ENVIRONMENTAL IMPACT ASSESSMENT PROJECT FOR THE PROPOSED CONSTRUCTION OF LAW COURT COMPLEX AT KAKAMEGA LAW COURTS

KAKAMEGA COUNTY

For:
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FEBRUARY 2017
Nicholas M. Simani submits this Environmental Impact Assessment Report, for the proposed construction of Law Courts in Kakamega town the Administration Headquarters of Kakamega County. To my knowledge all information contained in this report as handed to me by the management of the Kenya Judiciary is an accurate and a truthful representation of all findings relating to the project.

Signed in NAIROBI on this …. Day of ……. 2017

Signature _____________________ Name: ________________________________

Individual consultant.

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I Mr. ………………………………………………………………….. on behalf of the Kenya Judiciary declare that I have read the entire document and to my knowledge all information contained in this report as given to Mr. Nicholas Simani by the Kenya Judiciary is an accurate and a truthful representation of all findings as relating to the project.

Signed at NAIROBI on this …. Day of ……. 2017

Signature _____________________ Name: ________________________________

Company: __________________________________________________________

Designation: ________________________________________________________
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ACRONYMS

AC  Affected Community
AG  Affected Group
AI  Affected Individual
APs Affected Persons
CUC Court Users Committee
DBS Directorate of Building Services
DG  Director General
EA  Environmental Audit
EIA Environmental Impact Assessment
EMCA Environmental Management and Co-ordination Act 2015
EMMP Environmental Management and Monitoring Plan
EMS Environmental Management System
ESMF Environmental Social Management Framework
ESIA Environmental and Social Impact Assessment
ESMP Environmental Social Management Plan
ES Environmental scooping
GRM Grievance Review Mechanism
GRMC Grievance Review Mechanism Committee
IEA Initial Environmental Audit
JPIP Judiciary Performance Improvement Project
JTF Judiciary Transformation Framework
KBS Kenya Bureau of Standards
NEC National Environmental Council
NEAP National Environmental Action Plan
NEMA National Environment Management Authority
PES Payment for Environmental Services
PPE Personal Protective Equipment
SEAs Strategic Environmental Assessments
SHE Safety Health and Environment
SMEAs Strategic Multilateral Environmental Agreements
SWM Solid Waste Management
SWP Soil Water Pipes
TOR Terms of Reference
WRMA Water Resource Management Authority
EXECUTIVE SUMMARY

Project Background
The government of Kenya is implementing the Judicial Performance Improvement Project (JPIP) in line with the constitution in which the judicial reforms are anchored. In addition, in order for the Judiciary to effectively fulfill its constitutional obligations and attain excellence in service delivery a comprehensive Judiciary Transformation Framework (JTF) 2012-2016 was developed.

Under the JPIP implemented over the last five years, much of the work done has focused on institutional building and capacity enhancement. As a result more courts have been established as a strategy towards reducing distance to court for litigants especially in far-flung areas. In addition, infrastructure has been built or improved by building the new court houses and renovating some of the existing ones. The JTF was premised on laying the foundation for Judiciary transformation and the next phase, therefore, is predicated on sustaining Judiciary transformation for service.

The Judiciary has also developed the Judiciary Strategic Plan 2014-2018 that builds upon the foundations of the JTF by providing a comprehensive roadmap for implementing, sustaining and furthering the transformation agenda

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. In order to comply with the requirements of the Environmental Management and Coordination Act (2015) and World Bank’s environmental and social safeguard policy frameworks, the Judiciary has contracted NEMA-registered EIA consultants. The consultants are expected to provide detailed guidance on the implementation of environmental and social mitigation measures within the definitive scope of works, and ultimately develop an Environmental and Social Management Plan (ESMP) to facilitate licensing by the National Environmental Management Authority (NEMA).

Project Location
Kakamega is a town in western Kenya lying about 30 km north of the Equator. It is the headquarters of Kakamega County. Kakamega town and its environment has been on the rise mainly due to rural urban migration with a population growth rate of about 2.12% per annum, Kakamega has a population of 1,660,651 with the ratio of males to female being (48:52) and a population density of 515 people per km² being 4.4% of the national percentage. Kakamega County covers a total area of 3,224.9 Sq Km.

Project Description
This component aims to overcome obstacles Kenyans face in obtaining access to justice, including access to courts. Under this component, with World Bank financing, the Judiciary shall rehabilitate 30 existing courts, construct 8 New Law Courts, including the Kakamega Law Court and 2 Magistrate Courts.

The new Kakamega law Courts will have more court room, Chambers for the Judges and Magistrates, ICT components, additional court rooms, a banking hall, administrative offices, exhibits rooms, lactation rooms for feeding mothers, separate cells for men, women, juveniles and even a Huduma centre. Other features will include registries, public waiting bays and advocates lounge, library and meeting/conference rooms among many other modern features.
Need for the Project

Courts in many parts of Kenya are faced with increased demand for judicial services. The existing facilities at the Kakamega Law courts are inadequate with respect to the requirements for a modern efficient court, hence the need for rehabilitation and upgrade of existing court facilities. The project is being undertaken as part of the Judicial Performance Improvement Project, funded by the World Bank.

The Judiciary (hereinafter referred to as the proponent) intends to construct law Courts complete with the necessary parking space, courtrooms, chambers, ICT facilities, registries, cells and even a Huduma Centre, among many other modern facilities. External works to be included are; water storage tanks, storm drainage, sanitation works, walkway, perimeter electric fencing and ramps for the disabled, among other necessary components and services.

The architects drawings and layout plan have been attached to this report in appendix I. Included in this document are photos of the existing site before construction showing existing structures, physical features and approach roads to the plots.

In submitting this report the proponent will fully comply with the Environmental Management Act of 1999 (amended 2015), by presenting detailed findings of the likely Environmental Impacts of the proposed use of the existing plot of land for a Law Court.

Environmental and Social Management Plan

This report details measures to be put in place to mitigate the likely negative environmental impacts of the project through an Environmental Social Management Plan (ESMP). The potential negative impacts of the project include noise pollution, generation of dust, solid waste, exhaust emissions, increased energy consumption, extradition and use of building materials from the surrounding areas and use of water at the site among others (see summary in the table below). Some of the mitigating measures (as detailed in the table below) include minimization of water demand, energy demand, solid waste generation, storm water run-off and minimization of onsite accidents during construction phase and soil erosion as outlined in the proposed Environmental Management and Monitoring Plan (EMMP).
Table 1: Summary of environmental aspects and mitigation measures

<table>
<thead>
<tr>
<th>Environmental and /Socio-economic activities</th>
<th>Mitigation measures</th>
</tr>
</thead>
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| Clearance of vegetation for construction purposes | • Carry out landscaping as per project design to include trees and bushes  
• Avoid cutting trees but cater for their space  
• Optimize on use of open spaces instead of cutting down all trees and tree bushes |
| Dust emission and noise pollution through machine/equipment operations and vibrations | • Construction and demolition works, and movement of trucks will be limited to working hours  
• All staff/workers be properly inducted on work ethics and safe working procedures  
• Erection of a bill board to notify neighbours on cautionary practices and ongoing works  
• Hoarding and netting for dust control will be implemented  
• Transportation of waste debris for disposal should be done aboard secured vehicles by licensed operators.  
• The construction site should be secured by site hoarding to prevent dust propagation by wind and limit noise production within site  
• Workers will be provided with appropriate personal protective equipment  
• Construction site generating dust will be sprinkled with water to prevent dust emission  
• Adequate job supervision should be prioritized  
• Machinery and equipment used will be regularly serviced  
• Truck drivers will be instructed to prevent unnecessary hooting and idling of engines when stationary.  
• The installed generator and power equipment used to be fitted with noise control devices e.g. silencers  
• Notify neighbours of decommissioning and demolition plans |
| Generation of solid wastes on the site of construction | • A secure waste holding shed should be set up to facilitate segregation and temporary storage of wastes  
• Installation of marked waste bins that should be covered  
• Demolished floor/wall material should be re-used for backfilling to keep site clean and ensure economical use of material.  
• Use of an integrated solid waste management system including prevention, recycling, composting or incineration.  
• All workers to be sensitized to ensure waste generation is minimized during construction  
• All hazardous and non-hazardous waste should be stored separately  
• Containerization of any solid waste and appropriate disposal by a NEMA licensed waste handler pursuant to L.N. 121  
• Contractor to keep waste tracking forms for all the wastes that leave site to ensure proper record keeping of waste movement.  
• Ensure the installed incinerator at the Kakamega site is regularly maintained during operational phase and a license obtained from NEMA. |
| Interruption of existing operations, logistics and services of the law courts. | • Measures to be put in place to ensure that minimal disruption of court activities during construction phase.  
• Relocation of power lines to be done at off peak hours to prevent power interruption in the neighborhood.  
• Provision of portable toilets to replace existing toilet and pit latrines. |
### Observation

This report was based on the laid down methodologies and analysis that have been specified for ESIA reports while strictly adhering to the relevant legislative framework that governs the construction industry.

Our observations regarding the proposed project are that the project proponent has the intention of following the laid down environmental regulations, laws, and standards during the entire construction process. The architectural drawings will be scrutinized for approval as required by the relevant regulatory authorities.
Conclusion

In our conclusion, this is an environmentally sound project. Building the new court will have more positive and then negative environmental impacts. The project was well received by the local residents during the public consultation survey. Their comments and concerns were noted in order to assist the judiciary address the effects of any of the potential environmental impacts.

Among the major positive impacts is that the project will enhance access to justice and in Kakamega town residents in particular and Kakamega County as a whole. The project will be important for the economy of Kakamega as a whole in providing the local people with employment opportunities resulting to income generation and other associated multiplier effects, as well as a safer and more convenient working environment. It will also greatly reduce the need to travel long distances.

Among the potential negative environmental impacts noted, is the generation of noise and dust at the site, destruction of some of the tree cover during the construction stage, disruption of court proceedings and normal functions during construction, occupational health and safety impacts, inconveniences to road users and the generation of waste and effluent.

The project encompasses balanced environmental considerations and benefits. The proponent intends to put in place adequate and practical measures to mitigate the negative impacts as clearly indicated in the Environmental Social Management Plan (ESMP) proposal.

Plate 2: Plot currently used for recreation. Behind the fence are police housing and on the western side of the fence poise the Kakamega golf course in the west of the plot behind the eucalyptus trees
1.0 INTRODUCTION

The Republic of Kenya, through the Judiciary has developed a comprehensive Judiciary Transformation Framework (JTF) 2017-2021. The JTF 2017-2021 takes into account earlier reforms such as the Judiciary Transformation framework 2012-2016. Under the JTF 2012-2016, the Republic of Kenya has been implementing the Judicial Performance improvement project (JPIP) for the four (4) years (2012-2016). The objective the JPIP over the four years has been to improve the performance of the judiciary to perform its services in the project areas in a more effective and accountable manner.

The Judiciary Transformation Framework (JTF) 2012-2016 laid the foundation for the transformation of the Judiciary by consolidating reforms, providing a cohesive institutional strategy and framework, and ensuring monitoring, tracking of results, evaluation and accountability for reforms. The JTF identified four key pillars of the transformation agenda of the Judiciary. The pillars include: People Focused Delivery of Justice; Transformative Leadership, Organizational Culture and Professional and Motivated Staff; Adequate Financial Resources and Physical Infrastructure; and harnessing Technology as an enabler for Justice.

The JPIP has four components, one of which is the court infrastructure component. This component was identified as one of those likely to generate environmental and social impacts thus requiring environmental and social impact safeguards. Under this component, the government of Kenya is rehabilitating 30 existing courts, constructing 8 new Law Courts and two (2) new Magistrates courts in various parts of the country. To achieve its goal under this component, the Judiciary established a Directorate of Building Services (DBS) whose core functions are to design the Law Courts and related buildings, supervise construction works of all Judiciary buildings, prepare tender and contract documents, among other responsibilities.

In this respect, the Judiciary (the proponent) intends to construct a Law Court at the Kakamega County Headquarters in Western region of Kenya. Construction will start once approval has been given by the National Environment Management Authority, (NEMA) and other relevant authorities in line with the environmental (EMCA) regulations 2015.

The Judiciary Strategic Plan 2014-2018 builds on the 2009-2012 Plan written before the 2010 Constitution and the JTF 2012-2016 written to reflect the new Constitution. It ensures the Judiciary’s alignment with Vision 2030 and the Medium-Term Plan 2013-2018. The strategic plan reflects actual, early experiences since the Judiciary’s own transformation effort was launched in 2012. It also responds to emerging trends by positioning the Judiciary as an integral player in the overall national development agenda.
1.1 TERMS OF REFERENCE

The Terms of Reference for undertaking this Environmental and Social Impact Assessment for the proposed construction of the Kakamega Law courts in Kakamega County were:

1) To determine whether the proposed project will have adverse impacts on the environment and recommend mitigation measures for any adverse impacts identified;

2) To find out the positive socio-economic and environmental impacts and benefits associated with the proposed project for the purpose of enhancement;

3) To analyse possible project alternatives in terms of site, designs and other criteria and seek justification for the preferred options;

4) To seek the views and inputs of neighbours and members of the public in carrying out the proposed development;

5) To promote environmentally and ecologically friendly development;

6) To identify health and public safety concerns associated with the implementation of the proposed project and provide an action plan for managing public health and safety;

7) To provide an environmental and social management plan for mitigating the environmental and social impacts of the proposed development during and after the implementation of the project;

8) To enable the project proponent comply with the requirements of the environmental management and Coordination Act.

The terms of reference were done in accordance with the Environmental (Impact Assessment and Audit) Regulations, 2003.

1.2 EIA METHODOLOGY

The following methodologies were used to deliver the project objectives:

1.2.1 Project brief

A written brief was sent from the Chief Registrar of the Judiciary on Terms of Reference to enable the consultant understand the goals and expectations of the assignment. In addition, Letters of introduction were to be issued to the consultants to obtain full cooperation with court officials on the ground and relevant stakeholders at the project sites.

1.2.2 Desk-based studies

The purpose of the desk studies was to review the existing environmental and social information so as to identify additional baseline information required for the impact assessment in Kakamega.

1.2.3 Stakeholder engagement

Interested and affected parties (in this case, court user committees in the project areas) were to be engaged by direct invitation to participate in scoping meetings. Feedback from the scoping meetings was to be taken into consideration in the ESIA process.
1.2.4 Baseline Surveys and Studies:
Carry out collection of Baseline Data on Existing environmental and social conditions.

Baseline surveys and studies were done to complement existing information as part of the ESIA scoping stage and included in this report.

1.2.5 Physical inspection and visit to Cluster site
A brief visit was to be made to the site for 1) site inspection 2) for the purpose of meeting court’s Presiding or executive Officers, as well as court users(interested and affected parties at the Kakamega station) to participate in scooping meetings and 3) conduct a building condition survey where/if buildings existed on the site.

The purpose of this visit was also to determine if there were any limiting structures, ascertain the boundaries, soil types, existing vegetation such as trees, gardens on site and to take photographs. Questionnaire were prepared and handed over to members of the public for direct interviews. There total of 20 members of the public responded. The respondents were mainly from the immediate vicinity and surrounding areas giving varying views. The twenty (20) responses are attached herewith in the appendix IIb.

1.2.6 Impact Assessment
Prepare Environmental and Social Impact assessment (ESIA) project report for each Court site.

Impact assessment entails determining the potential impacts at the site visited, describing the activities that take place at the site visited, and the nature of the types of impacts one would expect at the site given the planned developments.

1.2.7 Environmental and social Management Plan
The development of this Environmental and Social Management Plan included the development of a comprehensive ESIA management plan to capture all mitigation measures identified. The measures were to be used practically by the architect in making necessary improvements/adjustments where necessary as part of the architectural design.

1.2.8 Review of ESIA Project Report to NEMA for ESIA licensing.
The purpose of submitting the reports to NEMA is so that they are reviewed for purposes of ascertaining that the mitigation measures are adequate for the identified impacts so that an approval may be issued. Follow-up with NEMA to the point the license is issued is the responsibility of the consultant.

1.3 PROJECT OBJECTIVES
The objectives of the ESIA Study are:

(i) To identify and evaluate the environmental effects, which may be caused by the proposed developments.

(ii) To examine the environmental effects of site specific or alternative development proposals for the site.
(iii) To identify and describe procedures and measures that will mitigate the predicted adverse impacts of the development proposals and measures that enhances the positive effects of the proposed activities.

(iv) To liaise with key interested and affected parties and relevant government departments on issues relating to the proposed development to ensure compliance with existing policies, guidelines, regulations (bye-laws) and accommodate public views. Lastly, to get the necessary NEMA approvals.


1.4 Need for the project

This project is intended to address the current office court shortage in the current Kakamega Law Courts. The project is therefore being initiated and implemented in response to the needs of the County in particular and the country as a whole for high standards of court facilities.

1.5 Scope and content of the project

In identifying the scope and content of the project the consultant used a systematic approach, using stipulated project phases as listed below:-

(1) Environmental screening:
   Environmental screening was necessary to decide if and at what level the EIA was to be applied.

(2) Environmental scooping:
   Environmental scooping (ES) was to be undertaken to identify the important issues and to assist in the preparation of the terms of reference.

(3) Desktop studies and interviews:
   These were required to extract essential data on the background of the project.

(4) Physical inspection of the site and surrounding areas:
   During this stage the EIA consultant physically went to view the site and take the necessary photographs (some are included in this document). The purpose of the visit to the site was to ascertain the actual boundaries, assess any limiting structures and confirm the soil types and existing natural vegetation.

(5) EIA public participation via the use of questionnaires:
   A questionnaire were prepared and handed over to members of the public for direct interviews. There total of 20 members of the public responded. The respondents were mainly from the immediate vicinity and surrounding areas giving varying views. The twenty (20) responses are attached herewith in the appendix IIb.
1.6 Project Documentation

In compliance with the Environmental Impact Assessment regulations EMCA of 2015, and in line with other relevant regulations this report provides the following information:-

- Project description and location
- Project activities to be undertaken during the project construction, commissioning and operational stages.
- The materials to be used, products and by-products including waste to be generated by the project. The section also details the preferred methods of materials disposal.
- The report details the potential environmental impacts of the project and mitigation at the project implementation and commissioning stage.
- An action plan for the management and prevention of environmental hazards, accidents, during the project construction stage.
- An environmental safety plan to ensure the health and safety of the workers and members of the public in the surrounding neighbourhood.
- The anticipated physical, social and economic impact on the surrounding neighbours.
- The cost estimate for this project (project budget).

Plate 3: Project site: - Existing buildings currently in use as the courtrooms
2.0 PROJECT DESCRIPTION

2.1 Current Status
Current facilities at Kakamega law courts are housed in several buildings on site. The buildings are old made of bricks and iron sheet roofing and even some of the walling as shown in the photos taken on site is of iron sheet material.

Plate 4: Main entrance of Kakamega court houses

Court rooms
Despite the huge demand for services of the Judiciary, the number of court rooms available are limited in number and currently shared. The available space in each court room is small with inadequate seating space and standing room. The facilities in the court room are also limited, for example there is no provision for a screened witness box, inadequate space for both the prosecutors and legal defence team.

Plate 5: Inside courtroom with limited sitting space on the right for court users and accused persons alike
Registry
The space available for the registry is severely congested. Apart from the shared rooms, the number of staff far outstrips the space provided with insufficient room for tables, desks, chairs and even shelving space for files. As can be seen in some of the photos appended in this document, due to the shortage of space, some of the files are kept outside during the day to make room for staff movement, thus exposing them to the weather. Staffs are also forced to lay tables outside the registry and work from the outside and return the tables back in the small registry rooms for the night.

Plate 6: Congested registry in room No. 17, on the right files arranged outside on the ground due to congestion on the lack of space.

Archives.
Space for the Archives is currently severely limited and like the registry, space is shared by staff with hardly enough space to store important items and files. Some of the important items have had to be stored outside in the tree garden in temporary shacks. The rooms used are not properly ventilated nor lighted, an issue that will be corrected with the construction of the new offices.

