

## **SECTION 1**

### **GENERAL GUIDELINES FOR PUBLIC CONSULTATION**

**(Non-EIA Applications)**

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## CHAPTER 1: ABOUT PUBLIC CONSULTATION

### 1.1 Introduction

Public consultation is defined as the process whereby the public's input is sought on a proposed development or enterprise by the Regulator. The public input includes their local knowledge and expertise in relation to the proposed development site. The process seeks to further improve transparency and effectiveness of the development application processes. Public Consultation is symbiotic - it involves a flow of information and feedback between the public, the applicant and the regulator which is used in the decision making process. Public consultation is usually associated with a regulatory process which allows the public to comment on matters that may impact them directly or indirectly.

Information obtained from stakeholders, including community groups can be of invaluable assistance in providing different approaches to problem solving and resolving conflicts within the development application process. The information that is obtained as part of the public consultation should be documented as part of the process.<sup>1</sup> The extent and results of these consultations include:

- Bringing into the discussion expertise, perspectives and ideas for alternative actions of those directly affected;
- Identifying unintended effects and practical problems;
- Identifying interactions between regulations from various governments agencies.

### 1.2 Purpose

These general guidelines are prepared for the use by the applicant and the general public involved in conducting and participating in public consultation and is not applicable to developments for which an EIA has been requested<sup>2</sup>. The consultation relates to development applications under the Natural Resources Conservation Authority (NRCA) Act; the Town and Country Planning Act and Beach Control Act being considered by the NRCA or the Town and Country Planning Authority (TCPA) for the categories or types of developments listed in Table 1 below.

### 1.3 Forms of Public Consultation

The public consultation to be undertaken by the applicant may be by way of:-

- Public Meeting
- Notice in a widely circulated newspaper/media
- Site Notice

Type of Application	Type of consultation which may be required	When required
TCPA Applications	Public Meeting	<ul style="list-style-type: none"> <li>• Developments not consistent with the zoning of the area</li> <li>• Retention of structure and continuation of use</li> <li>• Developments that are novel/unique</li> <li>• Development in Conservation areas</li> <li>• Development on Cays</li> </ul>
	Media Notice	<ul style="list-style-type: none"> <li>• Developments that are consistent with the prescribed zone but fail to meet the applicable standards e.g. parking, height, density or setback.</li> <li>• Change of use</li> </ul>
	Site Notice	<ul style="list-style-type: none"> <li>• All TCPA applications</li> </ul>
Environmental Permits and Licences	Public Meeting	Development in <ul style="list-style-type: none"> <li>• Protected areas including Protected areas not declared under the NRCA Act (such as Forest</li> </ul>

		Reserves, National Monument etc.) <ul style="list-style-type: none"> <li>• Crematoria and Cemeteries</li> </ul>
	Media Notice	<ul style="list-style-type: none"> <li>• Petroleum storage facility</li> <li>• Scrap Metal Storage Facilities</li> </ul>
	Site Notice	<ul style="list-style-type: none"> <li>• At the discretion of the Authority</li> </ul>
Beach Licences	Public Meeting	<ul style="list-style-type: none"> <li>• Developments in Protected Areas or Marine Parks under the NRCA Act or Protected Areas under the Beach Control Act</li> <li>• Applications for Beach Licences that are exclusive in nature</li> </ul>
	Media Notice	<ul style="list-style-type: none"> <li>• Developments in Special Fishery Conservation Areas under the Fishing Industry (Special Fishery Conservation Area) Regulations, 2012</li> </ul>

*Table 1: Categories of Application and Type of Consultation which may be necessary*

It should be noted that the requirement for consultation and the type of consultation that will be required for each application is not limited to those listed in Table 1. The Authority in its discretion may in a particular case require additional forms of consultation to that listed. In addition if a development is the subject of an application before both Authorities, the consultations may be undertaken simultaneously to facilitate the public.

## CHAPTER 2: GENERAL GUIDELINES FOR PUBLIC MEETING

### 2.1 Requirements

Arrangements for the public meeting must be made in discussion with NEPA in respect of date, time, venue, chairperson and specially invited participants. A record of the meeting is required and as such the applicant must submit to NEPA a copy of the verbatim report of the public meeting within seven (7) days of the date of the meeting.

### 2.2 Public Notification

The public must be notified at least two (2) weeks before the date of the public meeting. The applicant must seek to ensure that in addition to specific invitation letters, at least two (2) notices are placed in the most widely circulated newspapers advertising the event; one notice per week. The notice shall also be forwarded to NEPA for posting on its website. To ensure that the notice is distributed as widely as possible, other methods of notification such as community notice board, flyers, town criers etc. may be utilized as appropriate. In addition, specific notice to relevant local civil society and community based groups should be made by the applicants.

