

No. 41B

**THE GUN COURT ACT****THE GUN COURT (APPOINTMENT OF PLACE OF SITTING) (NO. 25) ORDER, 1982**

In exercise of the powers conferred upon the Chief Justice by section 7 of the Gun Court Act, the following Order is hereby made:—

1. This Order may be cited as the Gun Court (Appointment of Place of Sitting) (No. 25) Order, 1982.
2. The Court House situate at Port Maria in the parish of Saint Mary is hereby appointed to be a place for the holding of a sitting of the High Court Division of the Gun Court for the purpose of the trial of the cases of the Queen against Barrington Hall and Michael Chualier during the week commencing 14th June, 1982, or at any time thereafter as may be fixed by the Judge.

Dated the 7th day of May, 1982.

(Sgd.) E. ZACCA,  
Actg. Chief Justice.

No. A/82

No. 41c

**THE TOWN AND COUNTRY PLANNING ACT****THE TOWN AND COUNTRY PLANNING (ST. JAMES PARISH) PROVISIONAL DEVELOPMENT ORDER (CONFIRMATION) NOTIFICATION, 1982**

In exercise of the power conferred upon the Minister by section 7 (2) 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 (St. James Parish) Provisional Development Order (Confirmation) Notification, 1982.
2. The Town and Country Planning (St. James (Parish) Provisional Development Order, 1978, is hereby confirmed with the modifications incorporated therein and set out in the Schedule hereto.

**SCHEDULE**

- (a) Paragraph 6 (1) (b) of the Provisional Development Order has been amended by deleting therefrom the words "not exceeding ten."
- (b) Paragraph 8 of the Provisional Development Order has been amended in the following respects—
  - (i) by deleting from sub-paragraph (1) (d) the words "within 100 yards from" and substituting therefor the words "adjacent to";
  - (ii) by deleting from sub-paragraph (1) (e) the words "Beach Authority" and substituting therefor the words "Natural Resources Conservation Authority";
  - (iii) by adding immediately after the words "consultation area" in sub-paragraph (1) (e) the words "the Commissioner of Mines," and by deleting the word "such" and substituting therefor the words "statutory or controlling";
  - (iv) by deleting from sub-paragraph (1) (h) the word "government" and by adding immediately after the word "agency" the words "(public or private)";

- (v) by renumbering sub-paragraph (2) as sub-paragraph (3) and
- (vi) by inserting the following as sub-paragraph (2)—

“ (2) The local planning authority shall—

- (a) before granting permission for any development whether unconditionally or subject to conditions; or
- (b) before undertaking any development on its own behalf,

consult with the Government Town Planner and shall take into account any representation made by the Government Town Planner.”.

- (c) Sub-paragraph (1) of paragraph 10 of the Provisional Development Order has been deleted and the following substituted therefor—

“ (1) Subject to the provisions of this Order, a person may appeal—

- (a) against a decision of the local planning authority refusing planning permission or granting planning permission subject to conditions; or
- (b) against a determination of the local planning authority under section 14 of the Act; or
- (c) against the failure of the local planning authority to give notice of its decision or determination; or
- (d) against the refusal of a local planning authority to approve details which were reserved when an outline planning permission was given or against an approval of the details subject to conditions,

by giving notice of such appeal to the Minister within one month of the date of receipt of notice of the decision or determination, or of the expiry of the period specified in paragraph 6 (8), as the case may be, or within such longer period as the Minister may at any time allow.”.

- (d) Paragraph 14 of the Provisional Development Order has been deleted and the following substituted therefor—

“Revocation and Savings. 14. The Town and Country Planning (St. James Coast) Development Order, 1964, and the Town and Country Planning (Montego Bay) Development Order, 1964, are hereby revoked, but without prejudice to any permission granted or determination made thereunder.”.

- (e) The section of the Provisional Development Order headed “Statements” has been amended in the following respects—

- (i) by deleting from the paragraph under sub-head “Advertisements” the words “so far as it appears to be expedient in the interest of amenity and public safety” and substituting therefor the words “in accordance with the Town and Country Planning (Control of Advertisements) Regulations, 1978”;
- (ii) by deleting from the second paragraph under sub-head “Historic Sites and Buildings” the words “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”

and substituting therefor the words "The above monuments are protected by the provisions of the Jamaica National Trust Act. Other sites and buildings of historic significance, if likely to be affected by development proposals, will be referred to the Jamaica National Trust Commission";

- (iii) by adding at the end of the paragraph under sub-head "Historic Sites and Buildings" immediately after the words "21. Old Maroon Barracks; Stockdale Hospital" the words "22. Old Sugar Factory; Gayle Valley" and the words "23. Cave; Windsor Lodge.";
- (iv) by deleting from the first two paragraphs under sub-head "Beaches" the words "Beach Control Authority" and substituting therefor the words "National Resources Conservation Authority";
- (v) by deleting sub-paragraph (iv) under sub-head "Beaches" and renumbering sub-paragraphs "(v), (vi), (vii) and (viii) as sub-paragraphs "(iv), (v), (vi) and (vii)" respectively;
- (vi) by deleting the provisions set out under sub-head "Communities (Urban)" and substituting therefor the following—

*"Montego Bay*

The principal urban community is the Parish Capital, Montego Bay. It is the second largest urban centre in Jamaica and also ranks second as an area of concentrated population growth. Although it is a major commercial centre, tourism has dominated its economy for many years. As such, Montego Bay presents unique planning requirements which have to be considered with utmost care by relevant planning agencies to ensure the efficient functioning of the city and without destroying its unique features. The proposed Land-Use Map (Map 2) attached hereto together with the Statement of Intended Relation of Uses provide direction for the orderly and progressive development of the town. Further details are given in the Montego Bay Development Plan 1978 which was prepared by the Town Planning Department in consultation with the St. James Parish Council.

The Urban communities listed below are those for which Development Plans will be prepared at some time in the future and for which 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.

