

THE ENVIRONMENTAL ASSESSMENT PROCESS IN BARBADOS

Las opiniones expresadas en este documento son responsabilidad de los autores y no necesariamente reflejan los puntos de vista del Banco Interamericano de Desarrollo.

1 BACKGROUND

1.1_ The Development of Environmental Management Initiatives

Formal initiatives to facilitate environmental management in Barbados can be considered to have begun in 1963 with the introduction of a water zoning system in which the development of land and waste disposal practices was regulated in relation to the probability of contamination of groundwater (drinking water) supplies. In the 1970s, the first attempt at developing a natural resources management policy was made through the institutionalisation of Physical Development Planning and the formation of a National Conservation Strategy.

The first "Barbados Physical Development Plan", which focused exclusively on the orderly development of land, was published in 1970 but became operational in 1976. The second Plan, entitled "Barbados Physical Development Plan amended 1986", outlined a national settlement development strategy to the year 2000. This strategy included physical development policies for land use, economic activities, housing, services, recreation and conservation. However, there was little explicit integration of environmental dimensions into the activities and programs of sectoral ministries and private sector organizations.

In the 1980s, the Government of Barbados recognised the need for integrating environmental issues more fully into development planning, established a number of institutions responsible for environmental management and developed a National Conservation Strategy. The principal institutions created were the National Conservation Commission (1982), the Coastal Conservation Project Unit (1983; now the Coastal Zone Management Unit), and the Environmental Unit (1987).

In 1988, the Government signaled even greater emphasis on the environment and natural resource base by creating a new Ministry of the Environment, Energy and Natural Resources with a mandate to develop environmental policies and strategies for the island.

1.2 Environmental Assessment in the Past

Prior to 1980, the Town and Country Planning Office (TCPO) did not request EIAs for projects in Barbados. Moreover, other Government agencies, with the exception of the Ministry of Public Works and Transport (MPWT) and the Ministry of Health, were not involved in the review of development applications. The MPWT was consulted only when drainage and traffic management issues were important in the development.

In 1981, the Coastal Conservation Project Unit (CCPU) was established, with responsibility for developing the coastal area, conducting scientific research into beach and coastal erosion, and recommending protective measures to Government and private property owners. As a result, the Town and Country Planning Office sought the advice of the CCPU on selected coastal development applications. As the institutional capacity of the CCPU developed, limited environmental assessments were undertaken for coastal zone development applications referred to the CCPU by the Chief Town Planner (CTP). However, this was an informal arrangement between the two Departments.

This approach continued through the 1980s and into 1990 when the Town and Country Planning Office established EIA guidelines allowing for the review of development applications by additional Government departments. However, there were no policy guidelines to determine what projects required an EIA, and no explicit legal basis for requiring an Environmental Assessment. As stated by Willms *et al* in 1998 "there is no express statutory basis for requesting an environmental assessment in Barbados." However, Section 17 (1) of the then active Town and Country Planning Act (1976) authorises the Chief Town Planner to require that applicants provide "such further information as he thinks fit" for development permits. Willms *et. al*, (1998) argued that ,from a legal perspective, this Section of the Act was is not broad enough to request developers to conduct an EIA for a project. However, the Chief Town Planner has indicated that a developer has never

challenged the Town and Country Planning Office in court for requesting an EIA for a project.

2 CURRENT EIA PROCEDURES

2.1 Legal Basis for EIA

The legal policy document currently used by the Town and Country Planning Office to request an EIA in Barbados is the National Physical Development Plan (1998). This was ratified in 2000. Section 2.5.2.1 of the Plan states that:

"The Chief Town Planner and the Chief Environmental Officer may require applicants for planning permission to prepare and submit an Environmental Impact Assessment if, in their opinion, a proposed development may have a significant negative effect on coastal or other environmental resources, Natural Heritage Conservation Areas, or adjacent land use."

The Section also outlines and identifies the types and class of developments for which applicants are required to prepare and submit an EIA.

These developments include:

- A. Special Industry
 - (i) a chemical or petroleum manufacturing plant;
 - (ii) a refinery;
 - (iii) a desalination plant;
 - (iv) an electricity generating plant;
 - (v) a cement plant;
 - (vi) any other industry where the processes are potentially obnoxious or dangerous to health and amenity by reason of excessive smell, fumes, smoke, dust, grit, ash, noise, or vibration;
- B waste management facilities;
- C waste disposal sites;
- D golf courses;
- E uses within:
 - (i) a Natural Heritage Conservation Area;
 - (ii) a National Park Forest Area;
 - (iii) an Agricultural Area;
- F mining operations including quarries and sand mines;
- G applications for major transportation infrastructure such as highways, airports or airport expansions, or wharves;
- H. sewage treatment facilities.

