

THE TOWN
AND
COUNTRY PLANNING
**(NEGRIL AND GREEN
ISLAND AREA)**
PROVISIONAL
DEVELOPMENT
ORDER, 2013

March 26, 2013

CONTENTS

	Page
Citation, Interpretation and General Regulations	190v ¹⁹³ –190v ²⁰⁴
Schedules	
First Schedule—Description of Boundaries	190v ²⁰⁵ –190v ²⁰⁷
(1) Negril and Green Island Development Order Area	
(2) Negril Town Local Planning Area	
(3) Orange Bay Local Planning Area	
(4) Green Island Local Planning Area	
Second Schedule—Use Classes Order	190v ²⁰⁷ –190v ²¹⁰
Third Schedule—Permitted Development	190v ²¹¹ –190v ²⁴⁷
Fourth Schedule—Notification Forms	190v ²⁴⁸ –190v ²⁴⁹
Fifth Schedule—Statements	190v ²⁴⁹ –190v ³⁹⁸
Statements	
The Planning Framework	190v ²⁴⁹ –190v ²⁵⁷
Planning Strategy	
Format of the Order	
How to use the Order	
Objectives	190v ²⁵⁷ –190v ²⁶⁰
Policies	190v ²⁶¹ –190v ³³⁰
Sectoral Policies	
(i) Transportation and Communications	190v ²⁶¹ –190v ²⁶⁸
(ii) Housing	190v ²⁶⁸ –190v ²⁷²
(iii) Conservation of the Natural and Built Environment	190v ²⁷² –190v ²⁸³
(iv) Rural Economy	190v ²⁸³ –190v ²⁸⁷
(v) Urban Economy	190v ²⁸⁷ –190v ²⁹²
(vi) Tourism	190v ²⁹² –190v ²⁹⁴
(vii) Minerals	190v ²⁹⁴ –190v ²⁹⁶
(viii) Waste Treatment and Disposal	190v ²⁹⁷ –190v ³⁰⁰
(ix) Energy Conservation	190v ³⁰⁰ –190v ³⁰¹
(x) Telecommunications	190v ³⁰¹ –190v ³⁰⁵
General Development Policies	190v ³⁰⁵ –190v ³¹⁵
Petrol and Oil Filling Stations	190v ³¹⁵ –190v ³¹⁶
Control of Advertisement	190v ³¹⁶ –190v ³¹⁸

CONTENTS

	Page
Coastal Development	190v ³¹⁸ –190v ³²⁶
Rural Area Policies	190v ³²⁶ –190v ³³⁰
Local Plans for Growth Centres	
(a) Negril	190v ³³¹ –190v ³⁴⁷
(b) Orange Bay	190v ³⁴⁷ –190v ³⁵²
(c) Green Island	190v ³⁵² –190v ³⁵⁸
Appendices	190v ³⁵⁹ –190v ³⁹⁸
Appendix 1 General Glossary	190v ³⁵⁹ –190v ³⁶³
Appendix 2 List of Urban Communities	190v ³⁶³
Appendix 3 Schedule of Historical and Archaeological and Ecological Sites and Buildings	190v ³⁶⁴
Appendix 4 Schedule of Beaches along The Negril and Green Island Planning Area Coast	190v ³⁶⁵
Appendix 5 Main Road Deviations and New Major Roads	190v ³⁶⁵
Appendix 6 Schedule of Road Standards	190v ³⁶⁶ –190v ³⁶⁷
Appendix 7 Parking and Loading Requirements	190v ³⁶⁸ –190v ³⁷¹
Appendix 8 Guidelines for The Proper Siting and Design of Petrol and Oil Filling Stations	190v ³⁷¹ –190v ³⁷³
Appendix 9 The Design of Parking Facilities	190v ³⁷³ –190v ³⁷⁴
Appendix 10 Residential (Development, Standards and Controls)	190v ³⁷⁴ –190v ³⁷⁷
Appendix 11 Caves of Negril	190v ³⁷⁸
Appendix 12 Information to be Supplied with Subdivision Application	190v ³⁷⁹
Appendix 13 Subdivision Assessment Criteria	190v ³⁸⁰
Appendix 14 General Development Standards for Telecommunication Network	190v ³⁸⁰ –190v ³⁸¹
Appendix 15 Visibility Splays	190v ³⁸² –190v ³⁸³
Appendix 16 Advertisement Guidelines	190v ³⁸³ –190v ³⁸⁵
Appendix 17	190v ³⁸⁶
Figures—Agricultural Land Use Classification System	190v ³⁸⁶
Figure 1 Density, Height and Lot Coverage for Major Land uses	190v ³⁸⁸
Figure 2 Parking For Disabled	190v ³⁸⁹
Figure 3 Parking Layout	190v ³⁹⁰
Figure 4 Guidelines for Setbacks from High Water Mark	190v ³⁹¹
Figure 5 Parking Standards	190v ³⁹² –190v ³⁹⁵
Acknowledgement	190v ³⁹⁷
Maps	190v ³⁹⁸



