

Environmental and Social Impact Assessment (ESIA) Report for the Proposed Kapenguria Law Court Building



ESIA REPORT

This Environmental and Social Impact Assessment (ESIA) Project Report is submitted to the National Environment Management Authority (NEMA) in conformity with the requirements of the Environmental Management and Coordination Act, 1999 and the Environmental (Impact Assessment and Audit) Regulations, 2003

Project Proponent:

Judiciary of Kenya,

P.O BOX 30041-00100

NAIROBI, KENYA

DECLARATION

**ENVIRONMENTAL AND SOCIAL IMPACT ASSESMENT PROJECT REPORT FOR
THE PROPOSED KAPENGURIA COURT DEVELOPMENT ON L.D PLAN NO.
50651/108/4, NEIGHBOURING KAPENGURIA COUNTY COUNCIL OFFICES;
KAPENGURIA**

This project report was prepared and signed by **Eng. Anthony Kihuga Githinji** (EIA Lead Expert No. 1394) with assistance of Everlyne Wanjiku (Associate Expert No.7338) on behalf of the **Judiciary of Kenya** (Proponent).

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ACRONYMS.

ESIA	Environmental And Social Impact Assessment
EIA	Environmental Impact Assessment
EA	Environmental Audit
EHS	Environmental Health and Safety
EMCA	Environmental Management Coordination Act
ERPs	Emergency Response Plans
ESMP	Environmental and Social Management Plan
NEMA	National Environmental Management Authority
OHS	Occupational Health and Safety
PPE	Personal Protective Equipment
Pv	Permanent Vent
PLWHA	People Living With HIV and AIDS
KAWASCO	Kapenguria Water and Sewerage Company
KPLC	Kenya Power and Lightening Company
CBA	Cost Benefit Analysis
VCT	Voluntary Counselling and Testing
ART	Anti -Retroviral Therapy
PMTCT	Preventing Mother-to-Child Transmission
CBO	Community Based Organization
NACC	National Aids Control Council
IEC	Information Education and Communication
SJT	Sustaining Judiciary Transformation
JTF	Judiciary Transformation Framework

EXECUTIVE SUMMARY

This exercise has been necessitated by the judiciary of Kenya, which is implementing the Judicial Performance Improvement Project (JPIP). This is in line with the new Constitution in which the judicial reforms are anchored. In response to this, the judiciary has developed a comprehensive Sustaining Judiciary Transformation (SJT) a service delivery agenda, 2017-2021, which takes into account earlier viable reforms and the spirit of the constitution. This new Framework is commonly known as the Sustaining Judiciary Transformation (SJT). The SJT is governing the reforms in the judiciary for the five (5) years period i.e. (2017-2021). The proposed JPIP is implementing some of the key activities in the SJT and is aligned with the SJT priorities. The objective of the JPIP is to improve the performance of the Judiciary to perform its services in the project areas in a more effective and accountable manner. Currently the rehabilitation and construction of new courts which was the JTF's founding logic now falls under increased access to courts and legal information. The SJT 2017-2021 has therefore shifted focus from institutional building and capacity enhancement to enhancing service delivery through: improvement of work methods; operationalization of development systems; enhancing individual accountability; enhancing institutional accountability; entrenching performance measurement, monitoring and evaluation; and entrenching policies and manuals. Therefore, Under the SJT, all the construction works started under JTF will be completed and emphasis will be placed on concluding these constructions within time and within budget. New infrastructure projects will be commenced guided by the long-term Judiciary Infrastructure Development Plan. Kapenguria is one of the courts earmarked for new court construction and this calls for the preparation of the Environmental and Social Impact Assessment (ESIA).

Being the custodian of law and justice matters, the Judiciary understands the importance of incorporating environmental protection issues as early as possible in the project planning and design stages of such a project, such that any adverse impacts are foreseen and addressed accordingly and in a sustainable and environmentally responsible manner.

This ESIA report for the proposed Kapenguria court construction project has been undertaken to ensure that the significant environmental and social impacts at all stages i.e.; the preconstruction, construction, operation and decommissioning stages have been considered and assessed at the project planning phase. This report provides the background to the proposed project as well as an assessment of its likely environmental and social impacts, both beneficial and adverse. Proposed enhancement and mitigation measures are outlined in the Environmental and Social Management Plan (ESMP) and where necessary together with an initial assessment of costs and responsibilities for their implementation.

The purpose of this assessment and its overall objective is to ensure that the significant environmental and social impacts of the proposed project at all stages have been considered and integrated in the implementation of the project cycle in order to contribute to sustainable

development of the general project area and areas in close proximity to it. Potential environmental impacts and socioeconomic conditions will be associated with the activities for the proposed initiative and therefore the need for assessment of impacts. Secondly, the assessment is intended to propose workable mitigation measures and thirdly to formulate an environmental and Social management and monitoring plan articulating the mitigation measures, responsible persons, frequency of monitoring, required resources, time frame for its implementation and possible costs.

The objective of the ESIA study is to carry out an assessment of the proposed project to determine whether or not the proposed project and associated activities will have any adverse impacts on the environment, taking into account environmental, social, cultural, economic and legal considerations. The main objectives of the ESIA are to:

- Identify and assess the anticipated environmental and social impacts of the proposed projects – both positive and negative;
- Identify and analyze alternatives to the proposed project;
- Propose mitigation measures for negative impacts and enhancement measures for positive impacts to be undertaken during and after the implementation of the proposed project;
- Verify compliance with national environmental regulations and policies, World Bank Safeguard Policies, and industry best practice and standards;
- Generate baseline data for monitoring and evaluation of how well the mitigation measures have been implemented during the project life cycle;
- Recommend cost effective measures to be used to mitigate against the anticipated negative impacts;
- Seek the views of affected persons in consultation with the judiciary and the National Environment Management Authority (NEMA);
- Prepare an Environmental & Social Impact Assessment Report compliant with the Environmental Management and Coordination (Amendment) Act 2015; and
- Prepare an Environmental and Social Management Plan (ESMP) report compliant with the Environmental Management and Coordination (Amendment) Act

The most important aim of the report is to ensure that the activities of the project will comply with the legal statutes and institutional frameworks as stipulated in the Kenya's Environmental Management and Coordination (Amendment) Act, 2015 as well as the provisions of the project financing agency, World Bank's environmental policies and guidelines.

The scope of the study conformed but not limited to the aspects outlined in the project Terms of Reference (ToRs) issued by the Judiciary, - and World Bank, the anticipated project financing agency. General guidelines and procedures for ESIA from Kenya's EMCA (Amendment)2015 were applied. The ESIA study was carried out using various methodological approaches best to address the study objectives. Operationally, the work entailed six (6) stages, namely (i)

preparation/preliminaries including reviewing of project documents and briefs; (ii) data collection and fieldwork; (iii) situational analysis of the environment and social impacts; (iv) ESIA report writing; (v) Environmental and Social Management Plan (ESMP) generation; (vi) submission of the full ESIA report with detailed ESMP to NEMA for approval.

The consultant adopted a participatory methodology during the entire study and ensured that the client, the public and other key stakeholders in particularly court users were adequately involved throughout the process. Several consultative meetings were conducted with the judiciary officials, JPIP secretariat, the project's architect, the courts users such as the Law Society of Kenya (LSK) members, Kenya Police Service Officers, Kenya Prisons Officers, Officers of the Director of public prosecution and the neighboring communities and other stakeholders in ensuring that the exercise achieve its intended purpose in line with the World Bank's Environmental Safeguard and Management Framework (ESMF) and with other local regulatory frameworks such as the Environmental Management and Coordination (Amendment) Act 2015 among others.

Checklists as data collection tools instruments were also used during the study for assessing possible environmental impacts during the construction and operation phase of the proposed court construction. The checklists were mainly used to facilitate identification, prediction of environmental impacts as well as to give an indication of the significance of the identified impacts.

Policy, Legal and Regulatory Framework

This study has reviewed the Environmental Management and Co-ordination (Amendment) Act 2015, which is the legislation that governs EIA studies in Kenya. The proposed projects fall under the Second Schedule of EMCA 2015, which lists the type of projects that are required to undergo EIA studies in accordance with Section 58 (1- 4) of the Act.

Various other key national laws that govern the management of environmental resources in the country have been discussed in the report. This study has also made reference to international treaties and conventions as well as the procedures of the World Bank and with which the proposed projects will need to demonstrate compliance.

Project Activities

The proposed project entails the construction of a new court building at Kapenguria. The process includes the following phases: design and planning, pre-construction, construction, decommissioning and occupation. This ESIA looks into the potential impacts and proposes mitigation measures through appropriate ESMPs.

Assessment of alternatives

A number of alternatives have been looked into to compare and determine the optimal use of the site. These alternatives range from No action, relocation and alternative designs. The studies concluded that the proposed project definitely fits the site given that the site already accommodates a current law court building hence hosting the same functions and also that there is ample land belonging to the judiciary for the construction of the new court.

Summary of Potential Impacts and Mitigation Measures

Potential Positive impacts of the proposed project

The proposed project is expected to have several positive impacts on the socio-economic welfare of the affected and or interested stakeholders. These include:

Improved judicial performance: the new development will provide more space for judicial operations than it is currently. More space will be availed for court offices, court rooms, data handling and management, adequate cells and facilities for several court users among others. These shall promote efficiency and effectiveness in delivery of justice.

Employment creation: during the construction phase a lot of jobs will be available to the local work force, both skilled and semi-skilled. The site works, supply of materials, goods and services will offer income to the locals.

Increased economic activity: there is anticipated short-term increase in economic activity from the purchase of construction materials, procurement of services, taxes levied on construction workers.

Gender issues: opportunities for women in income generating activities e.g. through provision of catering services, selling of local goods/products. Recommended contractual requirement to employ local women as well as men in tenders prepared for letting of the construction works.

HIV/AIDS issues: More cases of Retrogressive cultural practices such as FGM and early marriages which play a role is the spread of the HIV will be handled by the new courts. Employment of PLWHAs in the construction and operation phases of the project will help in improving their lifestyle through improved nutrition because of the financial ability to cater to their special diets.

Capacity building: training and awareness campaigns on Occupational Health and Safety issues for workers, local residents, court users and any other affected/interested stakeholders.

Potential Negative impacts and issues of concern associated with the proposed project

The benefits mentioned notwithstanding, some associated costs may arise as well. The foreseeable negative impacts include but not limited to:

- ❖ Increased noise and vibration mostly during project implementation phase.
- ❖ Problems associated with waste management
- ❖ Visual intrusion
- ❖ Impact (constraints/pressure) to the existing infrastructure i.e. water, sewer system, power, surface drains, roads among others.

- ❖ Impact to soil especially when laying the foundation and other earthworks and reduction of the green areas
- ❖ Increased storm water/ run off resulting from the roof catchments and as a result of decreased recharge areas, after pavement of most areas.
- ❖ Air pollution as a result of dust particles emanating from excavation and construction activities. Exhausts from the involved machinery will lead to increased levels of noxious gases such as sulphur, carbon, and nitrogen oxides (most has already taken place because earthmovers have already done their main part).
- ❖ The health and safety of workers and immediate neighbours may be compromised due to accidents, pollution and disturbance. Hazards associated with construction include but not limited to falling objects, risks from poor scaffolding, ladder and formwork. There is also risk of coming across live electric cables during excavations. Poor quality construction materials, poor workmanship and poor standards may also contribute to accidents. Inadequate skills in machinery operation and stress are serious safety hazard. Other risks involve fires.
- ❖ Climate change: temporal reduction in carbon sequestration from vegetation loss.
- ❖ Enhanced security risks and social crimes during construction phase. 

Proposed mitigation measures

To minimize the occurrence and magnitude of the negative impacts, mitigation measures have been proposed against each of the anticipated impact. Other measures have been integrated in the project designs with a view to ensuring compliance with applicable environmental laws and guidelines. The proactive design has provided various mitigation measures such as waste handling, lighting, ventilation, space requirements, surface drainage, sewerage system and the structural safety among others. In addition, the following measures should be implemented to attenuate any negative impacts:

Careful siting, planning and design of the development to ensure that it is compatible to its surroundings and is in line with construction standards. To address issues to do with waste management, sound waste management policies and procedures must be adopted in accordance with the Environmental management and coordination (Waste Management) Regulations during both the implementation and occupational phases. These regulations require among others that waste transporters be licensed by NEMA. Waste should be reduced at source and all avenues towards recycling explored such as backfilling using excavated suitable materials and debris, which will ensure environmental enhancement over and above saving on costs. All waste that cannot be recycled should be dumped in approved dumpsite.

To minimize air pollution and soil disturbance/erosion ensure soil compaction and watering of loose soils on all unpaved access paths/roads, parking areas, construction materials at the construction sites. To cater for surface drainage, well-designed drain channels have been proposed

to harmonize management of the resulting storm water within the site. The drains will effectively be installed to channel surface run-off to the public drainage system along the road. Storm water/runoff shall be significantly reduced by rainwater harvesting and rainwater storage facilities. The drains should be regularly maintained and covered with gratings to avoid accidents and dirt choking them.

For purposes of reducing noise pollution, portable barriers to shield compressors and other small stationary equipment where necessary should be installed; sensitise workers on the need to switch off engines whenever possible; ensure that the machineries are well maintained, install silencers whenever possible consider working after 4pm to 6am and weekends to ensure that there is minimal interference with the court proceedings and related processes. The proponents/contractor should ensure sound maintenance of construction plant and equipment to minimize emission of noxious fumes and noise. Vehicle/machinery idling should be minimized/controlled not to mention use of cleaner fuels such as low sulphur diesel and unleaded gasoline. Machinery maintenance should be conducted in appropriate and designated service bays (outside the site) to reduce chances of contamination of environment by resulting oils and greases. Any of such oils should be collected and disposed appropriately. For health and safety, sewerage system will be properly designed (using approved materials), installed and regularly maintained to effectively drain effluent into the existing public sewer system.

All workers should be provided with full protective gear to beef up on their health and safety standards and should be trained on occupational health and safety. Qualified personnel must do all scaffolding, ladder and formwork to standards. Any live underground cables on site must be identified if they exist before excavations. Quality materials, skilled labour (where necessary), and the set standards must be put into practice. All precautions (barriers) must be taken to prevent accidents from falling objects. The site should always be fenced off during construction to keep off animals and the general public. Effective emergency response plans should also be adapted during the entire project cycle.

There should be a specific area for hazardous material storage, machinery maintenance activities and refuelling and these should be clearly indicated and adhered to. Strictly, the **Building Code** and other applicable building standards as may be in force must be adhered to and the Factories and other places of work Act must be enforced. An accident/incident record should be kept on site and under care of responsible person and a first aid kit(s) with all basic requirements and the in-charge be trained. To prevent social crimes, the workers should be vetted during recruitment and should be closely monitored and movement out of site should be restricted. Construction workers should not reside on site and should be trained and sensitised on anti-social behaviour.

Comprehensive landscaping should follow on completion of the proposed development to prevent soil erosion and upgrade the site to appropriate environmental standard. It is recommended that an Environmental Management and Monitoring Plans within the site involving all the stakeholders be developed

In conclusion, the study and a cost-benefit-analysis (CBA) reveals that the benefits far outweigh the associated costs. With reference to the proposed mitigation measures (the recommended Environmental and Social Management Plans (ESMPs) and strict adherence to the same, closely working with environmental experts and other relevant professionals, NEMA, County Government of Kapenguria and other relevant institutions through the project cycle, the project would be compatible and sustainable. The importance of liaising with the above is to ensure that variation in predicted impacts is handled relevantly during the project cycle otherwise the major concerns at any point in time should be focused towards minimizing the occurrence of impacts that would degrade the general environment.

The project is worthwhile endeavour, noting that it is a new court building not to mention the other numerous advantages highlighted in this report. The proposed project also has the effect of raising the revenue base of the judiciary and the county. Monitoring and supervision is very important as significant variations can be noted in time and appropriate measures taken. The success of this is however reliant on the institutional capacity for carrying out the work, evaluating the results and initiating any necessary action to limit adverse impacts disclosed by monitoring. It is recommended that an ESIA for the whole of Kapenguria be conducted. This is because a singly project may not singly have adverse significant effects as at the time of implementation but the cumulative effects of impacts of the collective projects may be adverse. This is however at the government level under coordination of NEMA in liaison with Kapenguria County Government and other relevant institutions/departments and stakeholders.

Conclusion

The proposed project is in line with the development and socio-economic needs of Kenya as a whole. It also helps fulfill the Kenya Vision 2030 objectives besides facilitating judicial process by increasing the capacity for case hearings and rulings towards a reduced backload of cases in court. Indeed, the project has many positive socio-economic impacts both locally, regionally, nationally and globally. In view of positive and negative impacts identified, as well as public consultation conducted in the project area, it is unlikely that the proposed project will not have social and environmental impacts. Most impacts will be of a temporary nature during the construction phase and can be managed to acceptable levels with implementation of the recommended mitigation measures for the project such that the overall benefits from the projects will greatly outweigh the few less adverse impacts.

SECTION 1 INTRODUCTION

Background

This report is a result of the Environmental and Social Impact Assessment (ESIA) of the proposed construction of the court building in Kapenguria town. The study was conducted in December 2016. It constitutes descriptions of possible environmental and social and economic impacts likely to occur during the proposed project cycle, - design, site preparation, construction and operation. This report provides the background to the proposed projects as well as an assessment of their likely environmental and social impacts, both beneficial and adverse. Proposed enhancement and mitigation measures are outlined where necessary together with an initial assessment of costs and responsibilities for their implementation. The report has been produced in consultation with Kapenguria Law Courts Administration, on behalf of Kenya Judiciary the Project Proponent, in fulfillment of the Environmental Management and Coordination(Amendment) Act (EMCA), 2015.

The EMCA requires that an Environmental Impact Assessment (EIA) is undertaken for proposed activities that are likely to have a significant adverse impact on the environment and is subject to a decision of a competent National Authority; in Kenya, this is the National Environment Management Authority (NEMA). The Second Schedule of the EMCA provides a list of projects that must undergo EIA subject to agreement of the approach with the National Authority.

This report has been undertaken to ensure that the significant environmental and social impacts of the proposed projects at the preconstruction, construction, operation and decommissioning stages have been considered and assessed at the project planning phase. It provides the background to the proposed projects as well as an assessment of their likely environmental and social impacts, both beneficial and adverse. Proposed enhancement and mitigation measures are outlined where necessary together with an initial assessment of costs and responsibilities for their implementation.

1.2 Proposed Project and Study rationale

The Republic of Kenya is implementing the Judicial Performance Improvement Project (JPIP). In line with the Constitution in which the judicial reforms are anchored, the judiciary has developed a comprehensive Sustaining Judiciary Transformation (SJT) a service delivery agenda, 2017-2021, which takes into account earlier viable reforms and the spirit of the constitution. This new Framework is commonly known as the Sustaining Judiciary Transformation (SJT) will be governing the reforms in the judiciary from the year 2017 to 2021. The proposed JPIP is implementing some of the key activities in the SJT and is aligned with the SJT priorities. The objective of the JPIP is to *improve the performance of the Judiciary to perform its services in the project areas in a more effective and accountable manner.*

It is on this background that the World Bank is financing the construction of a court building for the judiciary in Kapenguria towards an enhanced performance of the same. The judiciary has thus commissioned the construction of the proposed court building in Kapenguria. This, ESIA report is thus, geared towards the identification and mitigation of potential negative environmental and social impacts of the project besides enhancing any positive impact identified.

