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NEPA BACKS DOWN ON PERMIT FOR BAHIA PRINCIPE PHASE 2

The environmental groups that successfully challenged the government's environmental regulatory agencies in the Supreme Court have won another round in their fight **to ensure that local stakeholders are informed and have a say in the decision-making process for environmental permits.**

In a press release posted on its website yesterday, the National Environment and Planning Agency (NEPA) announced that the Natural Resources Conservation Authority (NRCA) had "rescinded its decision to grant approval to HOJAPI Limited for the development of the Phase Two of the Bahía Príncipe Hotel at Pear Tree Bottom in St. Ann."

When the news broke in March this year that the NRCA had approved an environmental permit for another 900 rooms for Phase Two of the Bahía Príncipe, there was an outcry of protest from Northern Jamaica Conservation Association (NJCA) and the Jamaica Environment Trust (JET). At the time, NJCA and JET strongly criticised NRCA's decision to approve Phase Two **without further public consultation** in light of **numerous complaints from local residents about suspected environmental breaches by the hotel.**

The two NGOs, along with four individuals, had in May 2006 won a judicial review court case that challenged the decision by NEPA and NRCA to grant a permit to HOJAPI for Phase One of the proposed 1,918-room Bahía Príncipe hotel. The Phase One permit to build 734 rooms was quashed, but eventually reinstated on appeal from the developers.

The Phase Two permit for an additional 900 rooms, though approved by the NRCA in March, was never issued. NEPA explains that **the decision to rescind the permit was taken "to ensure that the NRCA's decision-making process is in compliance with the law, as determined in judgment delivered in the [judicial review] case."**

In his final judgement, Justice Bryan Sykes had ruled that **NRCA and NEPA had failed to meet the legal standard of consultation** as well their own stated standards of consultation by not circulating a 'critical' marine ecology report to members of the public, to the applicants, and in particular to the Water Resources Authority, with which they were required to consult regarding the approval of the permit.

While treating this as a victory for environmental justice and the rule of law, NJCA and JET are encouraging citizens to continue to hold the regulatory agencies accountable. "It is important that Jamaicans have information about developments that could have major environmental and social impacts, and also have a say in decisions that will affect them." said NJCA Executive Director Wendy Lee.

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