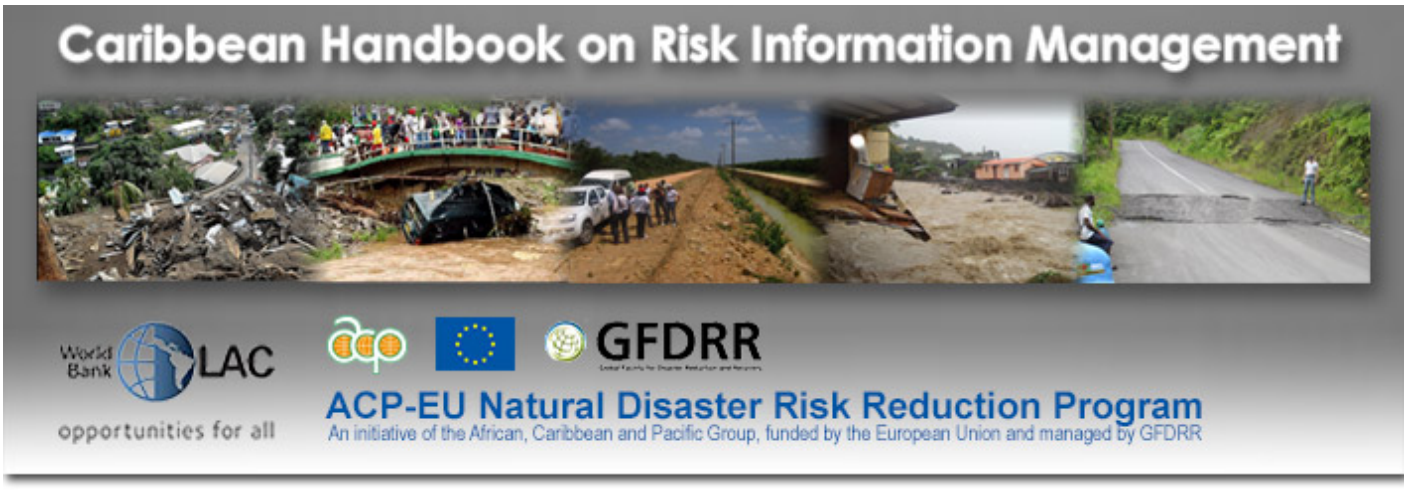

Organizations

Dominica

Legislation and planning in Dominica

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?Links:

- Comparison of legislation and planning frameworks for five countries;
- National scale landslide susceptibility assessment example Dominica
- National scale landslide hazard assessment along the road network
- Landslide inventory mapping

The commonwealth of Dominica is the largest Island among the OECS countries. It occupies a land area of 751 Km ^{2}. Its population is relatively low at 70,000 persons. Disaster risk for landslides and floods in Dominica is potentially high due to its mountainous topography and heavy rainfall. The average rainfall along the windward east coast exceeds 5,000 mm and inland mountainsides receive up to 9,000 mm. This is among the highest accumulations in the Caribbean as well as in the world (Global Climate Change Alliance, n.d.). The island is of volcanic origin and is the most mountainous among the eastern Caribbean countries, with deeply incised river valleys and steep ridges, and dense vegetation. The island has one of the largest river densities on the earth (Lindsay, Smith, Roobol, & Stasiuk, n.d.). Due to its mountainous topography, approximately 90 % of its population resides close to the coastal belt, which makes them particularly vulnerable to coastal hazards (Global Climate Change Alliance, n.d.). The Island has suffered several times in the past with damaging effects of hurricanes such as Hurricane David in 1979, a category 4 storm, which damaged some 80 % of the island's housing stock (GFDRR, 2010a). Dominica is highly susceptible to volcanic hazards. It has nine volcanoes, one of the highest concentrations of potentially active volcanoes in the world (Lindsay et al., n.d.). According to a report by CDERA (2003c) an estimated 90 % of the population lives within five kilometres of an active volcano.

The physical planning process in Dominica

Physical planning legislation in Dominica

- Physical Planning Act No. 5 of 2002
- Land Acquisition Act, Chapter 53:02
- Forests Act, Chapter 60:01

- Settled Estates Act, Chapter 54:05
- Aliens Land Holding Regulation
- Forest & Wildlife Act, Chapter 60:02
- National Parks and Protected Areas
- Water and Sewerage Act, Chapter 43:40
- Mining and Pumice Act, Chapter 57:02
- Mining and Minerals Act, 1995

The physical development in Dominica is dictated by the Physical Planning Act (the Act), 2002 (Physical Planning Act 2002). The Physical Planning and Development Authority (PPDA) is responsible for the implementation of this Act. Besides Act 2002, there are building codes and minimum property standards for guiding development work in the country. However, these documents are still at draft stage and need formal approval. PPDA is a statutory Authority established in accordance with the Act. The role of the Authority is to keep under review a study of matters pertinent to planning the use and development of the land, consideration of applications for development, and regulating building construction in the country. The Chief Physical Planner (CPP) is Secretary to the Authority and responsible for the administration and system of planning outlined in the Act. The CPP is the Head of the Physical Planning Division (PPD). It has three sections; namely administration, land use, and development control sections. Development regulations are enforced through the Development Control Section and the Land Use Section is responsible for land use and development planning.