THE
JAMAICA GAZETTE
SUPPLEMENT

PROCLAMATIONS, RULES AND REGULATIONS

190v¹⁹³

Vol. CXXXVI

TUESDAY, MARCH 26, 2013

No. 19E

No. 56F

THE TOWN AND COUNTRY PLANNING ACT

**THE TOWN AND COUNTRY PLANNING (NEGRIL AND GREEN ISLAND AREA)
PROVISIONAL DEVELOPMENT ORDER, 2013**

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 hereby made after consultation with the Parish Councils of Westmoreland and Hanover and the Negril Green Island Area local planning authority.

Citation. 1. This Order may be cited as the Town and Country Planning (Negril and Green Island Area) Provisional Development Order, 2013.

Interpretation. 2. In this Order—

“base station” means a structure, fixed or mobile, consisting of transmitters and receivers that are connected to antennae by feeder cables and may be microcell, macrocell or picocell;

“conservation areas” means an area of special architectural or environmental interest, the character or appearance of which it is desirable to preserve or enhance;

“development area” means the area specified in Part I of the First Schedule;

“erection” in relation to buildings includes extension, alteration and re-erection;

“filling station” means land, building or equipment used for the sale or dispensing of petrol or oil for motor vehicles or used incidental to the sale or dispensing of petrol or oil for motor vehicles, and where any part of such land building or equipment is used for another purpose, shall include the whole, whether or not the use as a filling station is the predominant use of such land or building;

“landscaping” means the treatment of land (other than buildings) being the site or part of the site in respect of which an outline planning permission is granted for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes screening by fence, walls or other means, the planting of trees hedges, shrubs, or grass, the formation of banks, terraces or other earth works, and the laying out of gardens or courts and the provision of other amenity features;

“local authority” has the meaning assigned to it by section 2 of the Act.

“local planning areas” means the areas specified in Part II of the First Schedule;

“local planning authority”, has the meaning assigned to it by section 2 of the Act.

“macrocell” means a base station that provides the largest area of signal transmission coverage and capacity within a mobile network;

“mast” means a ground-based or roof-top structure that supports antennae at a height where they can satisfactorily transmit and receive radio waves;

“microcell” means a base station that provides additional signal transmission coverage and capacity to macrocells;

“mobile network” has the meaning assigned to it by the Telecommunications Act;

“national monument” has the meaning assigned to it by section 2 of the Jamaica National Heritage Trust Act;

“national parks” has the meaning assigned to it by the Natural Resources Conservation Authority Act;

“Negril and Green Island” means the area prescribed in Part I of the First Schedule;

“operators” mean those who own or operate a telecommunication/ broadcast mast/tower, base station, macro cell, micro cell and or picocell;

“outline planning permission” means planning permission for the erection of a building which is applied for by the applicant directly and is granted subject to the subsequent approval of reserved matters submitted by the applicant to the local planning authority;

“permitted use class” has the meaning assigned to it by paragraph 7;

“picocell” means a base station, usually located within existing buildings, which provides more localised signal transmission coverage than a microcell;

“preservation scheme” has the meaning assigned to it under section 21 of the Jamaica National Heritage Trust Act;

“protected national heritage” has the meaning assigned to it by section 2 of the Jamaica National Heritage Trust Act;

“reserved matters” means the matters in respect of which particulars have been omitted from an application for outline planning permission under this Order, such as—

- (a) the site for erection of a building on the land;
- (b) the design and external appearance of the building;
- (c) the means of access to and egress from the site; and
- (d) the landscaping of the site;

“subdivision” means the division of any land held under single ownership into two or more parts whether the division is by conveyance, transfer or partition or for the purpose of sale, gift, lease or any other purpose;

“telecommunication” has the meaning assigned to it by the Telecommunication Act.