Plate 7: Files arranged outside of court of registry due to congestion
Law Court Gardens
The current Kakamega law court Gardens are properly kept with good mix of both indigenous and exotic tree species planted on all available space. The trees are mature and it is being recommended that these trees are preserved and not have to be cut down unnecessarily.

Plate 8: Tree garden in the foreground on the current law courts to be preserved. Current public toilet in the foreground to the right

Holding Cells
The current prisoner / suspect holding cells, are grossly are inadequate. Men, juveniles, women and their children are all held in the same area.

Plate 9: Entrance gate in the foreground of the current law courts with holding cell for prisoners and suspects to the immediate right

The current holding cells have no roofing and thus leave the suspects and prisoners exposed the elements of the weather.

Plate 10: Holding cells for suspects and prisoners alike, with male, female and juveniles all in one holding area. No roof for the holding area therefore exposed to the elements of weather

To make way for the new court building, the old structures will eventually be demolished.
2.2 Project Background

The proposed Law Courts development will involve building of eight (8) courtrooms and nine (9) Chambers, as shown in the architectural drawings provided (appendix 1). The courts will be complete with associated modern facilities such as ICT, 24hour surveillance cameras, vehicle parking area, infrastructural facilities such as extra water storage facilities, a borehole, walk ways, electric security fencing, library, modern well equipped and spacious registry, archives and other related infrastructure facilities as well as landscaping. Efforts will be made to avoid cutting down trees on the site plot, as well as trees adjacent to the site plot set aside for the construction. Two aged indigenous trees were earmarked and identified on the site plot close to the boundary with the Kakamega golf club, for preservation.

2.3 Project Design

The court buildings have been designed to conform to requirements of the following

- Court Design Guidelines (first Issue July 2012)
- The Judiciary/ Environmental and Social Management Framework (ESMF) (2015)
- Applicable Statutory Laws of Kenya
- World Bank Environmental and Social Safeguards such as OP/BP 4.01 on environmental assessment whose policy objective is to ensure environment and social soundness as well as the sustainability of industrial projects
- OP/BP 4.04 The World Bank safeguard concerning natural habitants whose policy objectives is to promote environmentally sustainable development by supporting the protection, conservation, maintenance and rehabilitation of natural habitats and their functions.
- National Building Code and associated manuals
- All other relevant local regulations, by-laws and approvals
- The following principles were applied:
  - Security – Security of Judicial officers & staff has been enhanced by correct circulation and added security features
  - Functionality – Use of locally available materials to enhance sustainability and low maintenance
  - Good aesthetics – People friendly structure that reflects the transformation of judiciary and importance of justice
  - Modern construction practice – Embrace green methods of construction e.g. more natural lighting
  - Easy of access for disabled persons e.g. provision of ramps
  - Landscaping – Specific trees were identified on the proposed construction site for preservation. The two trees are situated close to the boundary with the Kakamega golf Club.

2.3.1 Ground Floor Plan

The ground floor of the new courts will have the following facilities;

- Entrances-Public, Accused persons, Judicial Officers,
- Public waiting bays
• Parking
• Huduma Centre (with traffic registry, civil registry and criminal registry counters)
• Registries
• Cells
• Wash rooms for male and female

2.3.2 First Floor Plan

The following facilities will be situated on the second floor
- 2 Court rooms – the court rooms will have an audio visual box, witness box and a prisoners box
- Children’s court
- Chambers
- Banking hall
- Offices
- Exhibits room
- Lactation room
- Washrooms for Male and female

2.3.3 Second Floor Plan

The second floor will have facilities such as;
- 2 Court rooms
- Chambers
- Advocates Lounge
- Offices
- Washrooms for male and female
Other facilities will include a CCTV office, Telecom office, typing pool office, and supplies stores.

2.3.4 Third Floor Plan

Facilities on the third floor will include;
- 2 Court rooms
- Chambers
- Library
- Conference room
- Offices (including Media room, witness room, interview room)

2.3.5 Fourth Floor Plan

Amenities on the fourth floor will include the following;
- 2 Court rooms
- Chambers
- Judicial Lounge
- Offices
3.0 PROJECT LOCATION AND BASELINE ENVIRONMENTAL SETTING

The baseline data on environmental, socio-economic and biophysical Characteristics of the Kakamega site provides data for benchmarking for continued Monitoring and assessment of the impact of the proposed construction of the Law Courts on the site environment and surrounding area.

3.1 Location of the Study

The proposed Kakamega Law courts will be located within the same neighbourhood of the current Kakamega law courts, in Kakamega town. The GPS-coordinates of Kakamega are: 0° 16’ 57.832” N 34° 45’ 6.707” E.

Plate 11: Satellite imagery of Kakamega town showing proposed site of new law courts adjacent to Kakamega Golf Club, the county police headquarters and Kakamega County Assembly.

3.2 Geology and soils

The area is covered by Kakamega phonolites. There are also the tertiary volcanic rocks-olivene basalts and nepheline

3.3 Climate

Kakamega County enjoys good rainfall with a well distributed precipitation of over 1500 millimetres annually. The rainfall pattern is bimodal whereby the long rains are experienced in the months of March to May while the short rains between October and December. Temperatures range from a minimum of 10.3°C to a maximum of 30.8°C with an average of 20.5°C.
3.4 Site infrastructure

Project site
The project site is largely free of old buildings and is more the project construction site is surrounded immediately to the west by police housing compound and the northwest by the Kakamega Golf club.

Plate 12: Site plot. Plot currently used for recreation.

3.4.1 Utilities
The following utilities are already on site:

3.4.2 Water supply
There is piped water within the vicinity and the existing structures in the site. Water is supplied by Kakamega water and Sewerage Company. The same source will be sufficient to provide water to the proposed development in all its phases.

3.4.3 Electricity
The power (electricity) is accessible through connection to the Kenya Power distribution grid and is already connected to the site. A standby generator can be considered to cater for periods when there are interruptions in the power supply.

3.4.4 Solid Waste Management Services
The proposed project is located within the municipality area and as such, there is available provision for waste collection by the county government. The proponent will also make arrangements with NEMA licensed waste handlers for the collection and safe disposal of waste from the facility.

3.4.5 Sensitive Receptors
The current sensitive receptors in the vicinity of the construction site include the Kakamega Provincial General Hospital which is situated less than ¼ kilometres from the site. The three star Kakamega Golf Hotel, the adjacent police housing as well as the County offices and the court rooms, are all areas that will be affected by noise levels from vehicles, machinery as well as dust from movement of traffic to and from the building site. There will be efforts made by the contractor to mitigate against these environmental effects of the construction though compliance of established regulations and proposed mitigation measures (as shown in table 2-Compliance to Relevant Legislation as well as in table 8-Environmental Management Plan and Mitigation Measures)
3.5 Transport and communication

3.5.1 Transport
The projects key objective is to effectively serve the community by focusing on interventions that will be geared towards enhancing access to justice. It is situated within Kakamega town and hence suitably accessible to all public entering Kakamega from the Kakamega-Mumias road, Kakamega-Kisumu road, Mumias-Kakamega road and other feeder roads within the county.

Plate 13: Access infrastructure and built up area next to the court house with shops, tarmac road, footpaths, power line and hospital. Built up infrastructure alongside south-western boundary of law courts leading to Kakamega - Kisumu road.

3.5.2 Communication
The area is well connected with road networks and is well covered by communication facilities such as Safaricom, Telkom and Airtel among others. All these will facilitate communication during the implementation and on operationalization of the project.

3.6 Socio-economic conditions and surrounding land use.

3.6.1 Introduction
The population of the area – Kakamega town and its environment has been on the rise mainly due to rural urban migration. With a population growth rate of about 2.12% per annum, Kakamega has a population of 1,660,651 with the ratio of males to female being (48:52) and a population density of 515 people per km² being 4.4% of the national percentage. Kakamega County covers a total area of 3,224.9 SqKm.

3.6.2 Labour Force
The building construction industry has over time, in an attempt to overcome evolving challenges as a result of increasing complexity of human settlement (town, country, city), culminated into specialization that seeks to enhance efficiency and economical service delivery. In Kenya, the level of specialization in the building sector is limited in terms of capacity and numbers. In fact, the country has a limited number of experts in the built environment industry. This can be attributed to the high level of academic qualifications required for these professions. They mainly include:

- Land Surveyor
- Geographical Information System Analyst
- Landscape Architect
- Architect
- Quantity Surveyor
- Civil Engineer
- Structural Engineer
- Geotechnical Engineer etc

However, majority of the people involved in the construction process are mainly the semi-skilled and unskilled labourers. The professionals are involved in the inception and design stages of the project while the actual construction process is carried out by semi-skilled and unskilled labourers. Some of the skilled, semi-skilled and unskilled labourers that will be involved in the project include:

- Project manager
- Carpenters
- Bricklayers, concrete finishers and masons
- Carpenters
- Electricians
- Elevator constructors
- Glaziers
- Installers of floors (including terrazzo), carpeting
- Installers of drywall and ceilings (including ceiling tile)
- Insulation workers (mechanical and floor, ceiling and wall)
- Iron and steel workers (reinforcement and structural)
- Operating engineers (drivers of cranes and other heavy equipment maintenance workers)
- Painters, plasterers and paperhangers
- Plumbers and pipefitters
- Roofers and shingles
- Sheet metal workers

Kakamega town is located in Kakamega County which is situated in the former western province. It is the second most populous county after Nairobi. The main economic activity of the local community is crop farming, such as sugarcane, maize, tea, and some livestock farming including dairy, small livestock such as poultry and sheep and fishing. According to the County’s Integrated Development Plan, the county had a labour force of 889,552 persons as of 2012 which is projected to grow to 1,007,994 by 2017. The unemployed population in the county is estimated at 196,938. This implies that majority of the labour force is not gainfully employed. This high unemployment is bound to increase during the plan period if corrective measures are not put in place.

In this case, most of the unskilled and semi-skilled labour force will be sourced locally from the environments of Kakamega town. However only a few of the skilled labourers may need to be sourced from outside of Kakamega, for instance to skilled electricians, plumbers, welders and while the skilled labourers are usually transported to the project site. For instance, the project manager and the contractor can be sourced from outside the county. In this case while a big workers camp may not be necessary, it may be necessary to house only a few skilled labourers at a small workers camp on site. It may also be necessary to provide pooled transport for the workers living on the outskirts of the town.

With the migrant labour being minimal, the foreseeable issues are negligible. With this high rate of unemployment in the county, the contractor and the project manager should consider the locals first in awarding job opportunities for the construction process.
3.6.3 Settlement patterns
Settlement patterns in Kakamega County are influenced by infrastructure network (roads, water, and electricity) and high agricultural potential zones. The population density in Kakamega is 515 people per Km². High population densities are found in Kakamega and Mumias town. These areas are also well supplied with piped water and electricity. Other agriculturally productive lands with good infrastructure also have a dense population.

3.6.4 Land Use and Tenure
Land in the Kakamega area is extensively cropped and about 70% of the county is under maize cultivation both for commercial use and subsistence. An estimated 30% of the land in the county is on cash crops mainly sugarcane. Tea is also grown on small scale in Shinyalu and Navakholo. Livestock rearing is another dominant land use in the county. Small scale farming is undertaken by subsistence farmers whose farm sizes are below 20 acres. Family used labour is 60% and 40% is hired. The urban area takes up only 186.18% of the total area. The major town is Kakamega followed by market centres such as Malava, Khayega, Shinyalu, and Lubao among others and various small market centres scattered over the county. The land tenure system in the county is mainly freehold. There are pockets of trust land under the county government. However the freehold land is continuously being sub-divided into small uneconomic units by families as sons seek ownership rights and some extent through sale to immigrants in the county.

3.6.5 Economic Activities and Employment
Kakamega County has agriculture as the main economic activity. About 62% of the county population relies on agriculture. Both cash crops and maize for subsistence and commercial use is carried out in the county. Gold mining is being exploited in various parts of the county on small scale in Lirhembe, Sigalagala, Emalindi and Malinya areas. The county has also diverse products for both locals and foreign tourists. Tourist attraction centres in the district include; Kakamega Forest, the crying stone, birds, bull fighting and traditional dancing. Absolute poverty in the county stands at 57.47% and the unemployed are about 12,106 persons.

3.6.6 Poverty index
Poverty in Kakamega County manifests itself, in the inability by the majority of the population to access basic needs due to geographical, economic and social-cultural barriers. The poverty index on the area is estimated at 57% and is above the national average. The age dependency ratio is 100:101. Within the adult population, a great percentage of people cannot meet the minimum cost of food and non-food items essential for human life and hence are absolutely poor.

Factors that contribute to the poverty incidence in Kakamega include climatic conditions, low levels of education and land ownership. Effects of the high poverty levels in Kakamega include high rate of school drop outs, deteriorating health conditions, worsening literacy levels etc. The immediate cause of poverty within the proposed project area has been attributed to landlessness, high and increasing cost of living, inaccessibility to credit facilities, lack of entrepreneurial skills, unemployment, low incomes and HIV/AIDS and discrimination at places of work.

In general, poverty has led to over-use and destruction of natural resources where short-term development goals are pursued at the expense of long-term environmental sustainability. There is need to ensure that environmental concerns are integrated into development planning and that development plans lead to empowerment of local communities to engage in sustainable livelihood activities. Hence the development proposal will contribute significantly to reducing the poverty index at a local level and the County at large by not only providing direct employment opportunities but also the basis for more income generating activities.
4.0 POLICY, LEGAL, INSTITUTIONAL REGULATORY AND ADMINISTRATIVE FRAMEWORK

This chapter briefly outlines the various policies and laws relevant to a project of this nature.

4.1 Policy Framework

4.1.1 Policy Paper on Environment and Development (Sessional Paper No. 6 of 1999)

The key objectives of the policy include:

i) Ensuring all development policies programs and projects take environmental considerations into account.

ii) Ensuring independent Environmental Impact Assessment (EIA) reports are prepared for industrial or other development before implementation.

iii) The need for effluent standards that will conform to acceptable health guidelines.

Under this paper, broad categories of development issues are covered that require a sustainable development approach. These issues relate to waste management and human settlement.

The overall goal of the sessional paper was to integrate environmental concerns into the national plans and management processes and provide guidelines for environmentally sustainable development. According to the Sessional paper, the government will endeavor to;

a) Formulate comprehensive EIA guidelines, procedures, and legislation;

b) Strengthen and develop environmental standards;

c) Establish a system of EIA audits, monitoring, evaluation, and appeal;

d) Subject new and existing project and programs to environmental monitoring and auditing;

e) Strengthen capacities in institutions and local communities with regard to EIA; and

f) Incorporate social and cultural values in EIA.

The Sessional paper on environment and development was thus the starting point in using EIA as a tool for appraising the suitability and sustainability of developments.

According to this Sessional Paper, Kenya’s fundamental principles with respect to environmental conservation include:

a) Environmental protection is an integral part of sustainable development.

b) The environment and its natural resources can meet the needs of present as well as those of future generations if used sustainably.

c) All the people have the right to benefit equally from the use of natural resources as well as an equal entitlement to a clean and healthy environment.

d) Poverty reduction is an indispensable requirement for sustainable development.

e) Sustainable development and higher quality of life can be achieved by reducing or eliminating unsustainable practices of production and consumption; and by promoting appropriate demographic policies.
f) Endogenous capacity building is essential for development, adaptation, diffusion, and transfer of technologies for sustainable development.
g) Indigenous/traditional knowledge and skills are vital in environmental management and sustainable development.
h) Effective public participation is enhanced by access to information concerning the environment and the opportunity to participate in decision-making processes.
i) Public participation including women and youths is essential in proper environmental management.
j) For sustainable management, the polluter pays principle should apply.
k) Access to judicial and administrative proceedings, including redress and remedy, is essential to environmental conservation and management.
l) Private sector participation in environmental management is essential for sustainable development.
m) Effective measures should be taken to prevent any threats of damage to the environment, notwithstanding lack of full scientific certainty.

4.1.2 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 industrial, economic and social development programs that disregarded environmental sustainability. Through this, appropriate policies and legal guidelines were formulated as well as harmonizing the existing ones. This lead to the establishment of Environmental Impact Assessments (EIAs) for designated new projects and Environment Audit (EAs) for the identified existing projects whose operations might have significant impact on the environment.

4.1.3 The National Environmental Policy, 2013
The environment has been an essential feature of Kenya’s development trajectory. Yet, for many years, the country was lacking a comprehensive environment policy. Previously, most of the environmental imperatives were captured in various development plans. It was against this backdrop that the Ministry of Environment, Water and Natural Resources recognized the need to develop a comprehensive National Environment Policy.

This Policy proposes a broad range of measures and actions responding to key environmental issues and challenges. It seeks to provide the framework for an integrated approach to planning and sustainable management of natural resources in the country. It recognizes the various vulnerable ecosystems and proposes various policy measures not only to mainstream sound environmental management practices in all sectors of society throughout the country but also recommends strong institutional and governance measures to support the achievement of the desired objectives and goal.
According to section 3.1, the objectives of this policy are to:

(a) Provide a framework for an integrated approach to planning and sustainable management of Kenya’s environment and natural resources.
(b) Strengthen the legal and institutional framework for good governance, effective coordination and management of the environment and natural resources.
(c) Ensure sustainable management of the environment and natural resources, such as unique terrestrial and aquatic ecosystems, for national economic growth and improved livelihoods.
(d) Promote and support research and capacity development as well as use of innovative environmental management tools such as incentives, disincentives, total economic valuation, indicators of sustainable development, Strategic Environmental Assessments (SEAs), Environmental Social Impact Assessments (EIAs), Environmental Audits (EA) and Payment for Environmental Services (PES).
(e) Promote and enhance cooperation, collaboration, synergy, partnerships and participation in the protection, conservation, sustainable management of the environment and natural resources.
(f) Ensure inclusion of cross-cutting and emerging issues such as poverty reduction, gender, disability, HIV&AIDS and other diseases in the management of the environment and natural resources.
(g) Promote domestication, coordination and maximization of benefit from Strategic Multilateral Environmental Agreements (SMEAs).

INSTITUTIONAL FRAMEWORK

4.1.4 The National Environment Management Authority (NEMA)

This is the government authority charged with the general supervision and coordination of all environmental matters in the Kenya. NEMA is the principal instrument of the government in the implementation of all policies relating to the environment. The authority is a creature of the Environmental Management and Coordination Act (EMCA) that came into effect on the 14th of January, year 2000. Among others, the functions of NEMA are:

a) To coordinate various environmental management activities undertaken by lead agencies;
b) To promote the integration of environmental considerations into development actions with a view to ensuring proper management and rational utilization of environmental resources on a sustainable yield basis for the improvement of quality of life;
c) To advise the government on legislative and other measures for the management of the environment or the implementation of various international conventions, treaties and agreements in the field of environment;
d) To identify development actions for which environmental audit and monitoring must be conducted under the act;
e) To assess and monitor activities to ensure that the environment is not degraded by such activities, that environmental management objectives are adhered to and adequate early warning on impending environmental emergencies is given;
f) To cooperate with relevant lead agencies on environmental education and enhancement of public awareness on environmental protection;
g) To prepare and issue an annual report on the state of the environment in Kenya.
Under EMCA, NEMA may delegate any of its powers on the performance of any of its functions to Provincial and District Environment Committees; NEMA officers; its employees or agents. NEMA is headed by a Director General (DG) who is appointed by the president. At the county level, NEMA is represented by the County Director of Environment.

4.1.5 The Judicial Service Commission
The Judicial Service Commission is a government authority established by Article 171 of the Constitution. Part III section 13 of the Judicial Service Act confers powers and functions of the authority as below;

(1) In addition to the powers of the Commission under Article 253 of the Constitution, the Commission shall have the power to.
   (a) Purchase or otherwise acquire, hold, charge and dispose of movable or immovable property;
   (b) Borrow and lend money;
   (c) Enter into contracts;
   (d) Do or perform all such other things or acts necessary for the proper performance of its functions under the Constitution and this Act which may be lawfully done or performed by a body corporate.

(2) Members of the Commission shall be guided in the discharge of their responsibilities by the principles contained in the Constitution and in this Act.