2.2 The Environmental Impact Assessment Procedure

The current EIA procedure is summarised below.

1. Under the Town and Country Planning Act, a proponent applies for planning permission. The Town and Country Planning Office (TCPO) determines the Government agencies to be consulted and circulates the application to these agencies for comments.

2. The application and the comments of the other Government agencies are assessed by the TCPO. If the proposed developer falls into any of the categories identified in Section 2.1 of this report, the Chief Town Planner (CTP) informs the proponent that an EIA is required. If the activity is not considered subject to an automatic EIA, the CTP determines whether an EIA is required based on the comments and advice of the Government agencies that reviewed the document, and so informs the proponent.

3. The proponent's consultants prepare and submit the TORs for the EIA to the Chief Town Planner, often with input from selected Government agencies. The TORs are submitted to selected Government agencies, and to any other institution or unit that may have an interest in the project, for review. Recommendations on the improvement of the TORs, if any, are submitted to the developer.

4. The developer conducts the EIA and submits the report to the Chief Town Planner who circulates it for review to the other Government agencies involved in assessing the application. Inter-agency meetings are held to discuss the report

5. During this discussion period, or prior to this whilst the EIA is being conducted, the Town and Country Planning Office co-ordinates a public consultation about the project, or requires the developer to do so. The inter-agency Government Committee reviews comments arising out of the public consultation. The Chief Town Planner submits the comments of the inter-agency Committee on the EIA report and on the public consultation to the proponent.

6. The proponent re-submits the EIA report addressing any issues identified by the Committee and the public. The Committee undertakes an assessment of the revised report and a recommendation is made to the Chief Town Planner.

7. The Chief Town Planner forwards a report to the Minister for decision. The Minister approves or disapproves the project.

8. The Town and Country Planning Office, assisted by selected Government agencies, monitors the implementation of measures recommended in the EIA report to mitigate environmental impacts of the development.

A variation of the above procedure is that the developer receives planning permission from the Town and Country Planning Office, subject to the condition that an EIA be completed.

2.3 Government Agencies in the EIA Process

As indicated above, the Chief Town Planner selects Government agencies for comment on applications, depending on the nature of the development project. There is no *a priori* list indicating the agencies to be consulted for specific projects. Agencies that are commonly notified and asked to comment include:

- ? Barbados Water Authority (BWA);
- ? Coastal Zone Management Unit (CZMU);
- ? Environmental Engineering Division (EED);
- ? Ministry of Public Transport and Works (MPWT);
- ? Environmental Unit;
- ? Energy Division;
- ? Fire Service

Depending on the nature of the project, applications are also sent to:

- ? Ministry of Agriculture and Rural Development (MOA);
- ? Ministry of Tourism (MOT);
- ? Barbados Museum;
- ? Chief Surveyor;
- ? Civil Aviation Office;
- ? Ministry of Finance and Economic Affairs;
- ? Ministry of Housing;
- ? Ministry of Labour;
- ? Barbados National Trust;
- ? Barbados Port Authority and Harbour Master;
- ? University of the West Indies

The roles of the more frequently used of these Agencies in the Environmental Impact Assessment are identified in Table 1.

2.4 EA of Government executed projects

Projects executed by Government departments are either funded by local revenue or from grants and loans from international financial agencies. Such projects are to be subjected to the same EIA process as those of private developers.

ANNEX

VERIFICATION MATRIX ON THE LEGAL/PROCEDURAL FRAME

VERIFICATION MATRIX ON THE LEGAL/PROCEDURAL FRAME (*)			
TOPIC (**)	YES	NO	OBSERVATIONS (***)
1. Is there any preventive environmental policy in an official document that supports EIA?	X		This question is confusing. I am answering it as if the word preventive were not there. Section 1-2 or the 2 nd report
2. Are there any preventive sectorial or local environmental policies that support EIA?		X	Barbados is small; everything is the national scale
3. Are there any explicit environment protection principles or criteria in the law, regulations or formal documents? (health, landscape, etc.)	X		There are many laws in Barbados relevant to Environmental protection the first report I sent you list these, and briefly describes them
4. Are there any legal formal documents demanding obligatory EIA?	X		As indicated in section 2-1 of the 2 nd report that I sent you, the notification to the 1998 physical development plan
5. Is there any obligation to apply EIA within a sole national system?	X		Allows the ctd to demand an EIA. This question is confusing; if I include the word “sale”, the answer is yes.
6. Is the national system non-aggregated at territorial level? (regional, provincial, municipal, etc.)		X	Barbados is small; everything is the national scale
7. Are there any sectorial obligations for EIA which are not integrated or articulated to each other?		X	Barbados is small; everything is the national scale
8. Are there any sectorial obligations for EIA that are territorially non-aggregated? (regional, provincial, municipal, etc.)		X	Barbados is small; everything is the national scale