- (a) Rose Hall
- (b) Anchovy
- (c) John's Hall
- (d) Maroon Town
- (e) Adelphi
- (f) Cambridge
- (g) Somerton
- (h) Catadupa

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

Within these townships and the Montego Bay urban area, applications and plans for all development will be required to be submitted to the local planning authority for approval.”;

- (vii) by deleting the provisions set out under sub-head “Conservation Area” and substituting therefor the following—

“ Conservation, or wise use, should be practised everywhere. Areas of particular concern have been indicated on the attached Map I of the parish and described under the following headings:

(a) Special Conservation Areas:

- (i) Forest resources
- (ii) Selected biological and/or recreational values
- (iii) National parks
- (iv) Scenic areas.

(b) Special Conservation Problems:

- (i) Coastal erosion
- (ii) Pollution
- (iii) Sand deposits and quarries.

(a) Special Conservation Areas:

(i) Forest reserves:

Forest reserves containing natural or near-natural forest are of great wildlife value, because by law no birds within the boundaries may be hunted, and any use of the plant life is subject to Government regulation.

(ii) Selected biological and/or recreational values:

In all cases, it is desirable to maintain remnant native forest in their present relatively undisturbed condition, in order to preserve the last of Jamaica's natural heritage. There are several such valuable tracts—not forest reserves—in the hills overlooking Montego Bay and other farther inland which consists of, or partly overlap with, formally designated forest reserves. For scenic value, outdoor recreation, watershed protection, wildlife preservation and scientific study, these tracts must be cherished as they are, with minimal options for any development that would fundamentally alter their present ecological status and function.

Similarly, wetland areas and marine resources—notably the coral reefs—must be kept from destruction. These areas are the chief sources of nourishment and shelter for fish, and the foundation of Jamaica's commercial fishery. They also constitute a first-rate wildlife attraction that still remains virtually unexploited.

Caves represent yet another smaller-scale ecosystem of great potential visitor-appeal and are to be subject to strict development control.

A list of such caves is available from the Town Planning Department and the Natural Resources Conservation Department.

(iii) National Parks:

National Parks have been designated for those areas of the island which are large enough to embody a good measure of the above values of rare or representative biophysical interest, productivity, watershed protection, outstanding natural beauty and outdoor recreation. This last value should be the main reason for any future development which takes place within areas designated as National Parks—in this parish, namely (1) the inshore waters and sea floor along about eight miles of the coast adjoining Montego Bay (including a proposed Fish Sanctuary and an already described Protected Area); and (2) the south eastern corner of the parish that forms a natural extension from Trelawny and St. Elizabeth of the designated Cockpit Country National Park. Private conservation areas approved by the appropriate authority may be included under the provisions of this section on application. No development may take place within such areas and areas designated for special conservation without the prior knowledge and consent of the local planning authority and the Natural Resources Conservation Authority in consultation with such other authorities as may be considered appropriate by Government. Such development includes construction of new roads (particularly damaging in hitherto inaccessible areas), extractive industries and settlements.

(iv) Scenic Areas.”.

(viii) by deleting the sub-head “Marine Areas” and substituting therefor the sub-head “Special Conservation Problems” and by deleting from the provisions under the sub-head the words “Beach Control” and substituting therefor the words “Natural Resources Conservation”.

(f) The Second Schedule to the Provisional Development Order has been amended by deleting the words “Class 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” and substituting therefor the words “Class 6 Use as an art gallery (otherwise than for business purposes) or a museum”.

Dated at Kingston this 8th day of May, 1982.

E. P. G. SEAGA,  
Minister of Finance and Planning.

No. 929/05



THE  
**JAMAICA GAZETTE**  
**SUPPLEMENT**

PROCLAMATIONS, RULES AND REGULATIONS

218A

Vol. CI

TUESDAY, OCTOBER 3, 1978

No. 55A

No. 131A

**THE TOWN AND COUNTRY PLANNING ACT**

**THE TOWN AND COUNTRY PLANNING (ST. JAMES PARISH) PROVISIONAL DEVELOPMENT ORDER, 1978**

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. James hereby made:

1. This Order may be cited as the Town and Country Planning (St. James Parish) Provisional Development Order, 1978 and shall apply to the area described in the First Schedule to this Order and delineated on the Map attached hereto.

Citation  
and  
application.  
First  
Schedule.

2. In this Order—

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

"the Authority" 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;



"development plan" means any local, urban, rural, regional or national plan including any accompanying statements, diagrams, maps, charts, approved in relation to this Order;

"Local 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;

"mineral consultation area" means any land that is held or occupied under a mining lease, licence or other instrument issued under the Mining Act and includes land reserved for mining operations and lands known to have significant mineral deposits or showings;

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

"outline application" means one made in accordance with the provisions of this development order with the reservation for subsequent approval by the local planning authority of certain reserve matters not particularised in the application; and

"outline permission" means permission given on this application;

"planning decision" means a decision made on an application for permission to develop land under Part III of the Act;

"planning permission" has the meaning assigned to it by Section 2 of the Act;

"quarry" has the meaning assigned to it by the Quarries Act;

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 buildings or other land for any purposes of the same class shall not be deemed for the purpose of the Act to involve development of land

(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.

(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 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;

Use  
Classes,  
Second  
Schedule.

Permitted  
Develop-  
ment,  
Fourth  
Schedule.

Prohibition  
of  
Development.



Provided that the local 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) Every 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—

Applications.

(a) a plan sufficient to identify the land to which the application relates; and

(b) 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, of the form, plans and drawings,

as may be required by the directions of the local planning authority and printed on the form.

(2) An applicant who without reasonable excuse fails to give such further information requested of him within thirty (30) days from the date of the receipt of the said request or such longer period as the local planning authority may think adequate in the circumstances shall be deemed to have abandoned the said application.