1.3 Project location

The proposed Kapenguria court is located in Kapenguria town which is the capital and the largest town of West Pokot County. The town lies to the north east of Kitale which is on the A1 road in Kenya. The town is on Latitude 1.24819 North, Longitude 35.11037 East with an Altitude of 2107m above the sea level. Kapenguria forms a municipality which has seven wards namely Chemwochoi, Kaibos, Kapenguria, Keringet/Psigirio, Kisiaunet, Siyoi and Talau. According to the 1999 National Census, Kapenguria municipality has an urban population of 12,984 and a total population of 56,019. Kapenguria lies near the Saiwa Swamp National Park and it is the home to the Kapenguria museum in the prison where Jomo Kenyatta was incarcerated in 1953 for his alleged role in the Mau Mau Rebellion. The proposed Kapenguria court is approximately 300m from the Kapenguria museum and it is neighbored by the county assembly to the east and the police station to the North.

1.4 Objectives of the ESIA

The objective of the ESIA study is to carry out an assessment of the proposed project to determine whether or not the proposed project and associated activities will have any adverse impacts on the environment, taking into account environmental, social, cultural, economic and legal considerations.

1.3 Scope

The study was conducted to ensure that significant impacts on the environment and socio-economic aspects are taken into consideration at all times during project implementation and operation phases. The scope of the study was mainly in the subject project and immediate environs; and to some extent on the possible far reaching effects of the proposed activities. The following was therefore covered:

- Identify and assess the anticipated environmental and social impacts of the proposed projects – both positive and negative;
- Identify and analyze alternatives to the proposed project;
- Propose mitigation measures for negative impacts and enhancement measures for positive impacts to be undertaken during and after the implementation of the proposed project;
- Verify compliance with national environmental regulations and policies, World Bank Safeguard Policies, and industry best practice and standards;

- Generate baseline data for monitoring and evaluation of how well the mitigation measures have been implemented during the project life cycle;
- Recommend cost effective measures to be used to mitigate against the anticipated negative impacts;
- Seek the views of affected persons in consultation with the judiciary and the National Environment Management Authority (NEMA);
- Prepare an Environmental & Social Impact Assessment Report compliant with the Environmental Management and Coordination (Amendment) Act 2015; and
- Prepare an Environmental and Social Management Plan (ESMP) report compliant with the Environmental Management and Coordination (Amendment) Act 2015

1.5 Terms of Reference

The terms of reference were but not limited to:

- Assessment of the ecological effects
- Social implications of the proposed project within the locality and general region
- Determination of the effects on Landscape and Land use
- Evaluation of effects of the development on current demands on infrastructures and services as well as possible implications
- Proposition of mitigation measures to be undertaken during and after implementation of the project; and development of an environmental management plan with mechanisms for monitoring and evaluating the compliance and environmental performance.
- Such other matters as NEMA may require,

LEAD EXPERT

The ESIA study was conducted by Eng. Anthony Kihuga Githinji, a practicing EIA/A Lead Expert (Reg. No. 1394) with the assistance of Everlyne Wanjiku an Associate Expert(Reg.No. 7338) on behalf of the Judiciary thereof the Proponent.

SECTION 2: METHODOLOGY

2.1 General Approach

An environmental and social impact assessment has been undertaken to fulfill the legislative requirements of the Environmental Management and Coordination Act (EMCA) 2015, the subsequent Kenya Gazette Supplement on Environmental Impact Assessment and Environmental Audit Regulations 2003 and global environmental and social regulations by funding organization i.e. the World Bank. As such, the approach has been guided by these documents.

The ESIA identifies potential environmental, social, and economic impacts of the proposed project. It identifies the positive and negative impacts of the proposed project and proposes mitigation and enhancement measures. The studies in support of the preparation of the ESIA have comprised discussions and consultations with the proponent and stakeholders; initial site reconnaissance; desk study and literature review; preparation of data collection instruments; field visits for consultations and observations; data analysis and report writing.

No monitoring or detailed surveys (e.g. ecological surveys) have been undertaken, since the land is already holding a fairly elaborate building hosting court functions. The ESIA experts have therefore gathered environmental data from various court users and other information already available in the public domain backed up by observations in the field. In order to conduct a broad based and inclusive assessment, the proponent and the consultant have from the onset ensured the exercise is participatory. As such, discussions have been held with various relevant players such as the project architect, court officials and users and JPIP officials in understanding the details of the project.

2.2 Reconnaissance Field Visits / Field Observations

Initial field visits to the project area was conducted in the month of December 2016 for data collection, identification of environmentally sensitive issues of the project area, observations, interviews and conducting public consultation in collaboration with the Court Administration. During the field visits, the team also made field observations and further took photographs of the project areas. A photograph gallery is attached as Appendix A of this report.

2.3 Desk Study Review

The ESIA expert has collated and presented baseline information on the environmental characteristics as currently exist at the project site and areas near it with respect to the following:

- Social and cultural environment: both current and projected as appropriate, with respect to population, land use, planned development activities, Employment and labor market, sources and cultural heritage, etc.);
- Physical environment with respect to topography, landform, geology, soils, climate and meteorology, air quality, hydrology, etc.; and
- Biological environment with respect to flora and fauna including endangered species and sensitive and protected habitats.

A literature review has been undertaken which includes but is not limited to, a review of the following documents:

- EMCA(Amendment) (2015) and associated Regulations made under the Act;
- The Way leaves Act, Cap 292;
- The Forests Act, 2006;
- The Lakes and Rivers Act, Cap 409;
- The Antiquities and Monuments Act 1983, Cap 215;
- The National Museums and Heritage Act 2006, Cap 216;
- The Water Act 2002;
- The Physical Planning Act, 1999
- The Land Planning Act, Cap 303;
- The Land Acquisition Act, Cap 295;
- The Plant Protection Act, Cap 324;
- The Public Health Act, Cap 242
- The Government Lands Act, Cap 280;
- The Land Control Act, Cap 302;
- The Local Government Act, Cap 265;
- The Energy Act, 2006;
- West Pokot CIDP
- International Conventions Applicable in Kenya; and previous Environmental and Social Impact Assessment (ESIA) reports, Environmental Impacts Assessment (EIA) reports and Environmental Audit (EA) reports submitted to NEMA.

The relevance of these and other legislation and guidance to the proposed projects are further described within Section 3 of this report.

2.4 Public Consultation

The public was involved in the study by filling in questionnaires and FGDs with relevant stakeholders such as youth and women through which their views about the proposed project were collected. The instrument covered issues ranging from the significance of the project, anticipated positive and negative impacts and potential mitigation measures mentioned. These views have been discussed in the report.

2.5 Key Stakeholder Consultation

Consultation has been undertaken with the following key stakeholders:

- the judiciary officials,
- JPIP secretariat,
- the project's architect,

- the courts users such as the Law Society of Kenya (LSK) members, Kenya Police Service Officers, Kenya Prisons Officers, Officers of the Director of public prosecution, County commissioner, District children Officer, Probation Officer and Ministry of Environment, Water and Natural Resources, youth and women
- the neighboring communities and other stakeholders

A summary of the consultation findings is provided in Section 8 of this report.

2.6 Data Analysis

The ESIA experts have used their past experience and knowledge to analyze the data from the desk studies and field visits in order to determine the potential impacts of the proposed project, the severity of effects arising from these impacts and how any adverse impacts can be best mitigated and positive impacts enhanced. This analysis provides the framework for the recommendations on corrective actions and remedial measures and provides the basis for the formulation of the environmental and social management plan which forms part of this report. The data have also been considered in terms of occupational health and safety with respect to the construction and operational phases of the proposed projects. Other factors observed include project alternatives including technology and global environmental impacts such as climate change.

2.7 ESIA Report Format

This report follows the format prescribed in the Legal Notice No. 101 of 13th June 2003 which deals with the Environmental (Impact Assessment and Audit) Regulations. The ESIA report looks at the background of the project; nature of the project; activities of the project; project design, materials and equipment to be used; potential environmental impacts; mitigation and enhancement measures; legislative and regulatory framework; prevention and management of possible accidents; health and safety issues; potential economic and social impacts; the budget; and proposes an environmental management plan for the proposed projects.

SECTION 3: BASELINE INFORMATION

3.1 Overview

This section outlines the project location/site project area's social, economic, physical and natural environment, including climate, topography, geology, vegetation, hydrology drainage and wildlife.

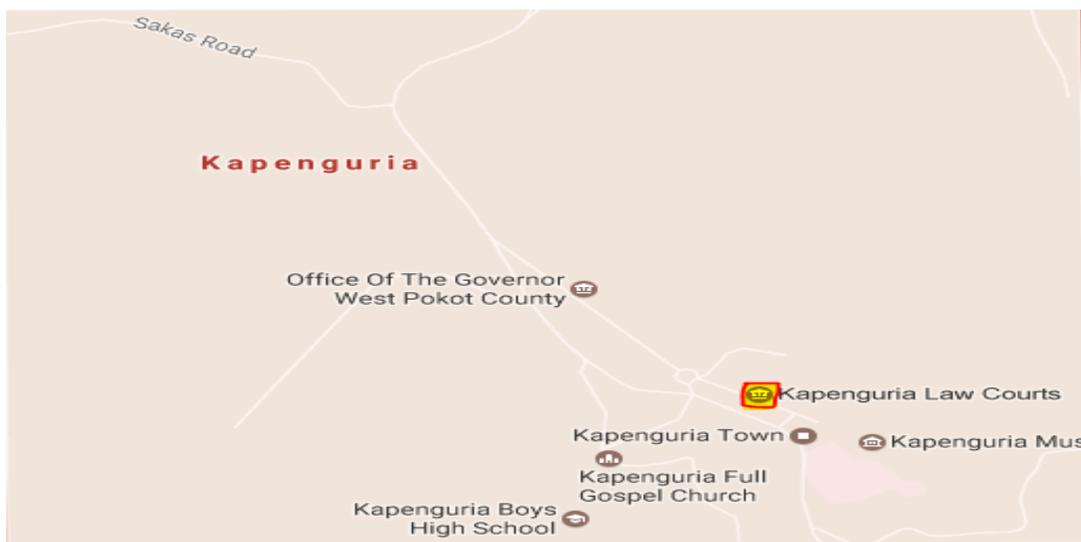
3.2 Project Location

The proposed Kapenguria court is located in Kapenguria town which is the capital and the largest town of West Pokot County. West Pokot County is bound by Trans-nzoia county and Elgeyo Marakwet to the south, Turkana County to the North, Baringo to the East, and the Republic of Uganda to the West. The municipality sub locations covered comprises: Chemwochoi, Naraman, Chepkachir, Komoi, Ngoleyo, Kaprom, Kamatira, Sukut, Lityei, Tilak, Mwotot, Chewoyet, Psigirio, Kisiaunet and Siyo The town lies to the north east of Kitale which is on the A1 road in Kenya. The town is on Latitude 1.24819 North, Longitude 35.11037 East with an Altitude of 2107m above the sea level.

3.3 Project Site

The proposed project lies in the administrative block of Kapenguria town and within the wider Kapenguria Municipality boundary. Kapenguria Based on its physical location, the site experiences physiographic features that are similar to the entire municipality save for factors like altitude and land uses. By using the term Kapenguria/Kapenguria town/project area, the report shall actually be referring to the entire municipality and the immediate peri-urban zones. The structures present at the time of the baseline study were; the high court, the magistrates court, pit latrines, land adjudication, parking shed and the executive officer offices.

Figure 1: Location of Kapenguria Law Courts



Source: Google Maps

Plate 1: The Magistrates Court



Source: Field Survey, 2016

Plate 2: The Executive Officer's Office



Source: Field Survey, 2016

Plate 3: High Court



Source: Field Survey, 2016

Plate 4: Ablution blocks/pit latrines



Source: Field Survey, 2016

Plate 5: Land Adjudication structure



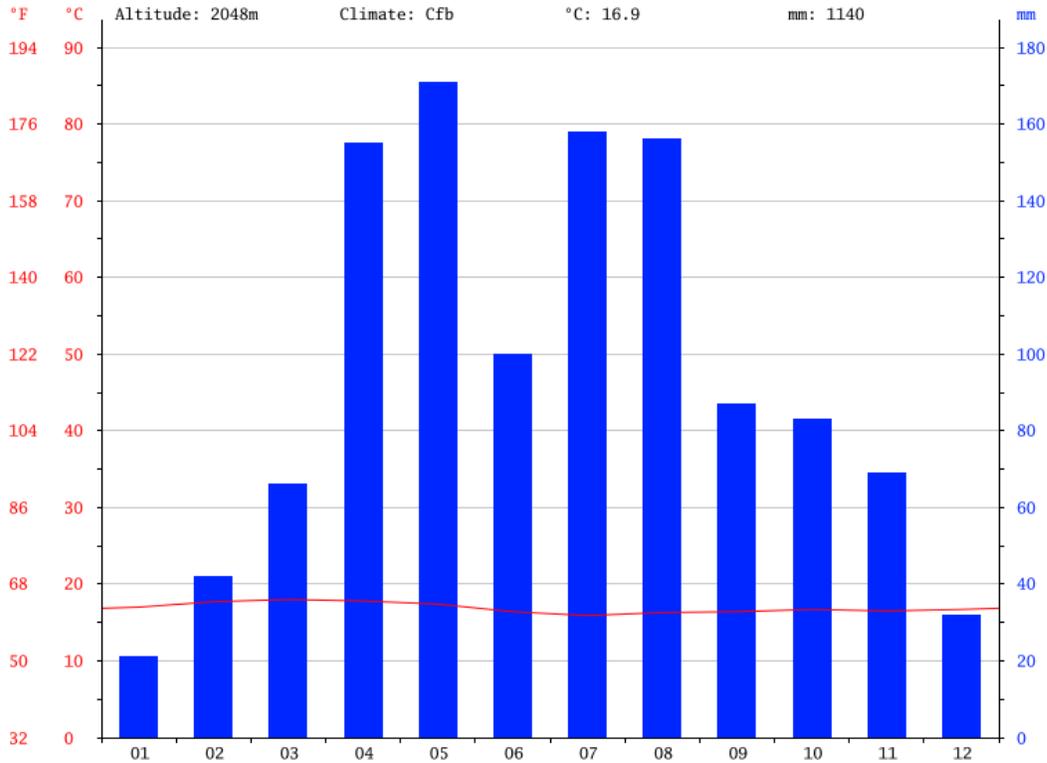
Source: Field Survey, 2016

3.4 Physiographic information

3.4.1 Climate

Kapenguria's climate is classified as warm and temperate.

Figure 2: Climate Graph Kapenguria



Source. Climate-data.org

Rainfall

Kapenguria is a city with a significant rainfall. Even in the driest month there is a lot of rain. The climate here is classified as Cfb by the Köppen-Geiger system in Kapenguria the rainfall here averages 1140 mm. The least amount of rainfall occurs in the project area is in January. The average in this month is 21 mm. Most of the precipitation here falls in May, averaging 171 mm. With the good rainfall pattern and good roofing, this project provides a good opportunity for rain harvesting which can greatly reduce the costs incurred in water bills by the judiciary.

Temperature

The average annual temperature is 16.9 °C. The temperatures are highest on average in March, at around 18.0 °C. July is the coldest month, with temperatures averaging 15.9 °C. Throughout the year, temperatures vary by 2.1 °C.

3.4.2 Slope analysis

The Kapenguria urban and peri-urban registers a hilly terrain.

The project site has a moderately flat land thus does not pose any challenges to do with gradient. As a result, cases of flooding and or need for cut and fill during construction which is expensive are not anticipated.

3.4.3 Geology

The Western parts of Kapenguria constituency (around Kishaunet) have igneous rocks (of volcanic origin) which are found at the surface. In the eastern parts of the constituency, sedimentary rocks are found at the surface. Flood zones like the Kotoruk river banks have alluvial deposits which are scattered and unconsolidated.

The existence of other buildings of a scale similar to that proposed for the site indicate the possibility of developing the site without any constraints. The ESIA recommends undertaking of geotechnical survey to ensure that proper foundation stability materials are used.

3.4.4 Soils

The soils, derived primarily from metamorphic rocks of the Precambrian Basement System, are shallow, rocky, and prone to erosion in some areas; deep, fertile, and well drained in others. The site however has stable soil which is suitable for holding a firm foundation. After construction phase it is advised to plant cover plants which will serve aesthetics and also reduce erosion due to excavations done in the construction phase.

3.4.5 Vegetation

The Kapenguria town context has variety of vegetation including a mixture of exotic and natural vegetation. Vegetation includes moist forest, dry woodland, bush land, and desert scrub. The highland areas are covered by forests, but deforestation owing to population pressure outpaces the designation of forest reserves; to increase forest cover, which is critical to water retention. Kapcherop forest at a safe distance of approximately 10 km from the Kapenguria town where the site is located. The forest is managed by the Kenya Forest Service.

Notably property and road edges vegetation planted with vegetation such as the Golden Duranta shrubs and Acacia species The project site is likely to experience temporal vegetative disturbance

more so during the construction phase. This shall however be replaced by landscaping on completion.

3.4.6 Hydrology

The county has three main catchment zones; the Turkwel, Kerio and Nzoia catchments. The Kerio and Turkwel catchments are channeled towards Lake Turkana while Nzoia catchment drains its waters into Lake Victoria. The project area has perennial flowing rivers in Kapenguria and Kotoruk rivers. The Kapenguria River lies in the Nzoia catchment whose flows are channeled into Lake Victoria. River Kotoruk lies in the Turkwel catchment whose flows are channeled into Lake Turkana. River Moruny on the other hand lies in the Kerio catchment whose waters are channeled to Lake Turkana. The two rivers have intake points structured along their channels so as to supply the water demands of the municipality. The county has forest that covers an area of 36,576 ha which act as water catchments and their conservation is key for the county survival. Conservation efforts are being undertaken by both government agencies and community to conserve forest catchment areas in the entire county. This effort has not been very successful due to the high population pressure, illegal encroachment, high demand of timber for the construction industry, and the demand for farming land.

Presence of ground water is evident in the area due to the numerous boreholes sunk for substitute water supply. There are aquifers in the area which are mostly layered discontinuous aquifers of variable potential. This drainage system has great impacts on developments with respect to foundations and other underground drilling/excavations.

Based on the location of the proposed project, no adverse hydrological impacts are anticipated apart from more short term demand on water during construction.

3.4.7 Wildlife

The most notable wildlife concentration area is the Kitale Nature Conservancy which is located on the Kitale-Kapenguria road. This Conservancy mostly appeals to children, students and families. It is a popular tourist destination with a variety of flora and fauna. On the nature trail, which leads to and crosses the Sabwani River, one is likely to see Black and White Colobus Monkeys and the much rarer DeBrazza's Monkey. Birds of different species are also numerous. The trees in the arboretum are well-labeled and can be useful to someone having trees they wish to identify.

No visible wildlife has so far been spotted at the project site and the nearby lands. As a result, there is no negative impact anticipated on wildlife by the proposed project.

3.5 Land Use Pattern and Neighborhood Analysis

The proposed project is located in Kapenguria town. What is more interesting are the immediate abating land uses to the project site. As it's evident on the ground, the project completely conforms

and is compatible with the general designated land use of the area, which is public purpose. The site is flanked with government land and functions as described and show below in the image of the Land uses within the area.

