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THE TOWN AND COUNTRY PLANNING ACT

THE TOWN AND COUNTRY PLANNING (NEGRIL AND GREEN ISLAND AREA)
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 (Negril and Green Island Area) Provisional Order, 2013 (Confirmation) Notification, 2015.

2. The Town and Country Planning (Negril and Green Island Area) Provisional Development Order, 2013 published in the Jamaica Gazette Supplement, Proclamations, Rules and Regulations Vol. CXXXVI No. 19E 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
(Negril and Green Island Area) Provisional Development Order, 2013*

A. TYPOGRAPHICAL CHANGES

1. On page 190v¹⁹⁴
 - (a) in the 6th line under the word “landscaping” place a comma after the word “trees”;
 - (b) in the first line of the definition of “national monument” delete the words “section 2 of”; and
2. On page 190v¹⁹⁵, under “protected national heritage” delete the words “section 2 of”.
3. On page 190v¹⁹⁷—
 - (a) in paragraph 8(1) in the first line insert the word “planning” immediately after the words “an application for”.
 - (b) on page 190v¹⁹⁷ at the end of the paragraph 9(1) delete the words “and any planning permissions granted in relation thereto”.
4. On page 190v¹⁹⁸, in paragraph 10(4)(b), delete the word “act” in the first line and substitute therefor the word “Act” therefor.
5. On page 190v¹⁹⁹—
 - (a) paragraph (11) (d) delete the words “except where the planning authority indicates a lesser period” and substitute therefor “or such period as may be approved by the local planning authority”;
 - (b) paragraph 12 (1) immediately following the words “description of the” in the third line insert the words “operation or” and after the word “and” in the same line insert the words “of the land to”;
 - (c) in line one of paragraph 12 (3) delete the word “Application” and substitute therefor the word “application”;
 - (d) in the last line of paragraph 13 (1) delete the word “Applicant” and substitute “applicant”; and
 - (e) paragraph 13 (2) delete the word “or” at the end of line “(c)” and delete the “(d)” at the beginning of the line immediately after line “(c)” and in the same line delete “therefore” and substitute therefor the word “therefor”.

SCHEDULE, *contd.*

6. On page 190v²⁰⁰—
 - (a) in the third line of paragraph 15 (1) delete the word “Directions” and substitute therefor the word “directions”; and
 - (b) in the first line of paragraph 15 (2) delete the word “Directions” and substitute therefor the word “directions”.
7. On page 190v²⁰²—
 - (a) in the first line of paragraph 16 (1) (i) delete the word “Radius” and substitute therefor the word “radius”; and
 - (b) paragraph 18 (1) delete “(i)” and substitute therefor the letter “(d)”. *
8. On page 190v²⁰³—
 - (a) in paragraph 18 (1) delete “(ii)” and substitute “(e)” therefor; and
 - (b) in paragraph 18 (1) (ii) delete “11 (1)” and substitute therefor the numeral “12 (3)” therefor.
9. On page 190v²⁰⁴—
 - (a) in paragraph 20 in the second line delete the word “Directions” and substitute therefor the word “directions”;
 - (b) in the first line of paragraph 24 delete the word “death” and substitute therefor the word “dealt”. *
10. On page 190v²⁰⁹ under the heading “Class 13—*Non Residential Institutions*” delete the words in line (b) and substitute therefor “(b) as a crèche, day nursery, day care centre, health centre or clinic”.
11. On page 190v²⁴⁶ under the heading “Part 10—*Telecommunications Operations*” delete “A1” and substitute therefor the letter “A”.
12. On page 190v²⁴⁷ immediately above the letter “(a)” insert the words “A.1 Development not permitted by Class A—”.
13. On page 190v²⁵¹ under the heading “*Natural Environment*” delete the words “and usual” in the first line of the second paragraph.
14. On page 190v²⁵³ under the heading “WASTE TREATMENT AND DISPOSAL” delete from the second line of the first paragraph the word “latrine” and substitute therefor the word “latrines”.