(3) The Commission shall have all the necessary powers for the execution of its functions under the Constitution and this Act.

4.1.6 The National Construction Authority (NCA)
This Authority was created by the National Construction Authority Act of 2011. The functions of the NCA as specified in section 5 (2) of the Act are to:

a) Promote and stimulate development, improvement and expansion of the construction industry;

b) Advise and make recommendations to the minister for public works on matters affecting or connected with the construction industry;

b) Undertake or commission research into any matter relating to construction industry;

d) Prescribe the qualifications or other attributes required for registration as a contractor under this act;

e) Assist in the exportation of construction services connected to the construction industry; provide consultancy and advisory services with respect to the construction industry;

f) Promote and ensure quality assurance in the construction industry;

g) Encourage the standardization and improvement of construction techniques and materials;

h) Initiate and maintain a construction information system;

i) i) Provide, promote, review and coordinate training programs organized by public and private accredited training centers for skilled construction workers and construction site employers;

j) Accredit and register contractors and regulate their professional undertakings;

k) Develop and publish a code of conduct for the construction industry; and

l) Do all other things that may be necessary for the better carrying out of its functions under the Act.
4.1.7 The Directorate of Occupational Safety and Health Services
This is the Government agency tasked with regulating safety and health services in Kenya. Developers must comply with DOSHS requirements including submission of architectural drawings for approval by DOSHS before undertaking the development and registration of all workplaces with DOSHS.

LEGISLATIVE AND REGULATORY FRAMEWORK

4.1.8 National Policy on Water Resource Management and Development
While the national Policy on Water Resources Management and Development (WRM&D) (1999) enhances systemic development of water facilities in all sectors for the promotion of country’s socio-economic development, it also recognizes the by-products as waste water. It therefore calls for development of appropriate sanitation systems to protect people's health and water resources from pollution.

Development activities should therefore have waste management systems to handle the waste water and other waste emanating from therein. The policy requires that appropriate measures be undertaken to ensure environmental resources and people’s health in the immediate neighborhood and further downstream are not negatively impacted by project waste water and water bodies receiving waste water.

4.2 Legal Aspects
The key national laws that govern the management of environmental resources in relation to this project – the construction of Law Courts - are briefly outlined below. They include:

i) Environmental Management and Coordination Act (EMCA) (2015);
ii) The Physical Planning Act (PLA) (Cap. 286)
v) The Trade Licensing Act (TLA) (Cap. 497)
vi) The Public Health Act (PHA) (Cap. 242)

4.2.1 Environmental Management and Coordination Act (2015)
The Environmental management and Coordination Act (1999) were amended in 2015. The Environment Management and Coordination Act (states that every person in Kenya is entitled to a clean healthy environment and has duty to safeguard and enhance the environment.

Part III Section 68 of the same, EMCA act requires operators of projects or undertakings to carry out EAs in order to determine level of conformance with statements made during EIAs or the initial EAs if the project was in operation before the Act came into force.

Part IV Section 72 of the Act Prohibits discharging or applying poisonous toxic, noxious or obstruction matter, radioactive or any other pollutants into aquatic environment.
Section 73 requires that operators of projects which discharges effluent or other pollutants to submit to NEMA accurate information about the quantity and quality of the effluent.

Section 74 demands that all effluent generated from point of source are discharged into existing sewage system upon issuance of prescribed permit from local authorities.

Section 87 sub-section 1 states that no person shall discharge or dispose of any wastes whether generated within or outside Kenya in such a manner as to cause pollution to the environment or ill health to any person.

Section 90 through 100 outlines more regulations on management of hazardous and toxic substances including oils, chemicals and pesticides.

4.2.2 Physical Planning Act (Cap286)
Section 29 empowers Local Authorities to reserve and maintain all planned land for open spaces, parks, urban forests and green belts. It also allows for prohibition or control of the use and development of land and buildings in the interest of proper and orderly development of the area.

4.2.3 The Water Act (Cap 2000)
Section 75 of the act allows the licensees to construct and maintain drains, sewers and other works for intercepting, treating or disposing of any foul water arising or flowing upon land for preventing pollution of water sources within his/her jurisdiction.

Section 76 states that no person shall discharge any liquid waste into sewers of a licensee without consent of licensee upon application indicating the nature and composition of the effluent, maximum quantity anticipated, flow rate of the effluent and any information deemed necessary. The consent shall be issued on conditions including payment of rates for the discharge.

Section 94 of the act makes it an offence to throw or convey or cause or permit to be thrown or conveyed any rubbish, dirt, refuse effluent, trade waste or other offensive or unwholesome matter of thing into or near to water resource in such a manner as to cause or likely to cause pollution of the water resource.

4.2.4 Building Code (2000)
Section 194 requires that where a sewer exists, the occupants of the nearby premises shall apply to the local authority for permit to connect to the sewer line and that all waste water must be discharged in the sewers. The code also prohibits construction of structures or buildings on sewer lines.

4.2.5 The trade licensing Act (Cap 497)
Section 5 of the Act makes it mandatory for all businesses to obtain trading licenses.
4.2.6 Public Health Act (Cap 242)
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.

Section 116 requires local Authorities to take all lawful, necessary and reasonable practicable measures to maintain areas under their jurisdiction clean and sanitary to prevent recurrence of nuisance or condition liable for injuries or dangerous to human health.

Section 118 defines nuisance or conditions as waste pipes, sewers, drains or refuses pits situated or constructed as in the opinion of the medical officer of health to be offensive or injurious to public 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 course, 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 labor rats or other kinds of vermin.

4.3 Legislative and Regulatory Framework

4.3.1 The Environmental Management and Coordination Amendment Act, 2015 Act (EMCA), EMCA of (1999) is an Act of Parliament amended in 2015, to provide for the establishment of an appropriate legal and institutional framework for the management of the environment. EMCA provides every person in Kenya with the right to a clean and healthy environment. The Act states that every person has the responsibility to protect and manage the environment. EMCA defines the role of Environmental Impact Assessment (EIA) as a tool to maintain environmental integrity. Under the Act, projects likely to impact negatively on the environment must be subjected to EIA. The second schedule of the Act details the types of projects for which an EIA must be carried out. Among others, the following must be subjected to the EIA process:

a) Any activity that is out of character with the surrounding;
b) Any structure that is not in keeping with its surroundings;
c) Transportation including construction of roads, railways, sea ports, pipelines and water transport;
d) urban development including establishment of urban centers, cities, towns, industrial estates, shopping centers, commercial and residential areas;
e) Dams, rivers and water diversions, water transport between different catchments and drilling for underground water, flood control and geothermal;
f) Aerial spraying;
g) Electrical infrastructure including generation stations, transmission lines, and substations;
h) Forestry related activities including timber harvesting, clearing of forest areas, afforestation and re-afforestation;
i) Natural conservation areas including game reserves, buffer zones, wilderness areas, modification of forest management policies;
j) Agricultural activities such as large scale farming, monoculture and irrigation.
4.3.2 The Environmental (Impact Assessment and Audit) Regulations 2003

These regulations were made by the Minister for Environment and Natural Resources in June 2003 in exercise of the powers conferred by section 147 of the Environmental Management and Coordination Act. The regulations apply to all policies, plans, programs, projects and activities in Part IV, V and the Second Schedule of the Act. According to section 4 (1) of these regulations, no proponent shall implement a project likely to have a negative environmental impact or for which an Environmental Impact Assessment is required under the Act or under these Regulations unless an EIA has been concluded and approved in accordance with these regulations. According to these regulations, no licensing authority under any law in force in Kenya shall issue a trading, commercial or development permit or licensed for any project for which an environmental impact assessment is required under the Act unless the applicant produces to the licensing authority a license of environmental impact assessment issued by the Authority (NEMA) under these regulations.

Section 6 of these regulations state that an application for an EIA license shall be in the form of a project report in Form 1 set out in the First Schedule to these regulations, and the applicant shall submit the application together with the prescribed fee to the Authority or the Authority’s appointed agent in the District where the project is to be undertaken. Section 7 (2) states that in preparing a project report under this regulation, the proponent shall pay particular attention to the issues specified in the Second schedule to these regulations. Section 11 states that an environmental Impact Assessment study shall be conducted in accordance with the terms of reference developed during the scoping exercise by the proponent and approved by the Authority (NEMA).

Section 13 requires that an environmental impact assessment shall be carried out by a lead expert qualified in accordance with the criteria of listing experts specified in the second schedule of the Act. Section 17 (1) of the regulations state that during the process of conducting an environmental impact assessment study under these regulations, the proponent shall, in consultation with the Authority, seek views of persons who may be affected by the project. According to section 23 of these regulations, NEMA shall give its decision on an EIA study report within three months of receiving the report. Section (24) follows that where the Authority approves an EIA study report under regulation (23), it shall issue an EIA license in Form 3 set out in the First schedule to these regulations on such terms and conditions as it may deem necessary. Regulation (31) states that an environmental audit shall be undertaken for the following development activities which are likely to have adverse environmental impacts:

(a) Ongoing projects commenced prior to coming into force of these regulations; or
(b) New projects undertaken after completion of an environmental impact assessment study report

Section 2 of regulation 31 states that an environmental audit shall, unless if it is a self-auditing study under regulation 34, be conducted by a qualified and authorized environmental auditor or environmental inspector who shall be an expert or a firm of experts registered in accordance with regulation 14.
4.3.3 The Environmental Management and Coordination (Waste Management) Regulations, 2006
These regulations were made by the Minister for Environment and Natural Resources on the 4th of September 2006 in exercise of the powers conferred by sections 92 and 147 of the Environmental Management and Coordination Act of 1999, and in consultation with relevant lead agencies. Under Regulation 4 (1), no person shall dispose of any waste on a public highway, street, road, recreational area or in any public place except in a designated public receptacle.

Under Regulation 6, a waste generator shall segregate waste by separating hazardous waste from non-hazardous waste and shall dispose of such wastes in such facility as shall be provided by the relevant local authority. Under Regulation 14 (1), every trade or industrial undertaking shall install at its premises anti-pollution equipment for the treatment of waste emanating from such trade or industrial undertaking. Under Regulation 18, every generator of hazardous waste shall ensure that every container or package for storing such waste is labeled in easily legible characters, written in both English and Kiswahili. The label shall contain the following information:

a) The identity of hazardous waste;
b) The name and address of the generator of waste;
c) The net contents;
d) The normal storage stability and methods of storage;
e) The name and percentage of weight of active ingredients or half-life of radioactive material;
f) Warning of or caution statements which may include any of the following as appropriate:

(i) The words “WARNING” or “CAUTION”;
(ii) The word “POISON” (marked indelibly in red on a contrasting background); and
(iii) The words “DANGER! KEEP AWAY FROM UNAUTHORIZED PERSONS”; and
(iv) A pictogram of skull and crossbones

g) A statement of first aid measures, including the antidote when waste is inhaled, ingested or dermal contact and a direction that a physician must be contacted immediately;

The 4th schedule of these regulations lists categories of wastes that are considered hazardous. The 3rd schedule gives the standard for the treatment and disposal of wastes including classification for incinerators and the standards, guidelines, criteria and procedure for installing and operating incinerators. Under Regulation (5) (1), a waste generator shall minimize waste generated by adopting the following cleaner production methods:

a) Improvement of the production processes through;
   (i) Conserving raw materials and energy;
   (ii) Eliminating the use of toxic raw materials; and
   (iii) Reducing toxic emissions and wastes
b) Monitoring the product cycle from beginning to the end by:
   (i) Identifying and eliminating potential negative impacts of the product;
   (ii) Enabling the recovery and re-use of the product where possible; and
   (iii) Reclamation and recycling; and
c) Incorporating environmental concerns into the design and disposal of the product.
4.3.4 The Public Health, CAP 242 Laws of Kenya

This Act of Parliament commenced on 6th September 2001 to make provision for securing and maintaining health. According to section 118, the following shall be deemed nuisances liable to be dealt with in the manner provided in this part:

a) Any vessel, and any railway carriage or any other conveyance in such a state or condition as to be injurious or dangerous to health;

b) Any dwelling or premises or part thereof which is or are of such construction or in such state or so situated or so dirty or so verminous as to be, in the opinion of a medical officer of health, injurious or dangerous to health, or which is or are liable to favors the spread of any infectious disease;

c) Any street, road or any part thereof, any stream, pool, ditch, gutter, watercourse, sink, water tank, cistern, water closet, earth closet, privy, urinal, cesspool, soak away pit, septic tank, cesspit, soil pipe, waste pipe, drain, sewer, garbage receptacle, dustbin, dung pit, refuse pit, slop tank, ash pit, or manure heap so foul or in such a state or situated or constructed as in the opinion of the medical officer of health as to be offensive or injurious or dangerous to health;

d) Any well or other source of water supply or any cistern or other receptacle for water, whether public or private, the water from which is used or likely to be used by man for drinking or domestic purposes or in connection with the manufacture or preparation of any article of food intended for human consumption, which in the opinion of a medical officer of health is polluted or otherwise liable to render any such water injurious or dangerous to health;

e) Any noxious matter or waste water, flowing or discharged from any premises wherever situated, into any public street, or into any mullah, or watercourse, irrigation channel or bed thereof not approved for the reception of such drainage;

f) Any stable, cowshed or other building or premises used for keeping animals or birds, which is so constructed, situated, used or kept as to be offensive or which is injurious or dangerous to health;

g) Any animal so kept as to be a nuisance or injurious to health;

h) Any accumulation or deposit of refuse, offal, manure, or other matter whatsoever which is offensive or injurious to health;

i) Any accumulation of stones, timber or other material if in the opinion of a medical officer of health is likely to harbor rats or vermin;

j) Any premises in such a state or condition and any building so constructed as to be likely to harbor rats;

k) Any dwelling or premises which is so overcrowded as to be injurious or dangerous to health of the inmates, or so dilapidated or defective in lighting or ventilation, or is not provided with sanitary accommodation to the satisfaction of the medical officer of health;

l) Any public or other building which is so situated, constructed, used or kept as to be unsafe, injurious or dangerous to health;

m) Any occupied dwelling or for a proper sufficient and wholesome water supply is not available within a reasonable distance as under the circumstances it is possible to obtain;

n) Any factory or trade premises not kept in a cleanly state and free from offensive smell arising from any privy, water closet, earth closet or urinal or not ventilated so as to render harmless and
inoffensive as far as practicable any gases, vapors, dust or other impurities generated or so badly lighted or ventilated as to be injurious or dangerous to the health of those employed therein;

o) Any factory or trade premises causing or giving rise to smells or effluvia which are offensive or which are injurious or dangerous to health;

p) Any area of land kept or permitted to remain in such a state as to be offensive, or liable to cause any infectious, communicable or preventive disease or injury or danger to health;

q) Any chimney sending forth smoke in such quantity or in such manner as to be offensive or injurious or dangerous to human health;

r) Any cemetery, burial place or place of sepulture so situated or so crowded or otherwise so conducted as to be offensive or dangerous to health;

s) Any act, omission, or thing which is, or may be, dangerous to life, or injurious to health.

Section 116 of this Act empowers local authorities to maintain cleanliness and prevent nuisances. Part (x) provides for the protection of feedstuffs, including the construction and regulation of buildings used for the storage of feedstuffs. Section 128 prohibits the residing or sleeping in kitchens or feed stores.

4.3.5 The Environmental Management and Coordination (Noise and Excessive Vibration Pollution Control) Regulations

According to Regulation 3.(1), except as otherwise provided in these Regulations, no person shall make or cause to be made any loud, unreasonable, unnecessary or unusual noise that annoys, disturbs, injures or endangers the comfort, repose, health or safety of others and the environment. According to regulation 3 (2), in determining whether noise is loud, unreasonable, unnecessary or unusual, the following factors may be considered:

(i) Time of the day;
(ii) Proximity to residential area;
(iii) Whether the noise is recurrent, intermittent or constant;
(iv) The level and intensity of the noise;
(v) Whether the noise has been enhanced in level or range by any type of electronic or mechanical means; and,
(vi) Whether the noise can be controlled without much effort or expense to the person making the noise.

Under Regulation 4.(1) except as otherwise provided in these Regulations, no person shall-

(a) Make or cause to be made excessive vibrations that annoys, disturbs, injures or endangers the comfort, repose, health or safety of others and the environment;
(b) Cause to be made excessive vibrations that exceed 0.5 centimeters per second beyond any source, property boundary or 30 meters from any moving source. Under Regulation (5), no person shall make, continue or cause to be made or continued any noise in excess of the noise levels set in the First Schedule to these regulations, unless such noise is reasonably necessary to the preservation of life, health, safety or property.
According to Regulation 8 (1) No person shall use or operate any radio or receiving set, musical instrument, phonograph, television set, any other machine or device for the producing or reproducing of sound or any other sound-amplifying equipment in a loud, annoying or offensive manner such that, noise from the device-
(a) Interferes with the comfort, repose, health or safety of members of the public;
(b) Creates a risk thereof, within any building or, outside of a building, at a distance of 30 meters or more from the source of such sound; or
(c) Interferes with the conversation of members of the public who are 30 meters or more from the source of such sound. In accordance with Regulation 9 (1), any person in charge of a party or other social event that occurs on any private or public property shall ensure that the party or event does not produce noise in a loud, annoying or offensive manner such that noise from the party interferes with the comfort, repose, health or safety of members of the public within any building or, outside of a building, or recklessly creates the risk thereof, at a distance of 30 meters or more from the source of such sound.

According to Regulation 10 (1) No person shall:-
(a) Preach, tout, advertise, promote or sell anything; or
(b) Engage in any commercial activity; in any manner so as to emit noise by shouting within a Central Business District of any town, a residential area, a silent zone, or any other area declared as a silent zone by NEMA;

In line with Regulation 11 (1) any person wishing to- (a) operate or repair any machinery, motor vehicle, construction equipment or other equipment, pump, fan, air-conditioning apparatus or similar mechanical device; or (b) engage in any commercial or industrial activity, that is likely to emit noise or excessive vibrations shall carry out the activity or activities within the relevant levels prescribed in the First Schedule to these Regulations. In accordance with Regulation 12 (1) no person shall operate a motor vehicle that (a) produces any loud and unusual sound; and (b) exceeds 84 dB (A) when accelerating. In addition, sub-Regulation (2) states that no person shall at any time sound the horn or other warning of a vehicle except when necessary to prevent an accident or an incident.

Under Regulation 13 (1) except for the purposes specified in sub-Regulation (2) there under, during night time hours, no person shall operate construction equipment (including but not limited to any pile driver, steam shovel, pneumatic hammer, derrick or steam or electric hoist) or perform any outside construction or repair work so as to emit noise in excess of the permissible levels as set out in the Second Schedule to these Regulations. According to Regulation 16 (1) where a sound source is planned, installed or intended to be installed or modified by any person in a manner that such source will create or is likely to emit noise, or excessive vibrations, or otherwise fail to comply with the provisions of these Regulations, such person shall apply for a license to the Authority. In accordance with Regulation 19 (1), no person shall carry out activities such as fireworks, demolitions, firing ranges and specific heavy industry without a valid permit issued by the Authority.
Under Regulation (26), where there is continuous emission of noise or excessive vibration after the Environmental Inspector has issued an improvement notice, the Environmental Inspector may, with the approval of the Director General, and in consultation with the relevant lead agency, order the closure of an establishment or undertaking emitting such noise or excessive vibrations. According to Regulation (28), any person who contravenes any of the provisions of these Regulations, for which no penalty is stipulated, commits an offence and is liable upon conviction, to a fine of not more than three hundred and fifty thousand shillings or to imprisonment for a term of not more than eighteen months or to both such fine and imprisonment.

4.3.6 The Occupational Safety and Health Act, 2007
This is an Act of parliament to provide for the safety, health and welfare of workers and all persons lawfully present at workplaces, to provide for the establishment of the National Council for Occupational Safety and Health and for connected purposes. According to Section 3 (1), this legislation shall apply to all workplaces where any person is employed, whether permanently or temporarily. Under Section 3 (2), the purpose of this Act is to:

a) Secure the safety, health and welfare of persons at work; and
b) Protect persons other than persons at work against risks to safety and health arising out of, or in connection with, the activities of persons at work.

