

Permit For the acceptance of an application for a subdivision permit, the Algerian legislator requires the fulfilment of certain legal conditions relating both to the applicant's status and to the content of the application .

Unlike the building permit, the legislator has limited the status of the applicant for a subdivision permit to either the owner or his duly authorized representative ⁽⁴⁾. However, by reference to other laws—as previously explained in relation to the applicant's status for the building permit—the holder of a provisional land registration certificate⁽⁵⁾ and the possessor under the meaning of the Land Orientation Law⁽⁶⁾ are entitled to act as the true and apparent owner, unless otherwise decided by the competent judiciary. Consequently, they are also entitled to apply for the subdivision permit.

This raises the question of whether a tenant or a public entity is entitled to submit an application for a subdivision permit?, It may be possible that an authority that has benefited from the expropriation of land for public utility purposes may request a subdivision permit in order to construct buildings on such land⁽⁷⁾.

The applicant must attach to his file documents proving his status as owner, together with documents specific to the subdivision operation. With respect to the administrative documents that establish the applicant's status for the subdivision permit, Article 08 of Executive Decree No. 15-19 provides that they consist of:

- A signed application for the subdivision permit, and a copy of the document proving the applicant's status, namely:
- The title deed if the applicant is the property owner, which may be either a deed of ownership, a provisional registration certificate, or a certificate of possession.
- An official power of attorney executed before a notary, in accordance with the provisions of the Civil Code .
- A copy of the articles of association if the owner or the authorized representative is a legal person.

To reach the final decision regarding the subdivision permit, it is first necessary to identify the competent authority responsible for granting such a permit, then to clarify the procedure for examining the application file, and finally to issue the decision, as follows:

The authorities empowered to grant the subdivision permit are the same as those authorized to issue the building permit, namely the President of the Municipal

People's Assembly, in addition to the Wali and the Minister in charge of urban planning.

After the application for the subdivision permit and the accompanying documents; they are submitted in five (5) copies to the President of the Municipal People's Assembly of the municipality where the project is to be carried out, the applicant is issued a receipt of file submission on the same day following verification of the required documents, which must conform to the prescribed file composition⁽⁸⁾. The President of the Municipal People's Assembly then forwards the file to the authority competent to investigate and examine the subdivision permit application for inquiry and study.

Accordingly, when the issuance of the subdivision permit falls within the competence of the President of the Municipal People's Assembly, who acts in his capacity as the representative of the municipality—or as the representative of the State where an approved land use plan exists or the public inquiry stage has been completed—the file is examined at the municipality's single window office in accordance with the same formalities prescribed for the building permit⁽⁹⁾. However, if no land use plan exists or the public inquiry stage has not been completed, the file is examined at the wilaya's single window office according to the same formalities prescribed for the building permit. In that case, the single window office responsible for examining the file shall send four (4) copies of the file to the competent authority within one month from the date of filing at the municipal level⁽¹⁰⁾.

The subject of the investigation into the subdivision permit application concerns the extent to which the proposed subdivided land complies with the directives of the land-use plan or, in the absence of such a plan, with the provisions of the master planning and development scheme and/or the specific provisions set out in the general rules for planning and development⁽¹¹⁾.

The investigation also examines the repercussions that may arise from the development of the subdivided land with regard to cleanliness, sanitary suitability, the character or interests of neighbouring areas, and the safeguarding or mitigation of impacts on traffic, public utilities, and the municipality's public interest and financial concerns⁽¹²⁾.

In order to finalize the investigation, the competent authority responsible for preparing the subdivision permit application gathers opinions and agreements in accordance with the legislative and regulatory provisions in force. Public officials, public services, and stakeholders concerned with the project are consulted and

granted a fifteen (15)-day period from the date of receipt of the request for opinion; failing a response, their silence shall be deemed approval. In all circumstances, the consulted authorities and services are required to return the file attached to the request for opinion within the same deadline. Once the investigation and proposal stage has been completed, the procedure proceeds to the issuance of the decision⁽¹³⁾.