“telecommunication network” has the meaning assigned to it by the Telecommunications Act.

Application
of Order.

3. This Order relates to the Negril and Green Island Area.

Designation of
Negril and
Green Island
development
order area and
local planning
areas.
First Schedule.

Use classes.
Second
Schedule.

4. The Negril and Green Island Area is hereby designated as a development order area for purposes of the Act and the areas specified in the First Schedule are hereby designated as local planning areas for the purpose of this order.

5.—(1) Where a building or other land is used for a purpose listed in 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 Act to involve development of the land.

(2) Reference in paragraph (1) to “building” includes reference to land occupied with the building and used for the same purpose.

(3) Where a use, which is ordinarily incidental to and included in any use specified in the Second Schedule to this Order, is specified in the Second Schedule as a separate use, this shall not prevent the use which is included or incidental from being considered as such.

(4) No class specified in the Second Schedule indicates use—

- (a) as an amusement arcade or centre or a funfair;
- (b) as a launderette;
- (c) for sale of fuel for motor vehicles;
- (d) for sale or display for sale of motor vehicle;
- (e) for a taxi business or business for the hire of motor vehicles;
- (f) as a scrap-yard, or a yard for the storage or distribution of minerals or the breaking of motor vehicles;
- (g) as a hostel;
- (h) as a retail warehouse club;
- (i) as a night club;
- (j) as a casino; or
- (k) as for religious assembly.

Applications
for planning
permission.

6. An application for planning permission shall—

- (a) be made in the form issued by the local planning authority for that purpose and obtainable from that authority;
- (b) include the particulars required by the form to be supplied;
- (c) be accompanied by a plan which sufficiently identifies the land to which the application relates and any other plans, drawings and information as are necessary to describe the development which is the subject of the application; and

-
-
- (d) except where the local planning authority indicates that a greater number is required, be accompanied by three copies of the form and the plans and drawings submitted with it.
- Permitted Development. Third Schedule.
7. (1) Subject to the provisions of this Order, Permission may be granted for the classes of development described as permitted development in the Third Schedule.
- (2) Nothing in this paragraph or in the Third Schedule shall operate so as to permit—
- (a) any development contrary to any condition imposed in a permission granted under Part III of the Act;
 - (b) any development in relation to any national monuments and protected national heritage;
 - (c) any development within a preservation scheme;
 - (d) any development in any area designated as a National Park or Protected Area under section 5 of the Natural Resources Conservation Authority Act; or
 - (e) development in any area designated as a Quarry Zone under the Quarries Act.
- Approval of planning permission. Fourth Schedule A.
- 8.—(1) Upon receiving an application for permission, the local planning authority shall send to the applicant an acknowledgement thereof in terms (or substantially in the terms) set out in Form A of the Fourth Schedule hereto.
- (2) The local planning authority may, upon considering the application for planning permission—
- (a) grant planning permission;
 - (b) grant planning permission subject to conditions;
 - (c) refuse to grant planning permission.
- Prohibition of development.
- 9.—(1) Subject to sub-paragraph (2) of this paragraph no development of land within the area to which this Order applies, shall take place except in accordance with this Order and any planning permissions granted in relation thereto.
- (2) The local planning authority may 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 and is not in conflict therewith.
- Outline planning permission.
- 10.—(1) Where an applicant so desires, an application for outline planning permission may be made under paragraph 4 for permission to erect a building.

Fourth
Schedule.
Form A.

(2) Upon receiving an application for planning permission, the local planning authority shall send to the applicant an acknowledgment thereof in the terms (or substantially in the terms) set out in Form A of the Fourth Schedule hereto.