Under Section 6 (1), every occupier shall ensure the safety, health and welfare at work of all persons working in his workplace. Under section 6 (3), every occupier shall carry out appropriate risk assessments in relation to the safety and health of persons employed, and on the basis of these results, adopt preventive and protective measures to ensure that under all conditions of their intended use, all chemicals, machinery, equipment, tools, and process under the control of the occupier are safe and without risk to health and comply with the requirements of the safety and health provisions in this Act. Under 6 (4), every occupier shall send a copy of a report of risk assessment carried out under this section to the area occupational safety and health officer. According to Section 6 (6), it is the duty of every occupier to register his workplace unless such workplace is exempted from registration under this Act.

Under section 7 (1) except in such cases as may be prescribed, it is the duty of every occupier to:-

a) Prepare and, as often as may be appropriate, revise a written statement of his general policy with respect to the safety and health at work of his employees and the organization and arrangements for the time being in force for carrying out that policy; and
b) To bring the statement and any revision of it to the notice of all his employees.

Under section 9 (1), every occupier shall establish a safety and health committee at the workplace in accordance with regulations prescribed by the minister if –

(a) There are twenty or more persons employed at the workplace; or
(b) The Director (of Occupational Safety and Health) directs the establishment of such committee at any other workplace.
Section 11 (1) states that the occupier of a workplace shall cause a thorough safety and health audit of his workplace to be carried out at least once in every period of 12 months by a safety and health advisor, who shall issue a report of such an audit containing the prescribed particulars to the occupier on payment of a prescribed fee and shall send a copy of the report to the Director of Occupational Safety and Health Services. According to Section 13 (1) (c), every employee shall at all times wear or use any protective equipment or clothing provided by the employer for the purpose of preventing risks to his safety and health.

Under Section 16 (1), no person shall engage in any improper activity or behavior at the workplace which might create or constitute a hazard to that person or any other person. In accordance with Section 21, an employer or self-employed person shall notify the area occupational safety and health officer of any accident, dangerous occurrence or occupational poisoning which has occurred at the workplace. Where an accident in a workplace causes the death of a person therein, the employer or self-employed person shall –

a) Inform the area occupational safety and health officer within 24 hours of the occurrence of the accident; and
b) Send a written notice of the accident in the prescribed form to the area occupational safety and health officer within 7 days of occurrence of the accident.

Under Section 22 (3), an occupier shall send a written notice of any disease specified in the second schedule of the Act occurring in the workplace to the Director. Under Section 47 (1), every workplace shall be kept in a clean state, and free from effluvia arising from any drain, sanitary convenience or nuisance. In accordance with section 52 (1), sufficient and suitable sanitary conveniences for the persons employed in the workplace shall be provided, maintained and kept clean, and effective provision shall be made for lighting the conveniences; and where persons of both sexes are or are intended to be employed (except in the case of workplaces where the only persons employed are members of the same family dwelling there), such conveniences shall afford proper separate accommodation for persons of each sex.

Under section 78 (1), all stocks of highly inflammable substances shall be kept either in a fire resisting store or in a safe place outside any occupied building, provided that no such store shall be so situated as to endanger the means of escape from the workplace or from any other part thereof in the event of fire occurring in the store. Under Section 81 (1), in every workplace or workroom, there shall be –

a) Provided and maintained, and conspicuously displayed and free from any obstruction so as to be readily accessible, means for extinguishing fire, which shall be adequate and suitable having regard to the circumstances of each case; and
b) Present, persons trained in the correct use of such means of extinguishing fire during all working hours.

Under 81 (2), every workplace shall be provided with adequate means of escape, in case of fire, for persons employed therein, having regard to the circumstances of each case. Under 82 (1), every occupier of a workplace shall design evacuation procedures to be used during any emergency and have the procedures tested at regular intervals. Under Section 84 (3), every employer shall ensure the availability at the workplace of material safety data sheets for all chemicals and other hazardous substances in use at the premises of the employer, containing detailed essential information regarding the identity, supplier’s classification of hazards, safety precautions and emergency procedures.
**4.3.7 The Judicial Service Act, No. 1 of 2011**

This is an Act of Parliament to make provision for judicial services and administration of the judiciary; to make further provision with respect to the membership and structure of the Judicial Service Commission; the appointment and removal of judges and the discipline of other judicial officers and staff; to provide for the regulation of the Judiciary Fund and the establishment, powers and functions of the National Council on Administration of Justice, and for connected purposes.

According to Section 3 under this Act, The object and purpose of this Act is to, among other things, ensure that the Commission and the Judiciary shall:

(a) Be the organs of management of judicial services and, in that behalf, shall uphold, sustain and facilitate a Judiciary that is independent, impartial and subject only to the provisions of the Constitution and the law;
(b) Facilitate the conduct of a judicial process designed to render justice to all;
(c) Be accountable to the people of Kenya;
(d) Facilitate a judicial process that is committed to the expeditious determination of disputes;
(e) Facilitate a judicial process that is committed to the just resolution of disputes;
(f) Support and sustain a judicial process that is committed to the protection of the people and of their human rights;
(g) Promote and sustain fair procedures in its functioning and in the operations of the judicial process, and in particular, be guided in all cases in which it has the responsibility of taking a decision affecting a judicial officer of any rank or its own employee, by the rules of natural justice;
(h) Be the administrative manifestation of the Judiciary’s autonomy and inherent power to protect and regulate its own process, achieving these objects through application of principles set out in the Constitution and other laws;
(i) Facilitate accessibility of judicial services to all Kenyans;
(j) Facilitate the promotion of gender equity in the Judiciary and the protection of vulnerable children in the administration of justice;
(k) Be guided in their internal affairs, and in the discharge of their mandates by considerations of social and gender equity and the need to remove any historical factors of discrimination; and
(l) Apply modern technology in their operations.

**Section 4 of this Act** stipulates the standards of service and states as below;

In the exercise of the powers or the performance of the functions conferred by this Act, the Commission and the Judiciary shall, among other things:-

(a) Have the technical, infrastructural and administrative competence to ensure that the requirements of the judicial process are fulfilled;
(b) Adopt quality service as a core principle and, to uphold this principle, the commission and the judiciary shall formulate a modern and constantly updated scheme of judicial and other training for all categories of judges, judicial officers and staff of the commission;
(c) Be guided in their activities by the relevant provisions of the constitution;
(d) Uphold the judicial service code of conduct and ethics as may, by regulations, be prescribed;
(e) Be non-partisan and non-political in orientation and operations;
(f) Promote and uphold honesty and integrity in its operations, and give fulfillment to all values essential for the discharge of judicial functions; and
(g) Apply and promote such other positive values as the Commission may, by regulations, prescribe.
4.3.8 The Physical Planning Act

Part V of this Act provides for control of development. This Act provides for the preparation and implementation of physical development plans for connected purposes. It establishes the responsibility for the physical planning at various levels of Government in order to remove uncertainty regarding the responsibility for regional planning. A key provision of the Act is the requirement for Environmental Impact Assessment (EIA). This legislation is relevant to the implementation and siting of sewerage plants in pilot urban centers as identified in the project document.

Section 30 (1) of the Act requires that no person shall carry out development within the area of a local authority without a development permission granted by the local authority. It provides for a hierarchy of plans in which guidelines are laid down for the future physical development of areas referred to in a specific plan. The intention is that the three-tier order plans, the national development plan, regional development plan, and the local physical development plan should concentrate on broad policy issues. The Act calls for public participation in the preparation of plans and requires that in preparation of plans proper consideration be given to the potential for socio-economic development needs of the population, the existing planning and future transport needs, the physical factors which may influence orderly development in general and urbanization in particular, and the possible influence of future development upon natural environment.

4.3.9 The Land Act 2012

The Act shall apply to all land declared as:

- Public land under Article 62 of the Constitution;
- Private land under Article 64 of the Constitution; and
- Community land under Article 63 of the Constitution and any other written law relating to community land.

The guiding values and principles of land management and administration bind all State organs, State officers, public officers and all persons whenever any of them:

a) Enacts, applies or interprets any provisions of this Act; and
b) Makes or implements public policy decisions.

In the discharge of their functions and exercise of their powers under this Act, the Commission and any State officer or public officer shall be guided by the following values and principles:-

a) Equitable access to land;
b) Security of land rights;
c) Sustainable and productive management of land resources;
d) Transparent and cost effective administration of land;
e) Conservation and protection of ecologically sensitive areas;
f) Elimination of gender discrimination in law, customs and practices related to land and property in land;
g) Encouragement of communities to settle land disputes through recognized local community initiatives;
h) Participation, accountability and democratic decision making within communities, the
i) Public and the government;
j) Technical and financial sustainability;
k) Affording equal opportunities to members of all ethnic groups;
l) Non-discrimination and protection of the marginalized; and
m) Democracy, inclusiveness and participation of the people; and
n) Alternative dispute resolution mechanisms in land dispute handling and management.

The Act states that there shall be the following forms of land tenure:

- Freehold;
- Leasehold;
- Such forms of partial interest as may be defined under this act and other law, including but not limited to easements; and
- Customary land rights, where consistent with the Constitution

There shall be equal recognition and enforcement of land rights arising under all tenure systems and non-discrimination in ownership of, and access to land under all tenure systems.

Title to land may be acquired through:

(a) Allocation;
(b) Land adjudication process;
(c) Compulsory acquisition;
(d) Prescription;
(e) Settlement programs;
(f) Transmissions;
(g) Transfers;
(h) Long term leases exceeding twenty one years created out of private land; or
(i) Any other manner prescribed in an Act of Parliament

Plate 14: Front view of the proposed law court complex project
Table 2 below summarizes the current status of the project’s compliance to local legislation.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Established Regulations</th>
<th>Regulator</th>
<th>Compliance (Y/N)</th>
<th>Remarks</th>
</tr>
</thead>
</table>
| Site Location      | 1. The Physical planning Act Cap 286.  
2. The Registration of Titles Act Cap 281  
• Land Subdivision  
• Title deeds  
• Lease Agreement/ Letter of Allotment | Ministry of Lands / ministry of Devolution | Yes               | The judiciary has taken possession of the land and the letter of allotment of the proposed project sites.(see appendix III)                                                                                     |
| Building Code      | 1. The Physical planning Act Cap 286  
2. The Land Control Act Cap 302  
• Building and Development Control Rules Plan approval / certificate of occupation | Kakamega County                       | No                | Site plans designed by Judiciary architects available.                                                                                                                                                   |
| Health and Safety  | 1. The Public Health Act Cap 242  
3. Workman Compensation Act  
4. Kakamega County (Department of public Health)  
5. Ministry of Lands / Ministry of Devolution | Ministry of Labour / Ministry of Health | Yes & No           | Ensure that workers are provided with PPE refer to EMP  
First Aid box to be available and be well stocked throughout the construction phase in case of injury to workers.                                                                                     |
2. Effluent discharge permits from the local authority.  
3. Ministry of water/Local Authority Standards of discharge into public Sewers and Natural Water bodies. | Ministry of Water / Ministry of Devolution | Yes               | The area is supported by a sewer system.                                                                                                                                                                |
2. Industrial Registration Act 1987 | Ministry of Environment / NEMA Min. of Industry | Yes               | It is not anticipated that the project will have any emission however it is expected that dust will be generated during the construction phase and mitigation measures will be put in place as per EMP. |
| Noise              | 1. International Labour Organization Quality Standards.  
2. World Health Organization Quality Standards  
3. EMCA, 2015. | Ministry of Environment / NEMA | Yes & No           | Noise emanates from machines used for compacting and heavy commercial vehicles that will be used for transporting construction materials. Workers to be supplied with ear plugs. |
5.0 ANTICIPATED PROJECT CONSTRUCTION ACTIVITIES

5.1 Construction commencement
Actual construction will commence once the necessary approvals have been given by World Bank and NEMA respectively.

5.2 Demolition works
There is an old building/structure currently on part of the plot to be used for the construction. The building will be demolished.

5.3 Excavation and foundation works
The construction site has well drained soils ranging from mixed dark brown sandy loam to red oxisols which will be excavated out to prepare the site for construction of foundations, roads, and parking space, pavements and drainage systems. This may involve the use of heavy earthmoving machinery.

5.4 Sourcing and transportation of building materials
To reduce the negative impacts of transportation of the materials to the project site building materials will be procured from sites close to the construction site as possible using transport trucks. The building materials to be used for the construction of the project will be sourced from areas bordering Kakamega, such as cut stone from Kisumu and Trans Nzoia.

5.5 Storage of materials
Building materials will be stored on site. To avoid piling large quantities of materials on site, the contractor will order bulky materials such as sand, gravel and stones in bits. Materials such as cement, paints and glasses among others will be stored in temporary storage structures, which will be constructed within the project site for this purpose. Bulky materials such as rough stores, ballast sand and steel will be carefully piled on site.

5.6 Masonry, concrete work and related activities
The construction of the building walls, foundations, floors, pavements, drainage systems, perimeter fence and parking area among other components of the project will involve a lot of masonry work and related activities. General masonry and related activities will include stone shaping, concrete mixing, plastering, slab construction, construction of foundations, and erection of building walls and curing of fresh concrete surfaces. These activities are known to be labour intensive and will be supplemented by machinery such as concrete mixers.

5.7 Structural steel works
The court building on site will be reinforced with structural steel for stability. Structural steel works will involve steel cutting, welding and erection.

5.8 Roofing and sheet metal works
The activities will include sheet metal cutting, raising the roofing materials and structural timber to the roof. Roofing activities will also include fastening the roofing materials to the roof.
5.9 Electrical work

Other activities on site involving the use of electricity will include welding and metal cutting. Electrical work during construction of the court will include installation of electrical tubing, electrical cables, lighting apparatus, and sockets among others.

5.10 Plumbing

Pipe-work will be done to connect sewage from the premises to the existing sewer line in the area, and for drainage of storm water from the rooftop into a storm water drainage system. In addition, installation of pipe-work for plumbing activities will include metal and plastic cutting, the use of adhesives, metal grinding and wall drilling among others.

5.11 Infrastructure

The project will have comprehensive infrastructure facilities. These will include access driveway road, parking areas, water storage, electricity distribution, waste disposal among others.

5.12 Water Supply

The plot is served by a water pipeline from Kakamega Sewerage Water Company supply line and a water tank. The water will be used during construction and operational phases. There will also be water storage tanks to increase water capacity at the project site to the required amount.

5.13 Sewerage

The sewage from the law courts will be connected to the Kakamega County sewer line which already serves the existing offices on the site.

5.14 Solid waste management

The new courts will have access to a garbage storage area for easy storage and convenient of solid waste materials. The wastes will be protected from rain and scavenging, domestic animals such as dogs and cats. The waste will be collected by the Kakamega County or a private waste management company and be composted, palletized or re-cycled. Storm water and sewage generated from the units will be discharged into the storm water system and sewer line drainage system, respectively.

5.15 Storm water run-off

The complex will have to facilitate storm water collection. Storm water drainage will be run into the Kakamega County open storm water drainpipes. Soil Water Pipes (SWP) will be provided at the heads of all drainage systems. All drains passing beneath buildings and driveways will be encased in 150mm concrete surround.

5.16 Security

Within the compound there will be caretaker to facilitate in and out movement of people and also to ensure security operations around the compound.

5.17 Landscaping

Local indigenous plant species will be used to landscape the site after construction. This will include establishment of flower gardens and grass lawns to improve the aesthetics of the site. No trees will be cut along the boundary of the plot on which the court house is to be built for purposes of preserving the tree cover. It is recommended that trees growing towards the centre of the plot be preserved where possible if the design can be adjusted to include courtyards to make it possible to build around the trees and not have them cut.
5.18 Health and safety measures

Pre-construction phase
During the pre-construction stage the temporary structures will be protected by provision of carbon dioxide/water fire extinguishers. Emergency lights and security will be installed appropriately.

Post construction phase
An automatic alarm system inclusive of lighting will be installed to cover the whole premises to take care of the security needs.

5.19 Description of the project’s operational activities

There will be a Court House with four floors, ground plus three, on the project site once its construction is complete. An estimated population of about 200 people will be within the compound assuming each floor office unit will have about 50 occupants. Therefore there will be several on-going office activities such as use of water for toilets washing floors, making tea among other office activities that will produce sanitary wastes.

5.20 Cleaning
Cleaning operations will involve the use of substantial amounts of water, disinfectants and detergents. A management company will be contracted by the Judiciary to do the regular cleaning and washing of floors pavements and roads within the compound.

5.21 General repairs and maintenance of common grounded external work.
A management company will be contracted to repair and maintain regularly the common facilities during the operational phase of the project. Such activities will include repair of external walls, road, repairs and maintenance of electrical street lighting, repairs of leaking water pipes, maintenance of external flower gardens and grass lawns, among others and sewer line drainage system, respectively.

5.22 Specific Project Activities
Anticipated project activities that will be undertaken during the construction period will include the following:

- Demolition of existing buildings.
- Site hording as required by the by laws.
- Relocation of electrical underground power lines and cables where applicable.
- Removal of asbestos material from the existing roofs in accordance with NEMA waste regulations.
- Erection of foundation walls
- Construction of structures as per the architectural design to the structural engineers details
- Setting up external structures including an incinerator, fowl and storm water drainage, fountain and rain water harvesting structure
- Electrical works that involve light fitting installation of light switches meter board and wiring.
- Fittings and finishes including floor finishes on all floors grill works, store, walls, ceiling, painting and plumping
- Connections to utilities including Kenya power mains and connections to water supply
• Paving and landscaping as per project design
• Furnishing all rooms within the building in readiness for use
• Acquisition of an occupation certificate from the relevant authority
• Commissioning of the project for judicial service commission
• Landscaping the grounds. Excavations to remove top soils, vegetation back filling and compacting after setting foundation trenches.
• Disposal of excavated debris and landscaping around the excavated areas

5.23 Activities at the operational stage
The expected activities during the operational stage will include the following
• Routine maintenance works
• Waste management activities such as cleaning of the inside and outside of the building for waste collection and disposal.
• Maintaining the landscaped gardens
• Administrative activities including archiving and shelving of court documentation
• Judicial proceedings that will include day to day court hearings, presentations of exhibits during the court hearings prosecution of cases
• Temporary holding of suspects including male and female as well as juvenile in separate cells that will have been constructed for them
• Provision of security services in and out of the facility and especially the main entrance to the compound and main entrance to the building
• Research by lawyers and legal assistant in the library and registries

5.24 Project Inputs
5.24.1 Inputs at the construction stage
Expected project construction requirements at the construction stage will include:
  ▪ Cement and Ballast
  ▪ Building sand and murram
  ▪ Water
  ▪ Fuels such as diesel and petrol
  ▪ Metal including high tensile bars, wire mesh
  ▪ PVC pipes metal frames, pipes and steel bars
  ▪ Wood- mahogany hardwood/cypress
  ▪ Roofing sheets
  ▪ Building blocks and natural stones
  ▪ Polythene sheets and plastic sheets
  ▪ Glass and plastic
  ▪ Ceramic floor tiles
  ▪ Silk vinyl paint, gloss oil paint
  ▪ Plants for landscaping

5.24.2 Inputs at operation and maintenance phase
The input at operation and maintenance phase include: -
  ▪ Water
  ▪ Energy (electricity and diesel)
- Office electrical appliances including telephones, computers, television set, fridges
- In-house equipment including tables, chairs office stationary.
- Cleaning materials
- Repair and maintenance materials including; sheets, roofing tiles, pipes, plastics, glass and other normal domestic repair and maintenance materials

5.25 Project Outputs, By-products and wastes
The project outputs will be the proposed Judiciary facilities as per the project design. The by-products and wastes to be generated from the development at various stages of the project cycle that my impact the environment:
   a) Demolition rubble that will need proper disposal with priority on salvaging or re-use
   b) Soil and gravel from digging of foundations and substructures
   c) Noise and dust from construction activities and delivery of material to the site
   d) Left over construction materials
   e) Human waste
   f) Wastewater from washrooms
   g) Solid waste from offices, courtrooms, library and other facilities
   h) Waste exhibit materials including fluids

Plate 15: Existing Magistrates courts and Children courts
6.0 POTENTIAL ENVIRONMENTAL IMPACTS

The implementation of the project will have various impacts both positive and negative on the environment. This chapter tries to identify the possible potential impacts that will result from the proposed development at each stage i.e. construction, operational and the decommissioning stages. The three main positive impacts identified are (1) Job creation (2) Revenue generation (3) Eco-friendly designs.

i) Job creation
At the design stage, the major positive impact is the creation of jobs for the various project consultants. There was no identified negative impact established at this stage.

ii) Source of local authority revenue
The County Government of Kakamega will benefit from fees charged on building plans submission for approval. Once project is complete, the Kakamega County will benefit from revenue derived from payments for the occupational certificate.

iii) Inclusion of Eco-friendly plans in the project design
The project lay out phase is not only important for the consideration of the necessary facilities to be set up, but is also a distinct stage of incorporating eco-friendly measures for resource conservation and waste management. It is recommended for example that the architect avoids cutting of trees where possible and incorporates trees in the design of the building.

