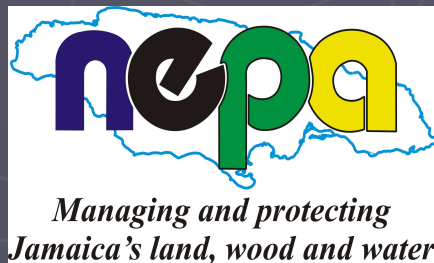


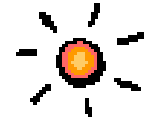
DEVELOPMENT PROCESS



National Youth Service (NYS) Training



WHAT IS DEVELOPMENT?



- Development is defined as “ the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in the use of any buildings or other land.”

(Section 5 (2) TCPA).

Permissions required to carry out DEVELOPMENT (Legislative Framework)

► Building (Building Act)-Parish Council/KSAC

► Subdivision

(Local Improvement Act) - Parish Council/KSAC

► Planning

(Town & Country Planning Act) –Parish Council/KSAC/ TCPA

- Development Order

► Environmental

(Natural Resources Conservation Act) -NEPA

- Permit (>50 Prescribed Categories)
- Trade, Sewage Effluent and Air Quality Licences
- Beach Licence (Beach Control Authority Act)



Main Planning and Environmental Factors Considered in the Development Process

- ▶ Zoning
 - Existing Land use
 - Proposed Land use
- ▶ Urban Limits
- ▶ Lot Size
- ▶ Access-Ingress/Egress
- ▶ Traffic Flow
- ▶ Density
- ▶ Open Space
- ▶ Parking
- ▶ Physical Infrastructure
- ▶ Sewage Treatment and Disposal
- ▶ Setback from property boundary, roadways, gullies, canals, coastal zone, rivers
- ▶ Drainage
- ▶ Biological Resources
- ▶ Water Resources
- ▶ Public Health
- ▶ Solid Waste Disposal
- ▶ Protected Areas
- ▶ Natural Hazards
- ▶ Air Quality

NEPA and Other Agencies involved in the Development Process

- ▶ Parish Councils (Local Planning Authorities)
- ▶ National Works Agency
- ▶ Water Resources Authority
- ▶ Jamaica Bauxite Institute
- ▶ Ministry of Agriculture - RPPD
- ▶ National Irrigation Commission
- ▶ National Land Agency
- ▶ Office of Disaster Preparedness & Emergency Management
- ▶ Jamaica National Heritage Trust
- ▶ Civil Aviation Authority
- ▶ Mines and Geology Division
- ▶ Ministry of Health & Environment
- ▶ Environmental Health Unit
- ▶ National Water Commission
- ▶ Urban Development Corporation

Subdivision Process



Types of Subdivision Applications

- * Residential
- * Commercial
- * Industrial
- * Agricultural

Applications
9 Lots & Under
10 & Over

NEPA's Subdivision Applications Process



NEPA receives application along with site inspection report & recommendation from the Local Planning Authority (Parish Council).



NEPA assesses application for completeness.



NEPA circulates application to the relevant Agencies.

NEPA returns incomplete application to Local Planning Authority.



For subdivision applications 10 lots & more, NEPA informs that a permit is required.



NEPA collates comments from relevant Agencies.



NEPA Technical Branch processes application, including research & conducting site visits, if necessary.

If application is 9 lots and under and less than 5 acres.

If application is 10 lots and over and 5 acres and more.



NEPA prepares and dispatches recommendations to the Local Planning Authority (Parish Council).



NEPA and relevant Agencies review application at Subdivision Committee Meeting and make recommendations.

What happens after NEPA makes a recommendation on a Subdivision Application ?

