

## **Scenario A- Coastal Development within the Boundaries of a Protected Area**

Advice to the Park Manager: There are a number of issues that may arise with this scenario:

### **1. Designation of protected area:**

- Check if there are different types of declared protected areas within one geographical area e.g. fish sanctuary and marine park
- Check protected area order(s) for boundary of area e.g. Will the proposed development fall within the boundaries of any protected area?
- Check if any specific Regulations/Laws govern the conduct of activities within the protected area.
- Check types of activities that may be permitted within protected area
- Are there are protected animals or plants or endangered species within the protected area? Check the laws governing the protection of these animals and plants to ascertain if there are specific rules governing how development may affect protected or endangered species.
- Applicable Laws and Regulations – NRCA Act (p.21-22) , Marine Park Regulations, National Park Regulations, Amendments and User Fee regulations; Trade in Endangered Species Act and Wildlife Protection Act (p.43-46); Tourist Board Act and Water Sports Regulations; Fishing Industry Act (p.40)

### **2. Jurisdiction of rangers and park manager**

- Check jurisdiction and powers of the park manager over activities within the protected area
- Check jurisdiction and powers of officers to assess scope of monitoring and enforcement of the site prior to grant of permits– Note powers are different for Marine Park Rangers, Game Wardens and Special District Constables
- Applicable Laws and Regulations – NRCA Act (p.21-22), Marine Park Regulations, National Park Regulations, Amendments and User Fee regulations: Wildlife Protection Act (p.43-46)

### **3. Laws that regulate Development**

- Check whether a permit(s)licences would be required under the Protected area Regulations or the NRCA Act. Note one development may be subject to a number of different permit/licensing processes.
- Check whether the area is zoned for hotel development under a Development Order. Is Planning permission necessary? Has an application been made to the parish council?

- Is specific permission required for construction of structures on the foreshore and floor of the sea? What is the process to obtain a licence?
- Check the conditions on a requirement for an EIA? Are there any other developments nearby that were permitted and an EIA required? What were the conditions under which those developments were permitted/licensed?
- Are there any specific policies that govern the beach, wetlands, biodiversity etc that may be relevant?
- Does the public have any rights to appeal the grant of a permit under these laws?
- Applicable Laws and Regulations: -NRCA Act, Permit and Licensing Regulations, (p.21-22) Town and Country Planning Act (p.23-23), Development Order for the Parish, Forestry Act, Forestry Regulations (p.33), Beach Control Act, Beach Control Regulations (p.38), Specific Protected Area Regulations Marine Park Regulations, National Park Regulations and Amendment Regulations

#### **4. Actions of the Regulatory Agency**

- What information do you know about the decisions of the regulatory agency towards the developers? Inspect the public authorities files and consider whether you need to ascertain information that the Authorities hold in regard to the site by use of the Access to Information Act.
- Has the Regulatory agency consulted you or any other local or national public authorities of this development? Do any laws or policies require consultation?
- Does the public or any landowner have specific rights e.g. prescriptive rights, rights to a light etc
  - Applicable Laws and Regulations: -Access to Information Act (p.59)
  - NRCA Act, Permit and Licensing Regulations, (p.21-22) Town and Country Planning Act (p.23-23), Development Order for the Parish, , Beach Control Act, Beach Control Regulations (p.38), Specific Protected Area Regulations Marine Park Regulations, National Park Regulations and Amendment Regulations; Common law remedies (p.11-12)

## **Scenario B- Illegal logging in a Protected area in the mountains**

Advice to the Park Manager: There are a number of issues that may arise with this scenario:

### **1. Decision on whether to investigate the breach**

- A decision will have to be made on capacity of your officers to investigate the breach alone or with the police or forestry/environmental warden or the police.

### **2. Do the activities fall within a protected area:**

- Check if these activities are happening within any declared protected area e.g. forest reserve and national park
- Check if any specific Regulations/Laws govern the conduct of activities mentioned that is specifically the construction of a road, the removal of trees, chain saws, burning of fire; shooting of birds
- Check whether it is hunting season? Ascertain whether the time the hunting took place was within the time periods allowable for hunting? If not person needs to be arrested and charged or information ascertained so they can be summoned to court.
- Are there specific protected animals or plants or endangered species within the area that might be affected? Check the laws governing the protection of these animals and plants to ascertain if there are specific rules restricting these types of activities within the area.
- If no protected area regulations /forestry regulations are applicable is this an activity that is causing a serious threat to natural resources or the public health?
- Applicable Laws and Regulations – NRCA Act and Permit and Licensing regulations (p.21-22), National Park Regulations; Forest Act and Forest Regulations Trade in Endangered Species Act and Wildlife Protection Act and Bird Shooting Regulations (p.43-46); Country Fires Act (p.55)

### **5. Jurisdiction of rangers and park manager and police**

- Check jurisdiction and powers of the park manager over activities within the protected area
- Check jurisdiction and powers of rangers and police to assess scope of enforcement powers– Note powers are different for National Park Rangers, Game Wardens and Special District Constables.

### **6. Laws that regulate Development**

- Check whether a permit(s)licences has been granted under the Forest Act and Regulations, the Protected area Regulations, the NRCA Act or Town and Country

Planning Act. Note separate permits may be needed for use of chain saws, cutting and lighting a fire.

- Check who owns the land and whether the area falls within a development order, whether the road is a road that requires permission from the National Works Agency or NEPA or the parish council; whether any of these agencies have granted permission for these activities (p.23, 24)
- Applicable Laws and Regulations: -NRCA Act, Permit and Licensing Regulations, Town and Country Planning Act, Development Order for the Parish, Forestry Act, Forestry Regulations, Specific Protected Area Regulations National Park Regulations and Amendment Regulations

## **Procedures on the Investigation of an Environmental Breach**

The ranger attending the scene of an environmental breach should:

- Assess the scene carefully; decide if action can be taken after further investigation or if an offence is currently being committed which has to be stopped immediately.
- Consider personal safety
- Protect any protected animal.
- Secure and protect the scene, if necessary
- Request technical or specialist assistance and reinforcement if required.
- Make notes of actions and observations.
- Make a record of those persons on the scene, cars and vehicles license plate numbers.
- Keep to the same route in and out of the scene if possible.
- Collect exhibits and then protect exhibits from weather/livestock and human interference. Seek to collect contact information from persons who are witnesses
- Minimise entry of unauthorized persons
- Identify any witnesses/suspects. Seek Police assistance to carry out arrests if no power or jurisdiction
- Do not tamper with exhibits or any part of the scene without reasonable excuse.
- Do not pass any information regarding the scene to members of the public.
- Brief the investigating officer fully on his or her arrival at the scene.
- NEVER JUMP TO CONCLUSIONS.

Adapted from Pocket Guide to Environmental and Planning Laws  
(NEPA/ ENACT/RIDGE TO REEF)