

Planning and Environmental Issues for Sustainable Housing and Settlements:

A Progress Report.

Prepared for presentation to Jamaica Mortgage Bank Housing Development seminar on Tuesday March 26, 2002

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- **Structure**
- **Institutional Context**
- **Planning Issues**
- **Processes and Procedures**
- **Conclusion**
- **Discussion**

Executive Agencies

- NEPA is 1 of 12 Executive Agencies being created by Public Sector Modernization Project (PSMP).
- PSMP Goal to provide a '21st Century' public service infrastructure for Jamaica to facilitate sustainable prosperity through innovative management and use of IT
- Greater operating efficiency, enhanced revenue / cost recovery, improved customer service and ACCOUNTABILITY
- High performance standards for NEPA Management and staff
- Incentives so that performance will be rewarded.

The National Environment and Planning Agency (NEPA)

- NEPA created through a merger designated in 1996 National Land Policy :
- NRCA; Town Planning Department; LDUC
- Merger will allow -: Integrated planning/implementation of Physical Planning / Env Management programmes [participatory processes / information technology] Economies of scale, Better customer service, one window access

National Environment and Planning Agency NEPA Bulletin Board

Mission

NEPA's mission is to ensure protection of the environment and orderly physical development in Jamaica by working in collaboration with our public sector partners, the private sector, stakeholders and the general public toward achieving sustainable development.

The staff of NEPA strives to perform to the highest standard using a team-approach to efficiently, effectively and accountably, achieve results in a customer-focused manner in accordance with its Citizen's Charter.

Vision

Conservation and sustainable use of Jamaica's land, bio-diversity and other natural resources are ensured through strategic environmental management, ecosystem protection, pollution prevention and the sustainable physical development of its urban, rural, agricultural and marine areas.

Through NEPA's commitment to fairness, transparency and the active participation of stakeholders in all sectors and civil society, there is broad understanding of environmental, planning and development issues and a high level of compliance to relevant laws, regulations and standards.

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NEPA Background:

National Land Policy: Integration of:
Land Development Utilization Commission (LDUC)
Town Planning Department (TPD)
Natural Resources Conservation Auth. (NRCA) & Rural Physical Planning Unit (RPPU)*

- Modernisation Plans prepared (1998) for NEPA, NLA to achieve EA status within a 'Policy' oriented Ministry (then Housing and Environment) now Land and Environment
- The Ministry of Land and Environment created in 2000 and efforts made to adapt the Ministry plan (?)

*RPPU was withdrawn during PSMP analysis in 1998

LDUC / TPD / NRCA

NATIONAL NEED TO "OPTIMISE" THE DEVELOPMENT AND PLANNING PROCESSES REL TO LAND / NATURAL RESOURCES MANAGEMENT.,

TPD ESTAB. IN THE 50'S, LDUC IN THE 60'S AND THE NRCA PROGRESSIVELY SINCE 1974.

PRESENT REFORMS BASED ON/DRIVEN BY NEW DYNAMICS:

MODERNISATION, AG21/Sust. Development;

GLOBALISATION, INFO TECHNOLOGY, CHANGING INVESTMENT OPTIONS,

DECLINING ENV., QUALITY, NATURAL RESOURCE ASSETS AND

NEED FOR CONTINUING LEARNING AND CHANGE!!

NEPA Policy and Program Priorities

- National Environmental / SD policy (SDC-J) and Reporting (CEP, SOE, etc)
- National EIA/EA and Physical Planning Systems
- Improved Application Processing for Development Control by Business Practice changes

- International and Regional Treaty obligations (CSD, SIDS, Cartagena, FCCC, CITES, Montreal Protocol, Desertification, POPs, LBA's etc)
- Coastal Zone, Marine, Ocean, Beach, Protected Area, Watershed Management and Protection
- Waste Management and Pollution Reduction,
- Env. Management Systems / Cert'n of Goods, Services and Sectors (inc Construction)

National Benefits

- Integrated land use planning, participatory environmental management, timely processing of development approvals, sustainable resource conservation & environmental protection
- Effective operational functions:

-Policy development and planning framework
 -Processing of environmental, physical planning related licenses & permits
 -Public information & education programs
 -Monitoring, inspection and enforcement
 -Natural Resource/Land (GIS) information systems.
 -Environmental Land Management Education

- Improved customer service (Citizens Charter)
- Improved and more timely decision making
- Sustainable Prosperity?