- ▶ The Recommendation is forwarded to the Local Planning Authority where a decision is taken ; whether an approval or a refusal
 - Technical Review at the LPA
 - Conditions sent to the Applicant for acceptance
 - If conditions are accepted, they are then presented to the Council for a decision to be taken
 - If the conditions are not accepted, a reconsideration/waiver is requested
 - Application is then sent to the Minister for ratification
- ▶ Appeal - Applicant may appeal any of conditions or decision to the Minister.
- ▶ Monitoring & Enforcement by Local Authorities

Planning Process



Examples of Planning/Development Applications

- ▶ Determination
- ▶ Detail planning
- ▶ Outline planning
- ▶ Change of Use
- ▶ Retention of Use
- ▶ Petrol Filling Station
- ▶ Advertisement
- ▶ Enquiry

NB. Pursuant to the Town and Country Planning Act Section 11(1a). For developments requiring environmental permits or licences, planning permission cannot be granted prior For developments requiring environmental permits or licences, planning permission cannot be granted prior to environmental permission.

NEPA's Planning Applications Process



NEPA receives application along with site inspection report & recommendation from the Local Planning Authority (e.g. Parish Council).



NEPA assesses document to determine completeness.



NEPA conducts a technical review of the application.



If proposed project is not deemed to be an application to be referred to the TCPA; NEPA processes the application and makes a recommendation to the local planning authority.



NEPA prepares and dispatches decisions to the Local Planning Authority (Parish Council).

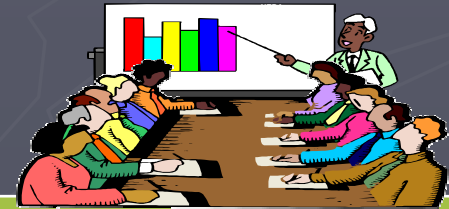


NEPA returns incomplete application to Local Planning Authority (e.g. Parish Council).

For prescribed categories, NEPA informs applicant that a permit or licence is required.



If the proposed project is located in a called in area or does not conform to zoning in the Development Order, a petrol filling station; NEPA processes application (including research, liaising with other Branches, Agencies, LPA & citizens, conducting site visits, if necessary).



NEPA makes a recommendation to the Development Control Sub Committee of the Town & Country Planning Authority (TCPA) which then reviews the application and makes a recommendation to the TCPA.



Development Control Sub-Committee's recommendation is presented to the (TCPA) which makes a decision (approval or refusal).



What happens after Planning Permission is granted or denied?

- ▶ The Decision of the TCPA is final and is forwarded to the Parish Council /KSAC
(Under the TCPA Act the LPA/PC cannot change the decision of the TCPA).
- ▶ Applicant has the right to appeal to Minister the decision or any condition/s within 30 days.
- ▶ Parish Council /KSAC & NEPA monitor compliance

Environmental Permit & Licence Process



Permit and Licence System...

- ▶ The Permit and Licence System became effective January 1, 1997.
- ▶ A permit is required to undertake any construction or development of a prescribed nature anywhere in Jamaica and its Territorial Sea under the NRCA (Permits & Licences) Regulations, 1996. Amended January 2004.
- ▶ A Licence is required for the handling of sewage or trade effluent and poisonous or harmful substances to be discharged into the environment.

