

Environmental and Social Considerations in Detailed Planning Survey  
(Technical Cooperation for Development Planning)

**1. Full title of the Project**

Project on Integrated Urban Development Master Plan for the City of Nairobi

**2. Type of the Study (e.g. Master Plan, Feasibility Study, Detailed Design, etc.)**

Master Plan and Feasibility Study

**3. Categorization and its reason**

(1) Category : B

(2) Reason :

The project is not likely to have significant adverse impact on the environment under the JICA Guidelines for Environmental and Social Considerations (April, 2010) in terms of its sectors, characteristics and areas.

**4. Agency or institution responsible for the implementation of the Project**

City Council of Nairobi (CCN)

**5. Outline of the Project (objectives, justification, location, proposed activities, and scope of the study)**

**5.1 Objectives**

The Fourth Master Plan for the City of Nairobi will be prepared by the Project.

**5.2 Location**

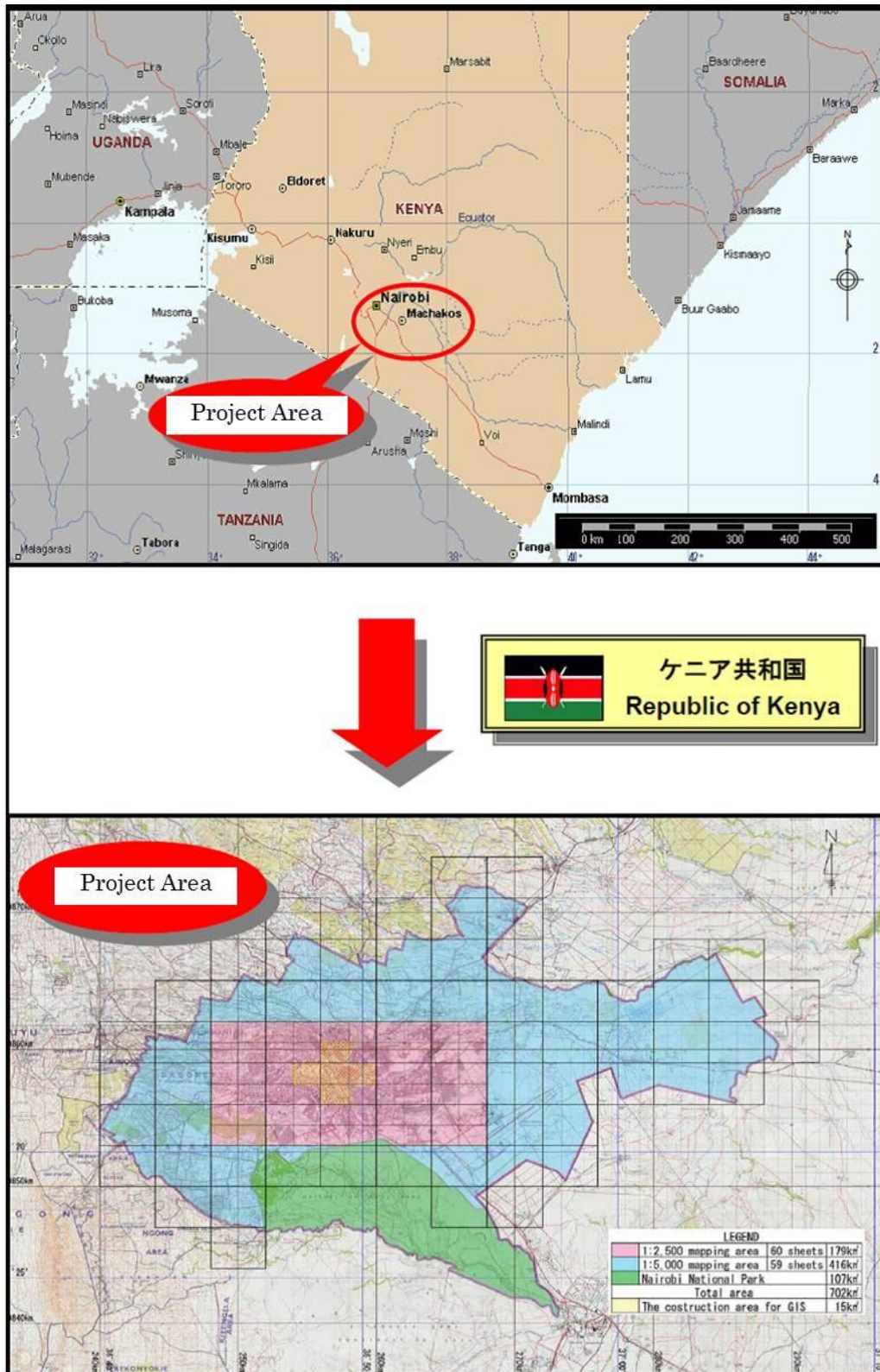
Nairobi City in Kenya

**5.3 Scope of the Project**

- (1) Formulate an Integrated urban development master plan for the period 2014 to 2030
- (2) Formulate an implementation and management program
- (3) Prioritize intervention areas/ flagship projects
- (4) Formulate policies, rules and guidelines for local development
- (5) Conduct technical transfer to the counterparts in the course of the Project

**6. Description of the project site (maps, environmental and social condition, current issues, etc.)**

## 6.1 Location Map



## 6.2 Environmental and social condition

The rapid urbanization has placed considerable pressure on available housing, infrastructure and other services, and urban areas, especially Nairobi, experienced a rapid growth of slums and squatter settlements, which suffer from inadequate water and sanitation, health facilities

and other basic infrastructure.