The notice should include:-

- a statement that an application has been submitted to NEPA for which public meeting is required;
- the purpose of the meeting;
- guidance on how to access the documents for review;
- the date, time and venue of the public meeting ;
- contact information for the Agency;

The public meeting should be conducted no less than two (2) weeks after the project document<sup>3</sup> has been made available to the public and no less than two (2) weeks after the first notice announcing the public meeting has been published by the applicant.

*(A typical public notice is in Appendix 1).*

### 2.3 Responsibility of Applicant

The applicant is responsible for the distribution of the project document to the public at least two (2) weeks before the public meeting. The project document/information should be placed

in the Local Parish Library and the Parish Council Office as well as at the nearest NEPA Regional Office and other community locations as agreed upon. A summary of the project components in non-technical language should also be prepared for distribution at the public meeting.

#### **2.4 Conduct of the Meeting**

A meeting agenda is to be prepared by the applicant which acts as a guide and which informs the public of the purpose and scope of the meeting (*A typical agenda for a meeting is given in Appendix 2*). With respect to the conduct of the meeting, the chairperson should be independently selected so as to ensure his/her neutrality. NEPA should be consulted regarding the selection of a chairperson. The role and responsibilities of the chairperson are outlined. (*Appendix 3*)

#### **2.5 The Presentation**

The presentation by the applicant should be simple, concise and comprehensive. A justification for the project may be included in the presentation. The applicant should inform the public on how they intend to proceed with the development/enterprise, for example, whether it is a phased development or if there is an overall development plan for the area. Graphic and pictorial documentation should support the technical presentation.

Presenters are advised to keep the presentation simple and within a time limit of 15-20 minutes depending on the complexity of the project and to allow a minimum of 30 minutes for questions.

*(A typical outline of a Project presentation is given in Appendix 4)*

#### **2.6 Submission of Verbatim Report**

The project applicant will submit to NEPA a copy of the verbatim report of the public meeting within seven (7) days of the date of the meeting.

#### **2.7 Submission of Public Comments**

Please note that the public will be given a period of two (2) weeks after the public meeting to submit comments in writing to NEPA.

## **2.8 Amendments to the Proposal**

Where there are significant amendments to the proposal after the public meeting has been conducted the applicant shall advise the public of the changes using a Media Notice outlined below.

## **SITE NOTICE**

### **3.1 Requirements**

The Applicant will be required to post a Notice at the proposed development site informing the public of the proposal. The Notice must be placed at a conspicuous location along the boundary of the site so that it is easily visible and legible by members of the public. For sites that are bordered by a public roadway, the sign should be placed in an area where it is visible from the public roadway. Site Notices may not be required for beach licence applications as FORM B signs pursuant to the Beach Control (Licensing) Regulations, 1956 must be posted.

### **3.2 Responsibility of Applicant**

The Applicant shall ensure that the sign is constructed and erected. The Applicant is responsible for the maintenance of the sign and ensuring that the sign remains posted, intact and legible for a minimum of four (4) weeks. The Applicant must also supply to the Agency photographic proof of the posting of the sign. A copy of the Notice shall be sent to the Agency for it to be posted on the Agency's website.

### **3.3 Content of the Notice**

The minimum dimensions of the sign shall be 2m wide, 1.5m high. The notice must be clearly printed or painted with letters not less than 2.5 cm (1 inch) high. The sign shall include:-

- Application Reference Number
- Name of Applicant;
- Date of the Notice
- Type and brief description of the proposed development;
- Where the project document can be accessed for viewing;
- Time in which comments are to be submitted; and
- Address where comments can be submitted

**(A visual representation of a typical sign is given in Appendix 5)**

### **3.4 Submission of Public Comments**

Please note that the public will be given a period of four (4) weeks after the posting of the sign to submit comments in writing to NEPA.

## **MEDIA NOTICE**

### **3.5 Requirements**

The Applicant will be required to post **two (2) notices** in a widely circulated newspapers informing the public of the proposal. The Authority may also require additional means of notification to the public at its discretion. These may include notices posted on Community notice boards and community/local newspapers and radio.