(3) Where an applicant so desires, an application expressed to be an outline application may be made under sub-clause (1) of this clause 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 building, 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 clause on an outline application and the approval of the local planning authority shall be required with respect to the matters reserved in the planning permission before any development is commenced;

(b) where the local planning authority is 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—

(i) 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

- (ii) appeal to the Minister under section 13 of the Act 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.

(4) Every application for an approval required by virtue of proviso (a) to sub-clause 3 of this clause 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 for planning permission.

(5) Every application to the local planning authority for a determination under section 14 of the Act 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.

(6) 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.

Third  
Schedule.

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

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

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

(a) Where the local 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 terms) set out in Part II of the Third Schedule hereto;

Third  
Schedule.

(b) in the case of an application for a determination (whether forming part of an application for planning permission or not) where the local 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.

(10) The local 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 local planning authority under this clause including information as to the manner in which any such applications have been dealt with.

7. (1) The Minister may give directions restricting the grant of planning permission by the local 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  
grant of  
planning  
permission.

(2) The local 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. (1) Before granting planning permission for development or granting any approval in respect of matters reserved in a permission granted on an outline application Clause 6 (3) in any of the following cases, whether unconditionally or subject to conditions, a local planning authority shall consult with the following authorities or persons, namely:—

Development  
affecting  
main roads  
etc.

- (a) where it appears to the local planning authority that the development is likely to affect land in the area of any neighbouring local planning authority, with that authority;
- (b) where it appears to the local planning authority that the development involves—
  - (i) any engineering or other works in connection with the formation, laying out, grading or drainage of any access road;
  - (ii) any works which may affect the service of water drainage of in or outside the land to which the application relates and in particular any works affecting or likely to affect any natural water course;
  - (iii) such material increase in traffic that the town planning and traffic engineering considerations cannot be considered in isolation from the detailed engineering implications of any such development;  
with the Chief Technical Director for the purpose of the Main Road Act;
- (c) where the development involves the change of use of any land exceeding five acres in area used or previously used or capable of being used for agriculture other than land specified for some other purpose in a development plan, with the Ministry of Agriculture and the Land Development Utilization Commission or any other government agency exercising such functions;
- (d) where the development is of land which is situated within 100 yards from any national monument or any historic site

and building having particular beauty or having archaeological and architectural significance with the Jamaica National Trust Commission by virtue of the National Trust Act;

(e) where the development is situated on land adjoining the sea-shore, the Beach Authority by virtue of the Beach Control Act and Regulations made thereunder;

(f) where the development consists of or includes: —

(i) the carrying out of works or operations in the bed or on the banks of a river or stream;

(ii) the carrying out of a building or other operations or use of land for the purpose of refining or storing mineral oils and their derivatives;

(iii) the carrying out of building or other operations or use of land for the retention treatment or disposal of sewage, tradewaste or sludge;

with every government agency exercising controlling functions and with the Ministry of Health and Environmental Control;

(g) where the development is of land which is situated in any mineral consultation area, the Jamaica Bauxite Institute and the Ministry of Mining or any other government agency exercising such functions;

(h) any other government agency as may be requested by the Authority.

(2) The local planning authority shall give to any government agency, authority, person or body with whom they are required to consult as aforesaid, not less than thirty days notice that an application is to be taken into consideration and shall, in determining the application, take into account any representation made by such government agency, authority, person or body.

Reference  
of  
applications  
to the  
Authority.

9. (1) 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.

(2) All applications seeking planning permission involving:

(a) mining operations and any other development in mineral consultation areas; or

(b) involving the development of land as a quarry;

shall be referred by the local planning authority to the authority which will request of the applicants such information as is necessary to deal with the applications and the provisions of clause 8 shall apply

10. (1) Subject to the provisions of this Order, any person who desires to appeal—

- (a) against a decision of the local planning authority refusing planning permission or granting planning permission subject to conditions; or
- (b) against a determination of the local planning authority under Appeals section 14 of the Act; or
- (c) on the failure of the local planning authority to give notice of their decision or determination; or
- (d) against the refusal of a local planning authority to approve details which were reserved when an outline planning permission was given, or against their decision approving the details subject to conditions.

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

- (i) the application made to the local 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 local planning authority.

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

- (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 local 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.

(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 local 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.

Directions  
consents  
and  
notices.

12. (1) Any power conferred by this Order to give 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.

(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.

Compensa-  
tion.

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

Revocation  
and  
Savings.

14. The Town and Country Planning (St. James Coast) Development Order 1964 is hereby revoked, but without prejudice to any permission granted or determination made thereunder.

#### STATEMENTS

##### (1) *Advertisements*

The display of advertisements will be controlled so far as it appears to be expedient in the interest of amenity and public safety, hoardings or similar structure used or adopted for the display of advertisements or other public notices constitutes development for which planning permission will be required.

##### (2) *Agreements*

The Authority may regulate and make agreements with a local authority or with owners and other persons and by a local authority with such persons and by such persons with one another for the purpose of achieving any or all of the objects of the development order. Such agreements may include among other things:

- (a) Agreements between the Authority and the local authority or with owners and other persons for the establishment of such amenities as markets, water supply system and sewerage system.
- (b) Agreements regulating either permanent or temporary use of land.
- (c) Agreements between a local authority and such persons and by such persons with one another for the establishment and reservation of land for public purposes for the execution of works the subject of planning permission.

##### (3) *Agricultural Land*

Land of agricultural potential is to be preserved for productive agricultural use and the intrusion of development involving these lands will be severely restricted.

##### (4) *Amenities*

All development should provide for such amenities as the local planning authority deems necessary in the given circumstances. Due regard would be had for:—

- (a) the reservation of land for public or private open spaces;
- (b) reservation of land for burial ground and crematoria;
- (c) reservation of land for game and bird sanctuaries and for the protection of marine life;

- (d) the preservation of historic sites and buildings of artistic, architectural and archaeological interest.