Section Three: Issuance of the Decision on the Subdivision Permit:

The competent authority for granting the subdivision permit shall issue an administrative decision consisting of approval, refusal, or postponement of the application.

After verifying that the subdivision permit application complies with the legal requirements, in particular Articles 2 and 3 of Executive Decree No. 91 175 setting out the general rules for planning, development and construction, and the standards specified in Article 11 of Executive Decree No. 15 19 governing the procedures for preparing and delivering development contracts, an administrative decision of approval is issued. The decision requires the applicant to carry out the works necessary to render the subdivided land exploitable by installing service networks and laying out the subdivided plots into a network of roads, water supply, sanitation, public lighting, energy and telephone, parking areas, green spaces and recreational squares, which may be executed in phases⁽¹⁴⁾.

The subdivision permit may, in some cases, require the allocation of prepared sites for public facilities, for commercial or artisanal buildings, or for professional premises and, more generally, for activities within the subdivided land intended for habitation. The permit also entails the licensee's contribution to the costs of implementing collective facilities that become necessary for the execution of the subdivision project. Provisions of the specifications document may be amended or annulled where they conflict with the character of the subdivided land.

The subdivision permit shall be issued, as the case may be, by the President of the Municipal People's Assembly, the Wali, or the Minister in charge of urban development⁽¹⁵⁾. The decision embodying the subdivision permit shall be notified to the applicant within two (2) months following the date of filing the application when the issuance of the subdivision permit falls within the competence of the President of the Municipal People's Assembly acting as the representative of the municipality or of the State; and within three (3) months in all other cases ⁽¹⁶⁾. Where the subdivision is situated within a classified historic monument or a site proposed for classification, or on property that is dependent on a classified historic

monument or located within its protected zone, the subdivision permit shall not be granted except with the prior approval of the competent services of the Ministry responsible for Culture .⁽¹⁷⁾

The State service responsible for urban planning at the wilaya level⁽¹⁸⁾ shall also be notified, and the public shall be informed by posting a copy at the headquarters of the Municipal People's Assembly; however, the legislator has not specified the period for such posting⁽¹⁹⁾. The subdivision permit shall be registered with the land registry at the applicant's expense within the month following its notification, with two copies retained in the archives of the wilaya and of the authority that granted the permit⁽²⁰⁾. Nevertheless, a question arises as to the utility of notifying the public, including environmental protection associations, if they do not have the right to lodge appeals, even though the decision to grant a subdivision permit may affect the interests of third parties or the community. Consequently, the legislator ought to state this explicitly and to determine the statutory time limits for filing appeals.

The decision granting the subdivision permit becomes void if the concerned person does not commence the subdivision works within three (3) years from the date of its notification. If the development works specified in the decision are not completed within the deadline set therein on the basis of a report prepared by the consulting firm, the permit likewise becomes void, unless an authorization is granted by the competent authority to carry out the works in phases. In that case, the time limits granted and fixed for completion shall apply only to the works of the first phase⁽²¹⁾.

After the works have been completed, the subdivision permit holder may apply to the competent President of the Municipal People's Assembly for a certificate of exploitability certifying⁽²²⁾ that the executed works for making the land usable and for development comply with the written and illustrative documents on which the permit was based⁽²³⁾. The municipality's planning department shall review the application according to the same formalities as for a certificate of conformity⁽²⁴⁾. Following a field inspection, the certificate of exploitability shall be issued, possibly subject to reservations, within thirty (30) days from the date of the inspection⁽²⁵⁾. The decision granting the certificate shall be communicated to the applicant within one (1) month from the date the application was lodged with the President of the Municipal People's Assembly .⁽²⁶⁾

Second: Decision to Refuse Granting the Subdivision

Permit Articles 2 and 3 of Executive Decree No. 91 175 and Article 17 of Executive Decree No. 15 19 specify the circumstances in which the issuance of a

subdivision permit may be refused, by means of a reasoned decision that is subject to appeal⁽²⁷⁾. This is in application of Article 62(1) of Law No. 90 29, which provides: ‘An application for a building, subdivision or demolition permit may only be refused for reasons derived from this law.

