

THE TOWN AND COUNTRY PLANNING ACT



**The Town and Country Planning
(St. Elizabeth Parish) Provisional
Development Order, 1976
Draft**

ST. ELIZABETH PARISH

Prepared for the St. Elizabeth Parish Council by the Town Planning Division
by direction of the Town and Country Planning Authority.

PRICE \$2.00

THE TOWN AND COUNTRY PLANNING ACT.

THE TOWN AND COUNTRY PLANNING (ST. ELIZABETH PARISH)

PROVISIONAL DEVELOPMENT ORDER 1976

In exercise of the power conferred upon the Town and Country Planning Authority by section 5 (1) of the Town and Country Planning Act the following Provisional Development Order is, after consultation with the Parish Council of St. Elizabeth hereby made in amendment of the South St. Elizabeth Development Order 1966 which this order now replaces.

Citation and
Application.
First Schedule.

1. This order may be cited as the Town and Country Planning (St. Elizabeth Parish) Provisional Development Order, 1976 and shall apply to the area described in the First Schedule to this Order.

2. In this Order the expression:

Interpretation.

"the Act" means the Town and Country Planning Act;

"the Authority" has the meaning assigned to it by section 2 of the Act;

"local planning authority" has the meaning assigned to it by section 2 of the Act,

"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;

"Local Authority" has the meaning assigned to it by section 2 of the Act.

"development plan" means the plan including any accompanying statements, approved by the Minister in relation to this Order;

"the Minister" has the meaning assigned to it by section 2 of the Act;

"development" has the meaning assigned to it by section 5 of the Act, and "develop" shall be construed accordingly.

For the purposes of this order, development shall also mean the subdivision of land into allotments for the purposes of sale, lease or letting or for building purposes.

3. (1) Where a building or other land is used for a purpose of any class specified in the Second Schedule to this Order, the use of such building or other land for any other purpose of the same class shall not be deemed for the purpose of the law to involve development of the land.

Use Classes.
Second Schedule.

(2) A use which is ordinarily incidental to and included in any use specified in the Second Schedule to this Order is not excluded from that use as an incident thereto merely by reason of its specification in the said Schedule as a separate use.

4. (1) Notwithstanding the provisions of this Order, development of any class specified in column 1 of the Fourth Schedule hereto may be undertaken in accordance with the conditions specified in column 2 of the said Schedule in relation to such development, without the permission of the local planning authority.

Permitted
Development.
Fourth Schedule.

(2) Nothing in this paragraph or in the Fourth Schedule shall operate so as to permit any development contrary to any condition imposed in any permission granted under Part III of the Act

5. Subject to the provisions of this Order no development of land including development by or on behalf of Government Agencies or Statutory Bodies within the area to which this Order applies, shall take place except in accordance with the development plan and any planning permission granted in relation thereto;

Prohibition of
Development.

Provided that the planning authority may in such cases and subject to such conditions as may be specified by directions given by the Minister under this Order grant permission for development which does not appear to be provided for in this Order or the development plan and is not in conflict therewith.

6. (1) An application to the local planning authority for planning permission shall be made in a form issued by the local planning authority and obtainable from that authority or from the Authority and shall include the particulars required by such form to be supplied, and be accompanied by a plan sufficient to identify the land to which it relates and such other plans and drawings as are necessary to describe the development which is the subject of the application, together with such additional number of copies (not exceeding ten for a building application and twenty for a subdivision application) of the form and plans and drawings as may be required by the direction of the local planning authority printed on the form; and the local planning authority may by a direction in writing addressed to the applicant require such further information to be given to them in respect of an application for permission made to them under this paragraph as is requisite to enable them to determine that application.

Application for
planning
permission.

(2) Where an applicant so desires, an application expressed to be an outline application may be made under sub-paragraph (1) of this paragraph for permission for the erection of any building, subject to the making, of a subsequent application to the local planning authority with respect of any matters relating to the siting, design or external appearance of the buildings, or the means of access thereto; in which case particulars and plans in regard to those matters shall not be required and permission may be granted subject as aforesaid (with or without other conditions) or refused; Provided that:—

- (a) where such permission is granted it shall be expressed to be granted under this paragraph on an outline application and the approval of the planning authority shall be required with respect to the matters reserved in the planning permission before any development is commenced;
- (b) where the planning authority are of the opinion that in the circumstances of the case the application for permission ought not to be considered separately from the siting, design or external appearance of the buildings, or the means of access thereto, they shall within the period of one month from the receipt of the outline application, notify the applicant that they are unable to entertain such application, specifying the matters as to which they require further information for the purpose of arriving at a decision in respect of the proposed development, and the applicant may either furnish the information so required (in which event the application shall be treated as if it has been received on the date when such information was furnished and had included such information) or appeal to the Minister under section 13 of the Law within one month of receiving such notice, or such longer period as the Minister may at any time allow, as if his outline application had been refused by the planning authority.