*(i) Historic Sites and Buildings*

St. James was one of the main sugar producing northern parishes and many of its relics have their origin in the plantation and in the port of Montego Bay. The following buildings have been listed by the Jamaica National Trust Commission as National Monuments.

- (a) The Parish Church and Monuments, Montego Bay;
- (b) The Court House, Parade, Montego Bay (damaged by fire, 1968);
- (c) The Dome, Dome and Creek Streets corner, Montego Bay;
- (d) The Cage, Parade, Montego Bay;
- (e) The Fort and Cannon, Montego Bay;
- (f) The Old Slave Ring, Union Street, Montego Bay;
- (g) Roehampton Great House;
- (h) Greenwood Great House;
- (i) Parish Pillars, Trelawny border;
- (j) Flour Hill Columns (remains of a sugar mill);

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.

The lists of sites and buildings which follow are those of particular beauty or having historic, archaeological or architectural significance. They are not a complete inventory of all significant sites and structures in the parish but give an indication of what should be preserved in the carrying out of permitted development works and, in the absence of intended development, to be conserved. The local planning authority may, after consultation with the Jamaica National Trust Commission and on the advice or direction of the Authority, add to these lists from time to time. Should any item cease to exist the local planning authority may after consultation with the Trust and the Authority and with the express consent of the Authority, remove such items from the list.

*In Montego Bay Area:*

- 1. The Town House, 16 Church Street, (used as restaurant and offices);
- 2. The Round House, Union Street and 6 Corner Lane (restaurant);
- 3. 7 Dome Street. (restaurant);
- 4. 1 King Street (offices);
- 5. Eldermire House, Harbour Street, 3 Corner Lane;



6. 48 Market Street, (funeral parlour);
  7. Hilton House, Market Street;
  8. 10 Dome Street;
  9. 49 Church Street;
  10. 19 Water Lane;
  11. 4A East Street;
  12. Original Buildings, Police Station, Barnett Street;
  13. Grove Hill House;
  14. Richmond Hill Hotel;
  15. Barracks School, P.W.D. Compound;
  16. Sam Sharpe's Grave beneath the pulpit of the Burchell Baptist Church;
  17. Fire Brigade Parade Ground, Barnett Street (archaeological site);
  18. Appleton Hall, Brandon Hill;
  19. Remains of Fletcher Building Complex, Harbour Street;
  20. Armoury (powder magazine) Upper Deck Hotel complex;
  21. Bridge Abutments, Westgate, over the Montego River;
  22. Spanish Tower and ruined tower, Flankers;
  23. Ironshore sugar works (restored and in use)
  24. Fairfield Hotel main building;
  25. Stirling, Reading;
  26. Great House ruin above Reading (adjoining "Drambuie");
  27. Wharf House, Reading;
  28. Retirement Great House and Farmstead Complex;
  29. Old Mule Mill and Stockade, Bellfield, Barnett Estate.
- In St. James other than in the Montego Bay Area:
1. Barrett Hall;
  2. Rose Hall Great House and Tombs in Garden;
  3. Old Factory and Distillery, Spring, Rose Hall;
  4. Old Rum Mill and Aqueduct, Little River;
  5. Cinnamon Hill Great House;
  6. Barrett Cemetery, Cinnamon Hill;
  7. Trash House Columns, Cinnamon Hill;
  8. Aqueduct, Cinnamon Hill;
  9. Lethe Bridge over Great River;

In St. James other than in the Montego Bay Area, *contd.*

10. Spring Garden House and Old Works;
11. Sign Great House;
12. Irwin Hill Moravian Church;
13. Salters Hill Baptist Church;
14. Water Wheel at Hazelnymph and associated ruins;
15. Lapland House, Catadupa;
16. Phoenix Great House;
17. Montpelier Great House ruin and overseers house;
18. Hampden Great House;
19. Great House, Canaan adjoining Hampden;
20. Kirkpatrick Great House, Orange;
21. Old Maroon Town Barracks, Stockade Hospital.

(5.) *Beaches*

No developments will be permitted on land adjacent to the line of high water mark which would preclude public access to and along the foreshore. The local planning authority in considering any development involving beaches will give due consideration to the views of the Beach Control Authority or any other agency performing that function.

The coastline of St. James is 27½ miles in length, including all the more extensive bays and promontories. Of this, 13 miles is unusable for recreation. Beach Control Authority has secured about one and a third miles of foreshore lands for public fishing and bathing beaches, which are listed below. The bathing beaches are vested in the St. James Parish Council while the combined fishing and bathing beaches are the responsibility of the Fisheries Division of the Ministry of Agriculture and of the Parish Council respectively. The fishing beaches are operated by the Fisheries Division on behalf of co-operatives and groups of fishermen.

(i) Schedule of Beaches along the coast of St. James

Great River Bay	Fishing
Rum Bottle Cove	Fishing
Spring Garden	Bathing, Seaside Park
Blairgowrie	Fishing/Bathing
Montego Freeport	Bathing/Seaside Park
River Bay/Barnett River	Bathing
Montego Bay	Fishing Complex
Close Harbour	U.D.C. Bathing
Walter Fletcher	U.D.C. Commercial Bathing
Gunpoint	U.D.C. Bathing
Doctor's Cave Club	Commercial Bathing
Cornwall	Commercial Bathing (Jamaica Tourist Board)

(i) Schedule of Beaches along the coast of St. James, *contd*

Sunset	Bathing (Parish Council)
Whitehouse	Fishing
Providence Pen	Bathing (Parish Council)
Trans-Caribbean	Commercial Bathing
Ironshore	Commercial Bathing
Mahoe Bay	Commercial Bathing
Mahoe Bay	Fishing/Bathing and Seaside Park
Coral Gardens	Bathing (Parish Council)
Rose Hall	Bathing
Rose Hall	Fishing Marina
Success Farm	Fishing/Bathing/Seaside Park
Lily's Rock	Seaside Park
Barrett Hall	Fishing/Bathing
Long Bay	Fishing
Greenwood	Bathing

These beaches occupy 10,635 feet of sea frontage approximately 2 miles.