- To the North: this side of the project has the Kapenguria Police Station and the Police line.
- To the East: the site is bordered by the West Pokot County Assembly, which was under construction at the time of the field survey. Further east is the Kapenguria Museum.
- To the south: the southern of the site sits the County Commissioner office. The West Pokot Social Development Offices, District Children offices and Probation Offices are also to the south of the site.
- The west: the west of the project site is West Pokot Governor's office. The Ministry of Environment, Water and Natural Resources as also located to the West of the site.

From the above it's evident that the proposed does not pose any challenge or constraint to the neighborhood and easily fits in putting in mind that the site hosts the initial court building whose capacity is to be boosted by this new development.

3.6 Socio-economic Characteristics

Kapenguria is administrative center; being the county headquarters hosting numerous government institutions, schools, churches, health institutions among others. The Integrated County Development Plan is being refined to position these towns as centers of growth of West Pokot County. In addition, the town has a considerably huge potential in commerce, industrial development and tourism. The town's fast growing population, implies a projected increase in the demand for services, products, infrastructure, and employment opportunities among others. Where a high density of interactions exist cases of conflicts either civil or otherwise are inevitable. These cases will thus need an accommodative judicial system that is swift and efficient. This development will positively promote functions of the court so that the affected get justice in time and resume to endeavors of economic essence and more importantly improve the general work environment for the judiciary services and all court users.

3.6.1 Population Distribution

Kapenguria Constituency has a population of 139,500 (National 2009) and the Kapenguria municipality has a population of 29,759 (National 2009). This population forms part of the people who shall be directly or indirectly affected by the proposed project socially or environmentally or both. Jobs created during construction ought to target the local skilled and unskilled persons for purposes of positive economic implications of the project. Thus, there is need to anticipate and determine the sphere of influence of the project and put measures in place curb the negative ones but enhance the positives in the social and economic dimensions.

3.6.2 Culture and Heritage

Pokot people inhabit the area however due to trade and transport other Kenyan tribes inhabit the area. The variety of opportunities offered and the somewhat cosmopolitan population has created a highly enterprising culture amongst the residents. The culture of the town needs to be enhanced to enable achievement of the town's full potential.

In addition, Kapenguria is a tourist destination in Kenya due to the existence of a historical site, that is, the Kapenguria Museum. This museum also exhibits and displays the culture of the indigenous Pokot people. These site should be conserved and nurtured to earn the much needed revenue for the town.

The proposed project will impact on the culture and heritage of Kapenguria. The local population will get to interact with others from outside the town seeking employment and or court services. There should be measures for a cohesive interaction to avoid negative socio-cultural impacts.

3.6.3 Social Facilities

Social facilities in Kapenguria town include educational, religious, health facilities, libraries, a fire station, a post office, stadia and playgrounds.

Educational Facilities

Several institutions are present in the project area ranging from pre-primary and post-secondary levels. None of these will be directly affected by the project as they not in close proximity with the project site. For purposes of prosperity, some of the post-secondary institutions can adopt a curriculum that includes training such as industrial and construction safety to students.

Health Facilities

The project area health facilities that are managed by the Ministry of Health, Community Based health facilities, Faith Based organizations and private practice medical clinics . The facilities range from hospitals and medical clinics to dispensaries. The Kapenguria District Hospital is the premier health facility and serves not only the planning area but as the referral hospital for Kapenguria and its environs. These health facilities will play a great role in the project cycle. Cases of accidents at the site may arise calling for urgent medical attention. The nearby hospital is the Kapenguria District Hospital which is about 236.64m from the site and well accessible.

Security Facilities

Security facilities in the area consist of Kapenguria police stations which lies to the North of the proposed courts, police posts, chiefs' camps, Kapenguria prisons and Kapenguria law courts

Plate 6: Kapenguria police station



Source: Nairobi, Reuters

Security is one of the social factors to consider during and after the project construction phase. Crime at the site may include attempts to steal building and construction materials from the site among others. The presence of the security services in the area is a plus to the project. In fact the project borders the Kapenguria Police station to the North.

Recreation Facilities

There are a number of recreational facilities including leisure parks, museums and a garden. The town is famous for having been the area where the famous Six Kenyan Freedom fighters were imprisoned. The Kapenguria Museum is located approximately 300m from the proposed project site. The town has one major stadium called Makutano Stadium. It is the home of Tegla Loroupe, world-record-holder in the marathon, half-marathon, 20,000-meter, 15,000-meter and 10,000-meter races. She holds annual Peace Race races here, to bring peace among the eight tribes in the West Pokot area.

The proposed project is not expected to have direct adverse impacts to these facilities. Potential impacts could be the anticipated temporal and short term strain on water demand during construction.

Mortuaries and Cemeteries

There is one mortuary within the planning area provided by Kapenguria District Hospital. The project area also has the Kapenguria Municipal cemetery.

None of these facilities are in close proximity to the proposed project site thus no negative impacts are anticipated.

Fire stations

The only existing public fire station is the Kapenguria Fire Station which lacks fire engines to fight fire outbreaks

Fire safety is one of the most significant service whose preparedness can't be overlooked. Fire outbreaks are possible at any construction site. This fire station shall be expected to be on standby at all times just in case of emergency. This shall call for ready water availability. Since the project may have temporal strain on water demand, the fire department needs to ensure it is not found on the wrong footing just in case a fire happens. Fire fighting equipment are going to be maintained within the entire property to the required standards and capacities in accordance with chief fire officer's requirements. The proponent will provide dry powder all purpose (ABC) portable fire extinguishers on each floor

Post office

Kapenguria Post Office is a Departmental Post Office located in Kapenguria Constituency located in the administrative block. The services offered includes; postal services, banking services, money transfers, bill payment, safe custody services and commission based services among others.

The proposed court building is expected to increase the level and density of activities at the court and the nearby areas. One of the functions likely to increase is communication by whichever means, say road, air, rail and post. As a result, this post office will be affected, though positively by relaying mails related to court purposes.

3.6.4 Solid waste management

Solid waste collection is done by the County Government using the facilities/vehicles available. Solid waste is also managed through public-Private Partnership where the County Government has sub contracted Community Based Organizations (CBOs), to collect and dispose solid waste. An alternative dumping site is being looked for as the current site which is near the hospital, on top of a hill and near the road is posing a health hazard because the waste gets washed down to the river during the rainy season. It is from this river that the residents get their water supply from.

The town already lacks a capacity to effectively and efficiently handle solid waste management. With the proposed project forthcoming, more waste is anticipated in the line of debris, metals and empty cement bags among others. This therefore calls for effective measures to not only reduce waste generation but also collect, transport and dispose it appropriately. However the provision of an incinerator has been provided for in the architectural plans.

3.6.5 Infrastructure and Services

The project site and general area is well served with good infrastructure which comprises of electricity supplied by KPLC whereby the judiciary is in the process of applying for a single phase

transmission. It is however recommended to have a standby generator to cater for the entire development in the instance of power failures.

Tarmac roads leading to the court are available but they need to be repaired, water which is being supplied by KAWASCO. The supply system is served by River Kapenguria which has clean and soft water. This means that the water is adequate for the site. Currently the site lacks a good drainage system however this has been considered during the design of the courts. Telecommunication/ICT services are present at the site. In terms of mobile handset communication, all the major mobile operators (Safaricom, Airtel, Yu and Orange) are present within the project area with relatively good network reception quality. The image below shows the poor state of the road and lack of storm water drainage

Plate 7: Poor drainage and poor roads along from which the site is accessed



Source: field survey, 2016

3.6.6 Staff Welfare

Staff welfare is a term covering a wide range of facilities that are essential for the well-being of employees. At its most basic, every employer is required by law to provide essential amenities such as toilets, wash stations and clean drinking water for employees. Most employees also hope to find additional facilities such as a cloakroom and somewhere clean to eat and drink during breaks. Good welfare helps to motivate employees and ensure increased productivity. The field survey captured that there are no staff quarters. The current courts are lacking in these very fundamental amenities. The toilets are in a deplorable condition as indicated in *Plate 4 above*. A visit to the residence of the Principal Magistrate showed that the living conditions are wanting. The residence does not have a fence. This jeopardizes the security and privacy of the Principal Magistrate considering the type

of cases he works on. These amenities have been addressed in the architectural plans. In conclusion the ESIA Report recommends that there be a follow up construction of staff quarters and a major improvement of the Principal Magistrate's, Principal Secretary and Judge's Residence. Below are images of their residence.

Plate 8: Magistrate's, Principal Secretary, Judge Residence



Source: Field Survey, 2016

3.6.7 Labour

The Annual Growth Rate in West Pokot County is 3.1% (Daily Nation,2011). The dependency ratio in 2013 was estimated at 100:122 and is expected to remain high over the years owing to the high growth rate. The county therefore needs to put in place programmes for older persons in order to reduce the high dependency on the working population. This age cohort forms the pillar for economic development in the county as the county depends on it to provide both skilled and unskilled labours to enable the county achieve its vision. Promotion of small and medium enterprises is also very important for this group. The county must invest heavily on the labour

force existing in the county by improving their work culture, creativity, ethics, and education, entrepreneurial and other skills necessary for economic take off. The National Construction Authority Regional offices in Eldoret confirmed that Kapenguria town has a total of 20 site supervisors and 121 skilled workers registered with the authority. The site will require 40 skilled labourers and 60 unskilled laboureres. All of the labor force will therefore be sourced locally hence a special workers camp will not be needed This means that there will not be issues of labour influx hence the housing market will remain as is considering the labour already resides in Kapenguria township.

The unskilled laboureres who constitute the largest percentage of the labour force should be absorbed in the construction site to do painting jobs, carpet and tile installalations, loading and offloading, general cleaning and sprinkling water to prevent dust during construction and even gardening duties ones the development is in its operation phace. They will all learn their trade through apprenticeships or on-the-job training and this will push them to the skilled laboureres category.

3.6.8 HIV and AIDS

HIV/AIDS remains a developmental challenge in West Pokot County especially due to its socio-economic impact. Its prevalence rate is 2.5 per cent in the county. The most affected age group is 15-45 years which is the economically active population. The major constraint in the fight against HIV/AIDS is stigma and inaccessibility to health services as most services are offered only at the Sub-County hospitals and the health centers due to shortage of personnel. Other constraints include high poverty levels and illiteracy that hampers the delivery of the services due to health service non-seeking behavior of the community. The interventions to address HIV/AIDS pandemic include mobile VCT & outreaches, PMTCT and PITC. The Ministries of Health will continue strengthening the interventions to reduce the infection rates through promotion of detection, care and support to the affected through VCT, PMTCT, awareness campaigns and capacity building on home based care. NACC through Total War on AIDS (TOWA) programme is also supporting Community Based Organizations and local NGOs to help address HIV/AIDS pandemic

Table 1: SWOT Analysis for HIV/AIDS

STRENGTHS	WEAKNESSES	OPPORTUNITIES	THREATS
<i>Presence of mitigation programmes in the County e.g. VCT services, ARV, PMTCT; Trained counsellors both at the institutional and community level; NGOs, CBOs and social groups implementing HIV/Aids</i>	<i>Inaccessibility of VCT services in some rural health facilities; Girl Child early marriages to older men who have been exposed to the virus; Polygamous families; Loose morals especially those living in the slums; High levels</i>	<i>Community participation in HIV/Aids mitigation programmes; TOWA programme. Increase awareness</i>	<i>Community participation in HIV/Aids mitigation programmes; TOWA programme. Increase awareness</i>

<i>mitigation and prevention activities; Government support through NACC</i>	<i>of illiteracy hence not able to read IEC materials</i>		
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3.6.9 Gender Inequality and Youth

Gender concerns are increasingly becoming important developmental issue due to its role in reduction of inequality and poverty. Gender inequality is a major challenge in the county. For instance, most women are confined to domestic chores and are mostly not involved in decision making committees. The gender inequality is also manifest in education as there is poor parity in gender enrolment. The ratio of boys to girls in primary schools is 100:92 and 100:64 for secondary schools. The county will need to put in place strategies to empower women in decision making. Youth population comprises more than 50 per cent of the total Population County's. However, they have limited access to resources and financial services which would enhance their opportunities for growth. Development of the county will be accelerated through changing attitudes and building capacities of youth in order to reduce unemployment.

The development therefore aims to employ the youth and especially women who are victims of gender inequality during construction and operation of the development. This initiative by the proponent will increase the self-confidence of the women and youth which has been lacking due to over dependence on their Male counterparts.

SECTION 4: POLICY, LEGISLATIVE AND REGULATORY FRAMEWORKS

4.1 Introduction

This section identifies the most pertinent legislation and regulations and standards governing the environmental quality, solid and liquid waste management, health and safety, protection of sensitive areas, land use control at the national and local levels and ecological and socio-economic issues.

4.2 Social Issues

There is no legal instrument in the country that addresses social issues in development interventions. However, over the years, the Kenya Government has recognized the importance of entrenching social dimensions of development in its development agenda. Notably, development initiatives are required to deliberately ensure that the marginalized and more vulnerable people in society are actively involved in development processes. Thus the new constitution has emphasized on the need for public participation and awareness on any development initiatives.

In addition to this Government approach is the requirement that a project is screened so as to test its conformity with the World Bank's safeguard policies. These policies are geared towards mitigating any social and environmental negative impacts that may result from projects.

4.3 Environmental Issues

It is the Government's policy that the rights of its citizens to clean and health environment are met. In return, every person has responsibility to protect and manage the environment. In this regard, the Government enacted the EMCA (2015) and the Environmental Impact Assessment and Audit Regulations (2003) to provide a framework law for the coordinated management of environment.

Both the EMCA and the EIA regulations require EIA to be undertaken for certain new projects. The umbrella body administering this requirement is NEMA. The Authority has a designated Environmental Committees to oversee the implementation of the EMCA at the Provincial and District levels. With the observance of international laws by organizations such as the World Bank, it's now possible to factor social impacts of proposed development projects.

4.4 Applicable Laws and Regulatory Frameworks

4.4.1 Environmental Management and Coordination Act 2015:

Part 6 of the EMCA (2015) of Kenya, provides for environmental impact assessment. This is in agreement with Principle 17 of the Rio Declaration which extends the rule of prior assessment of potentially harmful activities to include those activities which have impacts solely within a state:

“Environmental Impact Assessment (EIA), as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent National authority.”

The EMCA 2015 provides under the **Second Schedule**, a list of projects that must undergo screening for EIA. The proposed transmission line and substation projects fall under this schedule and as such require that an EIA Project Report be undertaken and submitted to NEMA for review. The expert review by NEMA of the project report shall then advise on whether each of the proposed projects requires a full EIA study or not. EIA is undertaken by registered experts and their report is submitted to NEMA. Both the project report and the EIA report are open to review by the public and individuals.

The EMCA Section 68 and 69 also states that the proponent must submit an Environmental Audit Report one year after commencement of the project, and thereafter undertake Self Audits.

The mandate of NEMA is to “exercise general supervision and co-ordination over all matters relating to the environment and to be the principal instrument of Government in the implementation of all policies relating to the environment”

The functions of NEMA under the Act are:

- Coordination of the various environmental management activities being undertaken by the lead agencies and promote the integration of environmental considerations;
- Prepare and issue an annual report on the state of the environment in Kenya;
- Monitor and assess activities, including activities being carried out by relevant lead agencies, in order to ensure that the environment is not degraded by such activities;
- Public education and awareness creation on environmental matters;
- Compliance and enforcement of environmental legislation;
- Enhancement of the effectiveness of the Provincial and District Environment Committees;
- Development of linkages involving the private sector, inter-governmental organizations, non-governmental organizations and government agencies of other states, on issues related to the environment; and
- Coordination and development of the necessary capacity for environmental management.

4.4.2 Environmental (Impact Assessment) and Audit Regulations, 2003:

These Regulations stipulate how an EIA will be undertaken and what the EIA study report should contain. It also provides regulations on Environmental Audits (EA), which the proposed project proponent will be required to undertake. The Regulations are presently under review.

4.4.3 Environmental Management and Co-ordination (Water Quality)

Regulations 2006:

The New Water Quality Regulations provide for the protection of lakes, rivers, streams, springs, wells, and other water sources. The regulations also stipulate that all industries should refrain from any actions, which may directly or indirectly cause water pollution. All industries are therefore required to refrain from discharging effluent into water bodies. This regulation gives a minimum distance from a water body for which any development may be undertaken and as such affect the proposed projects with regards to the choice of line route.

4.4.4 Environmental Management and Co-ordination (Waste Management)

Regulations 2015:

The Waste Management Regulations sets out standards for handling, transportation and disposal of various types of wastes. The regulations stipulate the need for facilities to undertake, in order of preference, waste minimization or cleaner production, waste segregation, recycling or composting. These regulations provide guidelines on how to store, transport and dispose any wastes generated during the construction and maintenance phases of the transmission lines and sub-stations. Some of these wastes may fall under the hazardous wastes category and thus require particular disposal arrangements.

4.4.5 Environmental Management and Co-ordination (Noise and Excessive Vibrations)

Regulations 2015:

These have recently been gazetted. The regulations define noise as any undesirable sound that is intrinsically objectionable or that may cause adverse effects on human health or the environment. The regulations prohibit any person from making or causing to be made any loud, unreasonable, unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, repose, health or safety of others and the environment.

4.4.6 Environmental Management and Co-ordination (Fossil Fuel Emission Control) Regulations 2015:

The Fossil Fuel Emission Control Regulations provide for acceptable emission standards in Kenya. Section 4 of the regulations states that any internal combustion engine for motor vehicles and generators must comply with the emission standards provided for in the First Schedule of those regulations. Hence anyone who operates such engines whether on the road, street, public highway or any premises, which emits smoke in excess of the emissions standard in the First Schedule contravenes the regulations and is liable to prosecution. Section 8 provides that any person intending to use any fuel catalysts other than those permitted by the authority to disclose it and seek prior approval. Establishments that use generators as alternative sources of energy must take account of the regulation on the emission standards.

4.4.7 Environmental Management and Coordination (Air Quality) Regulations, 2015:

These regulations provide for the safeguarding of the ambient air quality and give guidelines to prevent and control air pollution. The first and seventh schedules of the regulations provide a list with associated emission limits of prohibited, controlled, and un-controlled air pollutants. The regulations also give ambient air quality tolerance limits. The regulations will be particularly relevant to the construction works (including transportation) and also to operational substation sites.

4.4.8 The Water Act 2002:

The Water Act, 2002, provides for the management, development, conservation, use and control of water resources and for the acquisition and regulation of rights to use water, to provide for the regulation and management of water supply and sewerage services. The Act focuses on two key sub-sectors- Water Resources Management (WRM) and Water and Sanitation Services (WSS). The Water Act 2002, commenced by virtue of Legal Notice No. 31 of 18th March 2003 and Legal Notice No. 158 of 29th August 2003, provided for a reformed legal/institutional framework for the management and development of Kenya's water resources and the provision of water services. The Act establishes relevant authorities and creates catchment management bodies and seven regional service boards. It specifies "public participation", in relation to any application made, or action proposed to be taken. The act further provides for the strategic management of the water resources.

4.4.9 The Public Health Act (Cap 242):

Health and hygiene are particularly important where communities congregate for a shared resource such as water. Section 116 requires Local Authorities to take all lawful, necessary and reasonably practicable measures to maintain their jurisdiction clean and sanitary to prevent occurrence of nuisance or condition liable for injurious or dangerous to human health. Part IX Section 115 of the Act states that no person/ institution shall cause nuisance or condition liable to be injurious or dangerous to human health. Such nuisance or conditions are defined under Section 118, waste pipes, sewers, drains or refuse pits in such a state, situated or constructed as in the opinion of the medical officer of health to be offensive or injurious to health. Any noxious matter or waste water flowing or discharged from any premises into a public street or into the gutter or side channel or water house, irrigation channel or bed not approved for discharge is also deemed as a nuisance. Other nuisances are accumulation of materials or refuse which in the opinion of the medical officer of health is likely to harbor rats or other vermin. This will be of particular relevance to any temporary worker camps set up during the construction phase of the project.