6.1 Construction Stage
This section details the anticipated positive and negative environmental impacts of the construction activities.

6.1.1 Positive Environmental Impacts
Positive environmental impacts will include:

i) Creation of business opportunities
As a result of the proposed project a large number of people (skilled and unskilled) will be required during the construction stage. These will provide a ready market for various goods and services, leading to several business opportunities for small-scale traders such as food vendors around the construction site. This will also lead to improvement in businesses of those already operating in the area.

ii) Improved land utilization
It is expected that development of proposed site will lead to better utilization of land. The proposed development of construction of law courts will lead to more economical utilization of land. This is more so considering scarcity of land for office development close to the town centre.

iii) Employment opportunities
The proposed project will lead to the generation of employment opportunities both directly and indirectly. Direct employment will be created in the construction stage during excavation, construction of buildings, in site roads and parking boys, landscaping and related activities such as in transportation and procurement of construction materials. Indirect employment will be through those businesses and individuals providing goods and services to the people involved in the construction.
iv) Provision of market for Building Materials
The project will require supply of large quantities of building materials most of which will be sourced locally in and around Kakamega. This will provide a ready market for building materials. Suppliers such as quarrying companies as far as Eldoret, Mumias and Iten for query stone, hardware shops, timber merchant and individuals with required materials for development of the law court will find market for their products.

v) Improvement of security in the locality and its neighborhood
During and after construction, security will be provided to ensure adequate services are provided. Controlled access, installation of CCTV cameras on-site and supervision of the general work will enable appropriate security in the locality. Furthermore, being multi-project that calls for an all-round security detail, the neighbourhood will be well secured during the phase.

6.1.2 Negative Impacts

i) Interruption of existing logistics and services
The proposed construction of the new facilities will result to disruption in the day to day activities of the judiciary in the current buildings neighbouring the site. As a result, service delivery will be impaired. In addition, demolition of existing facilities will temporarily impair access to such services during this phase. The neighbourhood services might also be interfered with due to traffic use via the access road by the large trucks delivering building materials/workers/water and carrying away solid wastes. Neighbourhood services will also be interrupted due to noise and new workers onsite prompting extra security measures. Lastly, relocation of power poles and lines and new installations of electricity during the last stages might result to power interruptions in the neighbourhood.

ii) Solid waste Generation
Some solid waste will be generated during excavation of the site for foundation works and landscaping. The wastes will consist of metal cuttings, rejected materials, surplus materials, used oil, excavated soil, paper bags, empty cartons, empty paint and solvent containers, broker glass etc. Such waste materials can be injurious to the environment through blockage of drainage systems, choking of water bodies, and negative impacts on human and animal health. Some of the waste materials may contain hazardous substances such as paints, cement, adhesive and cleaning solvents while some of the waste materials may contain metal cuttings and plastic containers which are not biodegradable and can have long-term and cumulative effects on the environment.

iii) Water Use
The construction activities will require large quantities of water that will be supplied by the Kakamega Water and Sewage Company. Water will be mainly used for concrete mixing and curing, sanitary and washing purposes. Excessive water use may negatively affect the supply to neighbouring estates.

iv) Negative effects of extraction and of building materials
The bulk of the construction materials such as rough stone hard core, ballast, sand and cement required for the construction of the materials will be obtained from quarries as far as Eldoret, Kisumu, Iten, Naivasha, and rivers in the Kakamega and Kisumu areas. Since substantial quantities of materials will be required for construction of buildings, and roads the availability and sustainability of such resources at the extraction sites will be negatively affected as they are not renewable in the short term. The sites from which the materials are extracted may be significantly affected in several ways including changes in landscape, displacement of animals and vegetation, poor visual quality and opening of depressions on the surface heading to several human and animal health impacts.
v) Dust Pollution
(a) Dust: During construction, the project will generate substantial quantities of dust at the construction site and its surrounding area. The sources of dust will include excavation and levelling works, and transport vehicles delivering building materials. Emission of large quantities of dust may lead to significant negative impacts on the workers and the local residents.

(b) Noise Pollution: The construction works, delivery of building materials by heavy trucks and the use of machines/equipment such as bulldozers, generators, metal grinders and concrete mixers will contribute to high levels of noise within the construction site and the surrounding area. Elevated noise levels will affect project workers, the nearby residents, passers-by and other persons within the vicinity of the project site.

vi) Fuel Consumption
The project activities will lead to an increase in consumption of fossil fuels mainly diesel to run transport vehicles and construction machinery and cars for construction management staff and consultants. These are non-renewable resources and should be used economically and efficiently.

vii) Soil erosion
Excavation of the soil for foundation and landscaping could result in disturbance of soil structure and thus may cause an increase in soil erosion at the project site and release of sediments into the drainage systems. Uncontrolled soil erosion can have adverse effects on local drainage as well as water bodies where the water eventually flows.

viii) Risk of Accidents and Injuries to workers
Due to construction activities including erection and fastening of roofing materials, metal grinding and cutting, concrete work, steel erection and welding will expose workers to risks of accidents and injuries. Such injuries can result from accidental falls from high elevation, injuries from hand tools and construction equipment cuts from sharp edges of metal sheets etc.

ix) Security Concerns
The influx of strangers at the facility during construction for provision of skilled and unskilled labour could raise security concerns to the surrounding residents. In addition, the workers should be provided with security for their own safety.

x) Tree cutting
There are several trees on the site. It’s possible a few trees may have to be cut altogether. This will cause interference with the landscaping and aesthetics.

6.2 Operational Stage
6.2.1 Positive impacts
i) Revenue to local and national Government
The development will provide revenue to both local and National Governments through payment of relevant taxes, rates and other levies.

ii) Employment Creation
Employment will be created at the project site as security personnel, cleaners and gardeners of the common areas in the law courts will be required.
iii) Improvements in security
The occupation of the law courts and the employment of 24-hour security officers for the court will improve security in the area.

iv) An improved facility capable of better service provision
The proposed project will result in a building with sufficient capacity to accommodate the increased county judicial needs including a larger population, courtrooms for proceedings, offices, research and other functions. Increased demand for better services due to the introduced county system calls for modern, up to date and efficient judicial services which have to be brought closer to the people. The court will therefore have the necessary capacity in terms of infrastructure and staff to cater for such needs. Services will improve in terms of the following areas:
- Ability to support a wide range of professionals including lawyers, prosecutors, senior magistrates in a much comfortable environment
- A technologically enhanced infrastructure for more efficient data storage and communication.
- Ability to enable and enhance research within the court library
- An infrastructure that is able to support both the abled and disabled
- Improved cells to cater for different categories of suspects including male, female and juveniles
- Expanded conference areas to facilitate judicial meetings
- Capacity to handle more than 4 court proceedings at a scheduled time

v) Optimum utility of land
The proposed court building will lead to optimal utility of land.

vi) Improved aesthetics
A well designed building will enhance the aesthetic features of the compound and the area in general. The landscaping which will include more trees planting will improve the area aesthetics.

6.2.2 Negative impacts
i) Generation of waste water
Operational activities such as cleaning and use of washrooms, offices and courtrooms will generate wastewater. This can potentially pollute the environment and present a public health hazard if not well managed. The waste liquid exhibits, mainly illicit liquor will also potentially pollute the environment if not well disposed off.

ii) Sanitation
The project will lead to increased demand for sanitation and disposal by the new occupants of the law court.

iii) Energy Consumption
There will be increased demand for electrical energy and other sources of energy for court use including lighting, cooking, running of fridges and pumping water into the tanks amongst other uses.
iv) Solid waste generation
The project is expected to generate solid waste during the operational phase. The bulk of the solid generated during the operational phase of the project will consist of solid waste generated in the law courts which will include paper, plastic, glass, metal, textile and organic-wastes. Solid waste will also be generated in the open area from cut grass and leaves from planted trees. Some of the wastes can be injurious to the environment through blockage of drainage systems, choking of water bodies and negative impacts on human and animal health. Some of the waste materials especially the plastic/polythene is not biodegradable and may cause long-term injurious effects to the environment.

v) Increased Storm Water Flow
The building roofs and pavements will lead to increased storm water entering the drainage systems, resulting in overflow and damage to such systems if the current capacity is not adequate in addition to increased erosion or water logging in the neighbouring areas.

vi) Increased water consumption
Water will be used for activities like drinking, washing, cleaning, aesthetics and watering plants. This will increase demand for water in the area, yet water is a scarce resource in the county.

vii) Generation of noise
There will be generation of noise during court breaks or when awaiting sessions by people and when the generator is powered on during power breaks.

viii) Increase in traffic
There will be marginal increase in traffic at the operation and maintenance phase of the project since the improved court infrastructure will have a broadened public and staff capacity.

6.3 Decommissioning Phase
6.3.1 Positive impacts
(i) Rehabilitation
After the decommissioning of the project, rehabilitation of the project site will be carried out to restore the site to its original status. This will include replacement of the soil, tree planting and vegetation that will lead to improved visual quality of the area.

(ii) Employment Creation
Employment opportunities will be created for the demolition staff as well as those involved in loading, transportation and unloading of the demolished materials.

(ii) Recycling of usable materials
Not all the demolished materials will go to waste as some can be recycled to alternative uses.

6.3.2 Negative impacts
i) Dust Pollution
Large quantities of dust will be generated during the demolition. This will affect neighbouring residents and the environment.
ii) Noise Pollution
The demolition works will generate noise within the project site and the neighbouring areas. High levels of noise is injurious to people.

iii) Solid Waste
Demolition of the current structures on site and related infrastructure will result in generation of large quantities of solid waste. The wastes will comprise waste from materials used in construction which include concrete, metal, wood, glass, paints, adhesives, seal outs and fasteners. Such waste may lead to release of certain hazardous chemicals into the environment, including degradation of ground water through leaching.

iv) Waste Generation
Waste will be generated at the decommissioning phase from demolition debris and waste materials. This will require proper disposal.

v) Works accidents and injuries
There is likelihood for accidents during decommissioning phase from mechanical, physical, chemical and ergonomic hazards.

vi) Disruption of Electrical Power and Water Supply
The demolition works could lead to disruption of utilities supply, resulting in inconvenience to other people using the same utilities.

6.4 Statement of impact
This EIA has found that there are no significant negative environmental or socio-economic impacts from the proposed construction of law courts at Kakamega.

The proposed development has immense positive impacts. The identified impacts can be well mitigated if the proposed environmental management plan at the end of this document is fully implemented.
7.0 PUBLIC PARTICIPATION

7.1 Introduction

Public participation involves engaging members of the public to express their views about a certain project. Public participation tries to ensure that due consideration will be given to public values, concerns and preferences when decisions are made. Public participation in this project was facilitated through interviews with the project proponent and neighbours of the facility. There was no objection to the proposed project by any member of the public in the neighbouring community. They however reiterated that more emphasis should be put towards ensuring that the proposed project and its infrastructure would not negatively interfere with the environmental integrity of the surrounding areas. Most of those interviewed welcomed the development of this project in the area. A list of the neighbour’s comments, occupation, contacts and signatures has been appended in this report.

Public involvement is a fundamental principle of the EIA process. Timely, well planned and appropriately implemented public involvement programmes will contribute to EIA studies and to the successful design, implementation, operation and management of proposals. Specifically public involvement is a valuable source of information on key impacts, potential mitigation measures and the identification and selection of alternatives. It also ensures the EIA process is open, transparent and robust, characterized by defensible analysis.

Nearly all EIA systems make provision for some type of public involvement. This term includes public consultation (or dialogue) and public participation, which is a more interactive and intensive process of stakeholder engagement. Most EIA processes are undertaken through consultation rather than participation. At a minimum, public involvement must provide an opportunity for those directly affected by a proposal to express their views regarding the proposal and its environmental and social impacts. The purpose of public involvement is to:

- Take account of the information and views of the public in the EIA, design and decision making.
- Canvass their inputs, views and concerns; and
- Inform the stakeholders about the proposal and its likely effects;

The key objectives of public involvement are to:

- Increase public confidence in the EIA process.
- Improve transparency and accountability of decision-making; and
- Ensure that important impacts are not overlooked and benefits are maximized;
- Provide an opportunity for the public to influence project design in a positive manner (thereby creating a sense of ownership of the proposal);
- Reduce conflict through the early identification of contentious issues;
- Facilitate consideration of alternatives, mitigation measures and trade-offs;
- Obtain local and traditional knowledge that may be useful for decision-making;

Experience indicates that public involvement in the EIA process can and does meet these aims and objectives. Many benefits are concrete, such as improvements to project design. Other benefits are intangible and incidental and flow from taking part in the process. For example, as participants see their ideas are helping to improve proposals, they gain confidence and self-esteem by exchanging ideas and information with others who have different values and views.
A total of 20 people living and working in the surrounding neighbourhood were interviewed for the project EIA over a 2 day period. Cross sections of people were interviewed who included employees of formal and informal sectors, self-employed, domestic workers, etc. (See Appendix II – for list of people interviewed).

7.2 Stakeholders Participation

A Court users committee meeting for the Kakamega law courts was held on January 31st, 2017 chaired by Hon Justice Sitati to give court users an opportunity to respond to the design and give suggestions on areas of improvement. Court users include court staff (including Judges, magistrates, staff of all cadres employed by the courts), prisons staff, Police (regular Police, Admin Police, CID, Lawyers/advocates of the High Court, the Prosecutors from the office of the Director of Prosecutions, State Counsels from the office of the Attorney general among many others. During the meeting court users made the following suggestions; (see minutes of meeting in appendix IV)

Table 3: Concerns of Court Users Committee - See appendix IV minutes of the CUC held on 27/09/2016

<table>
<thead>
<tr>
<th>Concern</th>
<th>Response from JIPI/OBS</th>
<th>Responsibility</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Provision for separate, secure rooms for children/Juveniles</td>
<td>The new court house will provide for adequate space on the second floor. Possible additional space may be provided by renovating and converting existing buildings to provide for more space.</td>
<td>JIPI/OBS</td>
<td></td>
</tr>
<tr>
<td>2) Provide for more space/rooms for Huduma centre, extra rooms for Judicial staff, self-care, conferencing etc</td>
<td>The JIPI/OBS would provide for extra rooms for alternative use including the possible conversion of the existing buildings by submission of request to the GoK for funding.</td>
<td>JIPI/OBS</td>
<td></td>
</tr>
</tbody>
</table>
| 3) Safety of inmates while in the basement/ground floor in case of an emergency. It was suggested inmates be moved in to separate building. | The design of the new building would put into account the following.  
- 24 hour CCTV surveillance  
- Cells are designed to be below each court room  
- Ramps/light would be provided  
- Holding bays to be provided next to each court.  
- Secure fencing would be provided around the compound. |                  |          |
| 4) Additional water supply The court users were of the view that there was need for a supplementary borehole | JIPI/OBS team informed the court users committee that there would be an additional borehole to carter for times when water was scarce. | JIPI/OBS       |          |
| 5) Security Enhancement The users requested for enhancement of security measures in the new building | The JIPI/OBS team agreed and informed the users committee that body scanning machines would be provided | JIPI/OBS       |          |
| 6) Provision of a detachable roof for future expansion | The JIPI/OBS team informed the CUC (Court Uses Committee) that the budget for construction of a detachable roof was limited | JIPI/OBS       |          |
7.3 Impacts Identified by Respondents
The following is a summary of the impacts identified through both the public and court users’ participation.

7.3.1 Positive Impacts:
i) Approval for the development
The proposed law court complex development at the site was well received by the local community with the majority of those interviewed expressing support for the development.

ii) Creation of Employment
The majority of the respondents felt the construction of new courts would lead to employment creation in the area directly for both the skilled and unskilled workers and indirectly through provision of goods and services to those employed in the construction and supporting activities of the project.

iii) Better utilization of land
The proposed development will lead to better utilization of land. Currently on the proposed site for construction is an underutilized with only a dilapidated building on one side of the plot.

iv) Improvement in Business Environment
The development and occupation of Law court complex will lead to improvement of businesses in the area such as shops, kiosks, eating houses, medical clinics, supermarkets etc.

v) Improvement in security
The development will lead to improvement of security in the area given that the building will be well guarded by the administration police and other arms of the governments’ security machinery.

7.3.2 The Negative Impacts:
The possible negative impacts mentioned during the public participation include:

i) Noise and Dust Pollution
This will be caused by the large vehicles bringing construction materials and those taking away the excavated soils. There will be noise and dust pollution during the excavation and construction stages of the law court complex.

ii) Strained Provision of water
Some of those interviewed expressed fear the new developments in the area would strain provision of water leading to more shortages especially at a time when water shortages are being experienced.
8.0 ANALYSIS OF ALTERNATIVES

8.1 Project Alternatives

8.1 The Proposed Development Alternative
Under the proposed Development Alternative, the project would create additional employment directly for the local population in and around Kakamega town and indirectly for the Kenyan population. This alternative has the potential of providing at least 60 jobs directly for the skilled and semi-skilled workers during construction. Both the local county government and national government would earn taxes while the business community would earn income from goods and services provided to both the skilled and semi-skilled staff on site. On completion of construction, jobs would be generated especially for the support staff such as cleaners, messengerial staff, drivers, maintenance staff and many other administrative staff. Provided the Environmental Impact mitigation measures are implemented as well as adoption of sound construction management practices, negative effects on water, soil, air, sound, sewerage and drainage systems will be minimized to levels of insignificance.

8.2 Relocation Alternative
Although the Judiciary has the alternative of moving the project to a different site, this would require input of more resources and time. At the moment, there are no readily available suitable alternative sites for the proposed development of Law Courts in Kakamega. Looking for alternative land to accommodate the scale and size of the project and completing official transactions within the allowable time frame under the JPIP would delay the project unnecessary.