There is special provision in the Act for the preparation of a development plan for all of Dominica called the “National Physical Development Plan” or for a specific part of the country. The planning Authority has responsibility to initiate the preparation of such plans with the approval of the concerned Minister. Part III, (9)(2) of the Act says the development plan should set out a statement of the principal aims and objectives with respect to the development and other use of land in the area by highlighting existing conditions of the area and policies for future development and land use. The development plan has to be prepared in consultation with a wide-spectrum of stakeholders. Its publicity has to be ensured in the preparation process particularly for those who may be affected by the development plan. After the approval of the draft development plan by the concerned Minister, the plan should be submitted for the approval of the Cabinet and subsequently to the Parliament to pass as law. The development plan may be approved with or without modifications or may be rejected completely by the Minister, Cabinet or Parliament in the review process. In case of rejection, a fresh plan may be prepared following part III, section (9) of the Act. An approved development plan will remain intact until it is revoked by the concerned Minister by notice. Approved development plans may be available for inspection or purchase by the public. No National Physical Development Plan has been prepared for Dominica as yet, however; there is discussion in the Planning Division about preparing one. Nevertheless, land use and development plans for some parts of the Island including the main town and capital Roseau are prepared. However, some of these development plans are still in draft status.

Under Part II, Section 4(h) of the Act, the Physical Planning and Development Authority is responsible for receiving and considering applications for permission to undertake any development work. However, according to the Act, it is the duty of the CPP to sign and issue development permissions, refusals or other notices as authorised by the Authority. The physical planning Act, dictates that no development can be carried out without the permission of the Authority. Part IV, section 17(1), states that “No person shall carry out any development of land except under and in accordance with the terms of a development permission granted in that behalf prior to the commencement of such development, on an application made in accordance with the regulations made under section 88, unless the development is permitted development authorised under subsection (2)”.

An application for the grant of development permission has to be submitted to the Authority through the CPP. The application has to be made following regulations accompanied by supporting documentation such as drawings, title of ownership, and other supplementary information, which may help in making a decision on the application. Subject to the nature of the proposed development every application should be accompanied by an EIA report for the consideration of the application. The EIA process has to be completed following regulations defined in the Act. When an application is received for development, the Development Control Section reviews the application, and, subject to completion of the application, it consults with the Land Use Section, the Fire department, those responsible for the flight path, and the Environmental Health institution. Development Control Officers visit specified development sites in order to ascertain suitability of land. Also, considerations regarding NFDP or the local development plan (if available) is taken into account in making decisions. The development application has to be consistent with the development plan. Afterwards, applications are reviewed by the Technical Staff Committee (TSC) and the Technical Committee (TC) and decisions are made for the clients. As per law, the Authority is bound to make a decision on an application within 120 days or notify the client and request extension. The Authority may grant permission with or without conditions or may refuse the application for development.

Status of hazard and risk information in Dominica

A list (Table 3) has been compiled of hazard maps that have been prepared by different consultants for Dominica. Most of these maps cover the whole island. Some of the maps such as flood, landslide, earthquake, and composite maps are qualitative and do not contain information on magnitude/intensity of the hazard.

Table 3. List of various hazard maps prepared for Dominica

Type	Purpose/ Description	Coverage	Scale	Date produced	Author/Consultant	Sou info
Landslide Risk	To map landslides occurrence	Entire country	1:50,000	November 1987	Jerome de Graff	(CD
Volcanic hazard assessment	To map and assess volcanic hazards	Entire country	1:50,000	June 2000	Seismic Research Unit	(CD
Flood	To undertake flood hazard mapping of the Roseau river basin	Roseau river basin	Unknown	December 2002	Caribbean Council of Science and technology	(CD
Landslide hazard map	To develop landslide hazard map and	Entire country	1:25,000	October 2006	CIPA	(CI
Inland flood hazard map	To develop landslide hazard map and	Entire country	1:25,000	October 2006	CIPA	(CI
Coastal hazard flood map	To develop landslide hazard map and	Entire country	1:25,000	October 2006	CIPA	(CI
Volcano hazard map	To develop landslide hazard map and	Entire country	1:100,000	October 2006	CIPA	(CI
Earthquake hazard map	To develop landslide hazard map and	Entire country	1:100,000	October 2006	CIPA	(CI
High wind hazard map	To develop landslide hazard map and	Entire country	1:25,000	October 2006	CIPA	(CI
Composite hazard map	To develop landslide hazard map and	Entire country	1:50,000	October 2006	CIPA	(CI