(3) An application for an approval required by virtue of proviso (a) to sub-paragraph (2) of this paragraph shall be in writing and shall include such particulars and be accompanied by such plans and drawings as are necessary to deal with the matters reserved in the planning permission together with such additional number of copies of the application and plans and drawings as were required in relation to the application for planning permission.

(4) An application to the local planning authority for a determination under section 14 of the Law shall be in writing, and shall contain a description of the operations or change of use proposed and of the land to which such proposal relates.

(5) On receipt of any application under this paragraph the local planning authority shall send to the applicant an acknowledgement thereof in the terms (or substantially in the terms) set out in Part I of the Third Schedule hereto.

(6) The planning authority may by a direction in writing addressed to the applicant require to be produced to an officer of the authority such evidence in respect of an application for permission made to them as they may reasonably call for to verify any particulars of information given to them.

(7) Except where otherwise provided, the period within which the planning authority shall give notice to an applicant of their decision shall be three months or such extended period as may at any time be agreed upon in writing between the applicant and the planning authority.

(8) Every such notice shall be in writing, and—

- (a) where the planning authority decide to grant planning permission subject to conditions or to refuse it, they shall state their reasons in writing and send with the decision a notification in the terms (or substantially in the terms) set out in Part II of the Third Schedule hereto;
- (b) in the case of an application for a determination (whether forming part of an application for planning permission or not) where the planning authority determine that the carrying out of operations or the making of a change in the use of land would constitute or involve development of the land, they shall state in such notice the grounds for their determination and include a statement to the effect that if the applicant is aggrieved by their decision he may appeal to the Minister under section 13 of the Act within one month of the receipt thereof.

(9) The planning authority shall furnish to the Minister and to such other persons as may be specified by directions given by the Minister under this Order, such information as may be so specified with respect to applications made to the planning authority under this paragraph, including information as to the manner in which any such application has been dealt with.

Third Schedule.

Third Schedule.

7. (1) The Minister may give directions restricting the grant of planning permission by the planning authority during such period as may be specified in the directions, in respect of any such development or in respect of development of any such class, as may be so specified.

Directions
restricting the
grant of planning
permission.

(2) The planning authority shall deal with applications for permission to develop to which such directions relate in such manner as to give effect to the terms of the directions.

8. Before granting permission for development affecting main roads, whether unconditionally or subject to conditions, the planning authority shall consult the Chief Technical Director, Ministry of Works (Public Works Department).

Development
affecting main
roads.

9. On referring any application to the Authority under section 12 of the Act, pursuant to a direction in that behalf, the local planning authority shall serve on the applicant notice of the terms of the direction and of any reason given by the Authority for issuing the direction, and such notice shall inform the applicant that the application has been referred to the Authority and shall contain a statement that the Authority will, if the applicant so desires, afford to the applicant an opportunity of appearing before and being heard by a person appointed by the authority for the purpose.

Reference of
Applications to
the Authority

10. (1) Subject to the provisions of this Order, any person who desires to appeal—
(a) against a decision of the planning authority refusing planning permission or granting planning permission subject to conditions; or
(b) against a determination of the planning authority under section 14 of the Act; or
(c) on the failure of the planning authority to give notice of their decision or determination; shall give notice of appeal to the Minister within one month of the receipt of notice of the decision or determination, or of the expiry of the period specified in paragraph 6(7) of this Order, as the case may be, or such longer period as the Minister may at any time allow.

(2) Such person shall also furnish to the Minister a copy of the following documents—

- (i) the application made to the planning authority;
- (ii) all relevant plans, drawings and particulars submitted to them;
- (iii) the notice of the decision or determination, if any;
- (iv) all other relevant correspondence with the planning authority.

11. (1) The planning authority shall keep a register containing the following information in respect of all land within the area to which this Order applies, namely—

- (a) particulars of any application for permission to develop made to them in respect of any such land, including the name and address of the applicant, the date of the application, and brief particulars of the development forming the subject of the application;
- (b) particulars of any direction given under the Act or this Order in respect of the application;
- (c) the decision, if any, of the planning authority in respect of the application and the date of such decision;
- (d) the date and effect of any decision of the Minister on appeal, in respect of the application;
- (e) the date of any subsequent approval given in relation to the application.

Register of
applications.

(2) Such register shall include an index, which shall be in the form of a map unless the Minister approves some other form, for enabling a person to trace any entry in the register.

(3) Such register shall be kept at the office of the planning authority.

(4) Every entry in the register consisting of particulars of an application shall be made within fourteen days of the receipt of such application.

12. (1) Any power conferred by this Order to give a direction or consent shall be construed as including power to cancel or vary the direction by a subsequent direction or, as the case may be, to revoke or modify such consent.

Directions,
consents and
Notices.

(2) Any notice or other document to be served or given under this Order may be served or given in the manner prescribed by section 30 of the Act.

13. (1) Where any land within the area to which this Order applies is to be subdivided into allotments for the purposes of sale, lease or letting or for building purposes, a scheme plan showing the proposed subdivision shall first be prepared and submitted to the local planning authority for approval, before application is made for registration of Land Titles.