(3) The local planning authority shall, upon considering an application for outline planning permission either—

- (a) grant permission subject to a condition specifying reserved matters that require approval of the local planning authority or the Authority; or
- (b) where the local planning authority is of the opinion that in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters within the period of one month beginning with the receipt of the application it shall notify the applicant that the local planning authority is unable to consider the application unless further details are submitted, specifying the further details it requires.

(4) Where the local planning authority, pursuant to sub-paragraph (3) (b) of this paragraph, requires the applicant to furnish further details, the applicant may either—

- (a) furnish the information so required by the local planning authority (in which event the application shall be treated as if it had been received on the date when such information was furnished and had included such information); or
- (b) appeal to the Minister under section 13 of the act within twenty-eight days of receiving such notice, or such longer period as the Minister may at any time allow, as if his application had been refused by the local planning authority.

Application to
approve
reserved
matters.

11. Where a person has been granted outline planning permission he may make an application for approval of reserved matters and such application shall—

- (a) be made in writing to the local planning authority and shall give sufficient information to enable that authority to identify the outline planning permission in respect of which it is made;
- (b) include such particulars and be accompanied by such plans and drawings as are necessary to deal with the reserved matters in the outline planning permission;
- (c) except where the local planning authority indicates that a greater number is required, be accompanied by three copies of the application and the plans and drawings submitted with it; and

- (d) be made within three years of such permission except where the planning authority indicates a lesser period.

Applications
for determi-
nation under
section 14.

12.—(1) An 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 change of use proposed and which such proposal relates.

(2) On receipt of any application under this paragraph the local planning authority shall send to the applicant an acknowledgment thereof in the terms (or substantially in the terms) set out in Form A of the Fourth Schedule hereto.

Fourth
Schedule.
Form A.

(3) 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 determines 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, it shall state in the notice the grounds for its determination and include a statement to the effect that if the applicant is aggrieved by its decision he may appeal to the Minister under section 13 of the Act within one month of the receipt thereof giving a copy to the local planning authority.

Notification
of decision
or determina-
tion.

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

(2) Every notice issued pursuant to sub-paragraph (1) shall be in writing and where the local planning authority—

- (a) makes a decision subject to conditions;
- (b) determines under paragraph 11 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;
- (c) refuses to grant approval; or
- (d) it shall state its reasons therefore in writing and send with the decision or determination a notification in the terms (or substantially in the terms) set out in Form B of the Fourth Schedule hereto.

Form B
Fourth
Schedule.

Requiring
additional
information.

14. The local planning authority determining any application may direct an applicant in writing to—

- (a) supply any further information and (except in the case of outline applications) plans and drawings necessary to enable them to determine the application; or

- (b) provide one of their officers with any evidence in respect of the application as is reasonable for them to call for to verify any particulars of information given to them.

Directions
restricting the
grant of
planning
permission.

15.—(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 such development or in respect of development of any such class, as may be so specified.

(2) The local planning authority shall enforce the Directions of the Minister and do all that is possible to abide by them.

Consultation
by local
planning
authority.

16.—(1) The local planning authority shall, before granting permission for development or for approval of reserved matters or in granting outline planning permission consult—

- (a) with a neighbouring local planning authority where it appears to the local planning authority that the development is likely to affect land in the area of that neighbouring local planning authority; or
- (b) with the Chief Technical Director where it appears to the local planning authority that the development involves—
 - (i) land adjacent to a main road or land reserved for future main road improvement; or
 - (ii) any engineering or other works in connection with the formation, laying out, grading, or drainage of any access road; or
 - (iii) any works which may affect water drainage inside or outside the land to which the application relates, particularly any works affecting or likely to affect any natural water course; or
 - (iv) such significant increase in traffic that the town planning and traffic engineering consideration cannot be considered in isolation from the detailed engineering implications of any such development;
- (c) with the Ministry responsible for Agriculture where the development involves a change of use of more than two hectares of land in an area used or capable of being used for agriculture, but such land shall not include land zoned by the Authority as land to be used for some other purpose; or
- (d) with the Jamaica National Heritage Trust where the land to be developed is situated within 91 metres of a national monument or protected national heritage and land within a preservation scheme or to sites listed in Appendix 3 of the Fifth Schedule;

Fifth
Schedule.