4.4.10 The Physical Planning Act, 1996:

Local Authorities are empowered under section 29 of the Act to reserve and maintain all land planned for open spaces, parks, urban forests and green belts. The same section allows for prohibition or controls the use and development of land and buildings in the interest of proper and orderly development of an area. Section 30 states that any person who carries out development without development permission will be required to restore the land to its original condition. It also states that no other licensing authority shall grant license for commercial or industrial use or occupation for any building without development permission granted by the respective local authority. Finally, section 36 states that, if in connection with a development application, the local authority is of the opinion that the proposed development activity will have injurious impact on the environment, the applicant shall be required to submit, together with the application, an EIA report. EMCA, 2015 echoes the same by requiring that such an EIA is approved by NEMA and should be followed by annual environmental audits.

4.4.11 Way Leaves Act (Cap. 292):

The Act provides for certain undertakings to be constructed e.g. transmission lines, pipelines, canals, pathways etc., through, over or under any lands. This project is under the provision of the Act. Section 3 of the Act states that the Government may carry any works through, over or under any land whatsoever provided it shall not interfere with any existing building or structures of an ongoing activity. Where the line touches buildings or interferes with people's livelihoods, the Act requires written consent of affected parties and compensation thereof.

4.4.12 Land Acquisition Act (Cap. 295):

This Act provides for the compulsory or otherwise acquisition of land from private ownership for the benefit of the general public. For the acquisition to take place, the minister responsible must issue a gazette notice. The Act also provides for full compensation to the affected parties. This provision is not applicable to the proposed project for the land is already in place and belongs to the proponent.

4.4.13 The Lakes and River Act, Cap 409, Laws of Kenya:

This Act provides for protection of rivers, lakes and associated flora and fauna. Part IV of the Act specifies that the Minister may make rules for the protecting bird or animal life on or in a lake or river. It is not anticipated that the proposed project will have any adverse effects to River Kapenguria and Kotoruk which are within Kapenguria municipality. Measures have been proposed to mitigate any potential impacts with respect to pollution and waste management.

4.4.15 National Museums and Heritage Act 2006:

The Act gives provision for an area of land of cultural significance to be set-aside or acquired under compulsory provision and declared a protected area under Sections 34 and 35 of the Act. This provides for the gazettelement of national monuments. Monuments gazetted under this Act fall under the management of the National Museums of Kenya. Several of these monuments include forests of cultural and biodiversity significance. It is therefore appropriate for the proponent to check whether the proposed project falls with sacred sites, ruins, caves or areas of national significance before construction.

The available historical and heritage site in the project area is near the proposed project site. Kapenguria museum for instance is about 300m east of the site.

4.4.16 The Antiquities and Monuments Act, 1983 Cap 215:

The Act aims to preserve Kenya's national heritage by empowering the National Museums of Kenya to collect, document, preserve and enhance knowledge, appreciation, management and the use of these resources for the benefit of Kenya and the world. Through the National Museums of Kenya, many sites are protected by law by having them gazetted under the Act.

4.4.17 The Local Government Act, Cap 265, Laws of Kenya:

This provides for making by-laws and institutions by the Local County Councils. By-laws can be made on the governance of a project under the provisions of this Act.

4.4.18 Labour Laws of Kenya including employment Act 2007:

This is the revised employment act in Kenya, repealing the former employment Act Cap 226. It deals with new employment conditions of employment and the rights of workers including for paternity leave for fathers. All workers, including those employed during the construction phase, will be employed under this Act which includes provision with respect to minimum wage, working conditions and time, and also in the resolution of disputes.

4.4.19 The Factories and Other Places of Work Act (Cap 514):

This is the core legislation governing requirements for occupational health and safety at the place of work. The Factories Act identifies up to 43 requirements which include; observing high standards of cleanliness, avoiding overcrowding, constructing and maintaining adequate ventilation, and providing and maintaining suitable natural or artificial lighting, as appropriate. This will be once again of particular relevance to the construction phase and operation of temporary worksites as well as to the operation of substation sites.

4.4.20 The Penal Code (Cap. 63):

Section 191 of the Penal Code states that any person or institution that voluntarily corrupts or foils water for public springs or reservoirs, rendering it less fit for its ordinary use, is guilty of an offence. Section 192 of the same act says a person who makes or violates the atmosphere in any place to make it noxious to health of persons/institution in dwellings or business premises in the neighborhood or those passing by, commits an offence punishable by law.

4.4.21 Traffic Act Cap 403:

The Traffic Act prohibits air pollution through Section 51 which requires that motor vehicle use proper fuels. The Act requires that every vehicle be so constructed and used as not to emit any smoke, or visible vapor. The amendment further prohibits the use of any stationary internal combustion engine, discharging exhaust gas into the atmosphere without treatment.

4.4.22 National Environmental Action Plan (NEAP)

According to the Kenya National Environmental Action Plan (NEAP, 1994) the Government recognized the negative impacts on ecosystems emanating from development programmes that disregarded environmental sustainability. Established in 1990, the plan's effort was to integrate environmental considerations into the country's economic and social development. Under the NEAP process EIA was introduced and is nowadays a requirement for any proposed project.

4.4.23 National Policy on Water Resources Management and Development

While the National Policy on Water Resources Management and Development (1999) enhances a systematic development of water facilities in all sectors for the promotion of the country's socio-economic progress, it also recognizes the by-products of these processes as wastewater. It, therefore, calls for the development of appropriate sanitation systems to protect people's health and water resources from pollution. The project's internal wastewater system will be connected to a septic tank proposed by the proponent. This will ensure safe wastewater disposal.

4.4.24 Occupation Health and Safety Act (OSHA), 2007

The Act makes provision for the health, safety and welfare of persons on work places. The provision requires that all practicable measures be taken to protect persons in work places from potential Hazards. The provisions of the Act are also relevant to the management of hazardous and non-hazardous wastes, which may arise from/in workplaces.

For developments such as construction projects, the Act is important as it requires project proponents to have adequate management procedures of occupational safety and health at the work places. For safe construction works, the contractor and project managers should ensure the following:

- Provision of personal protective equipment (PPE), fire safety, electrical safety, and other precautions essential for safe construction work.

- Provision of physical barriers and solid separators (dust barriers, hazard barriers, temporary walkways, among others, as explained in the extract of the Act.)
- Inspection of construction equipment to ensure that they are in good working condition before beginning a job. In addition, the contractor/proponent will ensure that regular inspections and maintenance of the equipment are conducted accordingly.

4.4.25 Land Planning Act Cap. 303

The operative clauses of this Act are contained in the Development and Use of Land (planning) Regulations, which provide that land be dealt with either under an area plan or a town plan, superintended by an interim planning authority. Under this Act, all developments or any form of land use in the designated areas are subject to approval by the interim planning authority or the Central Authority (the overall governing body under the Act) in the absence of an interim planning authority. The Central Authority decides instances when the proposal is to be referred to the relevant Local Authority.

Any change of use or actual development without authority is prohibited. Similarly, deposition of refuse, scrap or waste materials in a designated area without the consent of the planning authority or the relevant local authority is prohibited under this Act.

Thus, project proponent is subjected to seek legal permission before commencing the project project from the relevant local authority.

4.4.26 Building code 2000

This provides the basic rules, guidelines and standards that must be observed during construction. It is a comprehensive document, which every developer/proponents/ contractor should have. All approvals shall be sought and regular monitoring will follow to ensure compliance.

4.4.27 County Intergrated Development Plan 2013-2017

The County Governments Act, 2012 (CGA), 104 obligates a county to develop an integrated plan which reflects the strategic midterm priorities of the county governments. The CIDP contains specific goals and objectives, a coasted implementation plan, provisions for monitoring and evaluation and clear reporting mechanisms. The West Pokot CIDP 2013-2017 in Chapter 4 recognises the importance of a healthy environment because it is being depended strongly by the main productive sectors of Agriculture, tourism, manufacturing and energy and thus aims at enhancing access to clean, secure and sustainable environment. Therefore, this sector aims at enhancing access to clean, secure and sustainable environment. With this in mind, the project proponent strives to satisfy the aim of the West Pokot CIDP by using the EIMP tool to ensure that no environmental degradation occurs as a result of the project.

4.5 International Conventions Applicable in Kenya:

Kenya has ratified various international conventions on environment that are applicable to this study. Conventions are agreements that are legally binding on states that have become parties to them. Kenya has the **International Convention on Biological Diversity (1992)** which promotes the protection of ecosystems and natural habitats, respects the traditional lifestyles of indigenous communities, and promotes the sustainable use of resources.

The importance of wetlands and water birds are also covered under the **Ramsar Convention 1971**, which governs wetlands of international importance. The convention entered into force in Kenya in 1990 and it governs Saiwa Swamp National Park which lies near Kapenguria. Kenya is therefore committed to avoid degradation of wetlands under its jurisdiction.

The **United Nations Framework Convention on Climate Change (UNFCCC or FCCC)** is an international environmental treaty produced at the United Nations Conference on Environment and Development (UNCED), informally known as the Earth Summit, held in Rio de Janeiro from 3rd to 14th June, 1992. The objective of the treaty is to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

The treaty itself sets no mandatory limits on greenhouse gas emissions for individual countries and contains no enforcement mechanisms. In that sense, the treaty is considered legally non-binding. Instead, the treaty provides for updates (called "protocols") that would set mandatory emission limits. The principal update is the **Kyoto Protocol**, which has become much better known than the UNFCCC itself.

4.6 World Bank Safeguard Policies

The objective of the World Bank's environmental and social safeguard policies is to prevent and mitigate undue harm to people and their environment in the development process. These policies provide guidelines for the bank and borrowers in the identification, preparation, and implementation of programs and projects. Safeguard policies have often provided a platform for the participation of stakeholders in project design, and have been an important instrument for building ownership among local populations.

The World Bank's environmental assessment policy and recommended processes are described in **Operational Policy (OP)/Bank Procedure (BP) 4.01: Environmental Assessment**. Its purpose is to improve decision making, to ensure that project options under consideration are sound and sustainable, and that potentially affected people have been properly consulted.

The preparation of the environmental assessment is the responsibility of the borrower, but the Bank's task manager assists and monitors the project and screens it in order to determine the nature and extent of the environmental work required. The Operational Directive includes checklists of potential issues for an environmental assessment. It also proposes outlines and models for the assessment and prescriptions for the assessment and the screening procedures.

Environmental review begins with identifying the seriousness of the potential harm. The Bank screens all new projects and assigns each one of four categories based upon the character, dimension, and sensitivity of the environmental issue. Project categories identifies include:

- Category A: Projects which may have a significant impact on the environment and thus require a complete environmental assessment.
- Category B: Projects that may only have limited, specific environmental effects which should be investigated but do not necessarily require an in-depth environmental assessment.
- Category C: Projects for which an environmental analysis is not normally necessary e.g. education; family planning; health; nutrition; institutional development; technical assistance; and human resource projects.
- Category D: Environmental projects which do not require an assessment for the reason that environmental development is the focus of the project, and it is assumed that any environmental consequences have already been considered.

For those projects for which a full EIA is not required, but are in need of some environmental analysis (Category B), an Environmental Mitigation or Environmental Management Plan often will suffice (these are also prepared for category A projects as a part of the full EIA). The Bank's requirement for mitigation plans includes: a description of all adverse environmental impacts; a description and technical details for each mitigation measure; the assignment of responsibilities for carrying out the mitigation measures; an implementation schedule for the mitigation measures; monitoring and reporting procedures; and; cost estimates.

The Bank expects the borrower to ensure coordination among government agencies and to take into account the views of affected groups and local Non-Governmental Organizations (NGOs). It also requires the borrower to provide relevant information to affected groups and local NGOs and to hold meaningful consultations with them. The environmental assessment should form part of the overall feasibility study or project preparation and be submitted to the Bank which decides on the loan.

While the ESIA is being prepared, drafts should be made available, and the final ESIA must be available prior to the final appraisal of the project. The borrower submits the final ESIA when it is complete to the Bank prior to the Bank's appraisal. During the appraisal phase, the Bank and the borrower together review the assessment. At this time any unclear issues are resolved, and the two parties determine whether the recommendations from the assessment have been incorporated into the project design.

The impact assessment will later provide the framework through which the project is evaluated as it is being implemented by the borrowing country. The borrowing country must inform the Bank of its compliance with the environmental conditions, the status and effectiveness of the mitigating measures, and the findings of the monitoring program. In the final phase of the process, project-completion reports are required to evaluate environmental effects. The reports are to take a particular notice of whether the original assessment correctly identified the potential environmental consequences, and determine whether the mitigating measures were successful.

Environmental and Social Assessment is one of the 10 environmental, social, and legal Safeguard Policies of the World Bank. Other safeguard policies of relevance to this study include:

- Bank Safeguard Policy 4.04 Natural Habitats;
- Bank Safeguard Policy 4.10 Indigenous People; and
- Bank Safeguard Policy 4.12 Involuntary Settlement.

OP/BP 4.04 Natural Habitats²: This safeguard policy requires a precautionary approach to natural resources management and requires the conservation of critical environments during project development. In order to ensure conservation and project sustainability, this policy requires that:

- Project alternatives are sought when working in fragile environments; and
- Key stakeholders (e.g. KWS) are consulted during the project design, implementation, monitoring and evaluation of mitigation.

OP/BP 4.10 Indigenous People³: The World Bank recognizes that the identities and cultures of Indigenous Peoples are inextricably linked to the lands on which they live and the natural resources on which they depend. These distinct circumstances expose Indigenous Peoples to different types of risks and levels of impacts from development projects, including loss of identity, culture, and customary livelihoods, as well as exposure to disease.

Gender and intergenerational issues among Indigenous Peoples are also complex. As social groups with identities that are often distinct from dominant groups in their national societies, Indigenous Peoples are frequently among the most marginalized and vulnerable segments of the population. As a result, their economic, social, and legal status often limits their capacity to defend their interests in and rights to lands, territories, and other productive resources, and/or restricts their ability to participate in and benefit from development. At the same time, the Bank recognizes that Indigenous Peoples play a vital role in sustainable development and that their rights are increasingly being addressed under both domestic and international law.’

OP/BP 4.12 Involuntary Resettlement⁴: ‘The World Bank’s experience indicates that involuntary resettlement under development projects, if unmitigated, often gives rise to severe economic, social, and environmental risks: production systems are dismantled; people face impoverishment when their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable and the competition for resources greater; community institutions and social networks are weakened; kin groups are dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost. This policy includes safeguards to address and mitigate these impoverishment risks.’

This policy contributes to the World Bank's mission of poverty reduction and sustainable development by ensuring that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples. For all projects that are proposed for Bank financing and affect Indigenous Peoples, the Bank requires the borrower to engage in a process of free, prior, and informed consultation. The Bank provides project financing only where free, prior, and informed consultation results in broad community support to the project by the affected Indigenous Peoples. Such Bank financed projects include measures to (a) avoid potentially adverse effects on the Indigenous Peoples' communities; or (b) when avoidance is not feasible, minimize, mitigate, or compensate for such effects. Bank-financed projects are also designed to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate and gender and inter-generationally inclusive'.

4.7 Other Development Targets

The **Millennium Development Goals (MDGs)** are eight international development goals that all 192 United Nations member states international organizations have agreed to achieve by 2015. They include eradicating extreme poverty, reducing child mortality rates, fighting disease and epidemics, such as HIV/AIDS, and developing a global partnership for development.

The proposed projects are in line with the MDGs in terms of poverty eradication, through creation of employment and improving livelihoods through provision of energy and may also make some contribution towards reducing diseases such as bronchitis which is related to a high dependence on firewood as source of energy.

Kenya Vision 2030 is an economic development plan by the Kenyan Government to develop different economic zones in various parts of the country. The plan aims to produce annual economic growth rates of 10%. Currently, Kenya has a GDP growth of 4.9% (2007). The Vision calls for a series of five-year plans, with the first one being from 2008 to 2012. The first plan calls for investments in six key sectors; tourism, agriculture, manufacturing, trade, information technology and financial services.

SECTION 5: NATURE OF THE PROJECT

4.1 Overview

The Republic of Kenya is implementing the Judicial Performance Improvement Project (JPIP). In line with the Constitution in which the judicial reforms are anchored, the judiciary has developed a comprehensive Sustaining Judiciary Transformation (SJT) a service delivery agenda, 2017-2021, which takes into account earlier viable reforms and the spirit of the constitution. This new Framework is commonly known as the Sustaining Judiciary Transformation (SJT) will be governing the reforms in the judiciary from the year 2017 to 2021. The proposed JPIP is implementing some of the key activities in the SJT and is aligned with the SJT priorities.

The objective of the JPIP is to *improve the performance of the Judiciary to perform its services in the project areas in a more effective and accountable manner.*

Out of the four components of the JPIP, the Court Infrastructure component is likely to generate environmental and social impacts that will require environmental and social safeguards monitoring. This component aims to overcome obstacles Kenyans face in obtaining access to justice, including access to courts. Under this component, with the World Bank financing the Judiciary shall rehabilitate 30 existing courts and construct eight (8) new High Courts and two (2) Magistrate Courts in Kenya. Kapenguria is part of the 8 new courts to be constructed.

4.2 Proposed project

The proposed courts provisions are provided in the table below;

Table 2: Proposed Court Details

COURTS MAGISTRATE COURT	COUNTY HIGH COURT BRIEF
<p>The spatial accommodation for the magistrates Courts(3 Courts) are to be as follows: (for use in other Law Courts)</p> <ol style="list-style-type: none"> 1. Self-contained Chamber-----3no 2. Secretaries (pooled)-----3no 3. Court rooms-----3no 4. Kitchenette-----1no 5. Toilets (staff, handicapped and public) 6. Civil Registry.....1no 7. Criminal Registry-----1no 8. Traffic Registry-----1no 9. Archives Registry-----1no 10. Prosecution offices-----1no 11. Cells(Adult-Male&female,Juvenile – Male&Female)-----2n0 12. Stores(sizable procurement &exhibit)-----2no 13. Executive officer-----1no 14. Allow for a small server room-----1no 15. Accountant -----1no 16. Banking hall-----1no 17. Waiting bay-----1no 18. Multi-purpose meeting room-----1no 19. A room with sink for breastfeeding mothers-----1no 20. Internal access roads 21. Open and covered parking 22. Address water supply 23. Allow for stone fencing 24. Allow for incinerator 25. Address power supply issues 26. Attend all matters arising from Environmental impact assessment report 27. Allow for minimal landscaping 28. Allow for any other issue that is unique to the sites 29. Allow for ICT cabling 	<p>The spatial accommodation for the County High Courts are to be as follows:</p> <ol style="list-style-type: none"> 1. Self-Contained Chambers (Judge) 1no. 2. Self-Contained Chambers (Magistrates) ---5no. 3. Secretaries -----2no. 4. Court rooms -----4no. 5. Kitchenette-----1no. 6. Toilets (Staff, Handicapped and public) 7. Civil Registry-----1no. 8. Criminal Registry-----1no. 9. Traffic Registry-----1no. 10. Archives Registry-----1no. 11. Prosecution Offices-----1no. 12. Cells(Adult—Male& Female <ol style="list-style-type: none"> a. Juvenile---Male& Female) - -----2no. 13. Stores (Sizeable Procurement & Exhibit) ----2no. 14. Executive Officer-----1no. 15. Allow for a Server room-----1no. 16. Accountant-----1no. 17. Banking Hall-----1no. 18. Waiting Bay-----1no. 19. Multi-Purpose meeting Room for 30 no. people--- ----1no 20. A room with sink for breast-feeding mothers. ---1 no. 21. Accounts and Administration -1no. 22. Registrar Chambers --2no. 23. Court Clerks-----1no. 24. Internal Access roads, 25. Open and Covered Parking, 26. Address Water supply, 27. Allow for Stone fencing, 28. Allow for incinerator, 29. Address power supply issues, 30. Attend to any matters arising from Environmental impact assessment report, 31. Allow for minimal Landscaping. 32. Allow for any other issue that is unique to the sites, 33. Allow for ICT cabling.