(2) Such a scheme plan shall be in accordance with the Local Improvements Act and a person shall therefore not sell or offer or advertise for sale, or build upon, any allotment in any subdivision to which this paragraph applies, or from any proposed road in connection therewith, unless a scheme plan has been previously approved whether conditionally or unconditionally by the Local Authority and the Local Planning Authority.

7. (1) The Minister may give directions restricting the grant of planning permission by the planning authority during such period as may be specified in the directions, in respect of any such development or in respect of development of any such class, as may be so specified.

Directions
restricting the
grant of planning
permission.

(2) The planning authority shall deal with applications for permission to develop to which such directions relate in such manner as to give effect to the terms of the directions.

8. Before granting permission for development affecting main roads, whether unconditionally or subject to conditions, the planning authority shall consult the Chief Technical Director, Ministry of Works (Public Works Department).

Development
affecting main
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Reference of
Applications to
the Authority

10. (1) Subject to the provisions of this Order, any person who desires to appeal—
(a) against a decision of the planning authority refusing planning permission or granting planning permission subject to conditions; or
(b) against a determination of the planning authority under section 14 of the Act; or
(c) on the failure of the planning authority to give notice of their decision or determination; shall give notice of appeal to the Minister within one month of the receipt of notice of the decision or determination, or of the expiry of the period specified in paragraph 6(7) of this Order, as the case may be, or such longer period as the Minister may at any time allow.

(2) Such person shall also furnish to the Minister a copy of the following documents—

- (i) the application made to the planning authority;
- (ii) all relevant plans, drawings and particulars submitted to them;
- (iii) the notice of the decision or determination, if any;
- (iv) all other relevant correspondence with the planning authority.

11. (1) The planning authority shall keep a register containing the following information in respect of all land within the area to which this Order applies, namely—

- (a) particulars of any application for permission to develop made to them in respect of any such land, including the name and address of the applicant, the date of the application, and brief particulars of the development forming the subject of the application;
- (b) particulars of any direction given under the Act or this Order in respect of the application;
- (c) the decision, if any, of the planning authority in respect of the application and the date of such decision;
- (d) the date and effect of any decision of the Minister on appeal, in respect of the application;
- (e) the date of any subsequent approval given in relation to the application.

Register of
applications.

(2) Such register shall include an index, which shall be in the form of a map unless the Minister approves some other form, for enabling a person to trace any entry in the register.

(3) Such register shall be kept at the office of the planning authority.

(4) Every entry in the register consisting of particulars of an application shall be made within fourteen days of the receipt of such application.

12. (1) Any power conferred by this Order to give a direction or consent shall be construed as including power to cancel or vary the direction by a subsequent direction or, as the case may be, to revoke or modify such consent.

Directions,
consents and
Notices.

(2) Any notice or other document to be served or given under this Order may be served or given in the manner prescribed by section 30 of the Act.

13. (1) Where any land within the area to which this Order applies is to be subdivided into allotments for the purposes of sale, lease or letting or for building purposes, a scheme plan showing the proposed subdivision shall first be prepared and submitted to the local planning authority for approval, before application is made for registration of Land Titles.

(2) Such a scheme plan shall be in accordance with the Local Improvements Act and a person shall therefore not sell or offer or advertise for sale, or build upon, any allotment in any subdivision to which this paragraph applies, or from any proposed road in connection therewith, unless a scheme plan has been previously approved whether conditionally or unconditionally by the Local Authority and the Local Planning Authority.

(3) Every scheme plan prepared for the purposes of this paragraph shall be in accordance with the Local Improvements (Westmoreland) Regulations, 1940 and shall show—

- (a) all those lands which are either affected by existing easements or to be affected by easement which are to be created;
- (b) the nature of all easements whether existing or to be created; and
- (c) the relationship of the proposed scheme with adjacent Land and/or development;
- (d) such other particulars as may be required in writing by the local planning authority.

(4) The local planning authority may refuse to approve any scheme plan or may approve the plan either unconditionally or upon or subject to such conditions as they think fit.

(5) Without prejudice to the generality of sub-paragraph (4) of this paragraph the local planning authority may refuse to approve any scheme plan—

- (a) if in their opinion closer subdivision or settlement of the land shown on the scheme plan is not in the public interest or the land for any other reason whatsoever is not suitable for subdivision; or it is premature having regard to the provision of essential engineering and social services.
- (b) if in their opinion adequate provision has not been made for the drainage of any allotment or the disposal of sewage therefrom;
- (c) if in their opinion the subdivision would interfere with or render more difficult or costly the carrying out of any public work or scheme of development which is proposed or contemplated by the Government of Jamaica or any local authority;
- (d) if in their opinion the proposed subdivision does not conform to recognised principles of town planning.
- (e) if in their opinion there is inadequate information given concerning the proposed co-ordination with adjacent land and its development and services.

(6) The local planning authority shall give notice of any conditions upon or subject to which a scheme plan has been approved to the person who made application for the approval of the scheme plan.