The current site of the project has major advantages, foremost among them, existing infrastructure such as roads, sewerage, electricity, water, and close proximity to other government administration offices in the neighbourhood. Other sites within Kakamega town are not well endowed with these advantages in one location and would require additional time and resources to acquire and build the required infrastructure. The site is close to estates housing much of the needed skilled and semi-skilled labourers. Therefore, the main justifications and advantages for this plot are the following:

- The current plot is in close proximity to existing permanent infrastructure and does not contravene land use plans for the local authority for this area.
- The site is in close proximity to other court users such as the police, the local administration offices, and the main county offices.
- The current site is very close to infrastructure that is of great benefit to the majority of court users. The infrastructure includes a major highway, feeder roads, bus matatu and taxi terminals, all of which benefit the majority of current court users as well as staff of the law courts.
- The site will be advantageous to the largely unemployed you to find jobs at the site
- The land belongs to the county government

In consideration of the above concerns and assessment of the current proposed site, relocation is not a viable option.
1. **The No Action Alternatives**

The No Action Alternative in respect to the proposed project implies that the status quo is maintained. This option is most suitable alternative from an extreme environmental perspective as it ensures non-interference with the existing physical and environmental conditions. However, the need for such development is a priority agenda for the Judiciary, the County of Kakamega and the Country as a whole. This option if preferred would result in several losses both to the project proponent/land owner the, the Judiciary in particular and the Government in general. The property would remain underutilized or neglected. The No Project Option is the least preferred from the socio-economic point of view and partly from the environmental perspective since if the project is not done:

- The economic benefits especially during constriction i.e. provision of jobs for skilled and non-skilled workers will not be realized.
- There will be no generation of income by the developer and the Government.
- The social-economic status of the locals resident in the area would remain unchanged.
- The local skills would remain under utilized

**From the analysis above, it becomes apparent that the No Project Alternative is not the appropriate alternative for the local people, the proponent in particular and the Government of Kenya in General.**

2. **The Comparison Alternatives**

Under the proposed Development Alternative, the project would create more and standard residential units and would provide employment directly and indirectly to the Kenyan population. It would provide jobs for the workers during construction. After completion jobs would be generated especially for cleaners, caretakers within the project. Under the No Action Alternative, there would be no economic benefits for the local community from the site and neither would there be the insignificant environmental Impact. Provided the Environmental Impact mitigation measures are implemented as well as adoption of sound construction management practices, negative effects on water, soil, air, sound, sewerage and drainage systems will ensure that potential impacts are minimized to levels of insignificance.
9.0 MITIGATION AND MONITORING OF POTENTIAL IMPACTS

This chapter highlights the necessary mitigation measures that will be adopted to prevent or minimize significant negative environmental, health and safety impacts associated with activities of the project during its construction, operation and decommissioning stages. The monitoring process involves continuous and periodic review of the construction and maintenance to determine the effectiveness of the recommended measures.

9.1 Mitigation of construction phase impacts
The following are proposed mitigation measures during the construction stage.

9.1.1 Efficient sourcing and use of raw materials
To reduce the negative impacts on availability and sustainability of the materials, the contractor will only order for what will be required through accurate budgeting and estimation to avoid excessive quantities. Moreover, the contractor will ensure that wastage, damage or loss (through run-off, etc.) of materials at the construction site is kept to a minimum, as these would lead to additional demand for and extraction or purchase of materials.

The Architect and developer will make efforts to ensure that the contractor sources building materials such as sand, ballast and hard core from registered quarries and sand mining firms, whose projects have undergone satisfactory environmental impact assessment/audit and received NEMA approval. Since such firms are expected to apply acceptable environmental performance standards, the negative impacts of their activities at the extraction sites will be expanded to be considerably well mitigated.

In order to minimize use of resources, so long as they are serviceable and would fulfil the intended purpose, the contractor will be encouraged to consider reuse of building materials such as posts, iron sheets, gates and nails used the previous construction in the next construction.

9.1.2 Minimization of run-off and soil erosion
The contractor will be encouraged to put in place measures aimed at minimizing soil erosion and associated sediment release from the project site during construction. These measures will include levelling the project site to reduce run-off velocity and increase infiltration of rainwater into the soil. In addition, construction vehicles will be restricted to designated areas to avoid soil compaction within the project site, while any compacted areas will be ripped to reduce run-off.

9.1.3 Minimization of construction waste
Materials left over at the end of construction may be used in other projects rather than being disposed of. Purchasing and using once-used or recovered construction materials will lead to financial savings and reduction of the amount of construction debris disposed of as waste.

Other recommendations for minimization of solid waste during construction of the project include:-

- Purchase of some construction materials such as paints incrementally to ensure reduced spoilage of unused materials;
- Use of durable, long lasting materials that will not need to be replaced as often thereby reducing the amount of construction waste generated over time;
- Use of building materials that have minimal packaging to avoid the generation of excessive waste.
- Provision of facilities for proper handling and storage of construction materials to reduce the amount of waste caused by damage or exposure to the elements;

9.1.4 Reduction of dust generation and emission
Emissions of dust during construction will be minimized through strict enforcement of onsite speed controls as well as limiting unnecessary traffic within the project site. In addition, it is recommended that excavation works be carried out in wet weather, and traffic routes on site be sprinkled with water regularly to reduce amount of dust generated by the construction trucks.

9.1.5 Minimization of fuel consumption
This will be achieved through proper planning of transportation of materials to ensure that vehicle fills are increased in order to reduce the number of trips done or the number of vehicles on the road. In addition, truck drivers will be sensitized to avoid unnecessary racing of vehicle engines at loading/offloading areas and to switch off vehicle engines at these points.

9.1.6 Minimization of noise
Efforts will be made to minimize noise on the project site and surrounding areas through sensitization of construction truck drivers to switch off vehicle engines while offloading materials. In addition, they will be instructed to avoid hooting especially when within the law court compound. In addition, construction machinery will be kept in good condition to reduce noise generation.

9.1.7 Minimization of water use.
The contractor will ensure that water is used efficiently at the site by sensitizing construction staff to avoid irresponsible water usage.

9.2 Mitigation of operational phase impacts
9.2.1 Ensuring efficient solid waste management
All the occupants in the law courts offices will be responsible for efficient management of solid waste generated by the project during its operation. In this regard, the proponent will provide waste handling facilities such as solid waste bins area for temporarily holding solid waste generated in the offices and court rooms and other common areas. The contractor will ensure that such waste is disposed of regularly.

9.2.2 Minimization of sewage release
The architects has included into the design adequate measures that will ensure there is adequate means for handling waste water generated in the law court complex. It will also be important that the management ensures that sewage pipes are not blocked or damaged since such vices can lead to release of the effluent, resulting in land and water contamination.

9.2.3 Green Building Concept
The proponent has incorporated green building concepts in three areas of the building design.
9.2.4 Efficiency in energy consumption
The proponent plans to install an energy-efficient lighting system in the court rooms. Use of efficiency lighting system, electrical equipment and controls will contribute immensely to energy savings during the operational phase of the project. In addition, all occupants at the court rooms will be sensitized to ensure energy efficiency in their office operation.

In the building design and plans, the architect has made efforts to incorporate energy saving ideas such enhanced use of natural ventilation by way of open able windows and by the fact that the building design is narrower. Use of natural lighting has been enhanced by the intentional design of large windows.

9.2.5 Renewal Energy
There are renewable energy concerns and it is being recommended the architect incorporates solar into the design for lighting internal and external areas.

9.2.6 Water conservation.
The proponent will install plastic tanks for storage of water. Moreover any water leaks through drainage pipes and faulty taps during the operation phase will be attended to promptly ensure quick repairs by qualified plumbers. Through storage at convenient and strategic places, the occupants of the law court complex will be sensitized on the need for prudent water conservation process. Other water conservation measures to be used by the proponent include:-
- Use of low-flush toilets.
- Installation of push water commemoration water taps.
- Rain water harvesting and usage during all the stages.

9.3 Mitigation of decommissioning stage
9.3.1 Efficient solid waste management
Solid waste resulting from demolition or dismantling works will be properly managed through:
Separation of solid waste generated;
Recycling usable materials;

Plate 16: Disposal of unusable materials/waste efficiently and at designated and approved sites.
9.3.2 Reduction of dust pollution
The contracted demolition firm will be encouraged to use demolition methods that reduce production of dust.

9.3.3 Minimization of noise
The construction firm will be encouraged to use well-serviced and appropriate machines and equipment so as to minimize noise. The contractor will also be instructed to ensure noise from workers minimized at all times.

Constant reporting by the site contractor to the architect will be necessary to ensure the project is executed as per the architectural drawings. It is recommended that a safety officer should always be on site to report any safety concerns for urgent mitigation. He should also at all times enforce safety requirements as per the relevant legislation. The contractor must consult the architect to maintain a clear understanding of all the aspects of the project.
<table>
<thead>
<tr>
<th>Classification criteria</th>
<th>Type of impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interrelationship of actions with alterations</td>
<td>Simple impact: it is manifested on a single environmental component, without inducing new alterations, accumulation, or synergy.</td>
</tr>
<tr>
<td></td>
<td>Cumulative impact: it results from past, present, and reasonably expected future actions.</td>
</tr>
<tr>
<td>Character</td>
<td>Positive impact: it represents environmental benefits; e.g. sanitation or recovery of degraded areas.</td>
</tr>
<tr>
<td></td>
<td>Negative impact: it causes harm or deterioration to a component or global environment.</td>
</tr>
<tr>
<td>Time of occurrence</td>
<td>Latent impact: it occurs sometime after the beginning of the activity that caused the impact.</td>
</tr>
<tr>
<td></td>
<td>Immediate impact: it is manifested at the beginning of the proposed activity.</td>
</tr>
<tr>
<td></td>
<td>Critical time: period during which the highest degree of impact takes place.</td>
</tr>
<tr>
<td>Recovery capacity of the environment</td>
<td>Irrecoverable impact: it impedes environmental recovery.</td>
</tr>
<tr>
<td></td>
<td>Irreversible impact: those that make it impossible or extremely difficult for the environment to revert to its original condition.</td>
</tr>
<tr>
<td></td>
<td>Reversible impacts: those that allow a measurable recovery of the environment in short, medium, or long term due to natural process</td>
</tr>
<tr>
<td></td>
<td>Fugitive impacts: those that allow immediate recovery once the activity is over, and do not require mitigation practices.</td>
</tr>
<tr>
<td>Cause – effect relation</td>
<td>Primary impact: it is usually produced at the same time and place and often associated with the construction, operation, and maintenance of a facility or activity. They are obvious and quantifiable.</td>
</tr>
<tr>
<td></td>
<td>Secondary impact: it is an indirect or induced change that could occur subsequently or in different places as a result of the implementation of the project.</td>
</tr>
<tr>
<td>Persistence</td>
<td>Temporary impact: it implies a non-permanent alteration and is usually brief</td>
</tr>
<tr>
<td></td>
<td>Permanent impact: it entails an indefinite alteration.</td>
</tr>
<tr>
<td>Extension</td>
<td>Specific impact: it produces a localized alteration.</td>
</tr>
<tr>
<td></td>
<td>Partial impact: it implies and appreciable incidence in the area under study.</td>
</tr>
<tr>
<td></td>
<td>Extreme impact: it is identified in a large part of the land area.</td>
</tr>
<tr>
<td></td>
<td>Total impact: it is present throughout the environment under study.</td>
</tr>
</tbody>
</table>
Table 5. New Kakamega Law Courts - Environmental Impact Appraisal criteria

<table>
<thead>
<tr>
<th>CRITERIA USED</th>
<th>Character (positive, negative, or neutral; the latter is the one below the acceptable threshold according to environmental regulations).</th>
<th>Level of disturbance in the environment (significant, regular, or limited).</th>
<th>Importance from the point of view of natural resources and environmental quality (high, medium, and low).</th>
<th>Risk of occurrence (very probable, probable, unlikely).</th>
<th>Extension of the area or land involved (regional, local, specific)</th>
<th>Duration (permanent throughout the project, average or during the project operation and short or during the project construction stage).</th>
<th>Reversibility to return to initial conditions (reversible if human assistance is not required, partial if human assistance is required, and irreversible if a new environmental condition needs to be generated).</th>
</tr>
</thead>
<tbody>
<tr>
<td>IMPACT CLASSIFICATION</td>
<td>Character (C)</td>
<td>Disturbance (D)</td>
<td>Significance (S)</td>
<td>Occurrence (O)</td>
<td>Extension (E)</td>
<td>Duration (D)</td>
<td>Reversibility (R)</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------</td>
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<td>------------------------------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Total</td>
<td>18</td>
<td>12</td>
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</table>

IMPACT APPRAISAL TOTAL IMPACT = C X (D + S + O + E + D + R)

<table>
<thead>
<tr>
<th>Negative (-)</th>
<th>9</th>
<th>9</th>
<th>9</th>
<th>9</th>
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<tbody>
<tr>
<td>Severe</td>
<td>&gt; (-) 15</td>
<td>&gt; (-) 15</td>
<td>&gt; (-) 15</td>
<td>&gt; (-) 15</td>
</tr>
<tr>
<td>Moderate</td>
<td>(-) 15 &gt; (-) 9</td>
<td>(-) 15 &gt; (-) 9</td>
<td>(-) 15 &gt; (-) 9</td>
<td>(-) 15 &gt; (-) 9</td>
</tr>
<tr>
<td>Compatible</td>
<td>&lt; (+) 9</td>
<td>&lt; (+) 9</td>
<td>&lt; (+) 9</td>
<td>&lt; (+) 9</td>
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</table>

Positive (+)

<table>
<thead>
<tr>
<th>High</th>
<th>&gt; (+) 15</th>
<th>&gt; (+) 15</th>
<th>&gt; (+) 15</th>
<th>&gt; (+) 15</th>
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<tbody>
<tr>
<td>Medium</td>
<td>(+) 15 &gt; (+) 9</td>
<td>(+) 15 &gt; (+) 9</td>
<td>(+) 15 &gt; (+) 9</td>
<td>(+) 15 &gt; (+) 9</td>
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<tr>
<td>Low</td>
<td>&lt; (+) 9</td>
<td>&lt; (+) 9</td>
<td>&lt; (+) 9</td>
<td>&lt; (+) 9</td>
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</tbody>
</table>
Table 6: New Kakamega Law Courts - Environmental Impacts Appraisal– Construction Stage

**GREEN-POSITIVE IMPACT RED -NEGATIVE IMPACT**

<table>
<thead>
<tr>
<th>Anticipated Impact</th>
<th>Character/Appraisal</th>
<th>Disturbance (D)</th>
<th>Significance (S)</th>
<th>Occurrence (O)</th>
<th>Extension (E)</th>
<th>Duration (D)</th>
<th>Reversibility (R)</th>
<th>Character (C)</th>
<th>TOTAL IMPACT</th>
<th>Positive</th>
<th>Negative</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Physical</strong></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impact on Water Quality (surface and ground water resources)</td>
<td></td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>6</td>
<td>-1</td>
<td>-6</td>
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</tr>
<tr>
<td>Soil Erosion</td>
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<td>2</td>
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<td>8</td>
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<td>-1</td>
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</tr>
<tr>
<td>Air Quality (dust emissions, odour etc.)</td>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
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<td>1</td>
<td>8</td>
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<td>Noise Pollution</td>
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</tr>
<tr>
<td>Animal species (displacement, migration of new species, enhanced breeding of pests etc.)</td>
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<td>2</td>
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<td>2</td>
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<tr>
<td>Ecosystem disruption, conservation enhancement, user changes etc.)</td>
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</tr>
<tr>
<td>Vegetation and tree cover</td>
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<td>1</td>
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<td>10</td>
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<td>-10</td>
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<td></td>
</tr>
<tr>
<td>Topography (excavations, etc.)</td>
<td></td>
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<td>3</td>
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<td>1</td>
<td>11</td>
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<td>-11</td>
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<tr>
<td><strong>Health, Safety, Social, Economic and Cultural Environment</strong></td>
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<td>Man-Made Environment</td>
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<td>Employment creation</td>
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<tr>
<td>Occupational, Health and Safety</td>
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<td>1</td>
<td>1</td>
<td>1</td>
<td>9</td>
<td>-1</td>
<td>-9</td>
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</tr>
<tr>
<td>Increase in Water and Energy Demand</td>
<td></td>
<td>2</td>
<td>2</td>
<td>3</td>
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<td>2</td>
<td>12</td>
<td>-1</td>
<td>-12</td>
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</tr>
<tr>
<td>There is no interference with water both surface and ground. There will be connection to the sewer line few meter from the site</td>
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</tr>
<tr>
<td>The classification of this impact is Negative and compatible</td>
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<tr>
<td>Classification of impact is Negative and Moderate</td>
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<tr>
<td>Classification of impact is Negative and Moderate</td>
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<tr>
<td>Birds species will be affected but minimally due clearance of some of the vegetation i.e. trees</td>
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<tr>
<td>Not applicable in this project</td>
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<tr>
<td>Classification of impact is Negative and Moderate</td>
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<tr>
<td>Classification of impact is Negative and Moderate</td>
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</tr>
<tr>
<td>There will be a very slight change in settlement patterns due the in migrant workers amounting to 50-150 during the construction phase</td>
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</tr>
<tr>
<td>Classification of impact is Positive and Medium</td>
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<tr>
<td>Classification of impact is Negative and Moderate</td>
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<tr>
<td>Classification of impact is Negative and Moderate</td>
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<td></td>
</tr>
</tbody>
</table>

56
### TABLE 7: New Kakamega Law Courts - Environmental Impacts Appraisal – Operation (Occupancy) Stage

**GREEN-POSITIVE IMPACT RED-NEGATIVE IMPACT**

<table>
<thead>
<tr>
<th>Anticipated Impact</th>
<th>Disturbance (D)</th>
<th>Significance (S)</th>
<th>Occurrence (O)</th>
<th>Extension (E)</th>
<th>Duration (D)</th>
<th>Reversibility (R)</th>
<th>Character (C)</th>
<th>TOTAL IMPACT</th>
<th>Positive</th>
<th>Negative</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Physical</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impact on Water Quality(surface and ground water resources) due to increase in liquid waste which will be channelled through the soak pit</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>2</td>
<td>12</td>
<td>-1</td>
<td>-12</td>
<td></td>
<td>There might be leakages from the pipes. Ensure use of standard pipes and also constant monitoring for leakages</td>
</tr>
<tr>
<td>Soil Erosion</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Not applicable</td>
</tr>
<tr>
<td>Air Quality (dust emissions, odour etc.)</td>
<td></td>
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<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
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<td>Not applicable</td>
</tr>
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<td>Land use changes</td>
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</tr>
<tr>
<td>Increase in Solid waste</td>
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<td>1</td>
<td>2</td>
<td>1</td>
<td>9</td>
<td>-1</td>
<td>-9</td>
<td></td>
<td>Classification of impact is Negative and Moderate</td>
</tr>
<tr>
<td><strong>Natural</strong></td>
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<tr>
<td>Settlement patterns</td>
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<td>1</td>
<td>1</td>
<td>1</td>
<td>11</td>
<td>-1</td>
<td>-11</td>
<td></td>
<td>There will be change in settlement patterns due employment of more than 50 workers in the established facility during the occupation/operation phase</td>
</tr>
<tr>
<td>Animal species (displacement, migration of new species, enhanced breeding of pests etc.)</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>11</td>
<td>-1</td>
<td>11</td>
<td></td>
<td>Birds species will be affected but minimally due clearance of some of the vegetation</td>
</tr>
<tr>
<td>Ecosystem disruption, conservation enhancement, user</td>
<td></td>
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</tr>
<tr>
<td>Vegetation</td>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Landscaping will be done during the operation phase</td>
</tr>
<tr>
<td>Topography (excavations, etc.)</td>
<td></td>
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<td></td>
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<td></td>
</tr>
<tr>
<td><strong>Health, Safety, Social, Economic and Cultural Environment</strong></td>
<td></td>
<td></td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>Employment</td>
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<td>3</td>
<td>1</td>
<td>1</td>
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<td>11</td>
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<td>11</td>
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<td>Classification of impact is Positive and Medium</td>
</tr>
<tr>
<td>Increase in utilization of land</td>
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<td>3</td>
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<td>1</td>
<td>1</td>
<td>1</td>
<td>11</td>
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<td>11</td>
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<td>Classification of impact is Positive and Medium</td>
</tr>
</tbody>
</table>

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## 10.0 ENVIRONMENTAL SOCIAL AND MANAGEMENT PLAN

Table 8: New Kakamega Law Courts - The Environmental Management Plan with mitigation measures.