In the World Bank, the purpose of the Environmental Assessment is to improve decision making to ensure that the project options under considerations are sound and sustainable and that potentially affected persons have been properly consulted. Projects of interest to the World Bank are categorized as indicated below.

Category	Requirement
A	Mainly for new projects; Projects in these categories are considered to have significant adverse environmental impacts that may be irreversible and diverse. Comprehensive EIA is required
B	Projects requiring rehabilitation, maintenance or upgrading rather than new installations. There is limited environmental analysis since mitigation measures can be easily designed.
C	Projects focusing on education, family planning, health and human resource development; environmental analysis is largely unnecessary.
D	Separate EIAs may not be required.

The JPIP is rated Category B for environmental purposes. The project entails the construction and rehabilitation of courts and will trigger World Bank Safeguard Policies OP/BP 4.01 on Environmental Assessment (EA), OP/BP 4.11 on Physical Cultural Resources and OP/BP 4.12 on Involuntary Resettlement, namely:

a. Environmental Assessment (OP/BP 4.01): According to national environmental guidelines, new constructions and rehabilitations may impact negatively on the socio and biophysical environments and there may need the preparation of Environmental Assessments (EA) and/or Environmental Management Plans (EMPs) which would have to be approval by NEMA. The principal objective of OP/BP 4.01 is also to ensure that World Bank-financed projects are environmentally sound and sustainable and that decision-making is improved through appropriate analysis of actions and of their likely environmental impacts. The policy is triggered if a project is likely to have potential (adverse) environmental risks and impacts in its area of influence. OP 4.01 covers impacts on the natural environment (air, water and land); human health and safety; physical cultural resources; and trans boundary and global environment;

b. Physical Cultural Resources – OP/BP4.11: The objective of this policy is to avoid or mitigate adverse impacts of development projects on physical cultural resources. “Physical cultural resources” may be defined as movable or immovable objects, sites, structures, groups of structures, natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Physical cultural resources may be located in urban or rural settings, and may be above ground, underground, or underwater. The cultural

interest may be at the local, provincial or national level. This policy applies to all projects requiring a Category A or B Environmental Assessment under OP 4.01.

c. **Involuntary Resettlement (OP/BP 4.12)**:- Involuntary land acquisition or restriction of access to resources will need to be managed through a Resettlement Policy Framework (RPF), Resettlement Action Plan (RAP) or Policy Framework (PF). The application of this policy will depend on how land will be acquired for construction of the courts. Critical to the Project, the policy covers not only physical relocation, but any loss of land or other assets resulting in: (i) relocation or loss of shelter; (ii) loss of assets or access to assets; and (iii) loss of income sources or means of livelihood, whether or not the affected people must move to another location.

Initial scoping indicates that the JPIP is not likely to lead to any large scale acquisition of land or denial of access to people's means of livelihood. The judiciary will only carry out construction and rehabilitation in those areas where the Judiciary owns the Land. It is anticipated that there will be few, if any, human settlements or wide scale economic activity on the land owned by the Judiciary. However, as a precautionary measure, an RPF will be prepared to take care of any displacement or loss of livelihood in new sites that do not have existing Judiciary Courts. Issue of land ownership status will therefore be very important in addressing (OP/BP 4.12).

According to the World Bank OP 4.12 on Involuntary Resettlement, displaced persons may be classified in one of the following three groups:

- (a) Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
- (b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets--provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan and
- (c) Those who have no recognizable legal right or claim to the land they are occupying.

Persons covered under (a) and (b) above are provided compensation for the land they lose, and other assistance as necessary. Persons covered under (c) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by the borrower and acceptable to the Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (a), (b), or (c) are provided compensation for loss of assets other than land.

According to the EIA/A regulations of 2003 Second schedule, court developments fall under such regulations since they are; (i) out of character with their surroundings (ii) of a scale not in keeping with their surroundings and (iii) a major change in land use. 

SECTION 6: PROPOSED PROJECT ACTIVITIES, INPUTS AND OUTPUTS.

The activities to be undertaken in the implementation of the project are broadly grouped into four namely, Preparation, Construction, Operation, and Decommissioning phases.

6.1 Project Activities

6.1.1 Planning Phase

The planning is the initial phase of the project. This involves various activities that aim at ensuring that the project meets all the requirements and gets approvals prior to the actual physical developments. In the early stages of this phase, the proponent selects the project experts and makes consultative meetings with them. In turn, the appointed experts in consultation with the entire team undertake various designs and submit the same to various authorities for approval. The architects, who are also the lead consultants on the other hand, undertake design of the detailed building plans, which were submitted to the Municipal Council for approval. The preparation of this project report and its expected submission to NEMA forms an essential step in the project planning.

6.1.2 Construction Phase

Several physical activities will be involved in this phase. These include site clearing, fencing, excavation, leveling, and construction of the town houses. During the construction, there will be regular inspections to ensure that the implementation of the project abides by the set regulations as well as conforming to the approved schemes. The Project Architect and Engineer, the Municipal council, County officials of Kapenguria as well as the proponent will undertake the inspections. The development will thus undergo several certifications during the construction process. The construction activities of the proposed project will entail the following: –

- **Site preparation**

The site is to be secured by screening before starting construction activities; such hoarding will contain construction activities to minimize any overspills such as dust to the surrounding. Save for removal of vegetation, site clearance will not entail significant works as the exact site for construction does not feature any obstacles. The site will then be laid out to identify the exact locations of the proposed units. The corner points and edges of the houses will be established accordingly. The marking out will use stakes and strings as well as chalk lines.

- **Excavation and earth works**

The main method of excavation to be used is trenching in order to accommodate the buildings' foundations / footing. The excavated soil material will be disposed off-site at designated sites. No major rock obstruction is registered on site to warrant use of explosives. Going by existing developments in the area, the load bearing capacity of the underlying soil is adequate and safe to support the building foundation without additional stabilization.

- **Construction of foundation**

The proposed development has detached footing, reinforced concrete, designed to structural engineer's details. The depth of the foundation will be established to structural engineers specification based on the test pit results. The foundation walling is made of load bearing stone 200 mm wide. The footings will be molded using customer built timber formwork fabricated on site. The steel reinforcement for strip foundations will be cut and fabricated on site. The concrete is also to be mixed on site. All the foundation works are to be constructed to structural engineers detail and approval. Minimal amount of ground water is expected to accumulate below the ground surface thus installation of sub-surface drainage system will not be required. However, damp proof canvass and damp proof membrane are recommended. The area enclosed by the foundation walls is to be backfilled with compacted hardcore. Termite treatment is also to be given to the foundation.

- **Construction of super structure**

- i) **Ground Floor Slab**

The ground floor reinforced concrete slab, 150mm thick, shall be cast overlying compacted hardcore and ground. The concrete is to be poured and finished as necessary through screening to level to top surface and remove excess concrete. A vibrator will also be used during the casting of the slab.

- ii) **Walls**

The buildings will utilize load bearing masonry walls. All external and other load bearing walls measure 200 mm thick. The masonry for the external walls is to be dressed to provide a pleasant view from the outside.

- iii) **Roofing**

A trussed conventional timber structure frame shall be used to erect the roof based on a combination of hip and gable roof structure. The roof cover shall be made of decra metal tiles, or its equivalent, laid on timber structure.

- viii) **Internal Finishes**

- **Floors** – The floor to the main spaces shall be finished in tiles and patches of grano in wet areas.
- **Walls** – All walls will be finished in plaster and paint.
- **Ceilings** – The ceiling will be finished in plaster and paint with timber molding in selected areas to design specifications.

- ix) **External Finishes**

External walls shall be of dressed masonry stone with any rendered surfaces painted or applied with brick facing. All exposed steel or timber shall be painted

- **Installation of internal / utility services**

- i) **Plumbing System**

- a) **Water Supply**

The proposed houses will be supplied with water from KAWASCO and any other reliable source. Both cold and hot water supply system will be installed in the project.

- b) **Waste Water Drainage**

The wastewater drainage system consists of drain pipes. These pipes also incorporate gully traps, inspection chambers, and other assorted fittings. Except for cooling fans, the development does not provide for air conditioning installations.

- ii) **Electrical System**

The installation of electrical wiring and fittings will mainly cater for lighting and appliances. The installation will also cater for internal communication, and telecommunication. All installations shall be to Kenya Power Company's approval. There is need for consideration for solar energy.

- **Development of external works**

- i) **Driveway, Walkway and Parking**

Paved driveways and walkways will be constructed to give motor vehicle and pedestrian traffic proper surface on which to move. Any paving will be made of 50 mm thick standard paving blocks.

- ii) **Water Connection**

The development will be connected to the KAWASCO water supply. At the same time, during the occupation phase, it is recommended that roof catchments be installed to harvest rainwater to complement to the existent water supplies to deal with potential cases of water shortage, if they occur

- iii) **Sewerage and Foul Water Drainage**

The area has no sewer system. A properly reticulated sewer system (septic tank) will be laid down covering the entire development to the recommended capacity and standards. Constant maintenance of the tank and its environs will be maintained.

- iv) **Surface Water Drainage**

Most of the rain water will be absorbed into the soil during the construction phase. Appropriate drainage systems have been provided in the designs and will be put in place to handle the run-off/storm water from the site during the operation of the project. During occupation phase, run-off/storm water will be directed to the main drainage system.

v) Solid Waste Disposal

The court spaces/rooms will be supplied with dustbins, complete with waste separation option. The storage capacity will be one week and waste will then be collected for final disposal at municipal designated site. A private company may be employed to deal with solid waste management

Landscaping

This will mainly entail small works in paving, flower beds, and lawns. The top soil will be treated with manure if necessary to encourage faster and improved plant growth. The perimeter gardens will be planted with continuous bed of grass lawn and provide aesthetically appealing scene.

vi) Perimeter Fence

A stone perimeter fence already exists on the site but this will need to be enhanced and complemented with electric fence. The final wall will be finished in key dressing.

vii) Clearing of Site

The site will be given a general cleaning, and any left-over material and debris will be carted away to designated municipal disposal sites. Similarly, any tools and equipment still on site will be removed.

6.1.3 Completion Phase and Final Inspection

During this stage, finalization activities of the project are undertaken. These include; internal finishes of the court building, completion of the statutory inspections and certifications, installation of utility meters and issuance of completion /occupation certificates by the municipal Council. Final inspection will be undertaken to ensure that the project has been done properly and according to the terms of the contract. The inspection team will include the project proponent/client, the architect, the engineer and the contractor or their representatives. The inspection team shall prepare a punch list indicating any items that will need to be corrected. The list will be given to the contractor for necessary action within a specified period. If no defects are noted, the job will officially be completed and a certificate of occupancy will subsequently be issued. In issuing the certificate of occupancy, the inspection will take into account health and safety considerations of intended occupants.

It is important to note that the Council shall issue the occupation certificates on completion of the civil works. The certificates are issued after municipal council of Kapenguria building and health inspectors inspect and certify the buildings to ensure compliance with approved plans. This is done to certify the building fit for occupancy.

6.1.4 Operation Phase

Once the construction is completed, the court building will be ready for occupation. Once occupied, periodic monitoring and maintenance will be necessary to ensure that the facilities remain in good order. The developments are expected to remain in good condition for several decades during which monitoring, maintenance, and waste management activities will take place.

6.1.5 Decommissioning Phase

With time, the development will age and depreciate; some components of the development will either partly or wholly need to be replaced or demolished. Such changes may also be triggered by land use structural/functional shifts in the project area. This will depend on the changes in developmental priorities over time. The environmental concerns of decommissioning include safe disassembling of structures, storage of derived materials and waste, and their safe removal from site. Where the site is not immediately put to another use, its rehabilitation will be necessary, awaiting redevelopment. Decommissioning strategies to be adopted include:

- ❖ Assess the prevailing planning and development policy in application in the area to determine the appropriate use of the land.
- ❖ Assessment of the condition of the building to determine appropriate use or disposal of materials.
- ❖ Preparation a demolition plan and application for approvals to the relevant agencies.
- ❖ Issuance of vacation notices to all the affected residents.
- ❖ Screening and hoarding of the affected site.
- ❖ Disconnection and removal of utilities e.g. water pipes, electricity and telephone cables.
- ❖ Removal of all the underground facilities like water pipes, septic tanks, electricity and telephone cables.
- ❖ Mechanical demolition of the structures.
- ❖ Reuse or sell of the salvaged materials.
- ❖ Disposal of waste materials at designated municipal council of Kapenguria disposal sites.
- ❖ Leveling and landscaping, including re-vegetation.

The completion of the decommissioning should ensure that the site is restored to its original state as much as possible; this will thus open an opportunity for another development cycle.

6.2 Project Inputs, Outputs, and By-Products

6.2.1 Project Inputs

The main inputs in the project include: –

Natural stone, Sand, Cement, Crushed stone, Gravel, Soil, Timber, Steel (reinforcement, casement, wiring, pipe etc.), Glass, PVC material (tiles pipes, conduits and fittings), Concrete tiles, metal tiles, and paving blocks, Paint, Plant material – grass, tree seedlings etc., and water. Money and electricity are non-tangible inputs of the project.

Project Outputs/Products

The expected outputs of this proposal is a new court building which is 4 storey hosting various court facilities including offices, registry, cells and other support facilities such as boardrooms, lavatories etc. covering a plinth area of 7,233m². Besides space for court functions, there will be provisions for circulations vehicular and human, parking, and landscaped compound among others.

Project by-products

The project will generate the following by-products: -

Construction waste, Solid waste, Occasional Noise, Occasional traffic disruptions, Increased surface water runoff, and increased foul water discharge.

SECTION 7.0 ALTERNATIVES INCLUDING THE PROPOSED ACTION

7.1 The proposed Alternative

The ESIA Project report has been prepared for submission to NEMA; facts, findings and recommendations/proposals of which are based on the proposed site, materials and proposed technologies. This helps in evaluating and examining the foreseeable effects of the project on the environment and therefore assisting in addressing how the proposed development has to ensure that all environmental and social measures are complied with during the premises preparation and during operational phase.

The alternative consists of the proponent's/applicant's final proposal with the inclusion of the legal guidelines, regulations and procedures as stipulated in the EMCA(Amendment), 2015 which aims at reducing environmental impacts to the maximum extent practicable. Appropriate Environmental and Social Management Plans have been prepared as per the proposed project.

7.2 Relocation alternative

Relocation option to a different site is not an option for the project implementation. The function of the proposed building is similar but creates more space for court functions. At the moment, the proponents have no alternative sites for relocation. Looking for the land to accommodate the type of the project and completing official transactions on it may take a long period. Besides, the proposed site is ideal for the project and there is no guarantee that such land would be available and suitability is another very important factor, which cannot be ignored.

This would also call extra costs in terms of money and time for example whatever has been done and paid to date would be a direct loss to the proponents. This may also lead to a No Action Alternative situation. In consideration of the above concerns and assessment of the current proposed site, relocation of the project is not a viable option. The problem is further aggravated by the characteristics of land and the restrictions of the planning policy for example the proponents may get an alternative land in area not designate for this use. In addition, suitable land may be available elsewhere where there shall be constraints accessing it coupled with security issues.

7.3 The No Action Alternative

The No Action Alternative in respect to the proposed project implies that the status quo is maintained. This option is the most suitable alternative from an extreme environmental perspective as it ensures non-interference with the existing conditions. The anticipated insignificant environmental impacts resulting from construction, and occupation activities would not occur.

This option will however, involve several losses both to the project proponents and other stakeholders; society and Government. The proponents shall continue to pay high taxes on the underutilized property. The No Project Option is the least preferred with reasons such that there will be perennial delays in court processes and as the population increases, the number of court

cases are likely to increase making the situation dire in the future. From the analysis, it becomes apparent that the No Project Alternative is not the appropriate alternative.

7.4 Alternative design and technology

Various alternative designs and technology has been evaluated by the proponents and various professionals involved i.e. the architect, engineers, surveyors, Court Users Committee (CUC) members and environmental consultants. After extensive discussions, the various options were assessed and the most optimal design and technology taking into account inclusion of solar energy and large water harvesting tanks were agreed as minor adjustments of the proposed plans, materials and technology.

7.5 The comparison of alternatives

Under the proposed Development Alternative, the project would create standard court building development and would provide employment directly and indirectly to the public over and above the benefits of information to the general public. It would provide jobs for the workers during construction. After completion more jobs would be generated by the within the project. Under the No Action Alternative, there would be no development at all. There would be no benefits from the site and neither would there be the insignificant environmental Impacts.

Provided the Environmental Impact mitigation measures are implemented as well as adoption of sound construction management practices, negative impacts will be avoided /minimized. However, commitments related to development alternative would ensure that potential impacts are minimized to levels of insignificance as envisaged in the ESMP.

SECTION 8: PUBLIC CONSULTATION AND PARTICIPATION

8.1 Introduction

The following section describes the public consultation. The aim of consultation is to ensure that stakeholder interests are identified during the ESIA study and that stakeholder views, and in particular those of PAPs, are taken into account at the project planning stage. Stakeholders' views are also important in shaping the development of the ESMP. Public consultation is a key component in the EIA process since it;

- Ensures that the process is open and transparent
- Provides valuable sources of information on key impacts, potential mitigation measures and possible alternatives
- Ensures that the proposed project meets the community needs
- Ensures that the project is legitimate and it is a way of ensuring that conflicts can be addressed before the Authority makes a decision
- Assists in informed decision making
- Promoted better implementation of the project once the authority has made a decision on the proposed project
- Enlightens the community on the opportunities and benefits arising

The main findings and feedback from these events is summarized within this section while copies of the lists of attendees at the various consultations are provided in this report.

8.2 Stakeholder/ Public Consultation and Participation

This is a very important and an integral part of the ESIA process, which is a legal requirement and a very important tool for collection of the data and especially the baseline/background information. The ESIA helps bring out the contentious issues and gives a chance to those who may be affected by a proposed project to give their views, inputs and opinions and any significant issue is addressed at the initiation stage. This enables evaluation of the public and neighbours views and is thus a very important part of the study.

Questionnaires, interviews and Focused Group Discussions (FGDs) with members of immediate community such a youth and women were used to collect their views.

Questionnaires and Interviews

Some of the targeted stakeholders did not respond while others refused to complete the questionnaires. Others were cautious and wanted to give their views without completing the questionnaires arguing that they do not wish to have their names indicated. Almost all the respondents were positive. Majority was reluctant to fill in their details in the questionnaires and preferred to give oral submissions.