### **3.6 Responsibility of Applicant**

The Applicant shall ensure that the Notices are published and must advise the Agency of when the Notices will be published. A copy of the Notice must be submitted to the Agency for its approval and posting on the Agency's website prior to being published. The applicant may also post the Notice on their website if applicable. The Applicant shall prepare a document which includes the type and brief description of the proposed development, relevant standards and any deviation from the standard proposed. The document is to be submitted to the NRCA/TCPA for approval prior to media notice being posted. Any standard that will not be met must be highlighted in the project document.

### **3.7 Content of the Notice**

The Notice shall include:-

- Application Reference Number
- Name of Applicant;
- Date of the Notice
- Type and brief description of the proposed development;
- Where the project document can be accessed for viewing;
- Time in which comments are to be submitted; and
- Address where comments can be submitted

### **3.8 Submission of Public Comments**

Please note that the public will be given a period of two (2) weeks after the posting of the final Notice to submit comments in writing to NEPA.

**APPENDICES**

**APPENDIX 1**

**NOTIFICATION OF PUBLIC MEETING**

AN APPLICATION HAS BEEN SUBMITTED/REFERRED TO THE NATIONAL ENVIRONMENT AND PLANNING AGENCY

FOR: \_\_\_\_\_

AT: \_\_\_\_\_

THERE WILL BE A PUBLIC CONSULTATION ON THE PROPOSED DEVELOPMENT/ENTERPRISE/ACTIVITY

VENUE:

DATE:

TIME:

THE PUBLIC IS INVITED TO PARTICIPATE IN THE PRESENTATION BY WAY OF ASKING QUESTIONS RELATING TO THE PROPOSED PROJECT.

A COPY OF THE PROJECT DOCUMENT MAY BE CONSULTED AT THE

\_\_\_\_\_ PARISH LIBRARY  
\_\_\_\_\_ PARISH COUNCIL OFFICE

NEPA'S Documentation Centre at 11 Caledonia Avenue, Kingston 5

\_\_\_\_\_ NEPA Website: [www.nepa.gov.jm](http://www.nepa.gov.jm)

For further information contact:

## APPENDIX 2

### AGENDA

1. WELCOME AND INTRODUCTION
2. STATEMENT BY THE NATIONAL ENVIRONMENT & PLANNING AGENCY
3. PROJECT PRESENTATION
4. QUESTION AND ANSWER SESSION
5. CLOSING REMARKS

## APPENDIX 3

### *Role and Responsibilities of the Chairperson*

The chairperson has the main role of guiding the conduct of the meeting and seeing to it that the concerns of the public are adequately aired and addressed by the proponent/ consultants.

The responsibilities of the chairperson include explaining the NEPA approval process, that is, the steps involved and the role of the NEPA at these public presentations. Therefore the chairperson should explain the context within which the meeting is taking place.

The chairperson should ensure that adequate time is allowed for questions and answers, and must understand and communicate clearly the purpose of the meeting to the audience. The chairperson is responsible for introducing the presenters.

The chairperson should contribute to but not monopolize the meeting and should remain neutral at all times.

## **APPENDIX 4**

### ***(A Typical Outline for A Project Presentation -Housing Development)***

#### **PURPOSE**

*The purpose of this outline is to:-*

- guide applicants of the specific requirements/ information to be included*
- provide the public with sufficient information.*

#### **DESCRIPTION OF THE DEVELOPMENT**

*For example, a housing development is also referred to as a residential development. It involves the construction of houses or residences which may be single-family units or multi-family or a mixed development.*

#### **REQUIRED INFORMATION**

*Project brief should include but not be limited to the following information where applicable:*

#### **PROPOSED ACTIVITY**

1. *A description of the proposed activity including location eg. Coastal/ inland; number and size of units; total area of land involved; height of buildings, total floor area of building; number of floors.*

#### **LANDUSE**

2. *Any previous development or use of the property in the last 10-50yrs, present use and proposed use Proximity Urban limit to residential areas*

#### **PROTECTED AREA**

3. *If the proposed project is in a Protected area or adjacent to a Protected area*

#### **VEGETATION**

4. *The type of vegetation that is present*
5. *An estimate of the number of trees with a trunk diameter equal to or greater than twenty-five (25) centimetres measured at a height of one (1) metre from the ground located on the site.*
6. *An estimate of the area/ total number of trees (per 1 above) that may be lost/ removed due to location on the road alignment or in the area to be occupied by buildings.*

#### **SPECIES- flora/fauna**

7. *A list of the plants/ animals, a quantified estimate of any ecologically significant or nationally important species and relative locations of same, and an indication of whether or not these will be impacted by the activity (eg, clearance for the construction of buildings, trails, etc)*
8. *A list of the species of flora/fauna and state if the species is endemic, endangered/ threatened/exotic*