<table>
<thead>
<tr>
<th>ENVIRONMENTAL AND SOCIAL IMPACT</th>
<th>MITIGATION MEASURES</th>
<th>RESPONSIBILITY</th>
<th>BUDGET Kshs.</th>
<th>PHASE/STATUS</th>
</tr>
</thead>
</table>
| Occupational Health and Safety  | • Ensure that the building plans are approved by physical planning department, Kakamega County.  
  • Workers should be provided with adequate PPEs during the construction phase. These include working boots, overalls, helmets, dust masks, goggles, earmuffs and goggles. Workers should also be provided with harnesses and proper secure equipment’s for scaling heights.  
  • The construction workers both skilled and non-skilled should be sensitized and made aware of social issues such as drug abuses, use of alcohol and occupational diseases such as HIV and AIDS among others  
  • Workers should be provided with a well-stocked First Aid Box, which should be replenished at all times and managed by trained first aiders.  
  • The proponent should ensure that the contractor thro’ the Project Manager obtains a Workmen’s Act, as well as Ordinance and Regulations  
  • Adequate sanitary facilities should be provided with proper segregation for both genders where applicable on the site.  
  • The contractor should ensure that people providing food to the workers have been sensitized on safe handling of food. | By Project Proponent/Contractor/Project Manager  
  By Project Proponent and Project Manager | Included in project budget  
  Kshs. 50000 | Design Phase  
  Throughout the construction stage. This should be done before construction begins and throughout the construction phase |
| Soil Erosion and Compaction     | • Ensure that watering is done during excavation and adequate screens are to be provided.  
  • Landscaping should be done on the land during the commissioning phase to ensure that the same is returned to its original state.  
  • The contractor should provide adequate soil conservation structures to ensure that areas prone to soil erosion are protected from runoff. |                                                                                      | To be Included in project budget  
  Kshs. 50000 | During the entire construction phase |
| Air and Dust Pollution | • Workers to be provided with dust masks.  
• Proponent/Contractor will also ensure the use of dust screens. Water should be sprayed on excavated areas. There should be proper maintenance of equipment and vehicles  
• Construction and demolition works, and movement of trucks will be limited to working hours  
• All staff/workers be properly inducted on work ethics and safe working procedures  
• Erection of a bill board to notify neighbours on cautionary practices and ongoing works  
• Hoarding and netting for dust control will be implemented  
• Transportation of waste debris for disposal should be done aboard secured vehicles by licensed operators.  
• The construction site should be secured by site hoarding to prevent dust propagation by wind and limit noise production within site  
• Workers will be provided with appropriate personal protective equipment  
• Construction site generating dust will be sprinkled with water to prevent dust emission  
• Adequate job supervision should be prioritized  
• Machinery and equipment used will be regularly serviced  
• Truck drivers will be instructed to prevent unnecessary hooting and idling of engines when stationary.  
• The installed generator and power equipment used to be fitted with noise control devices e.g. silencers  
• Notify neighbours of decommissioning and demolition plans | By Project Proponent/Contractor and Project Manager | Included in project budget | During construction Phase |
|---------------------|----------------------------------------------------------|---------------------------------|---------------------------|
| Noise Pollution and Excessive Vibration | • Workers should be provided with ear plugs.  
• The proponent should also establish the noise levels for the various equipment used. | By Project Proponent | PPE Budget shared already in the part of the project budget. | During Construction phase |
| Vegetation Loss (trees) | • During the Operation phase Landscaping should be done to replant trees that may have to be cut. It is strongly recommended that no trees are cut.  
• Carry out landscaping as per project design to include trees and bushes  
• Avoid cutting trees but cater for their space  
• Optimize on use of open spaces instead of cutting down all trees and tree bushes. | By Project Proponent | Included in project budget Ksh.700,000.00 | After completion of construction phase |
|------------------------|-------------------------------------------------------------------------------------------------|-------------------|----------------------------------|-----------------------------------|
| Clearance of vegetation for construction purposes | **Topography changes**  
• Ensure that the topography is reconstructed through landscaping | By Project Proponent | Included in project budget | |
| **Increase in Solid Waste** | • Use of integrated solid waste management system by source reduction, recycling, composting, reuse or sanitary land filling  
• Ensure that debris is collected by a NEMA approved waste handler  
• There should be a central collection point for waste generated preferably with segregation of the same  
• The proponent should provide or construct proper waste receptacles to avoid littering  
• A secure waste holding shed should be set up to facilitate segregation and temporary storage of wastes  
• Installation of marked waste bins that should be covered  
• Demolished floor/wall material should be re-used for backfilling to keep site clean and ensure economical use of material  
• Use of an integrated solid waste management system including prevention, recycling, composting or incineration  
• All workers to be sensitized to ensure waste generation is minimized during construction  
• All hazardous and non-hazardous waste should be stored separately  
• Containerization of any solid waste and appropriate disposal by a NEMA licensed waste handler pursuant to L.N. 121  
• Contractor to keep waste tracking forms for all the wastes that leave site to ensure proper record keeping of waste movement  
• Ensure the installed incinerator at the Kakamega site is regularly maintained during operational phase and a license obtained from NEMA | Occupants (Judiciary) | This will be the responsibility of the proponent. | Ensure waste is collected and disposed according to NEMA regulations |
| Effluent Disposal                                                                 | • Ensure that there are routine checks for the sewer lines to ensure that there are no leakages.  
• Ensure that the materials used for construction are of the right standards as per the building code.  
• Ensure that proper effluent disposal is done as the required legislations                                        | Proponent/Occupants (Judiciary) | Factor this in the operational budget | During the construction and operational phases |
| Increase in Water and Energy Demand                                               | • Ensure conservation by switching off electrical equipment, lights when not in use.  
• Ensure maintenance of water pipes, and tanks to reduce chances of leakages.                                           | By Project Proponent | Included in Project budget | During the operation phase |
| Security                                                                          | • Ensure that guards are available and proper intrusion surveillance equipment are installed and are working at all times.  
• Ensure that there is adequate lighting in all areas and risk assessment is done regularly to identify any new threats | Proponents/Occupants | Project and Operational phase budgets | During construction and operational phases |
| Traffic Movement for Construction Vehicles                                         | • Ensure that neighbours are informed through signage about irregular movements.  
• Ensure that vehicles maintain appropriate speed limits                                                                 | Proponent/Contractor/Project Manager | Construction phase budget | During construction phase |
| Adverse biophysical impact which includes constraints on the social and physical infrastructure of the immediate Kakamega Town | • The proponent will construct quarters for the construction supervisor and caretaker staff only for use during the construction phase to avoid mushrooming of slums. Given that space is limited at the site, the proponent will not build a camp for the majority of staff but will instead provide a vehicle to (lorry) for carry staff to the nearest drop-off points to their homes.  
• Employment will be created during the occupation phase due to the operations of the law courts.  
• Security will also be beefed up by having surveillance equipment and security guards. | By Proponents | 2,000,000 | During both the construction and occupation phase |
<p>| Loss of Employment                                                                | • Employment will be created during the occupation phase due to the operations of the law courts. |  |  |  |</p>
<table>
<thead>
<tr>
<th>Gender Issues</th>
<th>Breast feeding</th>
<th>By Project Proponent/Contractor and Project Manager</th>
<th>Included in the overall project budget</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• In order to address the issue of sensitivity to the requirements breast feeding mothers, the new Kakamega law Courts will have specific rooms / cells for breast feeding mothers, called lactation rooms, separate from men, other women and juveniles. Employment of women</td>
<td>• During the construction and operational phase on the project, deliberate efforts will be made to ensure compliance with gender rules and in accordance with the employment Act and other constitutional requirements to ensure employment of women.</td>
<td></td>
</tr>
<tr>
<td>Increase in crime</td>
<td>• Security will also be beefed up by having surveillance equipment and security guards.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interruption of existing operations, logistics and services of the law courts.</td>
<td>• Measures to be put in place to ensure that minimal disruption of court activities during construction phase.</td>
<td>• Relocation of power lines to be done at off peak hours to prevent power interruption in the neighborhood.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Provision of portable toilets to replace existing toilet and pit latrines.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exposure to possible mechanical, physical hazards</td>
<td>• Implementation of a “No Smoking” policy</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Compliance with provisions of the Occupational Safety and Health Act, 2007</td>
<td>• Workers will be provided with appropriate tools and equipment</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Registration of the station as a work place with DOSHS</td>
<td>• Workers will be provided with appropriate personal protective clothing and equipment</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• All workers will be instructed on firefighting skills</td>
<td>• Installation of smoke detectors in the new court house</td>
<td></td>
</tr>
<tr>
<td>Presence of members of the public in the area</td>
<td>• Controlled access to the project site during and after construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Provide adequate security at the working station during the project cycle</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Generation of sewerage and waste water</td>
<td>• All waste water and sewerage will be channeled into the existing sewerage system</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
11.0 GRIEVANCE REDRESS MECHANISM

Purpose
The purpose of the Grievance Redress Mechanism (GRM) is to provide persons, groups or communities negatively impacted by the project a channel through which to raise their grievances so that solutions can be found. These are grievances can surface at different stages of the project cycle including the project implementation stage.

Formation
Currently, the grievance redress mechanism to address project related grievances does not exist. Therefore there is urgent need to establish this mechanism committee(s) as part of the ESMP implementation process under the Judicial Performance Improvement Project (JPIP). This will help to ensure transparency and accountability where an individual, a group or a community is aggrieved by the implementation of aspects of the project in Kakamega.

Members of the GRM committee
There will be two levels of this grievance process. The first level will be at the local site (community) level and the second at the Headquarters of the Judiciary in Nairobi. At both levels the committees will comprise of experienced and competent personnel able to command the respect of affected persons, groups and communities. At the local level the committee will comprise of the following;

- Chair of the court Users Committee – (or their representative) to chair the grievance redress mechanism committee at the site level
- Two members from the existing local Court Users Committee (one of whom will be secretary to this group)
- Two members of the public to represent stakeholders (i.e. resident neighbours/resident business people operating in the neighbourhood of the site)
- One member to represent the Judicial Performance Improvement Project (JPIP) team
- One member to represent the OBS department
- The local area Chief under whose jurisdiction the site falls.
- The Local Member of County Assembly (MCA) in whose ward the site is situated.
- Local NEMA officer under who’s Jurisdiction the site falls.
- One County Government representative from the County Environmental department

Members of the grievance redress mechanism committee at the Judiciary Headquarters level will include the following;

- The Chief Registrar- to Chair committee (or their representative) The OBS director (or their representative)
- Two additional members from OBS
- Three members of the JPIP (a committee secretary to be chosen from this group)
- An Environmental officer from the Nairobi County NEMA office

**Mode of Communication**
The initial grievances will be submitted to the grievance redress committee at the local level in any of the following ways:
Through SMS, written letter, email or raise the grievance in a local meeting with the project implementation staff who will capture the grievance in the form of minutes to be forwarded to the relevant local GRC committee.

**Process**
The grievance review mechanism from the site level to the Judiciary head office is capture in the **chart I** below:
The Affected Individual (AI), Affected Group (AG), or Affected Community (AC) will be required to forward complaints to the local Grievance Redress Committee (GRC). The local GRC will be required to record the grievances and call a meeting of the committee to resolve the grievances. The GRC will be required to meet and resolve each grievance forwarded to them at the project community level within 10 working days of receiving the grievance. If there is no decision/solution after 10 working days the committee and/or the Aggrieved Party (AP) can forward the complaint to the registrar of high court who will register the complaint and call for a grievance redress committee meeting to resolve or find a solution within 10 working days.

**Information Awareness**

This grievance redress mechanism procedure will be printed in both English and Swahili and posted on a notice board at the project site. This information will also be provided to the local Chief and MCA as well as local Administration to be made available at their offices, local gatherings and barazas.

**Record keeping**

All submitted complaints will be captured in a register or a project data file at the both at the local project level and at the Judiciary Headquarters by both the respective committees. The status of the grievances submitted and the grievance redress at the site will be reported to Registrar of the High Court through a monthly project implementation report. A feedback will also be provided on a regular basis to the Affected Persons (Aps) as well as other community stakeholders.
12.0 PROJECT BUDGET
The proposed construction of the New Kakamega law courts in Kakamega County will cost an estimated **Kshs 400,000,000.** (Estimate provided by Directorate of Building Services). This amount will comprise of the entire cost of construction of civil works, electrical works as well as provision of water and water storage tanks as detailed below. It will also include landscaping, security services, in addition to furnishings and equipment.

**Civil works**
The project will have a comprehensive infrastructure. This infrastructure will include access road, internal road works, foot paths within the compound, parking areas, boundary walling and fencing as per design, water storage, waste disposal facilities, plumbing works, landscaping among others.

**Electrical works**
Electrical work during construction of the premises will include electricity distribution and installation of street and security lighting, underground electrical cables, lifts, and electrical fittings as well as a backup generator.

**Provision of water and water Storage Tanks**
Installation of water pipe-work for the law courts as well as plumbing works for storm water and water storage tanks.
**13.0 CONCLUSION AND RECOMMENDATIONS**

In our conclusion, this is an environmentally sound project. Building the new court will have more positive and then negative environmental impacts. The project was well received by the local residents during the public consultation survey. Their comments and concerns were noted in order to assist the judiciary address the effects of any of the potential environmental impacts.

In this report we have absolved and estimated that most of the negative impacts on the environment are rated low and short term with no significant effect. The negative environmental impacts that will result from establishment of the project and which can all be mitigated include:

(i) Increased pressure on available infrastructure;
(ii) Air pollution;
(iii) Noise pollution;
(iv) Generation of wastes among others which however can be mitigated.

The positive impacts are highly rated and will benefit all stakeholders within Kakamega county residents at large. The project proponent’s architects and contractor will adhere to prudent implementation of the environmental management plan. They have proposed adequate safety and health mitigation measures as part of the relevant statutory requirements.

Among the major positive impacts is that the project will enhance access to justice and in Kakamega town residents in particular and Kakamega County as a whole. The project will be important for the economy of Kakamega as a whole in providing the local people with employment opportunities resulting to income generation and other associated multiplier effects, as well as a safer and more convenient working environment. It will also greatly reduce the need to travel long distances.

Among the potential negative environmental impacts noted, is the generation of noise and dust at the site, destruction of some of the tree cover during the construction stage, disruption of court proceedings and normal functions during construction, occupational health and safety impacts, inconveniences to road users and the generation of waste and effluent.

We recommend that this project be licensed subject to annual environmental audits once it has been commissioned. This will be in compliance with the Environmental Management and Coordination Act of 1999 and the Environmental Impact Assessment and Audit regulations 2003.

The project encompasses balanced environmental considerations and benefits. The proponent intends to put in place adequate and practical measures to mitigate the negative impacts as clearly indicated in the Environmental Social Management Plan (ESMP) proposal.
REFERENCES


IFC, 1998: Environmental Assessment (OP 4.01)

International Association of Impact Assessment (IAIA), 1999: Principles of Environmental Impact Assessment Best Practice

International Institute of Infrastructure, Hydraulic and Environmental Engineering (IHE, Delft) (Lecture Notes): Environmental Impact Assessment

International standards for environmental management systems (e.g. ISO 14000 standard series, life cycle analysis etc)


Republic of Kenya Statutory Legislations (Act): The Local Government Act (Cap. 265)


UNEP, (1988): Environmental Impact Assessment – Basic Procedures for Developing Countries

World Bank, (1993): Environment Screening (Environmental Assessment Source Book No.2

First Floor
Third floor
APPENDIX II: FILLED IN QUESTIONNAIRES

QUESTIONNAIRE FOR STAKEHOLDERS AND NEIGHBOURS AROUND THE PROJECT SITE

Name of Respondent: EUS MA SHOMA

Occupation: WORKER AT DC OFFICE

Location/Estate/Street: 1NUMBI

Mailing Address: ---------------

Telephone No.: 07 3135 60 46

Kindly fill in the following questionnaire, giving your comments where necessary.

1. Do you welcome this development of rehabilitation and improvement of the existing court facilities in this site/area? Yes ☑ No ☐

If No, why?

2. Do you foresee the project as a possible employment opportunity for the community around, whether directly or indirectly? Yes ☑ No ☐

3. Are there any areas or features of historic or cultural importance on or around the project that need protection? Yes ☐ No ☑
If Yes (list them below)

4. Under what category do you fall? Land owner ☑ Tenant ☐

5. How long have you lived in this neighborhood? ..........%............ years

6. How far is your house, property or work site from the project site? .......... Kms.

7. In your own opinion, is this rehabilitation and improvement of the existing court facilities good in the area? Yes ☑ No ☐
If Yes – choose one or more or and add comments if any.

- It will create forms of employment ☑
- It will enhance proper utilization of land ☑
- It will improve the infrastructure ☑
- It will increase security ☑
- It is good for business in the neighborhood ☑
- (Any additional comment) ☑

..........
If No:
- It will lower the land value
- It will increase insecurity
- It will destroy the government

8. Do you think the rehabilitation and improvement of the existing court facilities will affect you?
   Yes ☐ No ☐

   If Yes How?
   I will be able to get judicial services faster.
   and reduce the time to get services.

9. What positive attributes to you and the environment will this project have?
   It will create job opportunities.

10. What negative impacts to you and the environment will the project have?
    None.

11. What recommendations would you give on this project?
    Should be done faster to lessen the selling of court cases. It will become costly because the
    court cases are big and long.

Other comments:

Thank you,

Name of Respondent:  ELIASHA SHOMA Name of Enumerator:  BONGIRIMUSI NYEMBE

Signed:  [Signature] Signed:  [Signature]
I.D. No.  295557130 I.D. No.  72768684
Date:  28/02/2017 Date:  16/02/2017
QUESTIONNAIRE FOR STAKEHOLDERS AND NEIGHBOURS AROUND THE PROJECT SITE

Name of Respondent: Julius Kikaher

Occupation: Business Man

Location/Estate/Street: Milimani

Mailing Address: N/A

Telephone No.: 0766 0729 09 5243

Kindly fill in the following questionnaire, giving your comments where necessary.

1. Do you welcome this development of rehabilitation and improvement of the existing court facilities in this site/area? Yes ☑ No ☐

If No, why?

2. Do you foresee the project as a possible employment opportunity for the community around, whether directly or indirectly?