(7) In any case where the local planning authority have refused to approve the scheme plan or have approved the scheme plan upon or subject to conditions, the planning authority shall so notify the applicant and he may thereupon appeal to the Minister whose decision shall be final.

(8) Where an appeal under sub-paragraph (7) of this paragraph is made to the Minister, the following persons shall be entitled to be heard, to produce evidence and to put questions to witnesses, namely—

- (a) the local planning authority;
- (b) the owner of the land or interest in the land, to which the appeal relates;
- (c) in any case where a main road is affected, or is likely to be affected, the Chief Technical Director, Ministry of Works (Public Works Department) or his nominee.

(9) For the purpose of this paragraph, the expression "owner", in respect of any land or interest therein, includes an owner thereof, whether beneficially or as a trustee, and mortgagee acting in exercise of the power of sale, and any person whatsoever having power to dispose of the land or interest therein by way of sale; "sale" includes exchange, gift, devise or other disposition affecting the fee simple, and lease for any term (including renewals under the lease) exceeding twenty years and also includes any disposition affecting the leasehold interest under any such lease as aforesaid; "surveyor" has the meaning assigned to it by section 2 of the Land Surveyors Act; and any division of land whether into two or more allotments shall be deemed to be a subdivision of that land for the purpose of sale if at least one of these allotments is intended for sale.

14. The base date for valuations in assessing compensation in relation to this Order shall be one year prior to the date of this Order.

Compensation.

FIRST SCHEDULE

ST. ELIZABETH PARISH DEVELOPMENT AREA

All that area bounded by the parish boundaries to the north, east and west and the coastline to the south.

(Paragraph 1)

USE CLASSES

(Paragraph 3)

his Schedule—
 "shop" means a building used for the carrying on of any retail trade or retail business wherein, the primary purpose is the selling of goods by retail, and without prejudice to the generality of the foregoing includes a building used for the purpose of a hairdresser, undertaker, travel agency, or as the receiving office for goods to be washed, cleaned or repaired, or for any other purposes appropriate to a shopping area, but does not include a building used as funfair, garage, petrol filling station, office or bank.

- | | | |
|-------|----|--|
| Class | 1 | Use as a shop. |
| | 2 | Use as an office or bank. |
| | 3 | Use as a warehouse for any purpose, except storage of offensive or dangerous goods. |
| | 4 | Use as a building for public worship or religious instruction or for the social or recreational activities of the religious body using the building. |
| | 5 | Use as a health centre, a clinic, a creche, a day nursery or a dispensary or use as a consulting room or surgery unattached to the residence of the consultant or practitioner. |
| | 6 | Use as an art gallery (otherwise than for business purposes), a museum, a public hall, a concert hall, an exhibition hall, a social centre or a community centre. unity centre. |
| | 7 | Use as a public hall, a concert hall, an exhibition hall, a social centre or a community centre. |
| | 8 | Use as a theatre, cinema or a music hall. |
| | 9 | Use as a dance hall, a swimming bath, a gymnasium or for indoor games. |
| | 10 | Use as a hotel, motel or apartment house. |
| | 11 | <u>Use as a betting shop.</u> |
| | 12 | <u>Use as a motor car sales lot or showroom.</u> |

THIRD SCHEDULE

PART I

(Paragraph 6 (5))

Notification to be sent to the applicant on receipt of his application

Your application dated has been received and, if on
(insert date) (insert date of expiry of the period under paragraph 6 of the Order)

you have not been given notice by the planning authority of their decision you are entitled to appeal to the Minister in accordance with section 13 of the Town and Country Planning Act, by notice served within one month from that date. You may, however, by agreement in writing with the planning authority extend the period within which the decision of the planning authority is to be given.

PART II

(Paragraph 6 (8) (a))

Notification to be sent to applicant on refusal of planning permission or on the Grant of Permission subject to Conditions (to be endorsed on notices of decision).

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for the proposed development, or to grant permission subject to conditions, he may, by notice served within one month of the receipt of this notice, appeal to the Minister in accordance with section 13 of the Town and Country Planning Act. The Minister has power to allow a longer period for the giving of a Notice of Appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the planning authority in regard to the proposed development are in progress. The Minister is not, however, required to entertain such an appeal if it appears to him that the planning permission for the proposed development could not have been granted by the planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the provisions of section 11 of the Act and of the Development Order and to any directions given in the Order.

2. In certain circumstances provided in section 17 of the Town and Country Planning Act, a claim may be made against the Town and Country Planning Authority for compensation where permission is refused or granted subject to conditions by the Minister on appeal.

FOURTH SCHEDULE

PART I

(Paragraph 4)

The following development is permitted under paragraph 4 of this Order subject to the conditions set out opposite the description of such development in column 2. The references in that column to standard conditions are to the conditions numbered and set out in Part II of this Schedule.