The NEED Extends to:

- Updating and improvements to the planning framework to facilitate:

Improved planning to guide decisions

- Incorporating consultative processes involving non governmental / pvt sector stakeholders
- Link to infrastructure and economic development investment programs
- Consensus on 'Planning Cycle' for National / Sub National, Parish and Sub Parish, Growth Area plans

Improved application processing

- Simplify, demystify by improved communications
- Timely processing
- Delegation of decision-making appropriate to type, location, scale and complexity of applications
- Increase local involvement and capacity
- Base on up to date Plans, Zoning, Urban Fence delimitation,

Enhanced customer service

- Responsive and transparent system
- Improved information access and tracking system
- Extensive use of technology tools / E Government

Incentives and Compliance:

- Cultivate a Culture of Compliance
- Appropriate meaningful INCENTIVES
- Timely Fair and Fearless Enforcement

Urbanization/Planning Issues:

- Rapid Population Shifts
- Unmanaged Urbanization
- 'Static' Planning Based on UK Post War TETNETS

-Growth in mass Tourism

-Changes in AG Sector

-Informal Settlements/Squatting

- Top Down Hierarchical System
- Emerging Opportunities/Technology
- Governance and Participatory Ethic

Traditional vs SD Approach

- Traditional: One ministry/agency having sole responsibility for a subject such as environmental protection and
- NO mention of the SD ("sustainable development") challenge.

Why do we need Planning and Environmental Criteria? Or a Planning Process?

- Developments require subdivision, planning and environmental approvals to ensure that the utilisation of Jamaica's limited land and natural resources conforms to sustainable development principles, while satisfying current and future population demands.
- Experience has shown that in Small Island Developing States subject to multiple hazards, land management decisions have to be made with care and sensitivity.
- Orderly, safe, settlements must be part of the national vision!

Planning requirements: SubDivisions and Planning Approvals

- Subdivision approval is obtained from the Local Planning Authority/ Parish Councils
- Planning approval is obtained from the Town and Country Planning Authority (TCPA) or Parish Council

Requirements:

Subdivision Applications:

- All subdivision applications are submitted to the local planning authorities and subsequently forwarded to the Chief Technical Director (NWA) and the Government Town Planner (NEPA) for comments. Special processes for facilitating 'simple' cases (under 10 lots) exist.
- The Applications are circulated by NEPA's newly reorganised Applications Secretariat to the appropriate agencies for their comments within a time frame. This process is being automated and a IT based tracking system is being implemented to ensure that benchmarks are met.
- Efforts to apply IT processes are continuing.

The subdivision plan must:

Be deposited with the local planning authorities (KSAC and parish councils) before a subdivision is laid out on the ground (or physical works started)

Provide all particulars as required by the local planning authorities. (Local Improvements Act (1914))

Information required for subdivision:

-Plan drawn to scale

- Contour lines at 0.5m – 5.0m intervals depending on the topography in respect of subdivisions more than 10 lots
- Scale to which plan is drawn. Recommended scales: 1:2,500; 1:2,000; 1:500; 1:250

-Site investigation report and soil percolation test report if the subdivision exceeds 20 lots

-Drainage plan

-Names of roads

-Longitudinal and cross sections of new roads

-Number of Subdivision Plans Required:

- Under 11 lots and less than 2 hectares 11 copies
- Under 11 lots and over 2 hectares 14 copies
- Over 10 lots and or 20 hectares and over 15 copies
- **All subdivision application over 10 lots also require an environmental permit**

Development Applications:

- These applications are dealt with under the Town and Country Planning Act (1957)
- Types of development Applications:

-Outline

-Detail

-Determination

-Change of Use

-Retention of Use

These are to submitted to:

-Town and Country Planning Authority (TCPA) if the area is called in or if there is a change of use

-The Local Authority (Parish Council and KSAC) for other cases

Types of Development Applications Determination of planning permission:

Section 14 of the TCP Act allows for the applicant to consult with the planning authority prior to submitting an application to determine whether planning permission is required for any proposed operation or change of use. MLE and NEPA are seeking to improve the guidelines and related information products and to facilitate this consultation process. A revised and updated Manual for Developers is being produced. The National Environment and Planning Strategy (NEPS) will further clarify this area.

1: Information required for determination:

-Written description of operation or change of use

-Description of the land on which the operations will be carried out

-address of the property

-location plan of the property drawn to scale of 1:1250 for urban areas or to any other available scale which is sufficient to clearly identify land or 1:12,500 in rural areas;

2: Outline Planning Applications:

-Appropriate where a decision on the principle only of development is required

It is in effect the planning permission subject only to the approval of certain reserved matters.

-Required Documentary accompaniment:

- Two (2) completed copies of the application form
- Four (4) copies of the site plan
- Four (4) copies of the location plan
- Written details (contextual information of the entire proposal. This may be accompanied by explanatory sketches

3: Change of Use:

- Required if the new use is substantially different from the old or there is a change in the degree of an existing use. (Section 5 TCP Act).
- Accompanying documents:

-Two (2) copies of the development application form

-One (1) copy of the subdivision approval, where necessary, showing the location of land within the subdivision. site location, site plan, landscaping plan and existing land use.

