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Cayman Islands
Legislative Assembly

Parliamentary Question

Date for Answer 10th September 2014
(For Official Use Only)

Name **Mr. Ezzard Miller, MLA**
(Member of the Legislative Assembly)

Constituency **North Side**

To Ask **Honourable Wayne Panton, JP, MLA**
(Elected Member)

Financial Services, Commerce and Environment
(Responsible for)

Questions

(Questions to be typewritten and submitted to the Clerk in Quadruplicate)

1. **Can the Hon. Minister state what section of the National Conservation Law or other laws that the Department of Environment is using to discourage development in the North Side Constituency?**

Chief Officer/ FSC&E
Head of Department

Please assist by supplying information for answer to above.

Clerk of the Legislative Assembly

Date:

LEGISLATIVE DEPARTMENT
AUG 29 2014
Cayman Islands

Mr. Ezzard Miller, MLA
Signed:
(M.L.A.)

Admissible

MINISTRY OF
FINANCIAL SERVICES,
COMMERCE & ENVIRONMENT
CAYMAN ISLANDS GOVERNMENT

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ANSWER TO A PARLIAMENTARY QUESTION FROM NORTH SIDE MLA, D. EZZARD MILLER TO MINISTER OF ENVIRONMENT, HON. WAYNE PANTON

Monday, 15 September 2014 | Cayman Islands Legislative Assembly

QUESTION:

Can the Hon. Minister state what section of the National Conservation Law or other laws that the Department of Environment is using to discourage development in the North Side Constituency?

ANSWER:

Madam Speaker the answer -

As was advised last Friday in this Honourable House, the National Conservation Law only partly came into effect on that day, the 12th of September thus it is not possible that the Department of Environment could have used that law or any provision thereof prior to that date for the purpose mentioned in the question.

Madam Speaker let me hasten to say that the DoE does not use any other laws to discourage development nor does it have a policy of discouraging or recommending against development, in any particular District in our country. Each application received from the Planning Department or the Cabinet is reviewed by the DoE's Technical Review Committee on its own merits with consideration being given to:

(i) the potential direct and indirect impacts of the proposal on sensitive habitats, species, natural features and the environment generally;

(ii) the likely cumulative effects of the proposal on the same;

(iii) the anticipated effects of global climate change on the proposal and *vice-versa*; and

(iv) the requirement for the application to be subjected to a comprehensive Environmental Impact Assessment (EIA) due to its size, location and/or complexity.

In carrying out its reviews the DoE utilises the Government's Geographical Information System (GIS) layers and tools (including recent and historical aerial imagery) as well as GIS layers such as habitat maps, protected areas, environmentally sensitive areas and features, developed by the DoE. Site visits are also carried out when necessary.

Madam Speaker, for the year 2013, the Department reviewed 6 applications for coastal works licences in the district of North Side. 5 of these applications were approved, and while the 6th was refused by Cabinet on the advice of the DoE, the Department worked with this applicant to modify their proposal to mitigate the environmental impacts, and this application was subsequently approved in 2014.

In terms of planning applications, 1 application for North Side was reviewed in 2013 and was recommended for refusal by the DoE. The DoE's review concluded that, on balance, they could not support the application due to the limited / incomplete information that was submitted with the application and hence the uncertainty of potential future negative impacts. A similar position was also taken by the Water Authority and the National Roads Authority as both of these agencies had questions that were unanswered by the material submitted by the applicant.

These statistics do not support a view that the DoE is discouraging development in North Side. To the contrary, they reflect that the DoE is willing to actively engage with developers to ensure that all projects are done in a sustainable manner.

Madam Speaker, as a country we have espoused the concept of Sustainable Development. The principles of sustainable development require that the environmental impacts of development are considered equally alongside social and economic impacts, and the DoE's role is to provide decision-makers with information on those environmental impacts. Members of this Honourable House will recall those principles as being at the core of the framework of the National Conservation Law which every Member voted for on its third and final reading.

It is also important for me to stress the fact Madam Speaker that the Department of Environment is an advisory body on issues relating to development. It is not a decision making body.

-End-