(*) Refer to all current obligations, including internal procedures and handlings used by authorities.

(**) If any other topics of interests, these must be incorporated into the matrix.

(***) A brief description and base documents of all those topics with information, identifying the annex number that includes it should be attached.

VERIFICATION MATRIX ON THE LEGAL PROCEDURAL FRAME (*)			
...continuation			
TOPIC (**)	YES	NO	OBSERVATIONS (***)
9. Are the responsibilities and rights of the institutions involved in the SEIA specified ?	X		They are specified through guidelines; out not in a legal document
10. Is there a formal document explaining the details and procedures of a classic EIA process an of the current obligations in the country?		X	The EIA process is clear and routinely used (see section 2-2 or the second report I sent) but is not described in any formal document
11. Are there any institutions with specific empowerment to review and environmentally authorize the execution of proposed activities?	X		See table 1 in the second report that I sent
12. Are there any requirements to enter into the EIA evaluation system? (types of de projects, environmental criteria, etc.)	X		Some activities now require an automatic EIA (see section 2-1 of second report); others are decided on a case by case basis
13. Are the administrative procedures regulated?			Not sure exactly what this means
14. Are there any obligatory activity schedules that must be subject to the EIA system ?			
15. Are there any obligatory exclusions of activities?	X		
16. Are there any categories grouped into projects?			Not sure exactly what this means
17. Do you ask for a preliminary evaluation to enter into the EIA system and define requirements?		X	
18. Are there any categories of EIA reports?		X	All EIA reports are treated similarly

(*) Refer to all current obligations, including internal procedures and handlings used by authorities.

(**) If any other topics of interests, these must be incorporated into the matrix.

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VERIFICATION MATRIX ON THE LEGAL PROCEDURAL FRAME (*)			
...continuation			
TOPIC (**)	YES	NO	OBSERVATIONS (***)
19. Is coverage, scope and content defined for each category of this reports?	X		Coverage, score and content is defined in the TDR for
20. Is there any obligatory Terms of reference (TDRs) for the categories of report?	X		There are TDRs for all reports clarification of the tdrs can be verbally sougat
21. Are there any methodological guides for orientation?		X	
22. Are environmental management plans expressly requested?	X		
22.1. Are mitigation programs requested?	X		
22.2. Are compensation programs requested?		X	
22.3. Are contingency and risk prevention programs requested?	X		
22.4. Are inspection and follow-up programs requested?	X		
23. Is formal citizen participation requested?	X		
24. Are there any citizen participation mechanisms incorporated in the regulations?		X	They are not explicitly in legal regulations; but are
25. Are there any conflict solving mechanisms?			
26. Are there any review methods formalized to review EIA reports?	X		
27. Are there any intermediate reviews by the authority?		X	Typically there is one review at the end
28. Are there any review deadline per EIA report category?		X	

VERIFICATION MATRIX ON THE LEGAL PROCEDURAL FRAME (*)			
...continuation			
TOPIC (**)	YES	NO	OBSERVATIONS (***)

(*) Refer to all current obligations, including internal procedures and handlings used by authorities.

(**) If any other topics of interests, these must be incorporated into the matrix.

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VERIFICATION MATRIX ON THE LEGAL PROCEDURAL FRAME (*)			
			...continuation
29.	Are there any obligatory methodologies to identify environmental impacts?		X Methodologies used are chosen on a case by case basis
30.	Is there any obligatory classification of environmental impact per category?		X Bust most EIA reports do rank the magnitude of impact
31.	Are there any sanctions due to unfulfillment of any of the established requirements?	X	Planning permission would be denied
32.	Is there an administrative system that allow to verify the current situation of the EIA reports (i.e. in elaboration, in reviewing, approved, rejected, etc)?		X One could get this information, but it would take research
33.	Are there any administrative files that allow to review the situation of each EIA reports that is approved , rejected, or in progress?		X One could get this information, but it would take research
34.	Are the activities linked to the IADBwith special impact evaluation procedures or requirements?		X

(*) Refer to all current obligations, including internal procedures and handlings used by authorities.