## (ii) Beach Proposals

Since only one-third of the hotels in the vicinity of Montego Bay have sea frontages, it can be seen that the development of tourism demands more public beaches in as many locations as possible. The rapidly growing local population also requires additional provision for recreation. It is not proposed to make separate provision so these two demands are actually one. The solution partly lies in the creation of three large beaches (Gunpoint, Fortress and Close Harbour) in the reclamation scheme in Meagre Bay. These total 3,000 feet of sea frontage. The land being created is designated for new hotels and other resort developments by which some thousands of hotel rooms are to be added. The pressure for recreation beaches from this source alone will be acute and the beaches onto which the new structures with front will have to support use from other sources as well. Consequently, total future demand requires that further beaches be secured for public use.

## (iii) Areas within which beaches are to be secured are:

- (a) The stretch of coast generally referred to as Airport Beaches between Montego Bay Point and Whitehouse Village.
- (b) The stretch between Providence Pen Public Bathing Beach and Lousy Point
- (c) The stretch between Lousy Point and Holiday Inn
- (d) The stretch between Rose Hall Lotholders Beach and Inter-Continental Hotel.
- (e) The stretch thence to the Trelawny border.

The stretches mentioned under a, b and c are particularly important for the resident and visiting population of Montego Bay and with creation of sandy beach where now absent, these will add considerably to the local inventory of beaches.

In the stretches farther east under d and e, there are many small natural beaches on which the public has prescriptive rights by reason of their immediate access from the main road along the coast. Stretches of this road will be retained so as to perpetuate the current access.

(iv) South of the town of Montego Bay and to the boundary with Montego Freeport the coast is being altered by a degree of fill and by relocation of the Montego River. Training dykes will attract the deposition of material. By fill or accretion beaches will be created for fishermen in the vicinity of the Railway lands, and, fronting the proposed municipal park and playfield, a bathing beach of 450 feet sea frontage is to serve the estimated eventual population of 30,000 landward of it, in the Catherine Hall Housing Scheme. South of this again and lying between the new mouth of the Montego River and stretching to the boundary with Freeport, another beach of 600 feet frontage will serve the lotholders in the high income residential area to the landward of it.

(v) West of Reading and to the Hanover border the main road runs close to the sea for the greater part and the public have prescriptive rights over beaches where this occurs. The terrain in this area is much steeper than elsewhere in the Parish, so that beaches are less frequent, and generally smaller in all dimensions. They are nonetheless valuable in the sum of accessible coast for recreation and should be acquired where their accessibility is not guaranteed.

(vi) Generally, beaches to be reserved for public purposes will be those having natural attributes for minimal maintenance. Stretches of the coast where sandy beach could not survive from exposure to wind or current should not be put to public use and would not be acceptable as an alternative to natural sandy beach, except in such circumstances where an extensive seaside park would be an acceptable alternative. In all cases the merits of the case will be determined after consultation with all government and private agencies having interest and expertise in the subject.

#### (vii) Public Access to the Coast

In the development of land adjoining the foreshore, no building or other structure may be placed within a strip of land immediately adjoining the foreshore, of a minimum width of 25 feet and up to 100 feet wide under certain circumstances, to allow public access to the foreshore and to adjoining land. Buildings should be set back a further distance to maintain privacy where this is desired or where required by the planning authority.

This policy has been approved and adopted by the Town and Country Planning Authority and is set out in the "Manual for Development" (Provisional) 1973, in which it is recommended that lot boundaries be set back the minimum distances mentioned above. The Manual also describes the manner of laying out of buildings on such land so as to preserve amenity for the public at large.

#### (viii) Marine Park

A Marine Park has been proposed for the area lying offshore from Doctor's Cave Beach to Sunset Beach and covering the reef and intervening waters, excluding the beaches. This will be a major visitor attraction and of great educational value. Other facilities are envisaged to reinforce these aspects.

#### (6.) 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 of buildings or other struc-

tures, 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.

(7.) *Communities (Urban)*

The principal urban community is the Parish Capital, Montego Bay. The urban communities listed below are those for which Development Plans will be prepared at some time in the future and for which 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.

- (a) Montego Bay
- (b) Rose Hall
- (c) Anchovy
- (d) John's Hall
- (e) Maroon Town
- (f) Adelphi
- (g) Cambridge
- (h) Somerton
- (i) Catadupa

Existing recognized boundaries of the townships or such boundaries as the local authority may from time to time determine, will be the boundaries for this purpose. Within these townships and the Montego Bay urban area, applications and plans for all development will be required to be submitted to the local planning authority for approval.

(8.) *Commercial Premises*

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-reserve to impede or endanger traffic. The place 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.

(9.) *Conservation Areas* *are shown*  
Conservation measures are described under the following headings:

- (a) Landward areas: *Special Conservation Areas*
  - (i) Forest Reserves and Wildlife Protection Areas.
  - (ii) Scenic Areas, including viewpoints.
  - (iii) *National Parks*
- (b) Marine areas: *Special Conservation Areas*
  - (i) coastal erosion
  - (ii) pollution
  - (iii) sand deposits and quarries.

a.i. Landward areas:

Forest Reserves are shown on the accompanying map. Coincident with some of these are areas where it is recommended that wildlife be protected and preserved. Preservation means more than prevention of slaughter of creatures or denudation of vegetation. It requires the conservation of habitat and generally this means the retention of all members of a species of tree or shrub, water supply and absence of urbanisation within certain limits. Some proposed conservation areas are presently neither woodland nor forest reserves. While forest reserves are generally intended for the protection of hill slopes as erosion prevention, use of otherwise unproductive agricultural land in forest would be to supply the timber industry and would therefore not be suitable for wildlife conservation. However, in many cases, some or a limited amount of selective forestry might be carried on in areas specifically set aside for wildlife conservation.