### 6.3 Current issues

The rapid urbanization has created informal settlements which do not have proper sewage facilities leading to water pollution as the untreated sewage makes its way into rivers and groundwater. Urbanization has also led to a growing building and infrastructure construction industry whose challenges include increased noise and excessive vibrations.

## 7. Legal Framework of Environmental and Social Considerations

### 7.1 Laws, Regulations and Relative agencies and institutions

#### (1) Laws and Regulations

In 1999, the Environmental Management and Coordination Act (EMCA) which aims to strengthen the legal and institutional framework for environmental management was established and enacted in 2000. EMCA created the National Environment Council (NEC) with policy making function and National Environmental Management Authority (NEMA) as the principal instrument of the Government in the implementation of all policies relating to the environment. Under EMCA, various regulations concerning implementation of Environmental Impact Assessment (EIA) and Environmental Audit (EA) for policies, plans, programmes, projects, and activities and management of pollution such as air, water, wastes, and noise.

Other environmental consideration related legislations are wildlife conservation, forest management, water resources management, and safety and health for workers.

The basic idea and principle of social considerations such as secure and protection of human and property rights are mentioned in the Bill of Rights, Chapter IV of the Constitution, 2010. Indigenous people in Kenya have not been clearly identified and defined officially, nor did specific law and regulation concerning protection of their rights exist before the Constitution, 2010. In the Bill of Rights of the Constitution, 2010, it is clearly mentioned that all State organs and all public officers have the duty to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalized communities, and members of particular ethnic, religious or cultural communities, and affirmative action programmes shall be designed to ensure minorities and marginalized groups participation to the society. In accordance with section 260 of the Constitution, 2010, “marginalized community” means (a) a community that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as a whole, (b) a traditional community that, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole, (c) an indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a

hunter or gatherer economy, or (d) pastoral persons and communities.

Direct or indirect discrimination against “marginalized group”, who, because of laws or practices before, on, or after the effective date, were or are disadvantaged by discrimination on one or more of the grounds on race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth is prohibited in the Constitution, 2010. Especially, Parliament needs to enact legislation to promote the representation in Parliament of (a) women, (b) persons with disabilities, (c) youth, (d) ethnic and other minorities, and (e) marginalized communities.

(2) Relative agencies and institutions

Ministry of Environment and Mineral Resources (MEMR) is in charge of protection and conservation, monitoring, sustainable management of environment and mineral resources in Kenya. MEMR coordinates and governs formulation of policies related to environment and natural resources, sustainable management of mineral resources, protection of natural resources, maintenance of the database necessary for environmental management, research on land and soil, development of mineral resources, and meteorological services through National Environment Management Authority (NEMA), Kenya Meteorological Department, Mines and Geology Department, and Department of Resource Surveys and Remote Sensing (DRSRS).

NEMA is established under the Environmental Management and Coordination Act (EMCA) No. 8 of 1999, as the principal instrument of government in the implementation of all policies relating to the environment. In NEMA, there are five main departments and one sub-department under Director General and Directorate. The main regulatory functions of the Department of Compliance and Enforcement are pollution control through formulation of regulations, setting up standards, and issuance of licenses or permits to operators, issuance of EIA licenses after its review, and control and monitoring of Environmental Audits (EA).

## 7.2 Procedures of SEA and EIA, stakeholder participation and information disclosure

### (1) SEA

In the section 42 of EIA/EA 2003, it is stipulated that the lead agencies shall in consultation with NEMA subject all proposals for public policy, plans, and programmes for environmental implementation to a strategic environmental assessment. NEMA has formulated the National Guidelines for SEA to show the basic steps and how to integrate environmental issues into policies, plans, and programmes through a rigorous stakeholder engagement process.

Part IV, which provides objectives of conducting SEA, specific procedures, and requirements, is added in revised draft of EIA/EA 2003. Following issues are major requirements for SEA IV.