Mandatory cases for refusal arise if the subdivided land contravenes the provisions of an approved land use plan or does not conform to the planning document that replaces it⁽²⁸⁾. Discretionary grounds for refusal apply where the land does not comply with the directives of the master planning and development scheme or with the guidelines established by the general rules for planning and development as set out in the applicable regulations⁽²⁹⁾.

The administration’s silence in response to an application for a subdivision permit within the time limits legally fixed — pursuant to Article 16(1) of Executive Decree No. 15 19 cited above — shall be deemed an implicit refusal, which entitles the applicant to lodge an administrative or judicial appeal.⁽³⁰⁾

Chapter Two: The Environmental Preventive Role of the Subdivision Permit :

Requiring a subdivision permit for land division operations intended for the construction of buildings means that construction and urban expansion no longer occur arbitrarily; instead, they proceed on the basis of scientific studies that provide prior administrative oversight of subdivision operations and verify their conformity with urban planning rules, their respect for environmental protection requirements, and the suitability of the subdivided plots for building. The Algerian legislator has sought to secure this outcome by imposing numerous obligations that ensure subdivision works comply with technical standards and urban design specifications and meet building criteria that safeguard public health and protect the natural and built environment from the risks of urban pollution. Moreover, the subdivision permit’s environmental preventive function is manifested through the preparatory procedures required before execution

Section one: Environmental Conditions Related to Subdivision

The legislator has paid considerable attention to urban and environmental issues and has sought to reconcile urban growth with environmental preservation. The subdivision permit is one of the instruments used to manage land use and control urban expansion. Subdivision is not merely the act of dividing a plot or group of plots; it is a construction project whose beneficiary must comply with the provisions of the building regulations⁽³¹⁾. These provisions ensure that subdivision

works conform to technical standards and urban design specifications and satisfy the building criteria applicable whether planning instruments exist or not .

Subsection one: Environmental Requirements in the Presence of Planning Instruments

The regulatory authority has imposed on the administration, in Article 17 of Executive Decree No. 15 19, not to grant a subdivision permit if it is not in conformity with the provisions of either the approved land use plan, or the master plan for planning and development. The rationale is to ensure that subdivision permits respect environmental protection requirements now incorporated into planning instruments, which safeguard the aesthetic quality of the urban environment by regulating the architectural and urban form of buildings, specifying their colours and the types of materials used, and reinforcing protection for cultural sites, public spaces, and green areas within the urban environment⁽³²⁾. This principle was confirmed by the Council of State in its decision of 23 February 1998, which stated: “When green spaces are provided for in the subdivision plan, those spaces constitute collective use development; consequently, when a person benefits from a plot within the subdivision, he simultaneously benefits from the use of all collective facilities established by the subdivision permit for building purposes.”⁽³³⁾

Subsection Two: Environmental Requirements in the Absence of Urban Planning Instruments:

The foundation of urban planning lies in urban plans, and in their absence, the alternative is found in the general rules of planning and development. This principle is confirmed by Article 3 of Law No. 90 29, which provides: ‘Subject to the legal and regulatory provisions governing land use, and in the absence of planning and development instruments, buildings shall be subject to the general rules of planning and development set out in the following articles of this chapter.

Article 17(3) of Executive Decree No. 15-19 obliges the administration not to grant a subdivision permit in the absence of planning instruments unless the project complies with the guidelines set out in the general rules of planning and development, as organized by Law No. 90-29 in Chapter II, Articles 3 to 9, as well as by Executive Decree No. 91-175, which defines the rules of planning, development, and construction.

The general rules of planning and development are defined as a set of national and overarching provisions applied in the absence of specific planning instruments, stipulating the conditions required for construction projects with the aim of achieving urban expansion subject to environmental constraints, particularly regarding the building itself, the works associated with it, its location, and the engineering adopted in its design⁽³⁴⁾; accordingly, the administration may refuse to grant a subdivision permit if the building or land intended for subdivision would compromise public safety and security⁽³⁵⁾, if the site is exposed to natural hazards⁽³⁶⁾, or if the project would have harmful consequences for the environment⁽³⁷⁾.