-Four copies of site location, site plan, landscaping plan and existing land use.

-Written proposal

4: Retention of Use (Retrospective) Applications

Retention

These applications are made to "retain" buildings and/or continue the use of land in situations where planning permission has not been formally obtained or has expired (Section 15 TCPAct). Because of the 'antiquity' of the 'formal' Development Order and Plan, (e.g. Kingston's dated 1966) many areas are in the process of change and many existing uses are illegal.

Documentary requirements:

- Same as the Change of Use
- Written details on the use to be retained

Factors considered in Assessing Housing Development Projects:

- Physical characteristics of the site (topography and drainage, subsoil character and natural feature)
- Distances between buildings
- Site planning considerations (design of project, layout of subdivision)
- Site coverage
- Access and egress
- Circulation network
- Road layout
- Floor space index
- Drainage
- Parking
- Water supply
- Lot size
- Proximity of site to existing development
- Existing land use

- Provision of community facilities
- Employment opportunities
- Sewerage and waste disposal
- Zoning requirements
- Environmental issues

Environmental requirements

- Jamaica is a prescribed area under Natural Resources Conservation Authority (Prescribed Area) Order

-Under the Order certain activities termed enterprise, construction or developments require a permit

-Activities requiring a permit under the prescribed order include:

- Housing projects of 10 houses or more
- Subdivision of land 10 lots or more
- clear cutting of forested area on 3 ha or more on slopes greater than 25 degree
- Modification/ clearing or reclamation of wetlands
- Eco tourism projects
- Construction of highways, arterial roads or major road improvement
- If a housing development contains the prescribed categories requiring a permit under the NRCA Act an individual permit is required for each prescribed category

For Environmental license

-complete permit application form
 -complete project information form
 -pay non refundable application fee of \$1,000

- Documents usually required for permit:

-Proof of ownership or interest in the land
 -Location and layout plan
 -Existing statutory approvals
 -Any other relevant document

- Developments discharging polluting substances including sewage and trade effluent into any water body or into the ground require a license to discharge (pursuant to section 12 NRCA Act)
- Where the project involves the construction of a sewerage treatment plant both a permit and a license are required.

Document Requirements

-Completed License application form

-Completed project information form

- Where a permit and licence is required for the same project the applicant may submit one project application form accompanied by a project description
- Coastal properties may require a licence to encroach or use the foreshore or floor of the sea pursuant to Beach Control Act
- The NRCA may request the submission of an EIA if it is of the opinion that the activities of such enterprise, construction or development as contemplated in the prescribed order are likely to have an adverse effect on the environment (Section 10 (1)(b) of the NRCA Act)

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Conclusion

-A considerable 'body' of planning & environmental policy exists in Jamaica

-National Land Policy, Policy for National System of Protected Areas , Beach, Watershed, Forestry, Coastal and Ocean Management, EMS, Coral Reef Protection, Mariculture Policy, National Biodiversity Strategy and Action Plan etc.)

- Issues

-Environmental/Natural Resource Policies relatively new, integrated based on participatory approaches, and Post Rio (Agenda 21) principles

-National Land Policy provides sound basis for rationalizing outstanding issues related to Tenure, Squatting, Settlement management etc. Review, updating timely

-Planning Policies are less well integrated and are generally 'stand-alone' documents with heavy reliance on 'dated' planning paradigms.

-Integration of Policy Mandate (Natural Resources, Planning, Land) requires a structured approach and attention to Stakeholder /Clients.

-Policy Integration with other key sectors (Mining, Energy, Tourism, Agriculture, Housing/Settlements, Transportation, Disaster Mitigation etc) now seen as urgent need .. Joined up Govt now in vogue (policy networking from Cabinet Office)

-Need for new approaches and strategies based on mix of Top Down/Bottom Up.. Devolution.. Decentralization. Emerging PDC's / Local Govt Reforms demanding rapid change.

-Planning / Policy implementation and performance monitoring is in need of strengthening.

Policy development methods are changing, with a current focus on a participatory process involving all stakeholders

There is a NEED to:

Develop/Maintain an inventory of policy affecting the planning, land and environmental field

Review the relevance and success of current policies

Scan for and introduced innovative solutions to long outstanding (tenure, informal settlements and urbanisation) anticipate future challenges and opportunities.

Determine overlap of current policies:

Complementary overlap

Conflicts

Determine [and close] policy gaps

Develop a common policy format and develop clear lines of responsibility for monitoring and implementation

National Benefit

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 - Environmental Land Management Education
 - Improved customer service (Citizens Charter)
 - Improved and more timely decision making
 - Improvement in Environmental Quality

Our NEED Extends to:

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