SCHEDULE, *contd.*

15. On page 190v²⁵⁴—
 - (a) under the heading “NEGRIL LOCAL PLANNING AREA” insert the words “as shown on Map 2” after the word “Sheffield” in line 2; and
 - (b) under the heading “ORANGE BAY LOCAL PLANNING AREA” add immediately after the words “Development Order Area” in line 2 the words “as shown on Map 3”.
16. On page 190v²⁵⁵
 - (a) under the heading “GREEN ISLAND LOCAL PLANNING AREA” delete the word “and” immediately after the words “Order Area” in line 2;
 - (b) under the heading “GREEN ISLAND LOCAL PLANNING AREA” in the first sentence add the words as shown on Map 4” after the words “Order Area” in line 3 of the first paragraph.
17. On page 190v²⁶⁰ in paragraph “OBJ 28” delete the words “efficient buildings” appearing at the end of the paragraph.
18. On page 190v²⁶² in the “POLICY SPT5” delete the word “the” immediately after the word “in” in the first line.
19. On page 190v²⁶³ in the justification for “POLICY SPT12” delete the word “intersection” and substitute therefor the word “intersections”.
20. On page 190v²⁶⁸ in “POLICY SPH 1” in the third and fourth line delete the words “and 2” immediately after the words “maps 1” and substitute the words “to 4” therefor.
21. On page 190v²⁷¹, in “POLICY SPH 13” delete the word “development” in the first line and substitute therefor the word “developments”.
22. On page 190v²⁷², in “POLICY SPH 19”—
 - (a) insert the word “before” between the words “project” and “granting” in the fourth line; and
 - (b) under the heading “CONSERVATION OF THE NATURAL AND BUILT ENVIRONMENT” in the seventh line of the first paragraph delete the word “ecological” and substitute therefor the word “ecologically” therefor.

SCHEDULE, *contd.*

23. On page 190v²⁷³

- (a) In "POLICY SP C 2" in the first line of the first sentence delete the word "landscaping" and substitute therefor the word "landscaped" therefor.
- (b) In "POLICY SP C 2" in the second line delete the word "being" and substitute therefor the word "be" therefor.

24. On page 190v²⁷⁴ In "POLICY SP C7" in the second line delete the letter "e" immediately after the words "indigenous trees".

25. On page 190v²⁷⁵ in the justification for "POLICY SPC13" delete the word "humans" in the fifth line and substitute therefor the word "human" therefor.

26. On page 190v²⁸¹—

- (a) under the heading "HISTORICAL ARCHEOLOGICAL SITES AND BUILDINGS" in the fourth line delete the word "preserve" and substitute therefor the word "preserved";
- (b) under the heading "HISTORICAL ARCHEOLOGICAL SITES AND BUILDINGS" in the last line delete the word "conserve" and substitute therefor the word "conserved";
- (c) In "POLICY SP C43" in the fourth line immediately after the word "sites" delete the word "note".

27. On page 190v²⁸² in the first paragraph of the justification for "POLICY SP C 46" delete the word "unavoidable" and substitute therefor the word "unavoidably" therefor.

28. On page 190v²⁹⁰—

- (a) under "POLICY SP UE 13" delete "(d)", "(e)", "(f)", "(g)", "(h)", "(i)", "(j)", "(k)", "(l)", and substitute therefor "(a)", "(b)", "(c)", "(d)", "(e)", "(f)", "(g)", "(h)";
- (b) under "POLICY SP UE 13" in item "(f)" delete "g" and substitute therefor "e.g."

29. On page 190v²⁹⁵ add the words "approved by the relevant agency" after the word "circumstances" in the last line of "POLICY SP M3".

30. On page 190v²⁹⁶ in the justification for "POLICY SP M 10" delete the word "regards" in the fourth line and substitute therefor the word "regard" therefor.

31. On page 190v³⁰⁰ insert the word "and" after the word "unsightly" and before the words "if not" in the third line of the justification for "POLICY SPE 4".

SCHEDULE, *contd.*

32. On page 190v³⁰⁹—
- (a) under “POLICY GD 21” in lines 5 and 6, delete the words “prepared by the National Environment and Planning Agency 2005”.
 - (b) delete the words “See Appendix” at the end of “POLICY GD 21” and substitute therefor the words “Figure 22” therefor;
33. On page 190v³¹³—
- (a) delete the word “parcel” in the third line of “POLICY GD 38” and substitute therefor the word “parcels”;
 - (b) delete the word “with” immediately before the word “regards” in the third line of the justification for “POLICY GD 39” and substitute therefor the word “due”;
 - (c) delete the word “regards” in the third line of the justification for “POLICY GD 39” and substitute therefor the word “regard”.
34. On page 190v³¹⁵ in “POLICY GD 48” insert the words “and 13” after the words “Appendix 12” and before the words “of this Order” in the last line.
35. On page 190v³²³ delete “POLICY DC 1” and substitute therefor the words “The height of proposed new resort buildings on the West End is not to exceed two (2) stories generally and those as infills on the Norman Manley Boulevard four (4) stories. The development should be arranged in clusters, to ensure an unobstructed view of the sea and public access to the beaches.”.
36. On page 190v³²³ delete “POLICY DC 3” and substitute therefor the words “Densities on vacant or totally undeveloped lots along the seaward side of the main road should have a footprint not exceeding the range of 33 1/3%—40% of the site, a height of not more than four (4) floors at a maximum height of 15.24 metres (50 feet), an open land space of 60%—66 2/3% and a plot ratio in the range of 0.8 :1 to a maximum of 1:1 calculated on the entire lot whether or not it extends across the road.”
37. On page 190v³²⁴ delete “POLICY DC 5”.
38. On page 190v³²⁴ “POLICY DC 8” should be revised to state that “the maximum height of resort developments on the landward side of Norman Manley Boulevard will be increased from two (2) to four (4) floors or 15.24 metres (50 feet) with or without a pitched roof”.
39. On Page 190 v³²⁵ “POLICY DC 12” should be revised to state that “The planning authority will not approve the erection of any permanent structure, fences or obstructions within 45.75 metres of the high water mark save and except as otherwise determined by the Town and Country Planning Authority”.