Section Two: Consideration of the Environmental Dimension in Subdivision Permit

Preparation Procedures Another manifestation of environmental concern appears in the procedures for preparing the subdivision permit. Certain documents must be attached to demonstrate the compatibility of the application with environmental protection rules, such as an environmental impact study, in addition to the requirement of consulting the competent environmental authorities.

Subsection One: Environmental Impact Study

The Algerian legislator was convinced of the necessity of regulatory intervention and guidance in all matters related to urban expansion and the protection of the environment from any adverse effects resulting from such expansion. Accordingly, through Law No. 03-10 on Environmental Protection within the Framework of Sustainable Development, Law No. 90-29, and its various implementing texts, a set of instruments was established to ensure effective oversight of construction activity and urban expansion. Among the most important procedures to be observed in their preparation is the requirement of a prior administrative measure, namely the environmental impact study.

Article 15 of Law No. 03-10 on Environmental Protection within the Framework of Sustainable Development provides that: 'Development projects, structures, fixed installations, factories, other engineering works, as well as all construction and planning programs that may directly or indirectly affect the environment, whether immediately or subsequently, particularly species, resources, natural areas, ecological balances, as well as the living environment and quality of life, shall be subject in advance, as the case may be, to an environmental impact study

or an environmental impact summary. The modalities for the application of this Article shall be determined by regulation⁽³⁸⁾.

In application thereof, Article 5 of Executive Decree No. 91-175 restricts the granting of subdivision permits by requiring an environmental impact study when the buildings, by virtue of their location, purpose, or size, are of a nature to have harmful consequences on the environment. Furthermore, Article 9 of Executive Decree No. 15-19 stipulates that the application for a subdivision permit must be accompanied by an impact study demonstrating the extent to which construction projects comply with environmental protection rules. This study is considered a preventive instrument within the framework of environmental protection policy, safeguarding against future damage resulting from urban activities. It thus represents one of the most prominent legal mechanisms revealing the depth of the interconnection between the urban domain and the environmental domain. Through it, urban growth is controlled, the environment preserved, and compliance with technical standards and general⁽³⁹⁾ specifications in construction works ensured.

Therefore, the importance of the environmental impact study emerges as a crucial procedure that allows reconciliation between development considerations and the requirements of environmental preservation. It ensures that construction and subdivision works are carried out without depletion or mismanagement of natural wealth and resources, by identifying and assessing the direct or indirect effects of the project and verifying compliance with environmental protection instructions⁽⁴⁰⁾. Accordingly, the impact study is regarded as one of the most prominent legal instruments through which urban development can be achieved without undermining environmental protection requirements. While sustainable urban development is an urgent necessity for individual well-being, it remains contingent upon a healthy and high-quality environment. This can only be realized by integrating environmental standards through the implementation of the environmental impact study, thereby driving urban development forward while simultaneously ensuring a balanced exploitation of environmental elements, so that construction projects do not exceed the capacities and resilience of the ecological system.

Making environmental studies a mandatory requirement for obtaining a subdivision permit has enhanced its effectiveness as a tool of prior control over construction activities. Urban expansion is no longer carried out arbitrarily but rather through scientific studies that determine the efficiency standards to be met, thereby ensuring compliance with health requirements and the protection of

agricultural land and green spaces that constitute the human living environment, as well as other sensitive areas. This is achieved through the environmental regulations imposed on buildings and the prior procedures that must be followed, which reflect the importance of the subdivision permit in embodying preventive environmental protection against potential risks.

