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THE TOWN AND COUNTRY PLANNING ACT

THE TOWN AND COUNTRY PLANNING (MANCHESTER PARISH)
PROVISIONAL DEVELOPMENT ORDER, 2013 (CONFIRMATION)
NOTIFICATION, 2015

In exercise of the powers conferred upon the Minister by subsection (2) of section 7 of the Town and Country Planning Act, the following Notification is hereby given:—

1. This Notification may be cited as the Town and Country Planning (Manchester Parish) Provisional Order, 2013 (Confirmation) Notification, 2015.
2. The Town and Country Planning (Manchester Parish) Provisional Development Order, 2013 published in the Jamaica Gazette Supplement, Proclamations, Rules and Regulations Vol. CXXXVI No. 19D dated Tuesday, March 26, 2013 is hereby confirmed with the modifications set out in the Schedule.

SCHEDULE

(Paragraph 2)

*Modifications to Town and Country Planning
(Manchester Parish) Provisional Development Order, 2013*

A.—TYPOGRAPHICAL CHANGES

1. On page 190v¹ in Paragraph 2 in the third line under the words “base station” delete the word “micorcell” and substitute therefor the word “microcell”.
2. On page 190v⁴ in paragraph (5)(4)(k) delete the word “and” appearing at the end of the sentence.
3. On page 190v⁵—
 - (a) in paragraph 7(2) line one delete the words “Fourth Schedule” and substitute therefor the words “Third Schedule”; and
 - (b) in paragraph 8(1) in the first line insert the word “permission” immediately after the words “application for planning”.
4. On page 190v⁶—
 - (a) in the second line paragraph 10(5) delete the symbols “(3)(b)” and substitute therefor the symbols “(4)”; and
 - (b) in the first line of paragraph 10(5)(b) delete the word “act” and substitute therefor the word “Act”.
5. On page 190v⁷—
 - (a) in the first line of paragraph 12(3) delete the word “Application” and substitute therefor the word “application”;
 - (b) in paragraph 13(2)(c) delete the word “or” at the end of the sentence; and
 - (c) in paragraph 13(2)(d) delete the “(d)” at the beginning of the sentence.
6. On page 190v¹⁰—
 - (a) in the second line of paragraph 16(k) insert the word “is” immediately after the word “plant”; and
 - (b) in the first line of paragraph 16(1)(i) delete the word “Radius” and substitute therefor the word “radius”.
7. On page 190v¹¹ in the second line of paragraph 18(1)(e) delete the symbols “(11)(1)” and substitute therefor the symbols “13(1)”.

SCHEDULE, *contd.*

8. On page 190v¹² in the first line of paragraph 24 delete the word "death" and substitute therefor the word "dealt".
9. On page 190v¹³ in the second line of paragraph 26 delete "22" and substitute therefor "25".
10. On page 190v¹⁴—
 - (a) in the heading "Part II. *Local Planning Areas in Manchester*"; delete the word "areas" and substitute therefor the word "Areas";
 - (b) under the heading "*Mandeville Local Planning Area*" in line eleven delete the words "Lidar Grove" and substitute therefor the words "Cedar Grove"; and
 - (c) under the heading "*Mandeville Local Planning Area*" in line 19 delete the words "Lamb Town" and substitute therefor the words "Lands Town".
11. On page 190v¹⁵—
 - (a) in lines 7 and 8 delete the words "California Parish Council Road" and substitute therefor the word "Caledonia Parish Council Road";
 - (b) under the heading "*Williamsfield Local Planning Area*" in the second line delete the word "Kendall" and substitute therefor the word "Kendal";
 - (c) under the heading "*Williamsfield Local Planning Area*" in the seventh line delete the words "Bellefield School" and substitute therefor the words "Bellefield High School"; and
 - (d) under the heading "*Williamsfield Local Planning Area*" in the seventeenth line delete the word "track".
12. On page 190v¹⁷ in the eighth line under the heading "*Newport Local Planning Area*" delete the word "Chipperham" and substitute therefor the word "Chippenham".
13. On page 190v¹⁸—
 - (a) under "*Alligator Pond Local Planning Area*" in the sixth line delete the word "boundary" and substitute therefor the word "boundaries";