Column 1 Description of Development	Column 2 Conditions
<p>Class I—Development within the curtilage of a dwelling house.</p> <p>1. The enlargement, improvement or other alteration of a dwelling house so long as the cubic content of the original dwelling house (as ascertained by external measurement) is not exceeded by more than one-tenth, subject to a maximum of 4,000 cubic feet, provided that the erection of a garage or stable within the curtilage of the dwelling house shall be treated as the enlargement of the dwelling house for the purposes of this permission.</p> <p>2. The erection, construction or placing and the maintenance, improvement or other alteration within the curtilage of a dwelling house, of any building or enclosure (other than a dwelling, garage or stable) required for a purpose incidental to the enjoyment of the dwelling house as such.</p>	<p>1. The height of such buildings shall not exceed the height of the original dwelling house.</p> <p>2. No part of such building shall project beyond the forwardmost part of the front of the original dwelling house.</p> <p>3. Standard conditions 1 and 2.</p>
<p>Class II—Rural Dwellings</p> <p>1. Where the total floor area of any proposed building or of the existing and proposed buildings on a holding does not exceed 750 sq. ft., planning permission shall not be required if in the opinion of the Local Planning Authority such building or buildings will not be visible from the existing main road or principal Parish Council road or the location of the proposed main road.</p>	<p>1. The height shall not exceed, in the case of a building with a ridged roof, 12 feet, or in any other case 10 feet.</p> <p>2. The total area covered by all such buildings or enclosures shall not exceed 500 sq. ft. and the total area, covered (including the original dwelling house) shall not exceed 50% of the site area.</p> <p>3. Standard conditions 1 and 2.</p>
<p>Class III—Sundry Minor Operations</p> <p>1. The erection or construction of gates, fences, walls or other means of enclosure, not exceeding 4 feet in height where abutting on a highway used by vehicular traffic and the maintenance, improvement or other alteration of any gates, fences, walls or other means of enclosure, <u>but not including land adjacent to the line of high water mark which shall be the subject of a planning application.</u></p> <p>2. The painting of the exterior of any building or work otherwise than for the purpose of advertisements, announcement or direction.</p>	<p>1. No improvement or alteration shall increase the height above the height appropriate for a new means of enclosure.</p> <p>2. Standard conditions 1 and 2.</p>
<p>Class IV—</p> <p>1. Any use of land for agricultural purposes</p>	<p>1 Standard conditions 1 and 2</p>

PART II
STANDARD CONDITIONS

1. The permission shall not authorise any development which involves the formation, laying out or material widening of a means of access to a highway.

2. No development shall be carried out which creates an obstruction to the views of persons using any highway by vehicular traffic at or near any bend, corner, junction or intersection so as to be likely to cause danger to such persons, or obstruct scenic views.

Dated at 2A Manhattan Road, Kingston 5.

WILSON CHONG

Chairman

KEEBLE JOBSON, LESLIE GABAY, R.E. OSBOURNE

This

Members

PERMANENT SECRETARY, Ministry of Mining and Natural Resources,

Member

TOWN AND COUNTRY PLANNING AUTHORITY

ST. ELIZABETH PARISH PROVISIONAL DEVELOPMENT ORDER

GENERAL DESCRIPTION

The intention of this Order is to make provision for the orderly and progressive development of the Parish of St. Elizabeth and to enable the St. Elizabeth Parish Council as local planning authority, to regulate general developments within the entire Parish. No development will be permitted other than with the knowledge and consent of the local planning authority, except as falls within the categories defined in the Fourth Schedule of this Order.

Urban Communities

The principal urban community is the Parish Capital, Black River. The urban communities listed below are those for which Development Plans will be prepared at some time in the future and for which provision of basic infrastructure, social services and amenities will be given priority; local commercial centres are expected to develop in these places and it is important that proper siting and other considerations be observed. All urban type development will be limited to these areas:

- (a) Black River
- (b) Middle Quarters
- (c) Lacovia
- (d) Santa Cruz
- (e) Gutters
- (f) Junction
- (g) Bull Savanna
- (h) Southfield
- (i) Williamsfield

- (j) Malvern
- (k) Mountainside
- (l) Brompton
- (m) Newmarket
- (n) Elderslie
- (o) Maggotty
- (p) Siloah
- (q) Balaclava

Existing recognised boundaries of these townships or such boundaries as the local authority may from time to time determine, will be the boundaries for this purpose.

Mining, Quarrying and Sand Deposits

Widespread and substantial deposits of bauxite occur in certain areas of the Parish, and it is intended that these should not in any way be rendered incapable of extraction as a result of urbanisation.

Any application to the Local Planning Authority for planning permission within any such area shall be referred to the Jamaica Bauxite Institute or any other agency which Government may from time to time designate as the "appropriate agency", and the recommendations made by that agency shall be followed by the Local Planning Authority in determining such an application.

All operations for the extraction of any minerals constitute development and shall be the subject of an application for planning permission in addition to any licences or permissions required under any other Act.

Utilities

In the interest of maximisation of resources, it is intended to encourage growth where Utility Services already exist or where they can economically be provided by extension from the existing; proliferation of development will not be encouraged in circumstances where such development will place excessive strain on Utility Services and Resources.