A policy and programme for the Island is being developed in respect of conservation areas, some of which will be open to the public for recreation; the remainder will be accessible on a controlled basis and will be primarily for educational and scientific purposes.

Among the conservation areas for forest reserves and wildlife protection in St. James is the Cockpit Country National Park.

Private conservation areas approved by the appropriate authority may be included under the provisions of this section on application. No development within these areas may take place without the knowledge and consent of the local planning authority in consultation with the appropriate conservation authority established by Government for this purpose.

a.ii. Scenic areas:

Areas of great scenic beauty are sometimes quite extensive. In a sense they are presently in the public domain in that they are visible from some public place such as road, park or vantage point. It is intended to preserve the characteristics of such areas for the continued enjoyment by the public at large. Following is a list of places of natural or scenic beauty within which very careful planning control is needed, so that the essence of the view be not lost:

Accessible areas of scenic beauty and scenic routes:

- SA 1. Main coast road, Great River to Reading, which is an important tourist route (part of the Lucea-Montego Bay main road) with varied land and seascapes;
- SA 2. From the border with Westmoreland along the Sweet River Road to Reading Main Road, which is a cross country route of increasing importance;
- SA 3. From the border with St. Elizabeth along the Middle Quarters to Reading Main Road, via Bethel Town, which is a cross country route of increasing importance;
- SA 4. Catadupa to Falmouth scenic route through the cockpit country;
- SA 5. Flower Hill, the spectacular view from the historic building area.

Other areas requiring control are those from which very fine views may be obtained rather than being beauty spots in themselves. Following are some which are outstanding and well known to the public now;

1. the view west from the Fort, Montego Bay, being the view along the Hanover coast and over the town of Montego Bay; height of building limitation is required in this instance;
2. the view from Fort Street, Gloucester Avenue and Kent Avenue west along the Hanover Coast, which is a great feature with tourists particularly at sunset and dusk.

#### Marine Areas:

##### b.i. Coastal Erosion;

Severe coastal erosion and deleterious alteration to the marine environment by natural and artificial means has pointed the need to control development which might affect the coast and coastal waters and to repair the damage which is now evident or imminent.

This may require the alteration or removal of previous engineering works and the placement of properly designed groynes and other devices to help build back the coastal sand and to protect inshore reefs.

No natural feature on the floor of the sea to the international limit (12 miles) on the foreshore or within the immediate coastal zone may be altered in any way without the prior knowledge and consent of the Beach Control Authority and after consultation with that Authority and such other agencies as may be involved in the protection of the coast.

##### b.ii. Pollution;

The coast and the coastal waters described below are to be protected against pollution by control of adjoining development and of such development inland, the effluent from which might be harmful to the marine area, regardless of how the pollutants be carried to the coast and its waters. Development proposals are to be examined with regard to prevention or control of pollution. The more sensitive areas are:

- (i) areas fringed by offshore reefs as indicated on the accompanying map,
- (ii) such other areas as the local planning authority may from time to time proclaim.

Sewage disposal is dealt with in the section on infrastructure within the resort areas. The most careful monitoring of coastal water where effluent might enter by dumping or seepage is necessary both for cleanliness of the environment as a public health matter and to maintain the high amenity of the inshore water which is used by increasingly greater numbers for recreation.

##### b.iii. Sand deposits and quarries;

Sand stealing from beaches is rife on the north coast due to the absence of a natural supply of building sand elsewhere. St. James has few rivers and those of any size cannot fill the demand for river sand. Consequently the beaches of St. James have been gouged and left in a waterlogged, pitted condition rendering them unsightly, unhealthy, liable to erosion and unfit for recreational purposes. The drainage is disturbed so that water stagnates in ponds with rotting vegetation giving rise to mosquitoes. These devastated areas become dumping grounds for all kinds of refuse.

Coastal sand cannot be regarded as a source for extraction purposes. Sand deposits offshore are not extensive and possibly may be diminishing. Replacement cannot take place by natural means at the current rate of removal. Extraction of any material constitutes developments for which planning permission is required. In the present condition of the coastal environment, it is unlikely that permission would be given for onshore or offshore sand extraction except under very exceptional circumstances.



The local planning authority, after consultation with or by direction of the Natural Resources Conservation Authority, may add to the lists of items under Landward or Marine Conservation Areas from time to time.

(10.) *Public Services*

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.

(11.) *Quarries and Quarry Zones*

The solution to the supply of commercial sand lies in the provision of building sand in the form of fines from limestone crushing. Current prices of sand aggravated by higher transportation costs for haulage by truck and train from distant supplies, indicate that this would be a successful enterprise. There is ample subdivided land waiting to be developed. There is a housing shortage and much contemplated activity in the commercial and industrial sector. Subject to certain conditions, quarry operators would be encouraged to crush for sand in such licensed quarries as are approved for this purpose.

Quarries on the whole will be located in Quarry Zones and will be permitted in no other locations. The zones will be determined by the economics of location of suitable material in relation to the consumption area (block making factories and housing areas) but will be strictly conditional on aesthetic considerations based on noise, dust, smoke, traffic and visual effect. Licences to operate quarries are required to be obtained from the Division of Mines and Geology. In the event that contemplated development might affect licensed quarry operation, the matter will be referred to the Commissioner of Mines for recommendation. As a matter of policy, quarries will be limited in number at any one time and operators will be encouraged to complete the operation and restore the land in the shortest possible time. In some instances, land which is slated for development at some time may be quarried on a priority basis and prepared for development to the satisfaction of the local planning authority in consultation with the Division of Mines and Geology. The quarrying of land shall not be construed as rendering that land suitable for development.