SCHEDULE, *contd.*

- (b) under "*Alligator Pond Local Planning Area*" in the ninth line delete the words "St. Elizabeth Manchester" and substitute therefor the phrase "St. Elizabeth/Manchester";
 - (c) under the heading "*Alligator Pond Local Planning Area*" in the fourteenth line delete the words "two chains" and substitute therefor the words "40.2 metres"; and
 - (d) under the heading "*Mile Gully Local Planning Area*" in the nineteenth line delete the words "John's Hall" and substitute therefor the words "Johns Hall".
14. On page 190v²¹—
- (a) under the heading "*Class 12—Dwelling House*" delete the period (full stop) at the end of the first sentence ending with the word "(residence)"; and
 - (b) under the heading "*Class 13—Non Residential Institutions*" delete line (b) and substitute therefor "(b) as crèche, day nursery, day care centre, health centre or clinic".
15. On page 190v²⁹, delete the last line in paragraph (a) and substitute therefor the words "exceed 1.22 metres above ground level".
16. On page 190v⁴³ in the first line in paragraph D. 4A delete the words "A.2 (2)(cc)" and substitute therefor the words "A.2(2) (D) (1)".
17. On page 190v⁴⁶ delete the letter "(e)" in the last paragraph and substitute therefor the letter "(f)".
18. On page 190v⁵⁰ in paragraph "C" to the right of "Development not permitted" delete the letter "C" and substitute therefor the symbol "C.1".
19. On page 190v⁵³ under the heading "*Part 10—Telecommunications Operations*" in paragraph A.1 to the right of "Class A Permitted development" delete the symbol "A.1" and substitute therefor the letter "A".
20. On page 190v⁵⁴ "insert A.1" to the right of "Development not Permitted" immediately beside the "(a)" at the beginning of the fourth paragraph.
21. On page 190v⁵⁷ in the sixth line of the third paragraph under the heading "HISTORY" delete the word "goal" and substitute therefor the word "gaol".

SCHEDULE, *contd.*

22. On page 190v⁵⁸ under the heading "*Population Composition*" in the fourth line delete the numeral "93210" and substitute therefor the numeral "93,210"; also delete the numeral "92571" and substitute therefor the numeral "92,571".
23. On page 190v⁵⁹ in the first line under the heading "*Land Capability*" delete the words "(Source: Ministry of Agriculture, Rural Physical Planning Division)".
24. On page 190v⁶¹ under the heading "PURPOSE OF THE ORDER" delete the words "Third and Fourth Schedule of this Order" in the last line and substitute therefor the words "Second and Third Schedule of this Order".
25. On page 190v⁶² in the second line under the heading "OBJECTIVES" insert the word "with" immediately before the words "by sectors".
26. On page 190v⁶⁴—
 - (a) under the heading "*Conservation of the Built Environment*", in "Obj. C9", delete the words "specify mixed uses";
 - (b) under the heading "Archaeological Sites and Historical Buildings and Monuments" first line of Obj. C13 delete the word "whitch" and replace with "which".
 - (c) and in the second line of "Obj. C 13" delete the word "signifiace" and substitute therefor the word "significance"; and
 - (d) in the third line of "Obj. C 13" delete the symbol "NHT" and substitute therefor the symbol "JNHT".
27. On page 190v⁷⁰—
 - (a) in the fourth line of the second paragraph of the justification for "POLICY SP T13" delete the word "a premise" and substitute therefor the words "the premises"; and
 - (b) in the second line of "POLICY SP T17" delete the phrase "Appendix 10" and substitute therefor the phrase "Figure 5".
28. On page 190v⁷² under "POLICY SP T29" delete the words "with the legend "Physically Challenged Drivers" and substitute therefor the words "as indicated in Figure 2" therefor.