Subsection Two: Consultation of the Environmental Authorities:

In order to embody democratic governance and consolidate the foundations of good governance, the legislator has incorporated within the procedures for preparing urban planning permits, in general, an important measure consisting of consulting the relevant authorities, whether on a mandatory or optional basis. In line with the State's commitment to the principle of participation, consultation, and coordination, and given its importance in enhancing the level and effectiveness of individual planning instruments, promising mechanisms have been established for broad consultation and intensive participation of all stakeholders in an organized and successful manner⁽⁴¹⁾. Thus, when deciding on a subdivision permit application, State services at the wilaya level—such as urban planning, environment, agriculture, and heritage sites—must be mandatorily consulted. In addition, citizens and civil society may participate through public inquiry procedures, information dissemination, and publicity.⁽⁴²⁾

This consultation reflects the legislator's concern for integrating the environmental dimension within the procedures for preparing subdivision permits. Through it, prior administrative oversight of subdivision operations is ensured, verifying their conformity with urban planning rules, their consideration of environmental protection requirements, and the suitability of the subdivided plots for the construction of buildings

The investigative authority may propose to the competent authority, for the purpose of granting a subdivision permit, the initiation of a public inquiry. Such inquiry is conducted in accordance with the procedures prescribed for inquiries into public utility, within the framework of the applicable legislation. Article 12(4) of Executive Decree No. 15-19 provides for the possibility of conducting a public inquiry regarding subdivision, which serves as evidence of the importance and seriousness of subdivision projects that affect the urban environment. This makes the conduct of an inquiry into subdivision a necessary measure.

Conclusion:

In the light of the foregoing, it becomes clear that the Algerian legislator attaches great importance to both urban planning and environmental issues, seeking to

reconcile urban growth with the preservation and protection of the environment. Accordingly, efforts have been made to adapt planning instruments to the environmental protection standards established by the Environmental Protection Law. This is precisely what the legislator has done with respect to the subdivision permit, which is considered an effective instrument for achieving the stated objectives. By imposing numerous obligations, the legislator ensures that subdivision works conform to technical standards and urban specifications, and meet construction criteria that safeguard public health and protect both the natural and urban environment from the risks of urban pollution. Moreover, the preventive environmental role of the subdivision permit is highlighted through its preparatory procedures.

¹ - Tijani Bachir: Urbanization and Urban Planning, University Publications Office, Algeria, 2000, p. 73.

³ - Defined in Article 02/8 of Law No. 08-15 of 20 July 2008, establishing the rules for conformity of buildings and completion of their construction, Official Gazette No. 44 of 3 August 2008: "Subdivision means division for sale or rent, or the division of immovable property into two or several plots intended for construction, for use in conformity with the provisions of the development plan."

⁴ - Article 22 of Executive Decree No. 15-19 of 25 January 2015, establishing the procedures for preparing and issuing planning contracts, Official Gazette No. 07 of 12 February 2015: "The subdivision permit is issued in the form of an administrative decision by the President of the Municipal People's Assembly, the territorially competent Wali, or the Minister responsible for urban planning, as the case may be."

⁵ - **Houjoun Kouloum**: The Legal Regime of Subdivision and Division of Property in Algerian Legislation, Master's Thesis in Real Estate and Agricultural Law, Faculty of Law, Saad Dahlab University, Blida, 2010, p. 44.

⁷ - Article 08 of Executive Decree No. 15-19.

⁸ - Articles 13 and 14 of Decree No. 76-63 on the establishment of the land registry, as amended and supplemented.

¹⁰ - Article 43 of Law No. 90-25 of 18 November 1990 on Land Orientation, Official Gazette No. 49 of 18 November 1990.

¹¹ - **Azri Ezzine**: Individual Urban Planning Decisions and Methods of Appeal, First Edition, Dar Al-Fajr Publishing and Distribution, Cairo, 2005, p. 47.

¹² - Article 324 of the Algerian Civil Code: "An authentic contract is one in which a public officer, official, or person entrusted with a public service records what has taken place before him or what he has received from the parties concerned..."

¹³ - Article 10 of Executive Decree No. 15-19.

¹⁴ - Article 14 of Executive Decree No. 15-19.

¹⁵ - Article 15 of Executive Decree No. 15-19.

¹⁶ - Article 11/1 of Executive Decree No. 15-19.