- (i) In carrying out a SEA, a scoping study shall first be undertaken, and SEA shall be commenced upon the approval of the scoping report. ((5) and (6) of section 42, revised EIA/EA 2003)

- (ii) To identify alternatives that may include but not be limited to:
  - a. doing nothing option,
  - b. employing alternatives to achieve the same policy, programme or plan objectives,
  - c. employing alternative technologies,
  - d. demanding the reduction or addition in size of projects envisioned, and
  - e. employing different forms of management. ((7)(e) of section 42, revised EIA/EA 2003)

(iii) During scoping and the actual SEA study, it shall be mandatory to conduct consultation with relevant government authorities, agencies and the public. In carrying out public consultations the lead agency shall:

- a) hold at least two public meetings with the relevant stakeholders and communities to explain the policy, programme or plan and its effects, and to receive their oral, written comments or objections if any,
- b) ensure that the first meeting is held during the scoping stage, and
- c) ensure that an appropriate notice is sent out at least 14 days prior to the meeting and that the venue and time of the meeting is convenient. ((8) and (9) of section 42, revised EIA/EA 2003)

## (2) EIA

Second Schedule of EMCA lists project types, and any project proponent shall, before financing, commencing, proceeding with, carried out, executing or conducting any undertaking specified in the Second Schedule, submit a project report to NEMA in the prescribed form with the prescribed fee. NEMA reviews the report and determines whether an EIA study is necessary for the proposed project or not. The project proponent shall undertake EIA study at his own expense, prepare a report, and submit the EIA report to NEMA.

According to the EIA Guidelines, the significance of the project's environmental impacts is considered through the project report, and the significance itself depends on such factors as (i) the sensitivity of the area likely to be affected; (b) public health and safety; (c) the possibility of uncertain, unique or unknown risks; (d) the possibility of having individually insignificant but cumulatively significant impacts; (e) whether the proposed activity affects protected areas, endangered or threatened species and habitats; (f) size, working methods, project activities including their duration and proposals for waste disposal etc.

However, specific criteria used for the determination on the necessity of EIA are not clear.

## **8. Provisional Scoping (Type and magnitudes of possible adverse impacts and mitigation measures)**

	Subjects	Impacts	Evaluation
Social Environment			
1	Resettlement	Extensive alteration of existing land uses, changes in sources of livelihood, or unemployment	B
2	Economic Activities	Loss of productive activities by alteration of existing land uses	C
		Loss of job opportunities by change of economic structure caused by urbanization	C
		Increase of job opportunities by urbanization	C
		Decrease or relocation of poverty area	C
		Improvement of medical and educational environment	C
3	Transportation	Occurrence of traffic congestion or increase of traffic accident by increase of traffic volume	B
4	spatial disruption	Disruption of social and economic network by traffic blockade or new road construction	C
5	Ethnic minorities and indigenous peoples	Consideration to the culture and lifestyle of ethnic minorities and indigenous peoples, inequity dividend of benefit	C
6	Heritage	Loss of heritage or cultural assets, damage by exhaust gas or vibration	C
7	Water right	Loss of water right by alteration of existing river or wetland to land uses	-
8	Sanitation	Epidemic of infectious diseases	C
9	Waste	Increase of industrial waste, general waste, occurrence of polluted sludge	B
10	Disaster Risk	Increase of risks of collapse or accident	C
Natural Environment			
11	Topography and Geology	Change of topography or geology by excavation or earth fill	C
12	Land erosion	Land erosion by rainwater after land filing or deforestation	C
13	Underground water	Lowering of groundwater level by overuse and contamination	C
14	Lake and river	Change of water quality or flow velocity by land filling or inflow wastewater	C
15	Coast	Change of landscape, erosion and sediment deposition by protection work such as land filling	-
16	Ecosystem	Impact to flora and fauna by alteration of existing land use or land filling	B
		Impact to flora and fauna by exhaust gas, noise, dust caused by increase of traffic volume	B
		Impact to mangrove, coral reef or seaweed bed	-
17	Landscape	Change of landscape by land filling, degradation of harmonization by structure	B
18	Climate change	Increase of energy demand	C
Pollution Control			
19	Air Pollution	Pollution caused by exhaust gas, dust or fine particles by increase of traffic	B

		volume or operation of construction machines	
20	Water Pollution	Increase of wastewater by urbanization, water pollution by drainage from construction work or factory into lake, wetland or river	B
21	Soil contamination	health hazard by toxic materials or heavy metals	C
22	Noise and Vibration	Occurrence of noise and vibration by increase of traffic volume	B
23	Land subsidence	Land subsidence by overuse of underground water	C
24	Odor	Increase of exhaust gas, occurrence of odor from waste dumping site or sewage treatment plant	B
25	Bottom sediment	Deterioration of bottom sediment of river or wetland by discharge of contaminated materials from construction drainage	C

Magnitude :

A: Large and serious impact is expected

B: Bad impact expected is to be a certain level

C: Unknown (detailed and concrete situation is to be confirmed)

D: Bad impact is not expected. It is not necessary to conduct EIA.

#### **9. Alternatives to the project activities including 'without project' option**

Detailed mitigation plans will be analyzed through an implementation of the Project.

#### **10. Result of the consultation with recipient government on environmental and social consideration including roles and responsibilities**

Full understandings towards implementing JICA guidelines were shown.

#### **11. Terms of Reference for Environmental and Social Considerations**

Implementation of SEA

#### **12. Other relevant information**

None