SCHEDULE, *contd.*

29. On page 190v⁸⁰
- (a) in the second line of the first paragraph insert the words “(Protected Area)” immediately after the words “Habitat Management Area”; and
 - (b) in line one of “POLICY SP C 12” insert the words “(Protected Area)” immediately after the words “Management Area”.
30. On page 190v⁸⁵—
- (a) Immediately above “POLICY SP C 46” delete the word “DRAFT” standing on its own; and
 - (b) in “POLICY SP C 48” delete the word “land” in the second line and substitute therefor the word “lands”; and delete the word “it” and substitute therefor the word “they”.
31. On page 190v⁹²—
- (a) delete the heading “MINERAL” and replace with “MINERALS”
 - (b) in the first line under the heading delete “MINERAL” delete the word “Mineral” and substitute therefor the word “Minerals”.
32. On page 190v⁹³ in the first line of the first paragraph under the heading “SEWAGE” delete the word “residence” and substitute therefor the word “residences”; delete the word “is” and substitute therefor the word “are” therefor.
33. On page 190v⁹⁴—
- (a) in line one of “POLICY SP WT 3” delete the words “or absorption pit”; and
 - (b) in line one of “POLICY SP WT 6” delete the words “or absorption pit”.
34. On page 190v¹⁰⁰ in the first line of the second paragraph under the heading “GENERAL DEVELOPMENT POLICIES” delete the word “there” and substitute therefor the word “their” therefor.
35. On page 190v¹⁰⁴ delete the words “Appendix 13” in “POLICY GD29” and substitute therefor the words “Appendix 10”.

SCHEDULE, *contd.*

36. On page 190v¹¹⁴—
 - (a) in line one of “POLICY MAT1” delete the words “is to be amended to read”; and
 - (b) in the last line of “POLICY MAT1” delete the word “one” and substitute therefor the word “are”.
37. On page 190v¹¹⁵ in the fifth line under the heading “THE BUILT ENVIRONMENT” delete the word “Goal” and substitute therefor the word “Gaal”.
38. On page 190v¹³⁷ in the sixth line under the heading “*Sewage Disposal*” delete the words “absorption pits” and substitute therefor the words “soak away or tile fields”.
39. On page 190v¹⁵³ under “APPENDIX 1” delete the heading “*Glossary*” and substitute therefor heading “1. *General Glossary*”.
40. On page 190v¹⁶⁰ insert the word “ROADS” at the end of the heading “MAIN ROAD DEVIATIONS AND NEW”.
41. On page 190v¹⁶⁷ in “APPENDIX 8” in the second line of item 2 delete “112.0sqm” and substitute therefor “1,120.0sqm”.
42. On pages 190v¹⁷⁶ to 190v¹⁷⁷ delete the heading “APPENDIX 14” and substitute therefor the heading “APPENDIX 15”.
43. On pages 190v¹⁷⁸ to 190v¹⁸⁰ delete the heading “APPENDIX 15” and substitute therefor the heading “APPENDIX 16”.
44. On pages 190v¹⁸⁰ to 190v¹⁸¹ delete the heading “APPENDIX 16” and substitute therefor the heading “APPENDIX 17”.
45. On page 190v¹⁸² under “FIFTH SCHEDULE *contd*” delete the heading “APPENDIX 16 *contd*” and substitute therefor the heading “FIGURE 1 *contd*”.
46. On page 190v¹⁸⁴ delete the “FIFTH SCHEDULE *cont'd*” in the Fourth line under “FIGURE 3”.
47. On pages 190v¹⁸³ to 190v¹⁸⁹ under the “FIFTH SCHEDULE *contd.*” delete “APPENDIX 16”.
48. On pages 190v¹⁸⁷ to 190v¹⁸⁹ add “*contd.*” to the end of “*Parking Standards*”.

SCHEDULE, *contd.*49. On page 190v¹⁹⁰—

- (a) delete “APPENDIX 17” and replace with “APPENDIX 18”;
- (b) under “*List of Abbreviations*” insert “etc-etcetera” immediately below “E Energy Conservation”; and
- (c) under “*List of Abbreviations*” insert “Ph - per hectare” immediately below “PFS Petrol Filling Station”.