PRESCRIBED CATEGORIES

- | | |
|---|--|
| <ul style="list-style-type: none"> ▪ Power generation plants above 1 MW ▪ Electrical transmission lines and substations greater than 69 kv ▪ Pipelines and conveyors with a diameter of greater than 10 centimetres ▪ Port and harbour development ▪ Subdivisions of 10 lots or more ▪ Housing projects of 10 houses or more ▪ Hotel/resort complex of 12 rooms or more ▪ Airports and airfields, including runway expansion greater than 20% ▪ Office complexes of 5,000 square metres or greater ▪ Eco-tourism and nature tourism projects ▪ Water treatment facilities, including water supply and desalination plants ▪ Sewage and industrial wastewater treatment facilities ▪ Mining, quarrying and mineral processing - bauxite, peat, sand, minerals ▪ Metal processing - ferrous metals, non-ferrous metals ▪ Chemical plants ▪ Pulp, paper and wood processing ▪ Petroleum production, refinery, storage and stockpiling ▪ Fish and meat processing ▪ Food processing plant ▪ Detergent manufacturing including manufacturing of soap ▪ Manufacturing of containers and package materials - cans, bottles, boxes, cartons ▪ Distillery, brewery and fermenting facilities ▪ Manufacturing of edible fats, oils ▪ Cement and lime production ▪ Paint manufacture ▪ Tanneries ▪ Manufacturing of pesticides or other hazardous substances ▪ Boxing plants ▪ Citrus, coffee, cocoa, coconut, sugar cane processing factories ▪ Manufacturing of textiles ▪ Solar salt production ▪ Construction of new highways, arterial roads, new roads on slopes greater than 20°, major road improvement projects | <ul style="list-style-type: none"> ▪ Land reclamation and drainage projects ▪ River basin development and improvement ▪ Irrigation and water management improvement projects ▪ Watershed development and soil conservation projects ▪ Modification, clearance or reclamation of wetlands ▪ Dredging, excavation, clearing and reclamation of riverine, swamp, beach ▪ Solid waste treatment and disposal facilities ▪ Cemeteries and crematoria ▪ Introduction of species of flora, fauna and genetic materia ▪ Slaughterhouse and abattoirs ▪ Hazardous waste storage, transportation, treatment or disposal facilities ▪ Agro-processing and processing of agricultural wastes ▪ Felling of trees and clearing of land 10 hectares or more ▪ Clear cutting of forested areas and clearing of trees on land of 3 hectares and over on slopes greater than 25° ▪ Golf courses ▪ Theme parks ▪ Transportation centres for more than 10 vehicles ▪ Construction or demolition of reservoirs, dams, dykes and aqueducts ▪ Railways, tramways and cable car operations ▪ Causeways and multiple span bridges ▪ Hospitals ▪ Shopping centres ▪ Aquaculture facilities and ponds ▪ Storage of scrap metal including derelict vehicles ▪ Offshore drilling for extraction of oil, natural gas or minerals ▪ Dry cleaning operations ▪ Shipyards ▪ Marinas and boatyards ▪ Introduction of genetically modified organisms |
|---|--|

What is an Environmental Impact Assessment (EIA)

- ▶ In applying for a Permit or a Licence an EIA may be required. NEPA determines whether or not an EIA is required based on screening of the application and the conducting of site visit(s).
- ▶ EIA is a study which outlines the impact the proposed project is likely to have on the area in which the physical development will be carried out. It also outlines mitigation measures necessary to reduce the negative impacts of the project.

How is the public involved in the EIA review process?