(**) If any other topics of interests, these must be incorporated into the matrix.

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ANNEX 2

**VERIFICATION MATRIX OF THE APPLICATION FRAME AND
WORKING INDICATORS OF THE SEIA**

VERIFICATION MATRIX OF THE APPLICATION FRAME AND WORKING INDICATORS OF THE SEIA (*)

Term: 1996 - 2000

INDICATOR (**)	Availability of Information		Number of Studies					Percentage (in relation to the total studies)			
	YES	NO	Category 1	Category 2	Category 3	Category 4	Total	Category 1	Category 2	Category 3	Category 4
1. Reports Presented	X		15	33			48	31	69		
2. Reports Approved	X		10	33			43	69	100		
3. Reports Rejected	X		5	0			5	33	0		
3.1. Reports Rejected due to failure in using the proper category	X		0	0			0	0	0		
3.2. Reports Rejected due to bad technical quality	X		3	0			3	20	0		
3.3. Reports Rejected due to lack of environmental sustainability	X		2	0			2	13	0		
4. Reports in process of review	X		5	12			17	33	36		
5. Projects that present follow-up plans and environmental management plans once the Reports have been approved	X		11	0			11	93	0		
6. Projects sanctioned/fined because of not applying environmental management plans once approved the Reports	X		0	0			0	0	0		
7. Claims from several actors to the decision of the authority	X		0	7			7	0	21		

Category 1: Projects Requiring a full Environmental Impact Assessment

Category 2: Project Requiring only an Environmental Evaluation

Category 3: _____

(*) Minimum indicators considered. The list with indicators can be supplemented.

(**) If necessary, attach one annex per topic.

Category 4 _____

VERIFICATION MATRIX OF THE APPLICATION FRAME AND WORKING INDICATORS OF THE SEIA (*)											
Period: _____ 1996 - 2000 _____											
INDICATOR (**)	Availability of Information		Number of Studies					Percentage (in relation to total studies)			
	YES	NO	Category 1	Category 2	Category 3	Category 4	Total	Category 1	Category 2	Category 3	Category 4
8. Projects with which there were citizen conflicts	x		15	26			741	100	79		
9. Projects with citizen participation in certain stages	x		13	2			15	89	6		
10. Projects with applications of citizen just within the formal review process	x		13	2			15	89	6		
11. Projects that did not submit a EIA reports in spite of its being demanded	x		0	2			2	0	6		
12. Reports with review-terms respected according to what had been established	x		15	31			46	100	94		
13. Real time period of report approval	x		10 moth	6 moth							

Category 1: Projects Requiring a full Environmental Impact AssessmentCategory 2: Project Requiring only an Environmental Evaluation

Category 3: _____

Category 4: _____

(*) Minimum indicators considered. The list with indicators can be supplemented.

(**) If necessary, attach one annex per topic.

VERIFICATION MATRIX OF THE APPLICATION FRAME AND WORKING INDICATORS OF THE SEIA (*)

Period: 1996 - 2000

INDICATOR (**)	Availability of Information		Number of Studies					Percentage (in relation to total of studies)			
	YES	NO	Category 1	Category 2	Category 3	Category 4	Total	Category 1	Category 2	Category 3	Category 4
14. Amount of the investments per Category of project (million)	X		US\$ 52	US\$ 0.25			52.25				
15. Amount of the investments per Category of EIA report (million)	X		US\$ 0.35	US\$ 0.025			0.375				
16. Number of studies with expost verification	X		8	0			8	53	0		
17. Number of years since EIA is demanded (year)	X		15	15			30				
18. Changes to the EIA law (includes in process)	X		***								
19. Changes in the EIA regulations (includes in process)	X		***								

Category 1: Projects Requiring a full Environmental Impact Assessment

Category 2: Project Requiring only an Environmental Evaluation

Category 3: _____

(*) Minimum indicators considered. The list with indicators can be supplemented.

(**) If necessary, attach one annex per topic.

Category 4 _____

*** There is a firm legal Basis for EIAs in Barbados as of the year 2000

- (*) Minimum indicators considered. The list with indicators can be supplemented.
- (**) If necessary, attach one annex per topic.