B. AMENDMENTS

1. On page 190v⁴ insert the words “Change of use requiring a planning application *Sui Generis*” in the column to the left of Paragraph 5(4) “Use Class Sound Schedule”.
2. On page 190v¹⁹ below the words “SECOND SCHEDULE—*Use Classes Order*” and above “Class 1—*Shops*” and thereafter “Planning permission is required for change of use from one class to another”.
3. On page 190v²¹—
 - (a) delete the phrase “(h) for, or in connection with, public worship or religious Institutions” under the heading “Class 13 *Non-Residential Institutions*”; and
 - (b) under the heading “Class 13 *Non-Residential Institutions*” delete “(i)” and substitute therefor “(h)” and delete “(j)” and substitute therefor “(i)”.
4. On page 190v⁹⁹ under the heading “TELECOMMUNICATION” insert the following at the end of the first paragraph “Generally developments should be guided by Appendix 14.”.
5. On page 190v¹⁵⁴—
 - (a) immediately above “building line” insert the following ““bad neighbour” means any use that has a seriously detrimental effect on the locality in terms of noise, traffic or other disturbance to people living near it;”;
 - (b) below “bad neighbour” and above “building line” insert the following ““building” in relation to outline permission does not include plant or machinery or a structure or erection of the nature of plant or machinery;”;

SCHEDULE, *contd.*

- (c) in the third line of the definition of "ground cover" insert the words "outdoor" between the words "include" and "parking areas".
6. On page 190v¹⁵⁵ immediately below the words "habitable room" insert the words "habitable structure"— means any structure primarily intended to be used for living, sleeping, eating or assembly purposes including but not limited to residencies, multi-family dwellings, churches, food facilities and industrial buildings;".
7. On page 190v¹⁵⁵ immediately below "professional office" insert the words "protected area" means an area of land dedicated to the protection and maintenance of natural and cultural value and managed through legal or other effective means. These areas do not necessarily exclude industrial or economic activity;".
8. On page 190v¹⁵⁶—
- (a) immediately above the word "Storey" insert the words " "shop" means a building used for the carrying on of any retail trade or retail businesses wherein the primary purpose is the selling of goods by retail or for any other purpose appropriate to a shopping area";
- (b) in the definition of the word "studio" delete the words "350sq. feet and insert 37.16 square metres (400 sq. feet);
- (c) immediately below "studio" insert the words " "structure" means anything constructed or erected with a fixed or permanent location on the ground or attached to something having a fixed location on the ground such as a building, platform, swimming pools, sheds, boundary walls, fences, radio towers etcetera"; and
- (d) immediately above the word "APPENDIX 2" and immediately below the definition of "warehouse" insert the following—
- "2—Telecommunications Network Glossary
- "Base Station" means a structure or structures that consist of transmitters and receivers that are constructed to antennas by feeder cables. A base station can be a microcell, macrocell or picocell and can either be mobile or fixed;

SCHEDULE, *contd.*

“Television Broadcasting” means the wireless transmission of visual images or pictures, together with any sounds broadcast for reception along with those images or pictures.”.

9. On page 190v¹⁶³ under the heading “PARKING AND LOADING REQUIREMENTS” delete the number of parking spaces required for “Motels and Hotels” and substitute therefor “1 parking space for each two (2) of the first 40 rental sleeping units plus 1 additional space for every 3 rental sleeping units thereafter. In addition 1 employee parking space for each 10 guest rooms plus 1 space for each 4.5m² of public dining room. 1 coach parking space per 50 bed spaces in hotels”.
10. On page 190v¹⁶⁵ for “Place of Public Worship or Religious Instruction delete the last three lines under “Minimum Number of Vehicle Parking Spaces Required” and insert the following “or 1 space per 6.5 square metres if no permanent seat is provided”.
11. On page 190v¹⁶⁶ under “PARKING AND LOADING REQUIREMENTS” delete requirements for “Number of loading or off-loading bays” for “Industrial Buildings used for manufacture or storage” and substitute therefor the following “for each building up to 460m² of floor area plus 1 for each 930m² of floor area in excess of 460m² to a total of 3. One for each 460m² thereafter”.
12. On page 190v¹⁶⁷ in “APPENDIX 8” delete the text which appears in item numbered 2 and replace with the following “Area of land to be developed should be sufficient to allow manoeuvring of vehicles*within the site boundaries but should not be less than 1,858 square metres with a minimum frontage of 30.5m on the primary street. Where the site is part of a functionally integrated commercial or industrial complex, the size may be reduced to not less than 1,120 square metres.”.
13. On page 190v¹⁷⁵ at the end of APPENDIX 13 “SUBDIVISION ASSESSMENT CRITERIA” add the following: “Fifth Schedule, *contd.*”

SCHEDULE, *contd.*

APPENDIX 14

General Development Standards for Telecommunication Network

1. STANDARDS

Size of site for base station for free standing structure—

- (i) No base station shall be less than 400 square meters (1,312.3 square feet) for self support towers.