(12.) *Roads*

(i) *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, Public Works Department, Ministry of Works in relation to development affecting main roads. Consultation by either the applicant or the planning authority with the Chief Technical Director, Public Works Department, Ministry of Works does not absolve either from their respective requirements under the Main Road 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.

(ii) *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 guideline. 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.

(iii) 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 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.

(iv) Main road deviation and new major roads;

The following improvements and new road alignments have been approved or recommended and will be carried out in due course by the appropriate authority:

1. Main Road, from west of Rose Hall Village to the Trelawny border, to be realigned inland and to have limited access;
2. Queens Drive and the main road from a point east of the entry to the Airport, to be realigned to a point on the main road fronting Ironshore.
3. A new dual carriageway passing through the reclamation area from a point near the old hospital on Gloucester Avenue, extended through the Catherine Hall development area will connect with the major road into Montego Freeport.
4. The eastern bypass, starting at the main road at Ironshore will pass through Ironshore and Norwood Pen, thence by parochial roads and extensions thereof through Glendevon, Albion, Brandon Hill, Catherine Mount and Adelphi Road to Montego Bay and Reading Main Road with limited access.
5. The road right of way vacated by the main road between Rose Hall and the Trelawny border is to be retained intact with minimal interruptions,
  - (i) to provide local access to land developed between the old and new main roads;
  - (ii) for direct connection of parts of the coastline;
  - (iii) to allow access to the foreshore, and
  - (iv) to retain the old road as a shoreside motoring road for the enjoyment of all travellers.

The new main road is not to function as a local distributor. The present road pattern south of the main road comprises rural feeder roads running north and south and all

connecting with the existing main road. This pattern will be inadequate in the future as the land within the one mile deep coastal strip develops. Provision should be made in plans for development of this land for adequate east-west connection within the area, and for such roads to be not immediately adjacent to the new main road. On certain stretches adjacent parallel service roads may be required where terrain demands but in general this is to be avoided as it is wasteful, inconvenient and tends to defeat the purpose of isolating the main road from local traffic.

#### 6. Deviation and improvement of approaches to Great River Bridge.

##### SCHEDULE OF ROADS STANDARDS

(All measurements in feet—minimum)

Type of Road	Total Reservation	Carriageways	Side Reservations (each side)			Special Requirements
			Total	Paved	Planted	
(a) Service Roads .. short cul-de-sac	30	..	7	4	3	Requirements for reservations, 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.

SCHEDULE OF ROADS STANDARDS, *contd.**(All measurements in feet—minimum)*

Type of Road	Total Reservation	Carriage-ways	Side Reservations (each side)			Special Requirements
			Total	Paved	Planted	
(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.

**(v) Vehicle Parking;**

Public car parks and street parking will be available in certain locations but developers will be required to provide parking facilities within the curtilage of the site to be developed. Appendix I will be used as a guide to determine the parking facilities required.

**(vi) Vehicle Loading and Off-loading**

Certain types of development require facilities for loading and off-loading of goods and developers will be required to provide vehicle loading and off-loading bays within the curtilage of the site to be developed. Appendix 2 will be used as a guide to determine the number of loading bays required.

**(13.) Tourism**

Montego Bay is the transportation pivot for the north coast, with the Sangster International Airport, a deepwater harbour which can accommodate the largest passenger ships afloat and with good berthing facilities for cargo and passenger ships at Montego Freeport.

Light aircraft use the airport for connection with other airfields and airports in Jamaica and with nearby territories such as Haiti, Bahamas and Florida. An annual International Yacht Race of growing popularity, finishes at Montego Bay.

Despite the greater age of a few commercial hotels in Kingston and Port Antonio (non extant), tourism originated in its present form in Montego Bay, centred then as now on Doctor's Cave Beach. However by now the hotels have spread from Reading to Rose

Hall in a belt of coastal land 13 miles in extent and, with a few exceptions, the hotels being located as close as possible to the sea.

While the majority of resort development presently clings to the coast because of the beaches, it is expected to spread inland to some degree with the promotion of attractions in the inland areas. The natural landscape is suitable in many areas for day trips or for longer stop-over in locally provided accommodation. This is referred to in the section dealing with Conservation. It is not intended to allow any such natural areas to be exploited by artificial means and only careful enhancement of limited areas will be allowed.

(i) Infrastructure and services in the resort area;

No development, other than the town of Montego Bay, extends farther inland than half a mile. The degree to which the resort complex has been strung out has resulted in strain on the resources of the Parish Council and other service agencies. It has also given rise to considerable anxiety about the natural environment with the threat of pollution to the coastal waters on which much of the tourist attraction relies.

A sewage treatment works south of the town of Montego Bay serves the airport, Sunset Drive, Kent and Gloucester Avenue, Fort Street, the western part of the town centre (the seaward side) and intervening land to the sewage treatment works south of the railway station. This will be expanded to serve the remainder of the urban area. Another plant is projected for a site east of the airport to serve the coastal suburban area.

Water supply, present or imminent, generally determine priority of development unless measures are taken to determine otherwise. Water supply schemes for Montego Bay have been announced whereby water would be brought from Trelawny along the main road or the coast road; and from the west from Great River along the Reading Road. There are also schemes for additional underground supplies in the Montego River Valley. Notwithstanding this, the local planning authority may elect to restrict development to areas close to Montego Bay so as to maximise on existing services. For the time being subdivision of land remote from utility and municipal services is not being encouraged with the object of conserving resources.

However there is cause for concern because of recent developments ahead of provision of infrastructure and services in the area adjoining the foreshore, which sites are regarded as priority land by developers. Hotels of up to 500 rooms or more have appeared in locations so isolated as to make common provision impossible. Such development by their very size are obliged to provide for their own sewage disposal and other services.

(ii) Other requirements;

Where an hotel is in a location and of such a size that staff cannot be accommodated nearby, staff accommodation on site, along with their amenities are also required. Staff quarters may be located on other land and may be in relation to demand but the quantum and location shall be decided by the local planning authority.