¹⁷ - Article 11/2 of Executive Decree No. 15-19.

¹⁸ - Article 12 of Executive Decree No. 15-19.

¹⁹ - Article 19 of Executive Decree No. 15-19.

²⁰ - Article 15 of Executive Decree No. 15-19.

²¹ - Article 16 of Executive Decree No. 15-19.

²² - Article 23 of Law No. 98-04 of 15 June 1998 on the Protection of Cultural Heritage, Official Gazette No. 44 of 17 June 1998.

²³ - Article 22/4 of Executive Decree No. 15-19.

²⁴ - Article 22/5 of Executive Decree No. 15-19.

²⁵ - Articles 22/6 and 22/7 of Executive Decree No. 15-19.

²⁶ - Article 30 of Executive Decree No. 15-19.

²⁷ - Article 23 of Executive Decree No. 15-19.

²⁸ - Article 26 of Executive Decree No. 15-19.

²⁹ - Article 27/1 of Executive Decree No. 15-19.

³⁰ - Article 27/2 of Executive Decree No. 15-19.

³¹ - Article 28 of Executive Decree No. 15-19.

³² - Article 63 of Law No. 90-29: "The applicant for a building, subdivision, or demolition permit who is not satisfied with the rejection of his application may lodge an administrative appeal or bring the matter before the competent judicial authority in the event of silence or refusal by the administrative authority."

³³ - Article 17/1 of Executive Decree No. 15-19.

³⁴ - Article 17/2 of Executive Decree No. 15-19.

³⁵ - Article 31 of Executive Decree No. 15-19: "The applicant for a subdivision permit or a certificate of exploitability who is not satisfied with the response notified to him, or in the event of silence by the competent authority within the required time limits, may lodge an appeal against receipt at the wilaya. In this case, the deadline for delivery or justified refusal is fifteen (15) days. If no response is notified after the expiry of the prescribed period following the date of lodging the appeal, a second appeal may be lodged with the Ministry responsible for urban planning. In this case, the Ministry's services shall instruct the wilaya's urban planning services, on the basis of the information transmitted by them, to respond positively to the applicant or to notify him of a justified refusal within fifteen (15) days from the date of lodging the appeal. An action may be brought before the competent judicial authority."

³⁶ - **Azri Ezzine**: Individual Urban Planning Decisions and Methods of Appeal, previous reference, p. 46.

³⁷ - **REDAF Ahmed**: Urban Planning and Environmental Protection, IDARA, vol. 08, no. 02, 1998, p. 148.

³⁸ - Council of State Decision No. 160646 of 23/02/1998, unpublished, cited in: **Saïs Djamel**: Algerian Jurisprudence in Administrative Justice, Click Publications, vol. 3, 1st ed., Algeria, 2013, p. 1666.

³⁹ - **Mansour Mejaji**: The Building Permit as a Tool for Environmental Protection in Algerian Legislation, Doctoral Thesis in Real Estate and Agricultural Law, Faculty of Law, Saad Dahlab University, Blida, 2007–2008, p. 168.

⁴⁰ - Article 2 of Executive Decree No. 91-175 of 28 May 1991, establishing the general rules of planning, development, and construction, Official Gazette No. 26 of 1 June 1991.

⁴¹ - Article 3 of Executive Decree No. 91-175.

⁴² - Article 113 of Law No. 03-10 repealed the provisions of the previous Environmental Protection Law No. 83-03, while maintaining its regulatory texts in force for a maximum of 24 months. This meant continued application of the old regulations, particularly Executive Decree No. 90-78 on environmental impact studies, until the issuance of the regulatory texts provided for by Law No. 03-10. However, these texts were delayed for four years, i.e., two years beyond the maximum period stipulated in Article 113, leaving Algeria in a legal vacuum until the issuance of Executive Decree No. 07-145 of 19 May 2007. Article 22 of this Decree provided that it would enter into force six months after its publication in the Official Gazette, to allow completion of impact studies prepared under the old regulations, even though the latter should have been repealed after 24 months from the promulgation of Law No. 03-10.