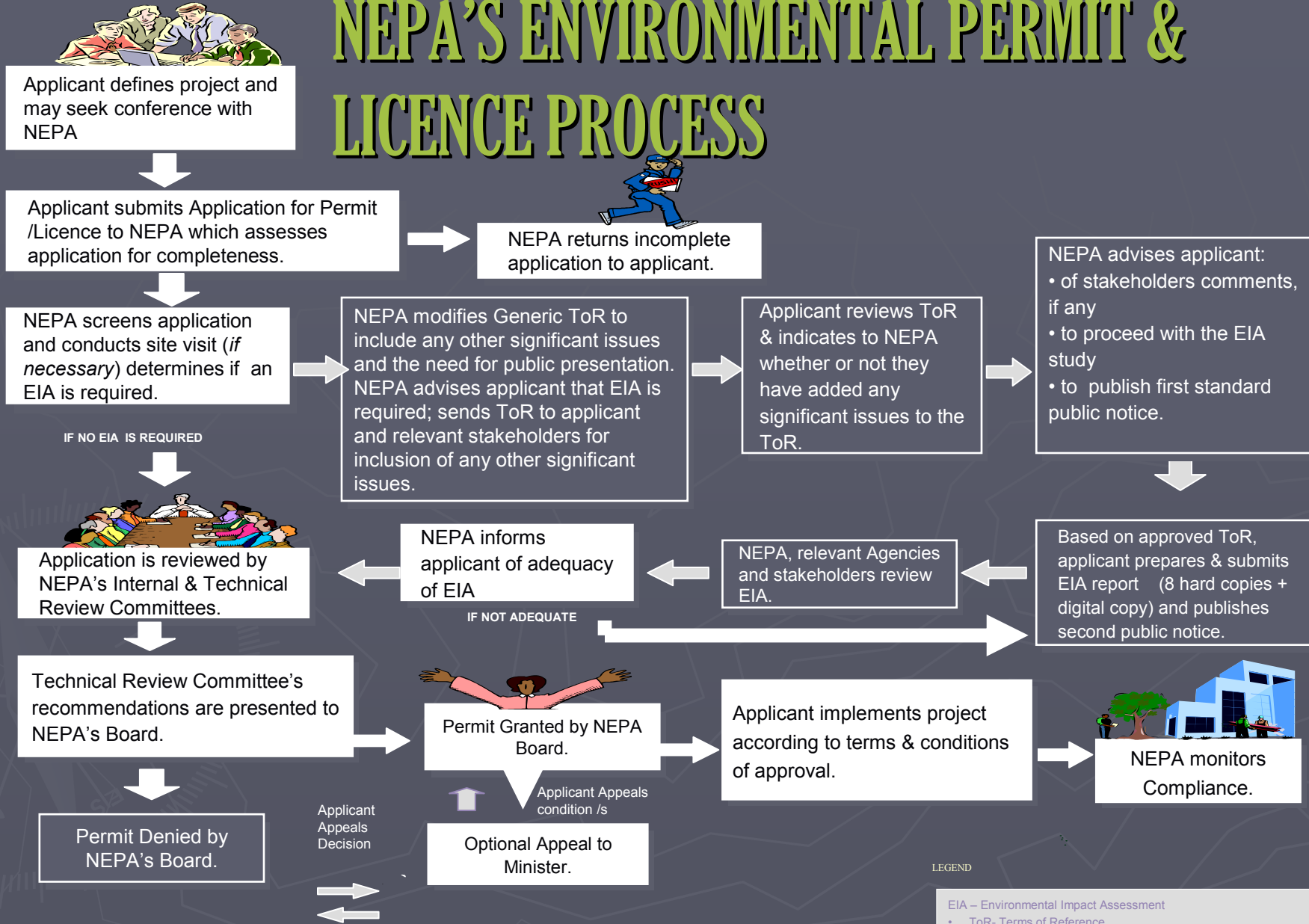
- ▶ Copies of EIAs are available at local public institutions for example: Libraries & Post Offices, Local Authorities (KSAC) for consultation and review.
- ▶ Public presentations are held to obtain comments on the proposed development. Comments must be submitted in writing to NEPA within thirty (30) days of the presentation.



What happens after the Permit or Licence is granted?

- ▶ **Appeal** – Applicant may appeal any of the conditions or decision to the Minister in charge of the Environment.
- ▶ Copy of Permit/Licence submitted to Local Authorities/ KSAC for information and utilization.
- ▶ NEPA reserves the right to revoke or suspend any permit or licence if stipulated conditions are not being upheld.
- ▶ Post permit monitoring will be conducted by NEPA to ensure that the stipulated conditions are met.
Additionally, facilities are required to undertake self-monitoring and submit regular reports to NEPA.

NEPA'S ENVIRONMENTAL PERMIT & LICENCE PROCESS



LEGEND

- EIA – Environmental Impact Assessment
- ToR- Terms of Reference

Available Guidelines & Standards

- ▶ Checklists
- ▶ Project Proponent
- ▶ Conducting EIA
- ▶ Generic TORs for conducting EIA
- ▶ Public Presentation
- ▶ Manual for reviewing EIA Reports
- ▶ Petroleum Storage
- ▶ Sewage Effluent
- ▶ Trade Effluent
- ▶ Development Orders
- ▶ Density Map
- ▶ Development and Investment Manual



Contact Information

For further information, please contact:-

- NEPA's Applications Secretariat
Branch

Telephone: 754-7540

Email: applications@nepa.gov.jm

THE END

National Environment and Planning Agency

Ministry of Health - Environmental Health Unit

Water Resources Authority

Office of Disaster Preparedness & Emergency Management

National Works Agency

National Land Agency

Civil Aviation Authority

Jamaica National Heritage Trust

Urban Development Corporation

Jamaica Public Service Company Limited

Mines and Geology Division

Ministry of Land and Environment

Jamaica Bauxite Institute

Ministry of Agriculture - RPPD

National Irrigation Commission

National Water Commission