-
-
- (e) with the Natural Resources Conservation Authority where—
 - (i) the development is occurring on land situated in a coastal zone, in or adjacent to ecologically sensitive areas, in or adjacent to conservation areas or National Parks, or near rivers, streams or other water bodies;
 - (ii) the development is subject to an Environmental Statement or Environmental Impact Assessment;
 - (iii) the carrying out of building or other operations or the use of land for the purpose of refining or storing mineral oils and their derivatives; or
 - (iv) the carrying out of building or other operations or the use of land for the retention or disposal of sewage, trade waste or sludge;
 - (f) with the Ministry responsible for Health and Environment where the development consists of or includes—
 - (i) the carrying out of works or operations in the bed or on the banks of rivers, streams or other body of water; or
 - (ii) the carrying out of building or other operations or the use of land for the purpose of refining or storing mineral oils and their derivatives; or
 - (iii) the carrying out of building or other operations or the use of land for the retention or disposal of sewage, trade waste or sludge;
 - (g) with the Commissioner of Mines and the Jamaica Bauxite Institute where the land to be developed is situated in any mineral deposit area;
 - (h) with the Geological Survey Division where a geotechnical report is necessary or where the slope of the land is in excess of 45 degrees;
 - (i) with the Office of Disaster Preparedness and Emergency Management where the development is situated on land occurring in areas subject to natural hazards;
 - (j) with the Water Resources Authority and National Water Commission where there is to be an increase in demand for water or where effluent is to be discharged in streams or an aquifer;
 - (k) with the National Water Commission where a sewage treatment plant is being proposed or connection to an existing sewerage system is proposed;

- (l) with the Civil Aviation Authority where—
 - (i) the development is located within a 3km Radius of airports, aerodromes, similar facilities and flight paths;
 - (ii) the structure proposed is to be within 9.26km (5 nautical miles) of an aerodrome;
 - (m) with the relevant building authority for roof mounted mast/tower in order to ensure the structural integrity of the roof.
- (2) Where the planning authority consults with any other body under sub-paragraph 1 and the body—
- (i) makes recommendations to the planning authority, the planning authority shall, before granting permission, whether conditional or unconditional, consider the recommendations;
 - (ii) fails to make a recommendation within six weeks from the date of such consultation, the local planning authority shall deal with the application unless the body indicates in writing that it is unable to meet the deadline and requests further extension.

Applications referred to the planning authority.

17. 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.

Appeals.

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

- (a) against a decision of the local planning authority or the Authority, as the case for—
 - (i) refusing planning permission; or
 - (ii) granting planning permission subject to conditions;
- (b) against a determination of the local planning authority under section 14 of the Act; or
- (c) on the failure of the local planning authority or the Authority, as the case may be, to give notice of their decision or determination,

shall give notice of appeal to the Minister copying that notice to the local planning authority, or the Authority, as the case may be—

- (i) within one month of the receipt of notice of the decision or determination, or

- (ii) within one month of the expiry of the period specified in paragraph 11(1) of this Order, or such longer period as the Minister may at any time allow.

(2) The applicant shall also furnish to the Minister a copy of the following documents—

- (a) the application made to the local planning authority;
- (b) all relevant plans, drawings and particulars submitted to them;
- (c) the notice of the decision or determination, if any; and
- (d) all other relevant correspondence with the local planning authority.

(3) The appellant may also supply any additional information pertaining to the appeal to the Minister.

(4) The appellant shall serve on the local planning authority or Authority as the case may be, a copy of the appeal and any additional information supplied to the Minister under paragraph (3).

Register of
Applications.

19.—(1) The local planning authority shall keep a register known as the Register of Applications (hereinafter referred to as the 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 the local planning authority in respect of any such land, including the name and address of the applicant, the date of the application, and brief particular 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, or determination, if any, of the local planning authority in respect of the application, and the date of such decision or determination;
- (d) the date and effect of any decision, or determination, of the Minister on appeal, in respect of the application;
- (e) the date of any subsequent approval given in relation to the application.