Seismic maps	**Seismic hazard maps of various return periods available online at the UWI website for download**	**Entire country**	**Unknown**			**(Th of t Indi**
Landslide susceptibility map	**Under CHARIM project**	**Entire country**		**February 2015**	**ITC**	**ITC**
Landslide susceptibility map	**Under CHARIM project and part of an MSc thesis**	**Entire country**		**February 2015**	**Diana**	**ITC**

Some of these maps and documentation are also available at Dominode http://dominode.net/). which is an open data portal for sharing geographical information on Dominica.

Inclusion of disaster risk reduction in physical planning policies and development work in Dominica

Recently, the Physical Planning Division (PPD), prepared a land use policy document for Dominica. The document is in draft form and currently in the Cabinet for its approval. It recognises the importance of hazard mitigation and stresses upon increasing resilience to natural hazards in order to protect social and economic development gains (Dillon Consulting, 2014). It highlights the following land use strategies for the sustainability of development and minimizing the potential impacts of natural hazards on society:

1. Increasing resilience to natural hazards – planning should recognise the hazard vulnerability of the country and development should incorporate appropriate measures to be resilient
2. Building and retrofitting to be resilient to natural hazards – the planning and location of development will consider resilience to natural hazards and climate change by following specific guidelines and designing infrastructure that is less susceptible to hazards such as hurricane, storm surge, and earthquake.
3. Avoiding hazards through planning – The planning of new development will take into account areas that are hazard prone. And existing development located in highly hazard areas will be considered for relocation.
4. Preventing and managing manmade hazards – risk of landslides will be reduced in construction practices and agriculture

A development plan for the whole country (NPDP) or part of a country should guide and provide the strategic direction for the land use and development in Dominica. In the course of preparation of such a plan, the Authority may identify hazard prone areas and restrict development work in those areas. It is stated in the Act, under Part III, Section (9)(4a) “designate any area as an area which should not be developed due to its susceptibility to aircraft hazard or to flooding, erosion, subsidence, instability or other condition of the physical environment”. Furthermore, any environmentally sensitive area could be declared as an environmental protection area subject to a specific survey for the purpose. It is further stated in Part VI, Section (56) (3)(C)(v), that “in determining whether it is desirable to declare any area an environmental protection area, the Authority shall have regard to any special natural hazards to which the area is or may be subject”. Only certain development or classes of development are permitted in such areas. In situations, development is completely prohibited and an EIA study is pre-requisite for development permission for the areas declared as environmentally protected. For the environmentally protected areas, a special management plan is to be prepared for preservation and management of the special features of the area including; prevention of erosion, landslips, and flooding, prohibition, restriction or regulation of access to any area and the prevention of squatting as mentioned in Part VI, Section (59) (2)(c)(h).

Although, the Planning Division has access to hazard maps, the Division is not using these maps explicitly for development control. The decision on development permission is basically based on the site observations, knowledge, and experience of Development Control Officers, who are responsible for reviewing applications and visiting sites, besides input from concerned departments and EIA reports. The decisions are somewhat discretionary rather than being based on specific standards and tools.

References

Catherine, J. L. (2010). Analysing Vulnerability to Volcanic Hazards?: Application to St . Vincent. University Collecge London.

Global Facility for Disaster Reduction and Recovery (GFDRR). (2010c). Disaster risk management in Latin America and the Caribbean region?: GFDRR country notes (SVG).

Government of SVG. (n.d.). About SVG. Retrieved November 17, 2014, from **http://www.gov.vc/index.php?option=com_content&view=article&id=13&Itemid...**

Government of SVG. Town and Country Planning Act, 1992 (1992). SVG.

Isaacs, Philmore A. B. 2013. St. Vincent and the Grenadines Land Policy Issues Paper. Report prepared for The Social and Sustainable Development Division (SSDD) of the Organisation of Eastern Caribbean States (OECS), Morne Fortune, Castries, Saint Lucia.

Kemp, S. (2013). *St Vincent and the Grenadines national physical development plan?: Preliminary methodological framework report*.

Robertson, R. E. A. (2003). Making Use of Geology - the relevance of geology and geological information to the development process in St Vincent and the Grenadines, 1–9.

The University of the West Indies. (2011). Seismic Research Centre. Retrieved November 16, 2014, from **http://www.uwiseismic.com/Maps.aspx**

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