#### **LAND CLEARANCE**

9. *Proposals for the phased clearance of the site during construction and the method(s) of land clearance to be used.*
10. *Information with respect to the extent and magnitude of proposed earth moving/ excavation requirements inclusive of the use of explosives on the site,*

11. *The method of disposal of the cleared vegetation, and/or excavated material*

### **DRAINAGE**

12. *Information related to flooding or water retention that is known for the site. The estimates of pre and post project flows from/through the site. How the proposal will handle stormwater generated on the site e.g. retention/detention ponds. The type, size and location of natural drainage features including sinkholes, rivers and gullies. Man-made drainage features on-site/off-site; type, size and location. Final discharge on-site/off-site especially within marine environment and high water table sites.*

### **WATER TABLE**

13. *Information on hydrology e.g depth to ground water.*

### **WATER SYSTEM**

14. *Any water system eg. well, reservoir, dam, canal.*

### **POTABLE WATER**

15. *The proposed source of potable water.*

### **TOPOGRAPHY**

16. *A description of the topography of the land – for e.g. gentle, steep, undulating. Identify and estimate the total area of land on the project site with slopes ranging from 2-11%.*

### **LANDSLIDE/MOVEMENT**

17. *Any previous landslides or earth movements on the site.*
18. *Information with respect to the earth moving requirements inclusive of the use of explosives on the site.*

### **SOIL CONSERVATION STRATEGY**

19. *The appropriate soil conservation strategies including but not limited to land contouring, filter strips, buffer zones.*

### **SEWAGE & WASTEWATER TREATMENT & DISPOSAL**

20. *Information on the types and number of sewage treatment and disposal systems to include the final discharge point, area to be so used and the setbacks from adjoining boundaries, buildings, structures associated with the attraction and water bodies.*
21. *Proposal to provide sanitary conveniences during the construction and operational phases (including number and location) and the mechanism to ensure that all waste collected is suitably handled.*

### **SOLID WASTE**

22. *Proposal for the management and disposal of solid waste generated during the construction and operational phases of the development including the treatment of construction materials during transportation, road surfaces and stockpiles of soil and marl to prevent the generation of fugitive dust.*
23. *An estimate of the volumes of solid waste to be generated and method of disposal including nearest approved dumpsite.*

### **AUXILIARY FACILITY**

24. *Information on any auxiliary facilities that are proposed to facilitate or be included as part of the development, including restaurants, batching plants, petroleum storage facility, water abstraction facilities or wells.*

**STORAGE OF CHEMICAL**

25. *Information on the storage and or use of any chemicals inclusive of hydrocarbon fuels on the site during the construction and operational phase.*

**DEMOLITION**

26. *Information on the methodology and timing of the demolition of any buildings/structures on the site and the proposed method and location for the disposal of the resultant material, including but not be limited to asbestos.*

**BUFFERZONES/SETBACKS/EASEMENTS**

27. *Any existing right of ways/easements for power lines, cell towers, telecommunication conduits, road reservations, water pipelines, canals or any other conveyance through the site. Setbacks should be indicated.*

**APPROVALS**

28. *Any other necessary approvals, both those which have been obtained, and those to be obtained.*

**PROJECT SCHEDULE**

29. *The proposed start date and duration of the project.*  
30. *The proposed days and hours of work during the construction phase.*

## APPENDIX 5

### *A visual representation of a typical sign*

#### **PUBLIC NOTICE**

**Application #:** 2014-04017-EL00043

**Applicant:** Mary Jane

**Type of Application:** Environmental Permit

**Description:** 4 storey Hotel consisting of 200 guestrooms, dining hall and conference centre.

Project documents can be accessed at the National Environment and Planning Agency (NEPA), 10 Caledonia Avenue, Kingston 5 and [www.nepa.gov.jm](http://www.nepa.gov.jm).

Comments on the development must be submitted in writing to NEPA within 4 weeks of the date of this Notice.

Date: 20 November 2014

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<sup>1</sup> No Public Consultation will be required for amendments to development applications/proposals after the initial public consultation; if changes are made to the proposal, before a decision is made by the Authority, the Agency will conduct Public Sensitization in accordance with Section 3 of this guideline document.

<sup>2</sup> See Section 2: Public Consultation Guidelines for Environmental Impact Assessment (EIA)

<sup>3</sup> Project Document is comprised of the Project Brief/Description, Engineering Report (where relevant) and relevant plans or drawings.