SCHEDULE, *contd.*

40. On page 190v³²⁶ under the heading "RURAL AREA POLICIES" in the sixth line delete the numerals "1970" and substitute therefor the numeral "1978".
41. On page 190v³²⁹ in the justification for "POLICY RAP 20" insert a "comma" immediately after the word "housing" and before the word "cultivation" in the fourth line.
42. On page 190v³³⁴ under the heading "Natural Environment" in the second paragraph insert the word "of" after the word "part" and before the word "the" in the third line.
43. On page 190v³³⁶ in the justification for "POLICY NC 7" delete the word "as" in the third line and substitute therefor the word "if".
44. On page 190v³³⁸
 - (a) in "POLICY NH 6" third line delete the word "Appendixes" and substitute therefor the words "Appendix 10" therefor
 - (b) in the justification for "POLICY NUE 2" delete the word "scaled" in the third line and substitute therefor the word "scale" therefor.
45. On page 190v³⁴⁴ in "POLICY N SA 19" delete the word "reaches" in the third line and substitute therefor the word "reach".
46. On page 190v³⁴⁵ in the justification for "POLICY N TO 6" the second line delete the word "attracts" and substitute therefor the word "attract".
47. On page 190v³⁴⁹ in the second line of the justification for "POLICY OB C 3" delete the word "has" and substitute therefor the word "have".
48. On page 190v³⁵¹ delete the full stop (period) after the word "the" in the second line of the second paragraph under the heading "WASTE TREATMENT AND DISPOSAL".
49. On page 190v³⁵³ delete the words "mentioned in the document for the local planning area" in the third line of the first paragraph on the page.
50. On page 190v³⁵⁶ delete the words "the land use proposal" and substitute therefor the words "Map 4" therefor in the second line of "POLICY GI UE 3".
51. On page 190v³⁵⁹ delete the word "and" in the second line of the definition of "bad neighbour".
52. On Page 190v³⁷¹ in "APPENDIX 8" delete the text which appears in item numbered 2 and replace with the words "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."

SCHEDULE, *contd.*

53. On page 190v³⁸⁷ under "FIFTH SCHEDULE *cont'd*" delete the words "APPENDIX 17 *cont'd*".
54. On page 190v³⁸⁸ delete the words "APPENDIX 17 *cont'd*" and substitute therefor the words "FIGURE 1".
55. On pages 190v³⁸⁹ to page 190v³⁹⁸ delete the words "APPENDIX 17 *cont'd*".
51. On page 190v³⁹² add the words "FIGURE 5 "above the heading "Parking Standards".
52. On pages 190v³⁹³ to 190v³⁹⁵ insert the words "FIGURE 5, *cont'd*" above the heading "Parking Standards".
53. On page 190v³⁹⁶ Above "GD General Development Policies" insert "etc etcetera".

B. MINOR AMENDMENTS

1. On page 190v¹⁹³—

- (a) in the paragraph "Interpretation" under the words at 2. In this Order—insert the words "the Act" means "The Town and Country Planning Act;"
- (b) in the paragraph "Interpretation" immediately above the words "base station" means a structure, fixed or mobile, consisting of transmitters" insert the words "the Authority" has the meaning assigned to it by section 2 of the Act;"

2. On page 190v¹⁹⁴—

- (a) above "conservation areas" add the words " "building" in relation to outline permission does not include plant or machinery or a structure or erection of the nature of plant or machine;" and immediately thereunder the words "broadcasting" has the meaning assigned to it by the Telecommunication Act and the "Broadcasting and Radio Re-Diffusion Act;"
- (b) immediately below "conservation area" and above "development area" insert the words "development" has the meaning assigned to it by section 5 of the Act and "develop" shall be construed accordingly.;"
- (c) immediately below "microcell" and above "mobile network" insert the words "Minister" has the meaning assigned to it by section 2 of the Act".