Focused Group Discussions (FGD)

The FGD started with a word of prayer and immediately followed by a brief introduction by the participators who were 8 in total. The Lead Expert gave a brief introduction on the proposed construction of the new courts. The participants were not given a chance to view the questions before the discussion started. The questions were centered on their views on the appropriateness

of the proposed new courts, its potential negative positive or no impacts, suggestions on mitigation measures. The discussions were allowed to flow freely but focusing on the issue at hand. The women and youth who were a bit reserved in the discussion were highly encouraged to contribute in the discussion. The FGD gave the following feedback;

Most of the respondents endorsed the project and the most emerging issue was employment creation for the youth and women. They also indicated various potential benefits including increase in residential premises, enhancement of security or otherwise, utilization of the land was long overdue. However, they raised some issues regarding pressure on existing infrastructure, noise, potential pollution, dust and safety (during construction), enhanced social crime risks they recommended should be controlled to the minimum. They also mentioned the need for safe and adequate drive way, sounds drainage system and solid waste management. They indicated the obvious advantages including potentially better housing, creation employment, and promotion of development in the area and enhancing the utility of the land and urbanization. They indicated that issues of infrastructure should be addressed by the respective service providers in conjunction with the proponents beforehand e.g. power provider should assess the requirements and install the necessary equipment and facilities.

The issues raised and many others foreseeable have been adequately addressed in the report and in the ESMP. *Sample questionnaire is attached in the annex.*

SECTION 9: POTENTIAL ENVIRONMENTAL IMPACTS AND MITIGATION

9.1 Anticipated Impacts

Human activities have a positive or negative, direct or indirect impact on the biological and physical environment. The nature and degree of impact however varies depending on the location and the type of operation. The magnitude of each impact is described in terms of being significant, minor or negligible, temporary or permanent, long-term or short-term, specific (localized) or widespread, reversible or irreversible. Some mitigation of impacts has already been addressed in the proactive design and other mitigations can only be guaranteed through active, responsible management, helped by following the guidelines in the project environmental management plan.

9.2 Potential Positive Social impacts of the proposed project

The proposed project is expected to have several positive impacts on the socio-economic welfare of the affected and or interested stakeholders. These include:

Improved judicial performance: the new development will provide more space for judicial operations than it is currently. More space will be available for court offices, court rooms, data handling and management among others. These shall promote efficiency and effectiveness.

Employment creation: during the construction phase a lot of jobs will be available to the local work force, both skilled and semi-skilled. The site works, supply of materials, goods and services will offer income to the locals.

Increased economic activity: there is anticipated short-term increase in economic activity from the purchase of construction materials, procurement of services, taxes levied on construction workers.

Gender issues: opportunities for women in income generating activities e.g. through provision of catering services, selling of local goods/products. Recommended contractual requirement to employ local women as well as men in tenders prepared for letting of the construction works.

HIV/AIDS issues: More cases of Retrogressive cultural practices such as FGM and early marriages which play a role in the spread of the HIV will be handled by the new courts. Employment of PLWHAs in the construction and operation phases of the project will help in improving their lifestyle through improved nutrition because of the financial ability to cater to their special diets.

Capacity building: training and awareness campaigns on Occupational Health and Safety issues for workers, local residents, court users and any other affected/interested stakeholders.

Socio-cultural importance: re-emphasis the role of the local leadership when a committee is formed to facilitate the rolling out of the project.

Women Employment: as a way of enforcing the constitutional 2/3 gender rule, women will be employed as skilled or non-skilled laborers at the development. They will work in Masonary,

catering, cleaning and administration departments. Proper record keeping will be done as a means of tracking and monitoring 

Climate change: temporal reduction in carbon sequestration from vegetation loss.



9.3 Potential Negative Environmental Impacts

The nature and magnitude of impacts and their mitigation will be evaluated based on the classification/matrix in the tables below:

Key	Type of impact	Key	Type of impact
++	Major positive impact	+	Minor positive impact
--	Major negative impact	-	Minor negative impact
0	Negligible/zero impact	NC	No change
SP	Specific/ localized	W	Wide spread
r	reversible	ir	irreversible
sh	short term	l	long term
t	temporary	p	permanent

On the basis of information gathered during the field study, potential environmental impacts of the project are tabulated below.

Table 3: Anticipated Negative Environmental and Social Impacts

Impact	Construction	Occupation	Remarks
Vegetation / flora	- sp,ir,sh	+	The grass and shrubs on the project site will be cleared during construction works. Landscaping will be done after construction.
Fauna	-, t	+/-	The insects, rodents and birds on the project site will be disturbed during clearing and construction works. This disturbance will be temporary or minimal. The fauna will have to find new nesting homes
Change in land use-extent	-	-/0	The proposed project is within a public purpose use area. The new functions will increase population in the area. The project will increase plot density.

Pollution:			
Air/dust	-, t, ir	-/ 0	Construction works will contribute considerable dust to the environment. Hooting of vehicles and workers will generate noise. Petrol used by machines and vehicles will leak to the ground hence in to soil and water systems.
Noise	-, t, ir	0	
Oil waste	-, l, ir	0	
Soil erosion	-, l, sp	0	Earth works during construction will contribute to soil erosion. During occupation there will be no soil erosion as the site will be well landscaped.
Changes in hydrology	-/ 0	0	There will be no obstruction on the flow of surface and underground water resources.
Site drainage	-/ 0	+/ 0	Run-off might increase due to impervious surfaces. Roof catchments during occupation will ease the problem
Public health	-, t, ir	NC	Increased dust, noise and air pollution might impact public health during construction. During occupation there will be no change on pollution.
HIV and AIDS	-.SP, p	P,ir	Employment creation which leads to financial freedom might lead to social vices such as promiscuity and spread of STIs however free Condom distribution during construction and operation phase will be done
Water resources	-, sh	+	Construction work will require much water. Water will be from the piped water source provided by the council. A private water provider will be hired to supplement water supply. During occupation period the population may increase water demand, although roof water harvesting and storage will solve this.
Sites of cultural, historic or traditional significance	+	+	There is the Kapenguria Museum and it is anticipated that there will be increase human traffic that will come with the new court. New court users will want to visit the historic site.

Visual intrusion	-, t / p	+/-, p	Construction traffic and dust could contribute to visual intrusion. The project should be blended like the neighborhood. Construction work should take place during day time. Debris should be cleared and landscaping.
Disturbance of the public	-, t, ir, sp	-	Noise during construction will affect the public. During occupation this impact will be negligible.
Construction materials	-	0	Building stones, sand and cement are required. These will be sourced from licensed suppliers. Hazardous, undesirable and unauthorized materials should not be used.
Construction waste	Sp, sh	0	This will be minimal. Waste will be disposed off in approved dumpsites.
Clean up on completion	-, sp	0	The contractor should ensure that the site should be left clean and tidy after completion.

9.4 Mitigation Measures.

The construction of the building will involve a series of distinct yet interdependent physical operations. These include site clearing, excavation works; building works etc. all are potentially significant sources of particular impacts. This part includes impacts during implementation: construction, occupation and decommissioning phases. The following issues are addressed: soil degradation, air quality, noise, oil wastes, water resources, solid and liquid wastes management, drainage, terrestrial/ ecology, visual and landscape, traffic, public comfort, occupation health and safety (OHS), and energy. Most of these key issues were identified during the scoping exercise and are clearly elaborated as follows:

9.4.1 Soil Erosion

This is the removal of the top- most fertile soil material down slope or transportation by the use of machinery or other equipment including animals. Removal or clearing of vegetation accompanied with soil disturbances arising from foundation excavations will expose soils to erosion. Loosened soil particles if exposed to heavy rain droplets, surface run-off, trampling and wind are easily eroded. Erosion threats will be most prevalent during the construction phase and particularly on the initial stages. It will be minimal during the operation phase. Hence this will not be a major impact.

Potential Mitigation measures

- ❖ Channel surface run-off into the paved drains rather than onto bare soil surfaces.
- ❖ Landscaping scheme including creation of soil traps such as gabions, stones and boulders at the lower section of the site.
- ❖ Leveling of the completed construction sites.
- ❖ Undertake excavation activities during dry spells to minimize soil erosion.
- ❖ Compaction will be undertaken to further stabilize the loose soils.
- ❖ Planting of trees and other vegetation on the garden and all other exposed surfaces

9.4.2 Flora and Fauna

The clearance of the affected area will potentially lead to the destruction of vegetation, destruction of fauna habitats, and loss of scenic beauty and enhancement of soil erosion. Decreased vegetation cover leads to microclimate change and increased soil erosion. The grass on the project site and some trees will be cleared during the implementation of the project. The trees at the boundary may not be affected.

Potential Mitigation measures

- ❖ Avoiding clearing the areas that will not be affected by the project
- ❖ Replant trees once the construction activities have been completed
- ❖ Employ gardeners to tend and care for the new trees, flowers, grass and hedges to be planted.
- ❖ Landscaping as proposed in the designs should be done by specialists
- ❖ Reserve vegetation having conservation value and those along the boundary

9.4.3 Noise and Vibration

Noise is any unwanted / undesirable sound that can affect job performance, safety and health. Psychological effects of noise include annoyance and disruption of concentration. Physical effects include loss of hearing, pain, nausea and interference with communication when the exposure is severe. The natural silence in the neighborhood may be interfered by noise emanating from the construction activities. This will affect workers on site and the residents of the nearby houses. This noise will be felt most by the neighbors in the plots adjacent to the project site. Vibration is likely to be felt during the construction period. This could arise from the heavy trucks driving in and out of the construction site, compressors and mixers and other combined activities of the laborers.

Potential Mitigation measures

- ❖ Construction work to take place between 1600hrs to 0700hrs so as not to interfere with court sessions.
- ❖ Trucks and vehicles to be used to be in good condition.
- ❖ Engines of trucks and other vehicles to be switched off when idle.
- ❖ Construction workers and particularly those operating machines to be provided with ear mufflers.
- ❖ Install a notice at the entry to the compound notifying construction activity and timings.

- ❖ Prohibit entry of non-workers to the site to ward off idlers who are likely to cause more noise.

9.4.4 Increased Water Demand

Obviously, the construction work and the housing units will result in an increase in water demand. High water consumption occurs during both the construction and operation phases. These will in turn strain the existing piped network.

Potential Mitigation measures

- ❖ Recycling of wastewater where appropriate
- ❖ Sinking of a borehole to supply water for the project (if need be).
- ❖ Install water pipes which turn off automatically when water is not in use
- ❖ Provide on-site water storage tanks to harness rainwater and therefore reduce demand on the piped water sources especially after the completion of the development.
- ❖ Work ethics: Provide notices and information signs to sensitize on means and needs to conserve water resources i.e. “keep/ leave the tap closed.” This will awaken the civic consciousness of the workers and occupants with regard to water usage and management.
- ❖ Private water undertaker should be hired to supplement water supply.

9.4.5 Increased Energy Demand

A slight increase in energy resources is expected. This will be attributed to the optimum use of petroleum products (diesel and gasoline), electrical appliances (equipment), lighting systems, and other electric machinery as may be used for different purposes. It also includes use of renewable energy resources.

Potential Mitigation measures

Electrical appliances

- ❖ Installation of a stand-by generator.
- ❖ Switch off electrical appliances when not in use
- ❖ Optimize operations of electrical appliances to enhance energy conservation

Lighting

- ❖ Put off lights immediately when not in use or are not wanted
- ❖ Provide for adequate natural lighting in the design of houses so as to reduce domestic consumption.
- ❖ Use energy saving bulbs including those for street and security lights within the development.
- ❖ Make use of alternative source of energy such as solar power which is renewable

9.4.6 Oil Leaks and Spills

It is important to note that oil spills are prevalent in construction sites. Although this may not be prevalent (since the proposed project is rather of smaller scale i.e. motorized construction machinery may not be involved at a large scale), it is wise to control and observe the little that occurs especially during maintenance of the involved machinery.

Potential mitigation measures

- ❖ All machinery should be keenly observed not to leak oils on the ground. This can be ensured through regular maintenance.
- ❖ Maintenance should be carried out in well-protected areas where oil and grease will be restrained from reaching the ground. Such areas should be covered to prevent storm from carrying away oils into soils and water systems. Wastewater and wash water from these areas should be properly disposed.
- ❖ All oils/ grease and materials should be stored in a sites store in the contractor's yard.

9.4.7 Waste

During the construction activities, waste materials such as sand, concrete, cement, timber planks, used water, human wastes from the construction workers, glasses, paints, cans, plastics and paper packaging, pieces of steel, building stones, ballast and oil spills among others will be generated. In the occupation phase, waste materials likely to be generated are mainly solid and liquid wastes. These include paper wastes, cans, foodstuffs, liquid wastes, fecal material, textiles and other general wastes. The amount of wastes can be considerable and, if improperly managed, could significantly litter the site and overspill into the neighboring properties. The wastes can also accumulate into large heaps harboring rats, flies etc. which disseminate germs of diseases.

Potential Mitigation measures

- ❖ Undertake an efficient estimation of quantities by experts to minimize wastes.
- ❖ Recycling of construction wastes where applicable
- ❖ Collection of wastes and regular disposal at designated Council disposal sites.
- ❖ Regular on-site incineration or shredding of some wastes such as waste paper
- ❖ Contract a NEMA licensed private waste collection firm for disposal of wastes
- ❖ Proponent / Residents to subscribe to the NEMA registered private refuse collection firms operating in the area.
- ❖ Provide conveniently located dustbins cubicles protected from rain and scavengers to each dwelling unit.
- ❖ Use of an integrated solid waste management system through a hierarchy of options source reduction, recycling, composting and reuse and sanitary land filling will facilitate waste handling during occupation phase.

9.4.8 Construction Materials

They include stones, sand, cement, ballast; reinforcing steel rods etc. They should be of the appropriate quality and well-handled to minimize wastage and spilling over to neighboring sites. Inappropriate building materials could be harmful to the builders, dwellers, and the recipient environment at large.

Potential mitigation measures

- ❖ These should be sourced from licensed dealers and suppliers and those that are environmentally conscious.
- ❖ Quality should be thoroughly monitored through regular tests of the material used.
- ❖ Materials should be appropriately stored on site and issued cautiously to avoid clutter and spillovers.

9.4.9 Visual Impacts

Visual impacts are likely to occur during earthworks for the foundation of the project. The project will however not be out of scale with the existing housing projects or developments within the area. The development being a high-rise, there is significant possibility of creating vantage position looking into other neighboring properties, hence compromising the privacy levels.

Potential mitigation measures

- ❖ On completion of the earth works the excavated or disturbed areas should be restored immediately especially through back filling, leveling and planting of suitable vegetation.
- ❖ All solid waste from the construction site should be cleared on completion and disposed suitably bin to the approved dumpsites.
- ❖ The project should be blended in a way to merge with the existing environment. It should in fact upgrade the quality of the surrounding.
- ❖ The visual impact will in addition be contained within the site.
- ❖ Visual intrusion shall be avoided by orienting most of the visual links to the street and public areas of buildings.

9.4.10 Occupational Health and Safety (OHS)

Human safety risks are likely to occur in the project especially during the construction period. There is significant exposure to hazards such as moving trucks, falling rocks or objects, timber, sharp objects, slips or accidental falls, or contacts with corrosive chemicals etc. During construction there will be increased dust, air and noise pollution. Food for the construction workforce is usually provided by mobile vendors most of who operate without licenses. This can compromise health of the workers especially if such food stuffs are prepared in unhygienic conditions. Other issues that are of health concern are sanitation especially for the workers. Improper design of the buildings can also expose the expected residents to health and safety issues during the operation phase.

Potential Mitigation measures

- ❖ Integrate safety considerations in the design of the buildings such as contractor to take an insurance cover against occupational accidents on workers during the construction period
- ❖ Provide first aid kits at the site fully equipped always and managed by qualified persons.
- ❖ Provide mandatory personal protective equipment like headgear (shields), boots, overalls, helmets, goggles, earmuffs, masks and gloves to all workers.
- ❖ Provide clean water and food to the workers
- ❖ Install handrails and balustrades to engineer's details to minimize accidental falls.
- ❖ Safety awareness may be gained through regular safety meetings, safety training or personal interest in safety and health.
- ❖ The contractor should have workmen's compensation cover. It should comply with work men's compensation Act as well as other ordinances regulations and union agreements.
- ❖ Workers should always be sensitized on social issues such as drugs, alcohol, diseases etc.
- ❖ Avoid unnecessary idling of all machinery related to the project
- ❖ Sanitary facilities should be provided and maintain standard cleanliness of the facilities.

9.4.11 Public Disturbance

This refers to construction-related disturbances mainly resulting from noise, pollution, and lighting especially if construction activities are extended into the night. There will be such disturbances during the project construction/ implementation.

Proposed mitigation

- ❖ Construction activities should be done only during the day
- ❖ Billboards should be suitably erected at the start of the project. The signs should indicate and inform the public when works start and when it will be completed.
- ❖ Contain construction activities on the project site as much as it is practicable and seek permission/approval where overspills are unavoidable.

9.4.12 Security

Security is a requisite for any development. During construction security is very important in any project site. This ensures that materials are safe but also controls movement within the site especially for the intruders who might be injured by the materials and other hazardous features available within the site.

Mitigation

- ❖ There should be a guardhouse at the gate. Security guards should always monitor the gate of the facility to keep away intruders and to control movement within the site.
- ❖ The project site should be enclosed using suitable walls to beef-up security and to control movement within the site.

- ❖ The contractor should provide adequate security during the construction period when there are no works being done on the site.
- ❖ The guards stationed at the gate should document movements in and out of the site/property.
- ❖ Lighting as well as security alarms should be installed in strategic positions all over the site during construction and after the completion of the project.

9.4.13 Fire preparedness

Fire outbreaks are common in Kenya and they usually subject detrimental effects to the environment. Fire causes both economic and social drawbacks. There are operations that are prone to such outbreaks at construction sites. It is therefore always important to consider the issue of fire.

Mitigation:

Recommended firefighting equipment:

- ❖ Install fire alarm system for entire project.
- ❖ All installation of firefighting facilities to follow the Kapenguria Municipality's Fire Master's requirements and approval.

In addition to the above, the structure management should consider the following:-

- ❖ Adapt an emergency response plan for the project during construction and implementation stages
- ❖ Conduct regular firefighting drills within the site
- ❖ Ensure that all firefighting equipment are regularly maintained and serviced
- ❖ Provide fire safety signs such as "No Smoking" and those showing direction to Exit in case of any fire incidence and emergency numbers.

9.4.14 Construction Safety

Construction work can be particularly hazardous. Personal protective equipment, fire safety, electrical safety and other precautions are essential for safe construction work. The following section provides general guidelines and procedures for construction safety during project implementation process; these guidelines are to be followed whenever visiting or working at the construction site:

Mitigation:

- ❖ To avoid walking, standing, or working under suspended loads; if a load is raised be sure to crib, block, or otherwise secure the load as soon as possible.
- ❖ To be prepared for unexpected hazards. BE ALERT!
- ❖ To avoid placing unusual strain on equipment or materials.

9.4.15 Barriers and guards

Barriers, guards and warning signs are required to ensure safety against existing hazards. Contractors and project managers should use barriers and guards as necessary to protect employees, and visitors from physical hazards. Any area that poses a physical threat to workers and/ or pedestrians requires barriers or guards. Areas that typically require permanent or temporary protection include the following: stairways, open manholes, elevated plat forms areas with moving machinery, excavation sites, construction sites, temporary wall or floor openings, doors opening to construction. The common types of barriers include physical obstructions and solid separators (dust barriers, hazard barriers, temporary walkways etc.)