Agricultural Land

Land of high agricultural potential is to be preserved for productive agricultural use. The gradual intrusion of quasi-agricultural subdivisions onto fertile lands is not to be entertained. Generally, lands of high and moderate capability are to remain in agriculture, except in circumstances which can be justified to the satisfaction of all interested agencies. The views of the Ministry of Agriculture are to be ascertained during consideration of any proposal involving subdivision or change of use of rural lands, and permission to develop will be given only after consultation.

Conservation of Natural Resources

The Natural Resources Conservation Authority has indicated areas which are to be the subject of controlled management of development. These are areas of outstanding landscape beauty, areas of outdoor recreational potential, areas of special scientific interest due to the presence within the area of unique flora or fauna, areas with vulnerable water sheds, areas to be secured for public beaches, national parks, or access along coastlines.

These areas are shown on the accompanying map and no development will be permitted within these areas which would conflict with the policies being followed by the Natural Resources Conservation Authority or such other Authority which the Minister may from time to time nominate.

Beaches

No development will be permitted on land adjacent to the line of high water mark which would preclude public access to and along the coast line or beach where in the opinion of the Local Planning Authority such access is desirable. Applications for permission for such development shall be referred by the Local Planning Authority to the Natural Resources Conservation Authority or other relevant authority where it is desirous of granting permission and shall formally take account of the views given before a decision is made.

Historic Sites and Buildings

St. Elizabeth is rich in relics of the past. Not all are listed as monuments by the Jamaica National Trust Commission, as many are occupied buildings. Those that are listed are as follows:

NAME

LOCATION

1. Parish Church and Monuments at Black River
2. Lacovia Tombstones
3. Ashton House (occupied)
4. Spring Park House (occupied)
5. Black River Police Station
6. Black River Courthouse and Offices
7. Luana House
8. Hodges House

The above Monuments are protected by the provisions of the National Trust Act. Other sites and buildings of historic significance, if likely to be affected by development proposals, will be referred to the National Trust for their recommendations, and permission to develop will be given only after consultation. It is hoped that owners of property on which there are historic relics will restore and preserve them or cause them to be preserved and restored, within a compatible environment and within the context of viable development where this is contemplated. It is expected that in the course of time new public and private programmes for preservation and restoration will be developed. It is in the country's interest to conserve and enhance this inherited resource particularly as it is one which is not diminished by usage.

Sites and buildings of architectural or historic interest are as follows:—

- | | |
|--|--|
| (a) <u>Mt. Charles House</u> | (k) <u>Magdala House in Black River</u> |
| (b) <u>Font Hill House near Fustic Grove</u> | (l) <u>Fullerswood House</u> |
| (c) <u>Grand Vale House</u> | (m) <u>Kilmorey Great House</u> |
| (d) <u>Mount Pleasant House (Hodges Land)</u> | (n) <u>Kilmorey Burial Grounds (Tombs)</u> |
| (e) <u>Lochlyn House</u> | (o) <u>Bruce Hill Great House</u> |
| (f) <u>Hospital grounds House adjoining P.W.D.</u> | (p) <u>King's Great House</u> |
| (g) <u>House in the town on the High Street and main road from Middle Quarters; School Street (list to be obtained from Georgian Society of Ja.)</u> | (q) <u>Blue Hole Great House</u> |
| | (r) <u>Dalimtober Great House</u> |
| (h) <u>Tomb of Shakespeare on Hodges Land</u> | (s) <u>Friendship Great House</u> |
| (i) <u>Tombs of Vassal Family at Hodges Pen</u> | (t) <u>Brae Mar Great House</u> |
| (j) <u>Tomb of Spencer Churchill</u> | (u) <u>Hermitage Great House</u> |
| | (v) <u>Stanmore Great House</u> |
| | (w) <u>Sterling Great House</u> |

Notwithstanding the provisions of any law none of the above buildings may be demolished or altered without the consent of the Local Planning Authority. The Local Planning Authority may add to this by resolution of the Council from time to time.

Notwithstanding the provisions of any law none of the above buildings or sites may be demolished or altered without the consent of the Local Planning Authority.

Commercial Development in Rural Areas

Commercial premises shall provide within their own curtilage adequate car parking spaces for their own staff and a reasonable proportion for patrons, and provision of loading and unloading shall be provided at the side or rear of the premises so that no parked or temporarily halted vehicles shall be on the road reserved to impede or endanger traffic. The places where buses and trucks pick up or put down passengers and their goods shall be located only where there is adequate space out of the line of traffic for the vehicle and the intending passengers and their goods, where there is good visibility in both directions for an adequate distance to prevent danger to persons and vehicles. For the greater convenience of customers, wherever possible shops should be grouped rather than located haphazardly.

Main road improvements

The following improvements have been approved or recommended and will be carried out in due course by the appropriate Road Authority

1. Gutters—Pepper
2. Leeds—Malvern
3. Maggotty—Balaclava
4. Braes River—Elim—Barton Isle
5. Luana—Middle Quarters
6. Santa Cruz—Wilton
7. Maggotty—Lacovia

The routes of these improvements will be protected and no development will be permitted which could obstruct or cause greater expense to Government.