#### 14. Zones

Development should be in accordance with zoning proposals indicated on Map 1 hereto annexed. Below is intended relations to uses of these zones:

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 considerations

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

## FIRST SCHEDULE

(Clause 1)

*St. James Parish Development Area*

Commencing at the intersection of the sea coast and the common boundary between the parishes of Hanover and St. James at Great River Bay; thence generally south easterly along the common boundary between the parishes of Hanover and St. James (which runs along the western bank of the Great River) to the common corner between the parishes of Hanover, Westmoreland and St. James; thence generally south easterly along the common boundary between the parishes of Westmoreland and St. James (along the western bank of the Great River) to Chesterfield Bridge at Chesterfield; thence generally westerly and south westerly along the common boundary between the parishes of Westmoreland and St. James to the common corner between Westmoreland, St. Elizabeth and St. James; thence north easterly along the common boundary between the parishes of St. Elizabeth and St. James to

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**FIRST SCHEDULE, contd.***St. James Parish Development Area, contd.*

the common corner between the parishes of St. Elizabeth, Trelawny and St. James; thence north easterly along the common boundary between the parishes of Trelawny and St. James parish boundary to its intersection with the sea coast at Minto Manatee Hole; thence generally north westerly and generally south and generally north westerly along the sea coast back to the starting point at Great River Bay.

**SECOND SCHEDULE***Use Classes***This 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.
- Class 2 Use as an office or bank.
- Class 3 Use as a warehouse for any purpose, except storage of offensive or dangerous goods.
- Class 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.
- Class 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.
- Class 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.
- Class 7 Use as a public hall, a concert hall, an exhibition hall, a social centre or a community centre.
- Class 8 Use as a theatre, cinema or a music hall.
- Class 9 Use as a dance hall, a swimming bath, a gymnasium or for indoor games.
- Class 10 Use as a hotel, motel or apartment house.
- Class 11 Use as a betting shop.
- Class 12 Use as a motor car sales lot or showroom.



### THIRD SCHEDULE

(Clause 6 (6) )

## PART I

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

Your application dated.....  
(insert date)..... has been received and, if

on .....  
(insert date of expiry of the period under Clause 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.

(Clause 6 (9))

## PART II

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

( Clause 4 (1) )

## PART I

The following development is permitted under Clause 4(1) of this Order subject to the conditions set out opposite the description of such development in column 2. The references in the column to standard conditions are to the conditions numbered and set out in Part II of this Schedule.

## FOURTH SCHEDULE

Part I, *contd.*

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>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 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>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 percent of the site area.</p> <p>3. Standard conditions 1 and 2.</p>

## FOURTH SCHEDULE

Part I, *contd.*

Column 1 Description of Development	Column 2 Conditions
<p>Class III—Sundry Minor operations</p> <p>1. The erection or construction of gates, fences, walls or other means of enclosures, 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, but not including land adjacent to the line of high water-mark which shall be the subject of a planning application.</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>Class IV</p> <p>1. Any use of land for agricultural purposes.</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>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

This      day of      1978.

JACQUELINE MAYERS  
*Chairman*

Town and Country Planning Authority.

*The Aims and Objects*

The intention of this Order is to make provision for the orderly and progressive development of the Parish of St. James. St. James Parish Council, as the local planning authority, is empowered to regulate development within the entire parish. No development will be permitted other than with its knowledge and consent except as falls within the categories defined in the Fourth Schedule of this Order and subject to the relevant conditions appearing therein.

It is expedient to secure a proper balance between the various demands for land and to recognise the paramount interest of the nation as a whole:

- (a) to prevent the alienation and sterilization of agricultural land;
- (b) to provide a rational expansion of urban areas in terms of economic infrastructure development, social facilities and growth potential in the parish;
- (c) to properly integrate local plans by setting broad development guidelines;
- (d) to protect and procure areas of scenic ecological, historical and recreational significance for public use.

APPENDIX I

VEHICLE PARKING REQUIREMENTS WITHIN SITE BOUNDARIES

Type of Development	Number of Vehicle Parking Spaces required
1. Private Residences	1 for each individual unit
2. Apartment Buildings ..	1 for each individual unit whether of 1, 2, or 3 bedrooms 1 for each 2 efficiency or studio units
3. Guest Houses .. Hotels	1 for each 3 guest bedrooms plus 1 for each 50 sq. ft. of public dining room
4. Motels ..	1 for each guest unit plus 1 for each 50 sq. ft. of public dining room.
5. Civic Administration Buildings, Office Buildings, Libraries, Museums	1 for each 700 sq. ft. of overall area including passage, toilets circulation space etc.
6. Shops, Showrooms, Stores Markets ..	1 for each 500 sq. ft. of overall area inclusive of storerooms.

## APPENDIX I

VEHICLE PARKING REQUIREMENTS WITHIN SITE BOUNDARIES, *contd.*

Type of Development	Number of Vehicle Parking Spaces required
7. Industrial Buildings used for manufacture or storage .. ..	1 for each building up to 5,000 sq. ft. plus 1 for each 1,000 sq. ft. of floor in excess of 5,000 sq. ft.
8. Dance Halls, Games Building, Permanent Exhibition Buildings	1 for each building up to 1,000 sq. ft. plus 1 for each 100 sq. ft. in excess of 1,000 sq. ft.
9. Hospitals .. ..	1 for each 600 sq. ft.
10. Clinics .. ..	3 for each Practitioner
11. Assembly Halls, Auditoriums, Churches, City and Town Halls, Cinemas, Court Houses, Lecture Halls, Schools, Colleges, Universities	1 for each 10 seats
12. Restaurants and Clubs	1 for every 50 sq. ft. of dining space and up to 1,000 sq. ft. and 1 for each 100 sq. ft. thereafter

These are the minimum requirements and the local authority may raise the standards in relation to the increase of vehicular traffic.