Mitigation:

- If it is suspected that a hazard is not sufficiently protected, it will be necessary to notify the attending workers or the Environmental Health and Safety Office on site immediately.
- Signs that state DANGER, WARNING or CAUTION are also important when barriers or guards are necessary

9.4.16 Traffic density

The proposed project will come along with increased (vehicle) traffic along the connecting routes especially during construction phase. The effect may also be felt during occupation phase.

Mitigation:

- ❖ Notify the motorists about the proposed development once implementation has started. It is important that warning/ informative signs (bill boards) be erected at the site. The signs should be positioned in a way to be easily viewed by the public and mostly motorists.
- ❖ The traffic along the connecting road should be controlled especially during construction phase and mostly when large trucks are turning in to the site say when doing delivery of materials.
- ❖ Provide adequate parking within the project site to avoid parking on the access road.



SECTION 10: PROJECT BUDGET

The total cost of the proposed Kapenguria high court and Magistrates court is Four Hundred Million, Nine Hundred and Sixty Three Thousand Five Hundred and One (**400,963,501**). This is evidenced in a Copy of Kapenguria Award Letter attached in the Appendix.

SECTION 11: ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN

11.1 Introduction

This Environmental and Social Management Plan (ESMP) provides a logical framework within which the negative environmental and social impacts identified during the ESIA study can be mitigated and any beneficial environment effects can be enhanced. Monitoring and management practices as well as cost estimates included as applicable. Responsibilities and time frames for the implementation of the various aspects of the ESMP will be identified.

The actions have been grouped according to the various phases of the project cycle i.e. Planning, Construction, Operation, and Decommissioning. This categorization shall improve the implementation of the suggested mitigation measures throughout the project cycle. Each phase has a distinct set of activities that will need to be undertaken. The Municipal Council of Kapenguria, the Architect, and other agencies responsible for the supervision of the implementation of the project will thus have a clear basis of decision making as they certify each phase of implementation.

The ESMP will be provided to prospective bidders for the construction contracts to ensure that environmental mitigation costs are factored into their costing. The Contractor(s) will also be required to prepare a separate and specific ESMP for their works in order to control construction impacts and ensure compliance with applicable environmental and health and safety legislation and standards. The Judiciary will ultimately be responsible for ensuring that the ESMP is implemented on site via reviewing the Contractor's ESMP and ensuring its implementation on site via audits.

11.2 ESMP FOR PLANNING PHASE

The planning phase involved all the steps to be followed by the proponent before the start of the construction. These include the approvals from all the relevant authorities such as the Municipal Council of Kapenguria and NEMA. The ESMP for planning phase provides a set of actions that the proponent needs to implement before the commencement of the construction phase. Foremost, the ESMP requires that the proponent should have applied for and obtained all the requisite approvals and procedures before the actual implementation of the project. The following are some of the activities carried out including the actors at the planning phase.

Table 4: ESMP for Planning Phase

ESMP for Planning Phase					
Environmental issue/impact	Proposed mitigation and aspects for monitoring	Responsible Actor	Monitoring means	Estimated costs (Kshs)	Recommended frequency of monitoring
Uncontrolled and incompatible development that is out of character with its context	Plan and obtain development permission for the project from relevant authorities	Registered Physical Planner and architect	Project approvals; routine inspections	10% of project cost	Random
Lack of Environmental Awareness on proposed project	Provide project information at entry to the project site.	Proponent, Municipal Council of Kapenguria, NEMA	Routine inspections; Sign boards and notices at project site	150,000	Random
Uncontrolled site demarcation	Survey of plot and establishment/confirmation of beacons before commencement of construction.	Proponent, surveyor	Survey plan; site inspections	200,000	Once
Uncontrolled construction contrary to	Appointment of a qualified project manager and contractor				

approved plans and of poor workmanship		Proponent; Project Manager	Verification; inspection	450,000	Routine
Mismanagement of site operations contrary to conditions of approval.	Appointment of project manager Appointment of Clerk of Works	Proponent; Project Manager	Verification; inspection	2,050,000	Routine
Vulnerability to accidents and hazards during project implementation	Obtaining insurance to cover all accidents including Workmen's Compensation.	Proponent	Verification; Inspection	300,000	Once

11.3 ESMP FOR CONSTRUCTION AND OCCUPATION PHASE

The phase included the construction and occupation of the court building. The Construction Environmental Management Plan below indicates the likely environmental impacts, which were anticipated from the project, and it indicates ways of mitigating them.

Table 5: ESMP for Construction Phase

ESMP for Construction Phase					
Environmental/ social impact	Proposed mitigation and aspects for monitoring	Responsible Actors	Monitoring means (c) Construction (o) Occupation	Estimated Costs (KShs)	Recommended Frequency of Monitoring
Soil erosion	<ul style="list-style-type: none"> ❖ Control earthworks ❖ Install drainage structures properly where necessary ❖ Landscaping ❖ Compact loose soils ❖ Ensure management of excavation activities ❖ Control activities especially during rainy conditions ❖ Provide soil erosion control and conservation structures where necessary ❖ Observe efficiency of erosion control measures 	Contractor	(c) Inspection (o) Routine Maintenance	200,000	(c) Daily Erosion control measures During construction and completion of each project

Air pollution	<ul style="list-style-type: none"> ❖ Water sprinkling on dusty areas ❖ Control speed and operation of construction vehicles ❖ Prohibit idling of vehicles ❖ Regular maintenance of construction plant and equipment ❖ Engage sensitive construction workers 	Contractor; Project manager	(c)Inspection/observation	150,000	(c) Daily
Changes in hydrology/impended drainage	<ul style="list-style-type: none"> ❖ Proper installation of drainage structures ❖ Ensure efficiency of drainage structures through proper design and maintenance ❖ Provide gratings to the drainage channels 	Contractor; Project manager	(c) Inspection (o)Routine maintenance	200,000	(c)One-off during construction and on completion of project

	<ul style="list-style-type: none"> ❖ Proper installation of drainage structures 				(o) Routine checks
Oil pollution	<ul style="list-style-type: none"> ❖ Proper storage, handling and disposal of new oil and used oil and related wastes ❖ Provide oil interceptors along the drains leading from car wash areas ❖ Maintenance of construction vehicles should be carried out in the contractors yard (off the site) 	Contractor; Project manager; Municipal Council of Kapenguria; NEMA	(c) Inspection/Observation	150,000	(c) Daily
Noise pollution	<ul style="list-style-type: none"> ❖ Workers in the vicinity of or involved in high level noise to wear respective safety and protective gear ❖ Construction activities to be restricted to daytime ❖ Sensitize drivers of construction machinery on effects of noise and control measures ❖ Maintain plant equipment (if present) 	Contractor; Project manager; Municipal Council of Kapenguria; NEMA	(c) Inspection/ observation	150,000	(c) Daily (o) Random

	<ul style="list-style-type: none"> ❖ Use of suppressors on involved noisy equipment or noise shields for instance corrugated iron sheets structures 				
Road safety	<ul style="list-style-type: none"> ❖ Enforce speed limits for construction vehicles especially along roads leading to the site ❖ Provide billboards at the site entrance to notify motorists about the development. 	Contractor; Project manager	(c) Observation; inspection	150,000	(c) Daily (o) Daily
water resources and water quality/ waste water management	<ul style="list-style-type: none"> ❖ Recycling or reuse of water at the construction phase where possible ❖ Management of water usage. Avoid unnecessary wastage ❖ Make use of roof catchments to provide water ❖ Follow NEMA regulations 	Contractor; project manager; NEMA	(c)inspection/observation	300,000	(c) Random (o) Random

<p>Solid waste management</p>	<ul style="list-style-type: none"> ❖ Construction debris should be disposed off periodically and at approved dumpsites ❖ Special attention should be paid to sanitary facilities on site 	<p>Contractor; project manager</p>	<p>(c) Inspection</p>	<p>150,000</p>	<p>(c) Daily</p> <p>(o) Routine</p>
<p>Vegetation loss</p>	<ul style="list-style-type: none"> ❖ Replant areas where vegetation was unnecessarily removed ❖ Landscaping and planting all disturbed areas ❖ Planting and grassing should be done just before the rains or irrigated on dry spells 	<p>Contractor; project manager</p>	<p>(c) Inspection</p> <p>(c) Observation</p> <p>(o) Observation</p>	<p>150,000</p>	<p>(c) Daily</p> <p>(c) Weekly</p> <p>(o) Random</p>

Fire outbreak	<ul style="list-style-type: none"> ❖ Maintain firefighting equipment regularly ❖ Provide emergency numbers at strategic points ❖ Adapt effective emergency response plan ❖ install firefighting equipment as stated elsewhere in the report ❖ sensitize residents on fire risks i.e. conduct regular fire drills 	Contractor; project manager	(c) Inspection	250,000	(c) Routine (c) Once on completion time (o) random
Security	<ul style="list-style-type: none"> ❖ Provide security guards and facilities during construction ❖ The gate should always be controlled by the security men even during occupation 	Contractor; project manager	(c) Observation; enforcement	50,000 per month	(c) Daily (o) Daily
Record keeping	<ul style="list-style-type: none"> ❖ Collection and analysis of the relevant environmental data of the project/ site 	Proponent/ contractor	(c) Inspection (o) Inspection	50,000 annually	(c) Daily (o) Weekly

Environmental audits	❖ Monitoring will involve measurements, observations, evaluations, assessment of changes in water quality, waste management, noise levels, and contractor safety etc.	Contractor/ proponent; NEMA	(o) Inspection; assessment	300,000 annually	(o) Random

11.4 ESMP FOR THE DECOMMISSIONING PHASE

Table 6: Environmental & Social Management and Monitoring Plan for Decommissioning Phase

Environmental & Social Management and Monitoring Plan for Decommissioning Phase				
Expected negative impacts	Recommended mitigation measures	Responsibility party	Time frame	Cost (KShs)
<ul style="list-style-type: none"> ❖ Construction machinery/ structures and wastes ❖ Scrap and other debris on site 	<ul style="list-style-type: none"> ❖ use an integrated solid waste management system through a hierarchy of options ❖ Waste generated as a result of facility decommissioning activities will be characterized in compliance with standard waste management procedures. The contractor based on the properties of the particular waste stream will select disposal locations. ❖ All buildings machinery, equipment, structures and portions that will not be used for other purposes should be removed and recycled reused say in other projects ❖ Where recycling, reuse of the machinery equipment implements, structures, portions and other demolition waste is not possible the materials should be taken to approved dumpsites 	<p>Project manager and contractor</p> <p>Project manager and contractor</p> <p>Project manager and contractor</p>	<p>One-off</p> <p>One-off</p> <p>One-off</p>	250,000
<p>Rehabilitation of project site:</p> <ul style="list-style-type: none"> ❖ Vegetation disturbance ❖ Land deformation, soil erosion, drainage problem 	<ul style="list-style-type: none"> ❖ Monitoring and inspection of the area for indication of erosion will be conducted and appropriate measure taken to correct any occurrence ❖ Comprehensive landscaping ❖ Implement an appropriate re-vegetation Program to restore the site to its original status ❖ During the vegetation period appropriate surface water run-off controls will be taken to prevent surface erosion 	Contractor and project manager	One-off	150,000

	<ul style="list-style-type: none"> ❖ Fencing and signs restricting access will be posted to minimize disturbance to newly planted areas 	Project manager and contractor	One-off	200,000
<p>Safety of the project:</p> <ul style="list-style-type: none"> ❖ Occupational hazards 	<ul style="list-style-type: none"> ❖ Ensure that safety measures have been effectively integrated and positioned in respective areas of the project to control and manage the outbreaks ❖ Staircases and other hazardous areas should be suitably protected say using strong rails to avoid occurrence of accidents 	Proponent	One-off	-
<p>Safety and social- economic impacts:</p> <p>Loss of income; reduced ability to support dependents;</p> <p>Loss of quality of life</p> <p>Loss of benefits i.e. medical, insurance cover</p>	<ul style="list-style-type: none"> ❖ The safety of the workers of the workers should surpass as a priority of all other objectives in the decommission project ❖ Adapt a project completion policy identifying key issues to be considered ❖ Assist with re-employment and job-seeking of the involved work force ❖ Compensates and suitably recommend the workers to help in seeking opportunities elsewhere ❖ Offer advice and counseling on issues such as financial matters 	Project manager and contractor	-	-

SECTION 12.0: RECOMMENDATIONS AND CONCLUSIONS

12.1 Conclusion

It is a legal requirement that Environmental & Social Impact Assessment (ESIA) be undertaken on any new development to protect environment since without adequate environmental protection, socio-economic development is undermined. An Environmental Impact Assessment was commissioned by the proponent for the proposed project and associated support infrastructure. This report serves as the documentation in support of the assessment level of study as part of the procedure carried out on the subject project.

The analysis of the ESIA study has evidenced that the implementation and occupation/operation of the proposed project will have positive impacts on the Kenyan society. The impacts will include increase in the national / local housing stock and quality, increased utility on land; increase on in government revenue, improvement and provision of job opportunities during project implementation phase. However despite the outlined positive impacts, the proposed development will come up with some negative impacts such as increased pressure on existing infrastructure (i.e. water, roads and electricity), pollution (to air, water , soil), mostly during construction phase and clearing of vegetation.

The proposed project's design has integrated some mitigation measures with a view to ensuring compliance with the applicable laws and procedures as well as the legislation and regulatory framework that govern environmental management. To this effect, the proposed project shall be developed to the required planning/architectural/ structural standards of the Municipal Council, Ministry of Lands, Ministry of Environment, and Ministry of Health. During project implementation and occupation, Sustainable Environmental Management (SEM) shall be ensured; avoiding inadequate/ improper use of natural resources, conserving nature sensitivity to guarantee respectful and fair treatment of all people working on the project, general public at the vicinity as well as the inhabitants of the project.

In relation to the proposed mitigation measures that will be incorporated during implementation and occupation phases; the development's input to the housing sector; and cognition that the project proponent is environmentally conscious, the proposed project is beneficial for a developing county and indeed Kenya. During implementation and occupation phases, major concerns should be focused towards minimizing the occurrence of impacts that would degrade the general environment. This will however be overcome through close following and implementation of the recommended Environmental Management and Monitoring Plan (ESMMP).

12.2 Summary of the Project's aspects

i. Social and Economic Rating of the Project

From the foregoing analysis, the social and economic rating for this project is highly positive. The magnitude and nature of development compares favorably to other developments in the project area. Already the proponent has invested a substantial amount of money and other resources in the

project up to design stage. The project is also an avenue for the realization of the Vision 2030 on Housing the Economic pillar too. Objection or delay of the project will deny all stakeholders the anticipated benefits.

ii. Environmental Compatibility

The project's respect for the environment has, herein, been analyzed under three categories, namely, planning and design; construction aspects; and functional operational aspects. The study established that the project does not pose serious negative environmental and social impacts. However, adequate mitigation measures have been proposed to address any of the potential negative impacts that may arise from development of the project.

iii. Planning and Design Aspects

The project planning and design show responsiveness to the site context by planning for the following: ensuring that the scale of the building is considerate to surrounding (the predominant government offices use), which compares favorably to the surrounding; proper provision for services; minimal disruption of site characteristics and ambience; and use of materials and finishes that are harmonious to the surrounding.

iv. Construction Aspects

• Use of environmentally Friendly Technology and Process

This is reflected in the following aspects of the project:

- Screening of construction site to reduce noise and dust
- Damping down of site to reduce dust emission
- Proper handling of waste and other hazardous materials

• Use of Environmentally Friendly Materials;

This is reflected in the following aspects of the project:

- Use of masonry as the predominant building material.
- Use of medium-dressed, machine-cut stone work to minimize production of dust, rubble and related waste
- Minimal use timber as a scarce material (mainly for roof truss)
- Use of steel in formwork for casting slabs, beams, and columns to minimize construction waste.

v. Functional /Operational Aspects

• Proposed project versus existing development

Comparing the proposed project to both onsite and other nearby developments in the area, the scale and nature of development envisioned in the project is quite similar to the ones existing in the area. In fact the project site already accommodates an initial court building which is to be supplemented by this proposed development. With access to infrastructure and security safeguarded, the project will indeed complement and enhance the well-being of the community in general.

- **Proposed project versus Infrastructure and Services**

The project got approval for its plans; this means that the additional construction to be introduced and its projected activities do not threaten the capacity and the amenities provided by the infrastructure and services at the neighborhood level. The project can also provide opportunity for harvest of rain water and tapping of solar energy to reduce on reliance on existing infrastructural services.

12.3 Recommendation

It is expected that the developer and financier of the proposed project will ensure that the project is implemented and managed on sound socio-economic and environmentally sustainable basis as directed in this report. In that regard, this report recommends that:

- The Project Report presented is sufficient and meets the requirements of the Environmental (Impact Assessment and Audit) Regulations of 2003.
- The scale and scope of the project does not require the preparation of a full Environmental Impact Assessment Study Report.

The National Environment Management Authority does consider, approve and grant required Environmental Impact Assessment License to the proponent in respect to the proposed court building development approved **L.D PLAN NO. 50651/108/4** in Kapenguria Municipality.

13.0 SELECTED REFERENCES

1. Kenya National Bureau of Statistics: *Population of local authorities*
2. Kenya, Republic of (1996) The Physical Planning Act (Cap. 286)
3. Kenya, Republic of (2015) The Environmental Management and Coordination {Amendment} Act of 2015.
4. Republic of Kenya (2003), Legal Notice No. 101: The Environmental (Impact Assessment and Audit) Regulations, 2003.
5. Kenya, Republic of (1972) The Public Health Act (Cap. 242)
6. Kenya, Republic of (1968) The Local Government Act (Cap. 265)
7. Kenya, Republic of (1982) The Factories and Other Places of Work Act (Cap. 514)
8. Kenya, Republic of (1968) The Building Code
9. Kenya, Republic of (1999) Sessional Paper No. 6 of 1999 on Environment and Development
10. Kenya, Republic of (1962) The Penal Code (Cap. 63)
11. Kenya, Republic of (1994) The National Environmental Action Plan (NEAP)
12. Kenya, Republic of (1999) The National Shelter Strategy to the Year 2000
13. Kenya, Republic of (2002) The National Poverty Eradication Plan (NPEP)
14. Kenya, Republic of (2000) The Poverty Reduction Strategy Paper (PRSP)
15. United Nations (1987) The Rio Declaration on Environment and Development
16. United Nations (2000) The World Commission on Environment and Development
17. Proposed Rehabilitation Of Kapenguria/Makutano Water Supply Schemes, Abbreviated Resettlement Action Plan Project Report (2016) by Eng.J.K. Wainaina
18. West Pokot Count CIDP 2013-2017
19. Sustaining Judiciary Transformation (Sjt) A Service Delivery Agenda, 2017-2021
20. (2011) West Pokot County at a glance, *Daily Nation*, 12 January.[Online] available at <http://www.nation.co.ke/counties/West-Pokot-County-at-a-glance/-/1107872/1281816/-/view/printVersion/-/wd71x8z/-/index.html>
21. <http://www.everyculture.com/Africa-Middle-East/Pokot-Orientation.html#ixzz4VET0btXK>
22. www.tripadvisor.com
23. <http://www.everyculture.com/Africa-Middle-East/Pokot-Orientation>.
24. www.google.com/maps

APPENDICES

1. List of stakeholders/ Survey participants
2. Proposed plans/Architectural drawing
3. Kapenguria Court Users Committee Meeting
4. Copies of title deeds
5. Kapenguria Law Courts Award Letter
6. Expert License

List of Kapenguria Stakeholders Contacted during December 2016 Field Survey

No.	Name	Position	Contacts
1.	Hon. Douglas Machage	Principal Magistrate In charge	0724615055
2.	Samwel Okodoi	Executive Officer	0722645357
3.	Arch. Wanyoike	Architect	
4.	Mathew Rionokal	Chief Officer In charge of Lands	0725395070
5.	Elizabeth Nabwire	County Commissioner Secretary	0726967088
6.	Mercy Korir	Social Development Officer	0712210210
7.	Mr. Magogo	District Children Officer(Stand in)	0723645507
8.	Jane Maina	Probation Officer West Pokot County	0726822056
9.	Jennifer Boit	Public Health Officer	0722905305
10.	Kennedy Barasa	Ministry of Health	0720537659
11.	Mr. Joshua Kapkoyo	G.K Prison Kapenguria	0721469344
12.	Boniface Mwanzia	Police Commander Kapenguria Police Station	0715274510
13.	Simon Kipsinda	Land Reclamation Officer at Ministry of Environment, Water and Natural Resources	0715187986
14.	Johnston Ngurakei	KPLC	0708818803



Telephone Nairobi 2221221
Email: chiefregistrar@judiciary.go.ke



CHIEF REGISTRAR'S CHAMBERS, JUDICIARY
SUPREME COURT BUILDING
P.O. Box 30041 - 00100
NAIROBI.