Landscape and amenity

In order to avoid the monotony often resulting from works of a practical nature it is suggested that in the case of road reserves where space allows, good clumps of trees, shrubs and boulders be allowed to remain and where the surrounding landscape is particularly devoid of interest, that the road reserve be landscaped so as to enhance the view and provide visual relief to the traveller.

Advertisements will not be permitted in any area of landscape interest, other than signs, which should be scaled to the likely speed of travel. In areas where there are outstanding views no structure, be it building, wall or fence should be permitted which obscures the view from any point along the highway. No development shall be permitted before this aspect has been examined by and recommended on competent judgement to the local planning authority. In any road works, consideration should be given to the cutting of banks at a suitable level above the roadway to provide satisfactory pedestrian ways.

Advertisements

As defined in the Town and Country Planning Act, "advertisement means any word, letter, model, sign, placard, board, notice, device or representation whether illuminated or not, in the nature of and employed wholly or in part for the purpose of advertisement, announcement, or direction, and, without prejudice to the foregoing provision, includes any hoarding or similar structure used or adapted for use for the display of advertisements, and reference to the display of advertisements shall be construed accordingly." For the purposes of this Order, and pending the issue of advertisement regulations, erection of a structure of any type excepting as provided for in the Fourth Schedule constitutes development for which planning permission will be required, so that all hoardings as structures will require planning permission; and the painting of any word or message on any structure including a building is likewise prohibited without planning permission.

For the purposes of advertisement control regulations there are to be three zones of control:

- Zone 1. Shall comprise all areas of landscape beauty, scientific interest and agricultural land shown on the maps accompanying this Order.
All monuments listed by the Jamaica National Trust and all that area surrounding such monuments within 100 yards measured from the centre of such monuments and/or within such distances as determined by the Local Planning Authority and/or the Authority and/or the Jamaica National Trust Commission.
All sites and buildings of agricultural or historic interest and all that area surrounding such sites and buildings within 10 yards measured on plan and elevation from the outer extremities.
All land within 50 yards on either side of a main road.
- Zone 2. All areas other than land included in Zone 1 and Zone 3.
- Zone 3. All land with such urban boundaries as are recognised by the local authority.

Subdivisions

In considering applications to subdivide land, regard will be had for the nature and character of adjoining development. Development will generally be required to conform to the standards of amenity already established in any area and departure will be permitted only on the merits of the case. It will be necessary to prescribe the character and type of services and other works which shall be undertaken by the applicant as a condition of the grant of permission to subdivide. It will also be necessary to co-ordinate the subdivision of contiguous properties in order to integrate existing and future services and circulation. The convenience, amenity and safety of the community is to be the paramount consideration. In order to meet the community needs of the neighbourhood or district, land of appropriate dimensions and shape, slope and location is to be set aside within residential subdivisions. These reservations shall be at the minimum rate of 2½ acres per one hundred lots or residential units of any kind, and shall be suitable for educational, recreational or other government needs.

In the case of very large subdivisions, regard will be had to the pace of development in the area, the number of undeveloped lots in the general area and the likely rate of their absorption. Dependent on these factors, a programme of phasing and "seeding" will be indicated by the local planning authority. ("Seeding" means building or causing to be built a number of dwelling units as a ratio of lots in a phase). Outline permission only for subsequent phases will be given until such time as conditions of performance on approved phase(s) have been met. Separate application for each phase will be required.

Large scale urban style subdivisions in the rural areas will not be considered unless the proposers can satisfy the local planning authority that such development is in no way premature in terms of local demand; and that the developer can provide all required Utility Services without making any demands whatever on the local authority or other Government agencies; and that the developer will build or cause to be built within the proposed development site a specified number of dwelling units (expressed as a ratio of dwelling units to lots), which ratio is to be determined by the local planning authority.

Plot coverage in residential subdivisions should not exceed 50% of the site area for detached dwellings. In the case of clusters of residential development and apartment buildings, coverage will be considered on its merits to the satisfaction of the local planning authority. The lot should be capable of accommodating required parking space per dwelling unit in accordance with the requirements under Appendix I. Position of access from the street is to be regulated by the local planning authority. Commercial and industrial subdivisions will be confined to their respective zones where such are determined. In unzoned areas, applications will be dealt with on their merits.

Utility Lines

Power and telephone lines should be installed underground in new areas of development wherever possible. In areas of great visual significance this may be required as a condition of approval for development.

Building and other structures

The provision and siting of community facilities, the layout of building areas, including density, spacing, grouping and orientation will be considered in dealing with applications to develop. The size, height, colour, and finishing materials for buildings or other structures, the objects which may be affixed to structures, the layout and site coverage of buildings and the use to which land or buildings are to be put will be subject to control by the local planning authority in order to improve standards of design and amenity.