SCHEDULE, *contd.*

3. On page 190v¹⁹⁵, immediately below “pico cell” insert the following—
 - ““planning authority” means local planning authority as defined by section 2 of the Act, and includes the Authority in any case where an application is referred to the Authority pursuant to the provisions of section 12 of the Act;
 - “planning permission” has the meaning assigned to it by section 2 of the Act.”
4. On page 190v¹⁹⁶ insert the words “Change of use requires a planning application *Sui Generis*” in the column to the left of paragraph 5 (4) “Use Classes Second Schedule”.
5. On page 190v²⁰⁷ below the heading “*Use Classes Order*” and above “Class 1—*Shops*” add the words thereafter “Planning permission is required for change of use from one class to another”.
6. On page 190v²¹⁰—
 - (a) under the heading in the “Class 13 Non-Residential Institutions” delete the words “(h) for, or in connection with, public worship or religious instructions”.
 - (b) under the heading in the “Class 13 Non- Residential Institutions” delete “(i)” and substitute therefor “(h)” and delete “(j)” and substitute therefor “(i)”.
7. On page 190v²¹⁷ Under the heading “Part 2—*Minor Operations*” paragraph “A. 1 (a)” delete the words “one metre” in the 6th line and substitute therefor “1.22 metres” therefor.
8. On page 190v²³³
 - (a) remove the excess space between “D.4” and “A” in the first line of Paragraph “D 4 A”;
 - (b) In the first line of paragraph “D4A” delete the symbol “(cc)” and substitute the symbol “(d) (i)” therefor.
9. On page 190v²⁷¹ delete the words in “POLICY SPH 17” and substitute therefor “Houses on lot sizes up to a maximum of 600 square metres should not exceed two (2) storeys in height except in cases where the terrain is such that a basement can be accommodated and where the building setbacks and other planning requirements can be satisfactorily met.”.
10. On page 190v²⁷² delete POLICY SPH 18 and rename “SPH 19” as “SPH 18”.

SCHEDULE, *contd.*

11. On page 190v³⁴⁸ in the fourth line of the first paragraph under the heading "Parking" delete the words "by the Urban Development Corporation in their land use plan" and substitute therefor the words "on Map 3".
12. On page 190v³⁵⁹ delete the word "building" and the definition.
13. On page 190v³⁶⁰ in the third line of the definition of "ground cover" insert the words "outdoor" between the words "include" and "parking areas".
14. On page 190v³⁶² in the definition of "studio" insert "37.16 square metres", delete "350 square feet" and replace with "400 Square feet" in bracket therefor.
15. On page 190v³⁶⁸ delete the parking standards indicated under the heading "Minimum Number of Vehicle Parking Spaces Required" for "Motels and Hotels" and substitute therefor the words; "1 parking space for each 2 of the first 40 rental sleeping units; 1 additional space for every 3 rental sleeping units thereafter. In addition 1 employee parking space for each 10 guest rooms plus 1 for each 4.5m² of public dining room. 1 coach parking space per 50 bed spaces in the hotel".
16. On page 190v³⁶⁹ under the heading "Shops, Stores, Supermarkets" delete the words "1 for each 16 gross floor area" under the subheading "Minimum Number of Vehicle Parking Spaces Required".
17. On page 190v³⁷⁰ under the heading "Minimum Number of Vehicle Parking Spaces Required" for "Place of Public Worship or Religious Instruction" delete "1 space per 1 square metre (1.0m²)" and substitute therefor the words "1 space per 6.5m²".
18. On page 190v³⁷¹—
 - (a) delete "4600" in the last line under "Number of Loading or off-loading bays" for "Industrial Buildings used for manufacture or storage" substitute therefor "460";
 - (b) In the second line of item 2 under "APPENDIX 8" delete the numeral "112.0 sq m" and substitute therefor the numeral "1,120.0m²"; and
 - (c) in the third line of item 2 under the heading "APPENDIX 8" delete the numeral "91.44" and substitute therefor the numeral "30.5 m".

SCHEDULE, *contd.*

C. CHANGES IN MAP SYMBOL AND COLOURS

1. On the Negril Green Island Development Order Area Land Use Proposal (Map 1) insert "Ireland Pen" between "Bloody Bay" and "Orange Bay".
2. On the Negril Green Island Development Order Area "Green Island Local Planning Proposed Land Use (Map 4)" change the zoning for lands registered at Volume 1123 Folio 16 from "Agricultural" to "Resort/Residential".

Dated this 27th day of April, 2015.

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