Yes ☑ directly, it will give people employment

3. Are there any areas or features of historic or cultural importance on or around the project that need protection? Yes ☐ No ☑

If Yes (list them below)

4. Under what category do you fall? Land owner ☑ Tenant ☐

5. How long have you lived in this neighborhood? 30 years

6. How far is your house, property or work site from the project site? 5Kms.

7. In your own opinion, is this rehabilitation and improvement of the existing court facilities good in the area? Yes ☑ No ☐

If Yes – choose one or more or and add comments if any:

☐ It will create forms of employment

☐ It will enhance proper utilization of land

☐ It will improve the infrastructure

☐ It will increase security

☐ It is good for business in the neighborhood

☐ (Any additional comment)

79
If No:

- It will lower the land value
- It will increase insecurity
- It will destroy the government

8. Do you think the rehabilitation and improvement of the existing court facilities will affect you?
   Yes ☐ No ☐
   If Yes How?
   It will increase my business, i.e. photocopying

9. What positive attributes to you and the environment will this project have?
   It will foster good relations between people because
   Corruption will always be served justly

10. What negative impacts to you and the environment will the project have?

11. What recommendations would you give on this project?
    YETTO should be done in an open way. No of Jobs
    Corruption is dealt with. Interest of contract and jobs

Other comments:

Thank you,

Name of Respondent: [Signature]
Name of Enumerator: [Signature]

Signed: [Signature] Signed: [Signature]
I.D. No. 2327855 I.D. No. 206610625
Date: 18/3/997 Date: 18/3/2017
Appendix IIa: Public participation - List of people interviewed

<table>
<thead>
<tr>
<th>NO</th>
<th>Name</th>
<th>Occupation/ designation</th>
<th>Tel No/ ID No.</th>
<th>Views, concerns &amp; inputs</th>
</tr>
</thead>
</table>
| 1  | Lumiti Christopher | Teacher                | ID No. 4150569 Tel No. 0723933520  | - Supports the project. The project will create local employment, enhance land utilization and increase security.  
- After the completion of the court it will add to the beatification of the town. |
| 2  | Ochola Wilfred  | Teacher                | ID No. 32655110 Tel No. 0706212684 | - The project will create local employment  
- Supports the project |
| 3  | Elisha Shuma    | Civil Servant          | ID No. 29555720 Tel No. 0723136068 | - It will get judicial services faster.  
- It will create job opportunity |
| 4  | Kevin Khakabo   | IT Consultant          | ID No. 31687599 Tel No.0716467020  | - It will get judicial services faster and reduce pilling of court cases.  
- It will improve the town beautification. |
| 5  | Petronila Muyale | Sales lady             | ID No. 22072324 Tel No. 0720313208 | - Supports the project  
- The project will improve local business and security. |
| 6  | Silali Samwel   | Jua Kali               | ID No. 29981739 Tel No. 0729496221 | - Minimize the duration that cases takes place |
| 7  | Collins Opiyo   | Business Manager       | ID No. 29506164 Tel No. 0724160411 | - It will increase land rates  
- Supports the project |
| 8  | Faith Asubira   | Student                | ID No. 32615983 Tel No.0702889349  | - The project will create local employment especially to the youths  
- Will improve services at the courts |
| 9  | Julius Khakabo  | Businessman            | ID No. 25517855 Tel No.0729095283  | - It will increase business e.g. printing and photocopying  
- Foster good relations with prospective clients as court cases will now be finished in good time. |
| 10 | Ogada Mathews   | Shopkeeper             | ID No. 28700144 Tel No. 0796719842 | - The project will create local employment and increase security.  
- Will improve the living standards of the people living around the site. |
| 11 | Adrian Lukalia  | Farmer                 | ID No. 3651088 Tel No.0725355787   | - It will create direct and indirect development in the community  
- It will improve the face of Kakamega town |
| 12 | Laura Muhindila | Teacher               | ID No. 25550670 Tel No. 0705766012 | - Supports the project  
- It will fasten services at the law courts |
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Profession</th>
<th>ID No.</th>
<th>Tel No.</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>Jesca Abukusi</td>
<td>Nurse</td>
<td>1173154</td>
<td>0728135514</td>
<td>- It will increase business and create employment to the community</td>
</tr>
<tr>
<td>14</td>
<td>Mourine Kaleha</td>
<td>Business lady</td>
<td>24084043</td>
<td>0711761940</td>
<td>- Will bring good infrastructure, security and creates employment.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Highly supports the project</td>
</tr>
<tr>
<td>15</td>
<td>Millicent Emungu</td>
<td>Tailor</td>
<td>35447900</td>
<td>0702588423</td>
<td>- It will improve the living standards of the people around</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Improvement of infrastructure within the area of construction</td>
</tr>
<tr>
<td>16</td>
<td>Esedi Dorine</td>
<td>Teacher</td>
<td>28021141</td>
<td>0725156850</td>
<td>- Supports the project because it will create employment to locals</td>
</tr>
<tr>
<td>17</td>
<td>Allan Shahenza</td>
<td>Driver</td>
<td>11836741</td>
<td>0704302135</td>
<td>- Supports the project because it will create employment to locals</td>
</tr>
<tr>
<td>18</td>
<td>Auma Janepher</td>
<td>Business Manager</td>
<td>32746276</td>
<td>0721658248</td>
<td>- It will improve the face of town infrastructure</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Supports the project</td>
</tr>
<tr>
<td>19</td>
<td>Daniel Opuka</td>
<td>Doctor</td>
<td>1972983</td>
<td>0714871912</td>
<td>- It will reduce insecurity</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Improve development in community</td>
</tr>
<tr>
<td>20</td>
<td>Beaty Anonda</td>
<td>Shopkeeper</td>
<td>33666816</td>
<td>0722189642</td>
<td>- Creation of employment</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Supports the project</td>
</tr>
</tbody>
</table>
APPENDIX III: Copy of Land Ownership Documents. Allotment Letter

**LETTER OF ALLLOTMENT**

I have the honour to inform you that the Government, on behalf of County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

- **Area:** 1.33 hectares (approximately).
- **Term:** 99 years from the 1,11,2009
- **Stand Premium:** Sh. NIL
- **Annual Rent:** Sh. 72/= (Subject to adjustment on survey, but there is no claim for reduction in area on survey.)

**GENERAL:** This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 280 of the Revised Edition of the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).

**SPECIAL CONDITIONS:** See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker’s cheque for the amount as set out below within thirty (30) days of the postmark:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stand Premium</td>
<td>NIL</td>
</tr>
<tr>
<td>Rent from 1/1/2009 to 31/12/2009</td>
<td>30/=</td>
</tr>
<tr>
<td>Conveyancing Fees</td>
<td>1,250/=</td>
</tr>
<tr>
<td>Registration Fees</td>
<td>250/=</td>
</tr>
<tr>
<td>Rates</td>
<td>40/=</td>
</tr>
<tr>
<td>Stamp Duty</td>
<td></td>
</tr>
<tr>
<td>Survey Fees</td>
<td></td>
</tr>
<tr>
<td>Road and Road Drains</td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td>2,000/=</td>
</tr>
<tr>
<td>Approval fees</td>
<td></td>
</tr>
</tbody>
</table>

**Receipt No.** Less Deposit

**TOTAL** Sh. 3,570/=
If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in block letters should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,
Sir(s)/Madam,
Your obedient servant,

[Signature]

W.K. KIMITI

for Commissioner of Lands

ENCLOS.

Y TO: P/S Ministry of Lands and Settlement, Nairobi.
The Director of Surveys, Nairobi.
The Town Clerk, Kakamiga.
The Clerk to the Council, County Council of Kakamiga.
The District Commissioner, Kakamiga.
The Director of Physical Planning, Nairobi.
District Land Officer, Kakamiga.
O/C Land Rents.
Rates Assistant.
The Accountant.
O/C Records.
Senior Plan Record Officer.
Plot File.

All to note.

GPK (L)
8. The Lessee shall not sub-divide the land without prior consent in writing of the County Council and the Commissioner of Lands.

9. The Lessee shall not sell, transfer, sublet, charge or part with the possession of the land or any part thereof or any buildings thereon except with the prior consent in writing of the County Council and the Commissioner of Lands. No application for such consent (except in respect of a loan required for building purposes) will be considered until special condition No. 2 has been performed.

10. The Lessee shall pay to the Local Authority on demand such sums as the Local Authority may estimate to be the proportionate cost of constructing all roads and drains and sewers serving or adjoining the land and shall on completion of such construction and the ascertainment of the actual proportionate cost either pay (within seven days of demand) or be refunded the amount by which the actual proportionate cost exceeds or falls short of the amount paid as aforesaid.

11. The Lessee shall from time to time pay to the Local Authority on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the Local Authority may assess.

12. Should the Local Authority at any time require the said roads be constructed to a higher standard the Lessee shall pay to the Local Authority on demand such proportion of the cost of such construction as the Local Authority may assess.

13. The Lessee shall pay such rates, taxes, charges, duties, assessments or out-goings of whatever description as may be imposed, charged or assessed by any Government or Local Authority upon the land or the buildings erected thereon including any contribution or other sum paid by the Local Authority or the County Council in lieu thereof.

14. The County Council or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water mains, service pipes and drains, telephone or telegraph wires and electric mains of all descriptions whether overhead or underground and the Lessee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.

15. The Local Authority reserves the right to revise the annual ground rental payable hereunder at the expiration of the thirty-third and sixty-sixth year of the term hereby granted. Such rental will be at the rate of four per centum of the unimproved freehold value of the land as assessed by the Commissioner of Lands on behalf of the Local Authority.
APPENDIX IV: Minutes for Court Uses Committee: 27/09/2016

REPUBLIC OF KENYA

MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT

Telegram: PROBATION 'KAKAMEGA'
Email: probationsaftercarekakamega@yahoo.com
When replying please quote

Ref: No. JUD//KAK/117/112

TO ........JUS.TICE........

........RUTH SITU,.......

19TH JANUARY 2017

RE: NOTICE OF MEETING

You are hereby invited to attend the Court users’ Committee meeting scheduled for
31st January 2017 at 1.30 p.m. You are requested to prepare and share your
experiences on bail/bond activities with the National bail/bond Taskforce team.

Attached are minutes of the Kakamega Court Users Committee meeting held on 27th
September 2016 for your retention and necessary action where applicable.
Be prompt.

JUDITH N. MANDILLAH
SECRETARY
KAKAMEGA COURT USERS COMMITTEE

Cc

ALL JUDGES- HIGH COURT OF KENYA-KAKAMEGA

ALL MAGISTRATES
KAKAMEGA LAW COURTS

Christine

Please. Blk 30/01

28/1/2017
# MINUTES OF THE CUC MEETING HELD ON 27/kick start9/2016 AT THE SPORTS CLUB KAKAMEGA

## IN ATTENDANCE

<table>
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<tr>
<th>No.</th>
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<tr>
<td>1.</td>
<td>JUSTICE R N SITATI</td>
<td>CHAIRMAN</td>
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<td>2.</td>
<td>JUSTICE E C MWITA</td>
<td>JUDICIARY</td>
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<td>3.</td>
<td>JUSTICE C KARIUKI</td>
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<td>4.</td>
<td>BILDAD OCHIENG</td>
<td>CHIEF MAGISTRATE</td>
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<td>5.</td>
<td>JUDITH MANDILLAH</td>
<td>PROBATION OFFICER-SECRETARY</td>
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<td>6.</td>
<td>FELIX MAKOYO</td>
<td>RESIDENT MAGISTRATE</td>
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<td>7.</td>
<td>SAMUEL M WAHOME</td>
<td>SENIOR PRINCIPAL MAGISTRATE</td>
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<td>8.</td>
<td>KHAPOYA S BENSON</td>
<td>SENIOR RESIDENT MAGISTRATE</td>
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<td>9.</td>
<td>WYCLIFFE OSANGUR</td>
<td>POLICE TRAFFIC BASE</td>
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<td>10.</td>
<td>CHARLES KAGWI</td>
<td>JUDICIARY</td>
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<td>11.</td>
<td>ENOCK C ROTICH</td>
<td>NTSA</td>
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<td>12.</td>
<td>ALFONSE O NKIEYA</td>
<td>MAIN PRISON KAKAMEGA</td>
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<td>13.</td>
<td>KENNEDY NJAYA</td>
<td>FOR M.O.H KAKAMEGA</td>
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<td>14.</td>
<td>BETH OUTA</td>
<td>JUDICIARY</td>
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<td>15.</td>
<td>FRANCIS A D OBARE</td>
<td>MANAGER JUVENILE REMAND HOME</td>
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<td>16.</td>
<td>GETRY NYANGWESO</td>
<td>D.CHILDREN OFFICER KAKAMEGA</td>
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<td>17.</td>
<td>ZADOCK LIKHANGA</td>
<td>JUDICIARY</td>
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<td>18.</td>
<td>CHARLES M MWAIZINGA.</td>
<td>DCIO KAKAMEGA POLICE</td>
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<td>19.</td>
<td>SELINAH N WANYONYI</td>
<td>F- COUNTY CHILDREN DIRECTOR</td>
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<td>20.</td>
<td>JAMES A ATANDA</td>
<td>JUDICIARY</td>
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<td>21.</td>
<td>JOSEPH RUTTO</td>
<td>FOR OCS KAKAMEGA EAST</td>
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<td>22.</td>
<td>MERCY M MASESE</td>
<td>JUDICIARY</td>
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<td>23.</td>
<td>MAMBILI LUTIALI</td>
<td>COMMUNITY REPRESENTATIVE</td>
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<td>24.</td>
<td>CALISTUS SHIFWOKA</td>
<td>PRESIDENT LSK KAKAMEGA</td>
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<td>25.</td>
<td>CAROL TOO</td>
<td>JPIP-NAIROBI</td>
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<td>26.</td>
<td>ARCH REUBEN C RUTTO</td>
<td>OBS-JPIP NAIROBI</td>
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## ABSENT WITH APOLOGY

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<tr>
<td>1.</td>
<td>ERIC MOKUA NYANG’AU</td>
<td>RODI-KENYA</td>
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<td>IMAM</td>
<td>JAMIA MUSQUE KAKAMEGA</td>
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<td>2.</td>
<td>BISHOP OKETCH</td>
<td>ACK KAKAMEGA</td>
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<td>3.</td>
<td>COUNTY COMMISSIONER</td>
<td>KAKAMEGA COUNTY</td>
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<td>4.</td>
<td>SISTER. CHIBOLI</td>
<td>DIVINE PROVIDENCE CHILDREN’S HOME</td>
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AGENDA

PRAYER/INTRODUCTION

SENSITIZATION JPIP PROGRAMME

VALIDATION OF HIGH COURT PROPOSED BQS/DRAWINGS

OPENING REMARKS

The meeting begun at 2.15 pm with a word of prayer from the Chief Magistrate Mr. B Ochieng of Kakamega law courts. He welcomed members to the meeting and apologized for the delay in not starting the meeting as expected. He informed members that the changes in the day's agenda given the presence of visitors from JPIP, he called upon members for self-introduction and thereafter welcomed the chairlady Kakamega CUC Justice Sitati to give her opening remarks.

The Justice Sitati welcomed members to the meeting and noted that the CUC's earlier agenda would be shelved to allow JPIP give their presentation on their collaboration program with the judiciary and purpose of their visit to Kakamega. She commented the efforts LSK were making in ensuring that judicial services were easily accessible to the public by looking for land in Lugari/Likuyani for court construction. She noted that LSK and judiciary had visited Likuyani and the National Land Commission in Eldoret over the same issue of land. She pointed out that good working conditions was a pre-requisite for efficient and effective service delivery yet the limited space/ accommodation at the kakamega law courts had persisted for long despite previous follow up with the office of the Chief Justice. She noted that with the JPIP visitors, members expectations were high and thus welcomed them to give their presentation.

JUDICIAL PERFORMANCE IMPROVEMENT PROJECT-JPIP

Mr Simani from JPIP thanked the members for giving them space to share JPIP origin, purpose and experience on short notice. He noted that indeed the land issue had been an impediment to court construction across the country since it was a requirement by the World Bank as financiers of the program. He however told the committee that after lengthy discussions, the WB had relaxed the requirement to availability of allotment letters to enable the construction of courts while the title deed process was in progress.
He informed the committee members that JPIP was a WB supported program whose main objective was to strengthen the capacity of the judiciary in providing more effective services to the public through a transparent and accountable manner. It basically reinforces and is purposefully geared towards achieving the expectations as outlined in the JTF 2012/2016. The program was launched in 2012 with a framework timeline to 2018. The other stakeholders in the programme include the office of the Attorney general, the National Council for Law Reporting and incorporate the members of the public as active participants in decision-making at the grass root level. He outlined key outcome areas as:

- Improving timeliness of judiciary services through creating open spaces in registries, improved physical structures, improved communication systems-ICT e.g. Mpesa payment, electronic court diaries, E-procurement, audio-visual court proceedings and sms services etc.
- Enhancing performance and quality of decision-making through use of established standards and data, continuous capacity building of judicial officers, and use of IPMAS
- Increasing access to courts and legal information through ensuring reduced distance to courts by public, construction of modern/well equipped courts and improves community linkages of courts with public through functional CUCs
- Maintain a Project management unit that is vibrant through effective and efficient coordination with well-established M & E system.

Under the physical improvement initiatives, he noted that 30 courts will be built across the country with Kitui law courts already complete and under use while the following were under construction or plans for construction were in progress: with high courts-Kakamega, Wajir, Mombasa, Garissa, Ol kalau, Siaya, Nakuru and Nanyuki and upgrading of 22 other court stations. He noted that in all the projects, public participation was paramount hence their input in the day’s presentation was important.

Mr Ruto told the members that the construction plans for the Kakamega high court were on course since 2015 and a committee to spearhead the project had been established at the JPIP secretariat. He presented the planned architectural drawings to the members through both hard and soft copies from which members were to make comments. He noted that the expected works were tentatively projected to start in January-February 2017.
OPEN FORUM AND OBSERVATIONS

The member’s suggestions and comments were as follows:

If the children’s court to shift from first floor to ground floor or to be delinked from the other courts an idea that was not favorable since the ground floor was multi-purpose e.g. housing inmate cells therefore not conducive for children welfare. There was provision to convert the existing court buildings on completion of the new block to a children’s court if need be.

The plans to have provision for expansion in future when need arose for more court space. They cited Kitale court which was interlocked and could not allow for expansion despite it being a good facility. There was need to have buildings with a model of the current “Huduma Centers”-a “one-stop shop” e.g. extra rooms for judicial staff self-care, conferencing etc. In response the JPJP would provide for extra rooms for alternative use however renovation of existing buildings could be done on submission of request to the GOK for funding.

The safety of inmates while in the basement/ground floor in case of a disaster or emergency was emerged as a concern and the suggestion for separate cells from main building proposed. The security aspect was of concern and the building would be under 24 hour surveillance with CCTV cameras and other security sustainable measures had been considered in the current plan e.g. the cells were right below each court room, ramp/lifts provision and there were also holding bays next to each court. It was agreed that the court compound need to be well fenced and with adequate packing bay as a security measure. The water supply supplementary borehole would be availed as well to minimize inmate movements in and out of the cells. To enhance security body scanning machines were recommended as well.

As concerns the limited rooms provided for as high courts, the JPJP representative noted that all court rooms had same designs hence any would be appropriate for high court functions. He further noted that while it was good to have a detachable roof to allow for future expansion, the WB funds had not factored in that very provision which required more funds on the foundation. He advised the committee to enhance their collaboration network with other stakeholders especially County Governments that had impressed the judiciary services and were willing to facilitate service delivery initiatives to the public.
The members were urged to remain focused and vigilant on issues relating to integrity within the CJS. It was important for all stakeholders to remain alert and participate in curbing corruption in our midst for a sustainable, fair and impartial justice system. JPIP noted that other than the physical infrastructure, there was a kitty to facilitate other CUC activities like open public outreach programmes. He called upon the members to fast track the proposal that was earlier submitted and prepare other proposals for consideration. In conclusion, he noted that the High court structures were a model in the East and Central African region and had put into consideration the needs of other stakeholders in the CJS in order to achieve the goals set in the JTF. The courts had provided for office space for all the stakeholders in the CJS to enhance effective service delivery.

CLOSING REMARKS

In the closing remarks the Chief Magistrate thanked the WB for their support. The president LSK noted the involvement of the community and other stakeholders in the JPIP initiatives as recognition of the role each block on a power cube has in ensuring the wheel of justice is sustainable. He called upon all the members to be agents of change by impressing change from within themselves and capitalizing on the resources available. To achieve the desired goal, there was need for collaboration and networking that is grounded on unity. He thanked all members in attendance, JPIP, the hotel management and above all the Almighty God for the holistic space for mankind.

There being no other business the meeting was adjourned to later date that would be communicated to members. The meeting ended at 4.00 p.m with a prayer from SPM Wahome.

Compiled by

Name JUDITH MANDILLAH......Sign........................Date............................

SECRETARY.

Confirmed by

Name...........................................Sign........................Date............................

CHAIRMAN
APPENDIX V: Certificate of Membership - Environmental Institute of Kenya

Certificate of Membership

This is to certify that

Nicholas M. Simani

Is a Lead Member of Environment Institute of Kenya for the year 2014 to extend and disseminate Environmental knowledge and promote the practical application for public good.

Date

Chairman

This certificate remains property of Environmental Institute of Kenya. Membership is subject to annual renewal.
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/5406
Application Reference No.: NEMA/EIA/11/2015

M/S Nicholas M. Simani
(individual or firm) of address
P.O. Box 14071-00800 Nairobi

is licensed to practice in the

capacity of a (Lead Expert/Associate Expert/Firm of Experts) Lead expert

registration number: 0921

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

Issued Date: 2/16/2016
Expiry Date: 12/31/2016

Signature....

(Seal)
Director General
The National Environment Management Authority

P. T. O.
Expert’s Registration Certificate

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT
CERTIFICATE OF REGISTRATION AS AN ENVIRONMENTAL IMPACT
ASSESSMENT/AUDIT EXPERT

This is to certify Ms. 

MR. NICHOLAS M. SIMANI

P. O. BOX 14071 WESTLANDS, NAIROBI

(Address)

has been registered as an Environmental Impact Assessment Expert in accordance with the provisions of the Environment Management and Coordination Act and is authorized to practice in the capacity of a Lead Expert/Associate Expert/Firm of Experts (Type).

LEAD EXPERT

Dated this 19TH day AUGUST of 2005.

Signature

(Seal)

Director General
The National Environmental Management Authority
Expert’s PIN certificate and copy of ID