Major Developments and Amenity

This Order is concerned with the regulation of any major development that may be introduced into the rural areas of the Parish and to provide a framework within which it may be examined. It also aims to preserve the amenities of these areas and to ensure that these be not violated without the opportunity for the Parish Council as planning authority to exercise control.

Felling or limbing of trees adjacent to main roads by any person or agency will not be freely permitted and such operations should not be undertaken except with the prior knowledge and consent of the local authority.

Quarrying, dumping, mining, grading, levelling, dredging and filling of land and the running of utility lines, pipes and conveyor systems, constituting development, require planning permission from the local authority, on the advice of appropriate authorities or agencies.

Main Roads

Main road reservations must be preserved in every case. Under paragraph 8 of this Order, the local planning authority will consult with the Chief Technical Director, P.W.D., Ministry of Works in relation to development affecting main roads. Consultation by either the applicant or the planning authority with the Chief Technical Director, P.W.D., Ministry of Works does not absolve either from their respective requirements under the Main Roads Act or under this Order. Generally, set back from the road improvement line will be a minimum of 20 feet for all categories of land use except where the terrain does not allow.

Secondary Roads

Secondary main roads and parochial roads require reservations of 50 feet and 40 feet respectively, (i.e. 25 feet and 20 feet respectively from the centre line of existing roads) where no improvement lines are indicated, as a general guide line. However, the appropriate road authority shall determine the proper improvement line. No fence, wall or other structure will be permitted within these limits.

Building lines are to be set back appropriately and, except where terrain does not permit, no habitable structure may be built within 45 feet of the centre line of a secondary main road nor within 40 feet of the centre line of a parochial road. Utility lines and installations within secondary road reserves require planning permission.

Splaying of corners and visibility lines

Corners of lots at intersections are to be splayed or rounded to facilitate visibility to the satisfaction of the road authority concerned. Building lines or fence lines may be required to be set back in a taper where the land adjoins a main road at an intersection, bend or corner.

Standard of new roads and improvements to existing roads are shown on the following Schedule (Roads are in four classes).

- (a) Service Roads: These are used for direct access to individual lots within a residential area or for access to commercial premises.
- (b) Estate Roads: These are intermediate collector roads for traffic generated by service roads.
- (c) Main Estate Roads: These are the main roads within a residential area, and would normally be used as bus routes or as denser traffic routes through residential areas.
- (d) Main Roads: These are the main roads normally through and linking towns.

SCHEDULE OF ROAD STANDARDS

(all measurements in feet—minimum)

Type of Road	Total Reservation	Carriage-ways	Side Reservations (each side)			Special Requirements
			Total	Paved	Planted	
(a) Service Roads short <i>culs-de-sac</i>	30	..	7	4	3	Requirements for reservation, carriageways, paving and planting may be varied by the appropriate Road Authority depending on circumstances.
(b) Estate Roads	40	20	10	4	6	Requirements for reservations, paving and planting may be varied by the appropriate Road Authority depending on circumstances.
(c) Main Estate Roads	50	30	10	4	6	Requirements for reservations, paving and planting may be varied by the appropriate Road Authority depending on circumstances.
(d) Main Roads	100	(2) 24 (dual)	See Special Requirements			(2) 8' shoulders and a median strip, or such requirements as the appropriate Road Authority may consider adequate.
(e) Main Roads (where standards of (d) are not required)	75	24	See Special Requirements			(2) 8' shoulders, or such requirements as the appropriate Road Authority may consider adequate.

Petrol Filling Stations

Petrol Filling Stations are considered under the Town and Country Planning Petrol Filling Station (St. Elizabeth) Provisional Development Order, 1965. However, the provisions of this Order will be considered if material to application for development of Petrol Filling Stations. Generally they will be confined to established commercial areas for the greater convenience of users. Control over appearance will be exercised so as to minimise the effect on the natural environment, with the exception of standard trade signs for recognition.

APPENDIX I

The Local Planning Authority hereby formally adopts the standards for development laid down in the provisional "Manual for Development" issued by the Town Planning Division of the Ministry of Mining and Natural Resources. All applications for Planning permission should conform to the General and the Detailed requirements contained in this Manual.

APPENDIX II

STATEMENT OF INTENDED RELATION OF USES TO THE ZONES SHOWN IN THE DEVELOPMENT AREA

Zone	Betting Shop	Shops	Offices	Industry	Warehouses	Churches, etc.	Health Centres, etc.	Halls, etc.	Cinemas, etc.	Petrol Filling Stations	Hotels, etc.	Residences	Clubs, Bars	Motor Car Showroom, etc.
Main Communities	1	1	2	2	2	1	1	1	2	2	1	1	2	1
Open space and Natural Conservation Areas	3	3	3	3	3	3	3	3	3	2	2	2	2	3
Unzoned Areas	Applications to be given individual consideration.													

Normally Permitted	..	..	..	1
Permitted in certain cases	..	..	..	2
Not normally permitted	..	..	..	3

Without prejudice to any proposals included in the Order, the right is reserved to provide for additional requirements arising out of future subdivision and development.