Set back for free standing structure—

- (ii) The foremost part of each mast/tower shall be a minimum distance of 6.1 metres (20ft) from the physical barrier.

Exclusion zone—

- (iii) Exclusion zones shall be determined and defined by acceptable physical barriers and appropriate grating. Zones shall be a minimum of 20m by 20m (65.6ft by 65.6ft) in size and the physical barrier shall be a minimum of 3 metres (9.8ft) in height within the curtilage of the site.

Height of tower

- (iv) The minimum height of self support towers/mast shall not exceed 45.72 metres (150ft) within urban areas.
- (v) All mast/towers over 30 metres (98.4ft) must comply with the stipulation of the Civil Aviation Authority and Spectrum Management Authority. For roof top structures, the height of the building must constitute a part of the measurement.

Signage

- (vi) Readily identifiable signage warning the public to “Keep Out”, who the operator/s of the site are, their emergency contact numbers shall be posted at a conspicuous position at the site.

Parking and access to site

- (vii) Sites must be adequately sized to accommodate the manoeuvring and parking of not less than 2 service vehicles on site. Access way shall be a minimum of 4.6m (15ft) with parking bays being 5.5 metres by 2.4 metres (18ft by 8ft) wide.

SCHEDULE, *contd.*

Emissions

- (viii) Emissions from any apparatus associated with a base station shall conform to Natural Resources Conservation Authority (Air Quality) Regulation, 2006.

2. INFORMATION ACCOMPANYING APPLICATION

A. Consultation information

- (i) Result of the consultation conducted by operators shall be submitted along with the application as an accompanying statement;
- (ii) The nature of the consultation undertaken for example, community meetings, serving of notice in the press etcetera;
- (iii) The time, date and place where the consultation was held must be stated;
- (iv) List of consultees.

B. Site/Location

- (i) Coordinates to specify site location shall be provided at projection WGS 84 JAD2001.”.

C. NEW POLICY

On page 190v¹⁰⁰ under the heading “TELECOMMUNICATION” immediately following “POLICY SP TELE 9” and above “GENERAL DEVELOPMENT POLICIES” insert the following:

“The effects of radio frequency transmitted from cellular towers on the health of residents in their locale have been of great concern to individuals living in the relevant areas. Since studies in this regard have been inconclusive a precautionary approach has to be adopted in the siting of these facilities. It is important that discussions and consultations be carried out in these communities and there is some form of acceptance before development occurs which will be in accordance with Appendix 14.

POLICY SP TELE 10 Pre application consultation and discussion will be undertaken between the local planning authority and the operator, school, communities, interested parties and any other relevant body before planning permission is granted for any mobile device.

SCHEDULE, *contd.*

POLICY SP TELE 11 The beam of greatest radio frequency intensity from a base station sited within or near retirement homes, educational and health facilities should not fall on any part of the grounds or buildings of the institution.

POLICY SP TELE 12 Operators shall submit statements indicating compliance with World Health Organization guidelines for non ionizing radiation protection with each application before it will be considered by the local planning authority.

Taking into the account the limitations imposed by the telecommunications network, planning permission will only be granted if it can be shown that the proposal has a minimal effect on the surroundings. It is also to be borne in mind that the construction of new developments can adversely affect the telecommunication services of others in the neighbourhood. The rights of adjacent landowners and the level of effect of the proposal on them will be assessed to ensure that they are protected.

POLICY SP TELE 13 in considering applications the local planning authority will take into consideration the development rights of the subject land and that of the adjoining premises.”

D—MAP CHANGE

1. On the Manchester Parish Development Order Area “Mandeville Local Planning Area (Inset 1)” change the zoning for lands registered at Volume 1051 Folio 929 from “residential” to “mixed use (commercial/office)”.

Dated this 27th day of April, 2015.

ROBERT PICKERSGILL
Minister of Water, Land, Environment
and Climate Change.