

# Permissions required to carry out Housing Development



**Presentation**

**to**

**Jamaica Mortgage Bank Housing  
Development Seminar**

March 18, 2009



*Managing and protecting  
Jamaica's land, wood and water*

# Permissions required to carry out Housing Development

- **Planning**
- **Subdivision**
- **Environmental**
- **Building**



# **MANDATE**

**NEPA is the government Agency charged with the responsibility to promote sustainable development by ensuring protection of the environment and orderly development in Jamaica.**

**NEPA is a regulatory Agency.**

# WHAT IS NEPA?

The National Environment and Planning Agency (NEPA) represents a merger between the Natural Resources Conservation Authority (NRCA), the Town Planning Department (TPD) and the Land Development and Utilization Commission (LDUC) and became operational as an Executive Agency on April 1, 2001.

The aim of the merger is to integrate environmental and planning policies and programmes within the context of sustainable development.

# Core Functions of NEPA

- Land use Zoning
- Setting Environment and Planning Standards
- Development Control
- Reviewing of Environmental & Planning Applications
- Conducting Environment and Planning Research and Assessment
- Monitoring and Enforcement

# 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 Housing Development

- **Planning:**
  - Obtained under Town & Country Planning Act
  - Applications submitted to the Local Planning Authority & may be referred to Town and Country Planning Authority for a decision or to NEPA for a recommendation
  - **Approving entities:**  
Town and Country Planning Authority, Local planning Authorities
  - **Types of planning applications**
    - Detail planning
    - Outline planning
    - Change of Use
    - Retention of Use

# Permissions required to carry out Development & Construction Projects

- **Subdivision:**
  - Obtained under the Local Improvements Act
  - Applications submitted to the local authority
  - Approving entities : Local authorities (Parish Council/KSAC)
  - NEPA makes recommendation to local authorities prior to a decision being taken by these authorities

# Main Issues to consider

## Re: Subdivision & Planning Applications

- **Zoning**
  - Existing Land use
  - Proposed Land use
- **Urban Limits**
- **Change in use of Agricultural Lands**
- **Access (Ingress & Egress)**
- **Traffic Flow**
- **Lot Size**
- **Density** (habitable room/ha; plot area/floor area ratio)
- **Setback from road ways / gullies / canals coastal zone / rivers**
- **Open Space** (1 ha: 100 lots)
- **Parking**
- **Level of infrastructure**

Lot sizes vary based on location (urban-rural), terrain, type of sewage treatment

# Permissions required to carry out Housing Development

- **Environmental** :
    - **Obtained under Natural Resources Conservation Authority Act**
    - **Applications submitted to NEPA**
    - **Approving entity:**  
**Natural Resources Conservation Authority ( NRCA)**
    - **Types of Environmental applications**
      - Permit & Licence (Sewage Effluent Licences)**
      - Beach Licence (Beach Control Authority Act)**
- NEPA reviews the applications and makes a recommendation to the NRCA**

# **Main Issues to consider**

## **Re: Environmental Applications**

- Biological Resources
- Water Resources
- Drainage
- Solid Waste Disposal
- Public Health
- Coastal Zone
- Protected Areas
- Wetlands
- Natural Hazards
- Air Quality
- Sewage Treatment and Disposal

# Sewage Treatment and Disposal

## Issues to be considered

- o Proximity of a central sewage treatment facility with excess capacity
- o Type of system
- o Level of treatment
- o Sizing and design
- o Depth to water table
- o Lot size
- o Adequacy of land space
- o Setback from property boundary, buildings
- o Soil conditions
- o Disposal of solid waste generated
- o Odour & noise nuisance
- o Maintenance of the facility

# Sewage Treatment and Disposal Facilities Requiring Environmental Permit

- o Sewage treatment and disposal facility serving 10 Lots /Units & More requires an Environmental Permit.
- o Sewage treatment and disposal facility serving 9 Lots/Units & Less requires NO Environmental Permit; however; the proponent must seek the approval of the Ministry of Health, Environment Health Unit on the design of the system.
- o An environment licence is required if there is a discharge from the system to the environment.

# **NEPA- Circulates applications to other Agencies as required**

**These Agencies include:-**

- National Works Agency \*
- Land Valuation Division\*
- Environmental Health Unit
- Water Resources Authority
- Rural Physical Planning Unit
- Jamaica Bauxite Institute
- Jamaica National Heritage Trust
- Mines and Geology Division

# **NEPA- Circulates applications to other Agencies as required**

- National Water Commission
- National Irrigation Commission
- Office of Disaster Preparedness and Emergency Management
- Jamaica Public Service Company
- Civil Aviation Authority
- Urban Development Corporation

# NRCA's 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.**

# **NRCA's Permit and Licence System cont'd**

- A Licence is required for the handling of sewage or trade effluent and poisonous or harmful substances to be discharged into the environment.

**The NRCA is not entitled to grant a permit or licence if, it is of the view, that the activity in question is likely to cause injury to the environment or to public health.**

# 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 relevant site visit(s).
- This study undertaken by the applicant outlines the impact the proposed project is likely to have on the area where the development will be sited, as well as the impact of the environment on the development. It also identifies mitigation measures necessary to reduce the negative impacts of the project.

# Other Prescribed Categories Associated with Housing Development

- Subdivision of Land 10 Lots and over
- Sewage Treatment and Disposal Facility
- Laying of pipes
- Batching Plants • Clearance of land/forested areas ( $3 > \text{ha}$ )
- Shopping Centres
- Cemeteries

# Planning & Environmental Legislation

- Pursuant to the NRCA Act  
A Planning Application and an Environmental Application must be submitted simultaneously
- Planning Applications requiring environmental Permits – The NRCA must indicate its intention to grant permission prior to the TCPA granting planning permission

# Permissions required to carry out Housing Development

- **Building applications**

**These applications are concerned with the structural integrity of the proposed buildings and are dealt with by the respective Parish Councils/KSAC under the relevant Building Act.**

# How can an applicant help to shorten the Approval Process

By :-

- contacting the Local Planning Authority/ Parish Council and NEPA with the proposal
- ensuring that the Application forms are correctly completed
- declaring all aspects of the development
- ensuring that all supporting documents are provided (e.g. Location Map, Layout Plan, Project Brief etc.)

**DO NOT SUBMIT INCOMPLETE APPLICATIONS.**



## Contact Information

**For further information, please contact:-**

**National Environment and Planning Agency**

**Telephone:754-7540**

**Website: [www.nepa.gov.jm](http://www.nepa.gov.jm)**

**Email: [applications@nepa.gov.jm](mailto:applications@nepa.gov.jm)**