When replying please quote
Ref. JPIP/NCB/WORKS/034/2015-2016

THE JUDICIARY

Date: 21 September 2016

M/s. County Builders Limited
P.O. Box 6779 - 00610
NAIROBI

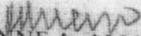
Dear Sirs,

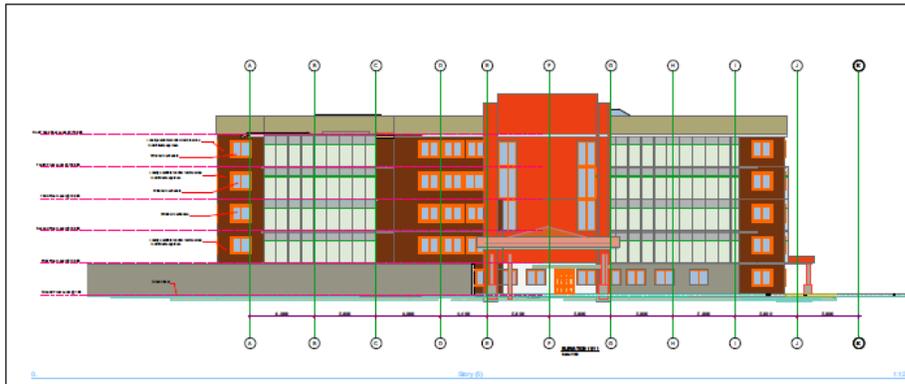
RE: PROPOSED CONSTRUCTION OF KAPENGURIA LAW COURTS:
CONTRACT No. JPIP/NCB/WORKS/034/2015-2016

This is to notify you that your Bid dated 10 June 2016 for execution of the Proposed Construction of Kapenguria Law Courts: Contract No. JPIP/NCB/WORKS/034/2015-2016 for the Accepted Contract Amount of Kshs. 400,963,501 (Four Hundred Million, Nine Hundred and Sixty Three Thousand, Five Hundred and One), as corrected and modified in accordance with the Instructions to Bidders, is hereby accepted by our Agency.

You are requested to furnish the Performance Security within 28 days in accordance with the Conditions of Contract, using for that purpose one of the Performance Security Forms included in Section IX, Annex to the Particular Conditions - Contract Forms, of the Bidding Documents.

Yours faithfully,


ANNE A. AMADI
THE CHIEF REGISTRAR OF THE JUDICIARY
/mo



0 1:20 Rev 01 1:20



0 1:20 Rev 01 1:20

NOTES

GENERAL:
 1. All dimensions are shown in red. Dimensions shown in black are for reference only.
 2. The architect is not responsible for the accuracy of the information provided by the client.
 3. The architect is not responsible for the accuracy of the information provided by the client.
 4. The architect is not responsible for the accuracy of the information provided by the client.
 5. The architect is not responsible for the accuracy of the information provided by the client.

ELECTRICAL:
 1. All electrical work shall be in accordance with the Kenya Electricity Regulations, 2008.
 2. The architect is not responsible for the accuracy of the information provided by the client.

CONSTRUCTION:
 1. All construction work shall be in accordance with the Kenya Building Code, 2015.
 2. The architect is not responsible for the accuracy of the information provided by the client.

CLIENT:
 THE JUDICIARY

PROJECT:
 PROPOSED LAW COURT BUILDING,
 KAPENKURIA

Drawing Title:
 ELEVATIONS

Project/Job No.	Drawing No.

Name	Signed	Date
Arch: J.S. OJOKO		FEB 2016

APPROVED:
 PUBLIC WORKS DEPARTMENT
 CHIEF ARCHITECT

THE JUDICIARY OF KENYA
 DEPARTMENT OF ARCHITECTURE



STAKEHOLDERS' QUESTIONNAIRES FOR THE PROPOSED KAPENGURIA LAW COURTS DEVELOPMENT ON L.D PLAN NO. 50651/108/4, NEIGHBOURING KAPENGURIA COUNTY COUNCIL OFFICES; KAPENGURIA, WEST POKOT COUNTY

Name IRING CHEPTO.....

Mobile Number 0717687301.....

Occupation CHEPARERIA.....

Work place CHEPARERIA.....

INTRODUCTION

Dear Sir/Madam

Environmental Management and Coordination (Amendment) Act 2015 requires that all proposed developments should undertake Environmental Impact Assessment(EIA). Public consultation is necessary to ensure that public interests are put into account whenever a development project is to take place in a given community. The proponent **Judiciary of Kenya**, P.O BOX 30041-00100NAIROBI, KENYA has therefore commissioned environmental experts registered with NEMA to undertake the study that should incorporate comments on the proposed development from the surrounding environment unto which the project will affect. The judiciary is proposing to put up law courts.

NB: information given herein will solely be used for the report to be submitted to National Environment Management Authority (NEMA). Your assistance is highly appreciated.

1) How long have you stayed /worked here..... 1 yr.....

2) What benefits do you think the local community would gain from the project?

- a) Creating job opportunities
- b) Creating awareness
- c) Generating income /taxes
- d) People
- e)

3) Do you think the new development would take any negative impacts to the environment (social and physical)? Yes No

1 B

4) If yes for (3) above what mitigation measures do you suggest?

- a) Educate people about Nema.
- b) People will get employment
- c) ~~Location~~ Location must be around the town.
- d) Establish their offices in local places
- e)

5) In your own opinion, do you think the proposed development is appropriate for the site?

Yes
because it is around the town and many people
will be able to reach
Availability of security is good also. People will get
employment.

6) Any other comments/recommendations regarding the development?

It's good to have it around our place because
it will reduce transportation ~~at~~

Signature [Signature]

Date 1/3/2017

STAKEHOLDERS' QUESTIONNAIRES FOR THE PROPOSED KAPENGURIA LAW COURTS DEVELOPMENT ON L.D PLAN NO. 50651/108/4, NEIGHBOURING KAPENGURIA COUNTY COUNCIL OFFICES; KAPENGURIA, WEST POKOT COUNTY

Name

Mobile Number

Occupation

Work place

INTRODUCTION

Dear Sir/Madam

Environmental Management and Coordination (Amendment) Act 2015 requires that all proposed developments should undertake Environmental Impact Assessment(EIA). Public consultation is necessary to ensure that public interests are put into account whenever a development project is to take place in a given community. The proponent **Judiciary of Kenya**, P.O BOX 30041-00100NAIROBI, KENYA has therefore commissioned environmental experts registered with NEMA to undertake the study that should incorporate comments on the proposed development from the surrounding environment unto which the project will affect. The judiciary is proposing to put up law courts.

NB: information given herein will solely be used for the report to be submitted to National Environment Management Authority (NEMA). Your assistance is highly appreciated.

1) How long have you stayed /worked here..... 6 yrs

2) What benefits do you think the local community would gain from the project?

- a) Reduced travelling costs
- b) Services will be nearer to the community
- c) Job opportunities
- d) Reduced legal fees
- e) _____

3) Do you think the new development would take any negative impacts to the environment (social and physical)? Yes No

2B

4) If yes for (3) above what mitigation measures do you suggest?

- a)
- b)
- c)
- d)
- e)

N
A

5) In your own opinion, do you think the proposed development is appropriate for the site?

Yes

6) Any other comments/recommendations regarding the development?

1st home being put up

Signature 

Date 01/3/2012

3

STAKEHOLDERS' QUESTIONNAIRES FOR THE PROPOSED KAPENGURIA LAW COURTS DEVELOPMENT ON L.D PLAN NO. 50651/108/4, NEIGBOURINGKAPENGURIA COUNTY COUNCIL OFFICES; KAPENGURIA, WEST POKOT COUNTY

Name

Mobile Number

Occupation

Work place

INTRODUCTION

Dear Sir/Madam

Environmental Management and Coordination (Amendment) Act 2015 requires that all proposed developments should undertake Environmental Impact Assessment(EIA). Public consultation is necessary to ensure that public interests are put into account whenever a development project is to take place in a given community. The proponent **Judiciary of Kenya**, P.O BOX 30041-00100NAIROBI, KENYAhas therefore commissioned environmental experts registered with NEMA to undertake the study that should incorporate comments on the proposed development from the surrounding environment unto which the project will affect. The judiciary is proposing to put up law courts.

NB: information given herein will solely be used for the report to be submitted to National Environment Management Authority (NEMA). Your assistance is highly appreciated.

1) How long have you stayed /worked here.....*28yrs*.....

2) What benefits do you think the local community would gain from the project?

a) *Job Opportunities .*

b) *Services will be near to community.*

c)

d)

e)

3) Do you think the new development would take any negative impacts to the environment (social and physical)?Yes No

4) If yes for (3) above what mitigation measures do you suggest?

- a)
- b)
- c)
- d)
- e)

5) In your own opinion, do you think the proposed development is appropriate for the site?

Yes

6) Any other comments/recommendations regarding the development?

Continue with the project

Signature 

Date 1/3/17

4

STAKEHOLDERS' QUESTIONNAIRES FOR THE PROPOSED KAPENGURIA LAW COURTS DEVELOPMENT ON L.D PLAN NO. 50651/108/4, NEIGHBOURING KAPENGURIA COUNTY COUNCIL OFFICES; KAPENGURIA, WEST POKOT COUNTY

Name

Mobile Number 0725/481156

Occupation procurement

Work place Cheparanda 'Kapenguria'

INTRODUCTION

Dear Sir/Madam

Environmental Management and Coordination (Amendment) Act 2015 requires that all proposed developments should undertake Environmental Impact Assessment(EIA). Public consultation is necessary to ensure that public interests are put into account whenever a development project is to take place in a given community. The proponent **Judiciary of Kenya**, P.O BOX 30041-00100NAIROBI, KENYA has therefore commissioned environmental experts registered with NEMA to undertake the study that should incorporate comments on the proposed development from the surrounding environment unto which the project will affect. The judiciary is proposing to put up law courts.

NB: information given herein will solely be used for the report to be submitted to National Environment Management Authority (NEMA). Your assistance is highly appreciated.

1) How long have you stayed /worked here.....2 years.....

2) What benefits do you think the local community would gain from the project?

- a) Their problems will be solved at a cheaper cost since it is near.
- b) They will be more sure that they will save time.
- c) The community will benefit since their children will get employed.
- d) They will also modify the life standard of the community.
- e) Contractors will also have job opportunity.

3) Do you think the new development would take any negative impacts to the environment (social and physical)? Yes No

4b

4) If yes for (3) above what mitigation measures do you suggest?

a)

b)

c)

d)

e)



5) In your own opinion, do you think the proposed development is appropriate for the site?

yes:
- because it is spacious
- center of pokot county
- near source of money
- also creates people to be updated

6) Any other comments/recommendations regarding the development?

* The project should continue to take place.

Signature 

Date 1/3/017

5

STAKEHOLDERS' QUESTIONNAIRES FOR THE PROPOSED KAPENGURIA LAW COURTS DEVELOPMENT ON L.D PLAN NO. 50651/108/4, NEIGHBOURING KAPENGURIA COUNTY COUNCIL OFFICES; KAPENGURIA, WEST POKOT COUNTY

Name

Mobile Number

Occupation

Work place

INTRODUCTION

Dear Sir/Madam

Environmental Management and Coordination (Amendment) Act 2015 requires that all proposed developments should undertake Environmental Impact Assessment(EIA). Public consultation is necessary to ensure that public interests are put into account whenever a development project is to take place in a given community. The proponent **Judiciary of Kenya**, P.O BOX 30041-00100NAIROBI, KENYA has therefore commissioned environmental experts registered with NEMA to undertake the study that should incorporate comments on the proposed development from the surrounding environment unto which the project will affect. The judiciary is proposing to put up law courts.

NB: information given herein will solely be used for the report to be submitted to National Environment Management Authority (NEMA). Your assistance is highly appreciated.

1) How long have you stayed /worked here..... 16 yrs

2) What benefits do you think the local community would gain from the project?

- a) More worker would be employed in community
- b) Services in community would decreased
- c) _____
- d) _____
- e) _____

3) Do you think the new development would take any negative impacts to the environment (social and physical)? Yes No

Ib

4) If yes for (3) above what mitigation measures do you suggest?

- a)
- b)
- c)
- d)
- e)

5) In your own opinion, do you think the proposed development is appropriate for the site?

Yes

6) Any other comments/recommendations regarding the development?

The project should continue to take place as per plan.

Signature.....



Date.....

1/3/2017

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**STAKEHOLDERS' QUESTIONNAIRES FOR THE PROPOSED KAPENGURIA LAW COURTS DEVELOPMENT
ON L.D PLAN NO. 50651/108/4, NEIGHBOURING KAPENGURIA COUNTY COUNCIL OFFICES; KAPENGURIA,
WEST POKOT COUNTY**

Name

Mobile Number

Occupation

Work place

INTRODUCTION

Dear Sir/Madam

Environmental Management and Coordination (Amendment) Act 2015 requires that all proposed developments should undertake Environmental Impact Assessment(EIA). Public consultation is necessary to ensure that public interests are put into account whenever a development project is to take place in a given community. The proponent **Judiciary of Kenya**, P.O BOX 30041-00100NAIROBI, KENYA has therefore commissioned environmental experts registered with NEMA to undertake the study that should incorporate comments on the proposed development from the surrounding environment unto which the project will affect. The judiciary is proposing to put up law courts.

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1) How long have you stayed /worked here..... 30 yrs

2) What benefits do you think the local community would gain from the project?

a) Better Services

b) more jobs. will be created

c) more services will be offered in a centralized place

d)

e)

3) Do you think the new development would take any negative impacts to the environment (social and physical)? Yes No

6b

4) If yes for (3) above what mitigation measures do you suggest?

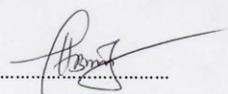
- a) To inform residence of the impending construction.
- b) Protective devices should be granted to the workers
- c)
- d)
- e)

5) In your own opinion, do you think the proposed development is appropriate for the site?

Yes - reason is a centralised location

6) Any other comments/recommendations regarding the development?

Proposed project to continue.

Signature  Date 1/3/2017

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**STAKEHOLDERS' QUESTIONNAIRES FOR THE PROPOSED KAPENGURIA LAW COURTS DEVELOPMENT
ON L.D PLAN NO. 50651/108/4, NEIGHBOURING KAPENGURIA COUNTY COUNCIL OFFICES; KAPENGURIA,
WEST POKOT COUNTY**

Name Mercy Cheporiof

Mobile Number ~~0711111111~~

Occupation NURSE

Work place W. POKOT

INTRODUCTION

Dear Sir/Madam

Environmental Management and Coordination (Amendment) Act 2015 requires that all proposed developments should undertake Environmental Impact Assessment (EIA). Public consultation is necessary to ensure that public interests are put into account whenever a development project is to take place in a given community. The proponent **Judiciary of Kenya**, P.O BOX 30041-00100 NAIROBI, KENYA has therefore commissioned environmental experts registered with NEMA to undertake the study that should incorporate comments on the proposed development from the surrounding environment unto which the project will affect. The judiciary is proposing to put up law courts.

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1) How long have you stayed /worked here..... A year / 25 yrs

2) What benefits do you think the local community would gain from the project?

a) Accessibility of services by the residents

b) Fast effective (nearness)

c)

d)

e)

3) Do you think the new development would take any negative impacts to the environment (social and physical)? Yes No

7b

4) If yes for (3) above what mitigation measures do you suggest?

- a)
- b)
- c)
- d)
- e)

5) In your own opinion, do you think the proposed development is appropriate for the site?

Yes its appropriate

6) Any other comments/recommendations regarding the development?

The Project will continue

Signature..... 

Date..... 1/03/2017



**STAKEHOLDERS' QUESTIONNAIRES FOR THE PROPOSED KAPENGURIA LAW COURTS DEVELOPMENT
ON L.D PLAN NO. 50651/108/4, NEIGHBOURING KAPENGURIA COUNTY COUNCIL OFFICES; KAPENGURIA,
WEST POKOT COUNTY**

Name CHEPCHUMBA MILKAH

Mobile Number 072994815

Occupation House Wife

Work place

INTRODUCTION

Dear Sir/Madam

Environmental Management and Coordination (Amendment) Act 2015 requires that all proposed developments should undertake Environmental Impact Assessment(EIA). Public consultation is necessary to ensure that public interests are put into account whenever a development project is to take place in a given community. The proponent **Judiciary of Kenya**, P.O BOX 30041-00100NAIROBI, KENYA has therefore commissioned environmental experts registered with NEMA to undertake the study that should incorporate comments on the proposed development from the surrounding environment unto which the project will affect. The judiciary is proposing to put up law courts.

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1) How long have you stayed /worked here..... 40 yrs.....

2) What benefits do you think the local community would gain from the project?

- a) Bringing services near residences
- b) casual jobs for locals
- c) _____
- d) _____
- e) _____

3) Do you think the new development would take any negative impacts to the environment (social and physical)? Yes No

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4) If yes for (3) above what mitigation measures do you suggest?

- a)
- b)
- c)
- d)
- e)

5) In your own opinion, do you think the proposed development is appropriate for the site?

Yes many government offices are there.

6) Any other comments/recommendations regarding the development?

Continue with the project.

Signature Mukul

Date 1/3/17

NEMA 2017 Expert License for Eng. Anthony Kihuga is under the renewal process with the reference number **NEMA/EIA/EL/7522**

FORM 7

(r.15(2))



NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY(NEMA)
THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

ENVIRONMENTAL IMPACT ASSESSMENT/AUDIT (EIA/EA) PRACTICING LICENSE

License No : NEMA/EIA/ERPL/3914

Application Reference No: NEMA/EIA/EL/5901

M/S **Anthony Githinji Kihuga**
(individual or firm) of address

P.O. BOX 1322-90100, Machakos

is licensed to practice in the

capacity of a (Lead Expert/Associate Expert/Firm of Experts) **Lead Expert**
registration number **1394**

in accordance with the provision of the Environmental Management and Coordination Act, 1999.

Issued Date: **6/13/2016**

Expiry Date: **12/31/2016**

Signature.....

(Seal)

Director General
The National Environment Management
Authority

P. T. O.