(2) The 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) The Register shall be kept at the office of the local planning authority and shall be available for inspection by the public at all reasonable hours.

(4) Every entry in the Register consisting of particulars of an application shall be made by the local planning authority within fourteen days of the receipt of such application.

Information on applications to be given to Minister.

20. 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 order, including information as to the manner in which any such application has been dealt with.

Directions, consents and notices.

21.—(1) Any power conferred by this Order to give a direction or consent shall be construed as including power to cancel or vary the directions 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 Town and Country Planning Act.

Control of subdivided land.

Fifth Schedule.

22. Where any person proposes to subdivide land within the area to which this Order applies into allotments for the purpose of development or of sale a Scheme Plan showing the proposed subdivision shall be prepared in accordance with the provisions of the Fifth Schedule of Appendix 12 of this Order and submitted to the local planning authority for approval.

Computation of compensation.

23. The base date for the computation of valuations in relation to assessing compensation in respect of this Order shall be the date one year prior to the coming into operation of this Order.

Matters to be dealt with by development orders.

24. The matters to be dealt with by development orders in the development order area in general and in the local planning areas in particular, shall be as set out in the Fifth Schedule.

Revocation.

25. Subject to paragraph 26, the Town and Country Planning (Negril and Green Island Area) Development Order, 1984, and the Town and Country Planning Petrol Filling Station—(Negril and Green Island) Development Order, 1964 are hereby revoked.

Savings.

26. Notwithstanding the revocation of the Orders referred to in paragraph 25 any permission granted pursuant to those Orders which had effect immediately before the coming into operation of this Order, shall until such permission is revoked, continue to have effect as if granted pursuant to this Order.

FIRST SCHEDULE

(Paragraph 4)

PART I

Negril and Green Island Development Order Area

Starting at the mouth of the Davis River at Davis Cove in Hanover, thence along its course to a point where the Green Island to Lucea Main Road meets the Lucea to Davis Cove Secondary Road, thence south-easterly along the secondary road to a point where it meets the Spring Mountain Parish Council Road Number 29, thence south-easterly along this parish council road to a point where it meets a track, thence south-easterly in a straight line to a point where the track meets a parish council road, thence northerly, southerly, along this parish council road to a point where it meets the Spring Mountain to Cauldwell Parish Council Road, thence easterly along this parish council road to the intersection at Spring Mountain where the Spring Mountain to Paradise and the Spring Mountain to Pell River Parish Council Roads cross, thence generally northerly, and southerly along the Spring Mountain to Paradise Parish Council Road to a point beyond Paradise where it meets a track from the Pell River to Paradise Parish Council Road, thence south-westerly in a straight line to a point on the Kendal to Cessnock Secondary Road approximately sixty metres (60m) from the parish boundary, thence south-westerly along this road to where it meets a Parish Council road, thence southerly along the parish council road to where it meets a track, thence southerly, south-easterly along the track to its end, thence south-westerly in a straight line to a point, on the Jerusalem to Upper Rock Spring Secondary Road at a point where it meets parish council road at upper Rock Spring, thence southerly along the secondary road to the Westmoreland Hanover Parish boundary then south-westerly along the parish boundary to a point where it crosses the March Town to Jerusalem Mountain Secondary Road, thence south-easterly along this parish council road (in Westmoreland) to a point where it meets the parish council Road from Delve Bridge, thence generally southerly along this parish council road to a point where it meets the St. Paul to Masemure Secondary Road at Delve Bridge, thence south-westerly along this secondary road to a point where a river crosses the road, thence along the river to the Little London to Sheffield Secondary Road, thence generally, south-easterly, easterly, south-easterly, along this secondary road to a point where it intersects the little London to Little Bay Parish Council Road at Old Hope, thence along the Little Bay Parish Council Road to a point where it crosses the New Savanna River, thence southerly along this river to its mouth, thence in a straight line to the offshore territorial limits, thence along the territorial limits to a point directly opposite the mouth of the Davis River, thence in a straight line back to the starting point at Davis River, including all offshore islands, cays, and man made and natural accretions within the territorial waters.

FIRST SCHEDULE, *contd.*

PART II

LOCAL PLANNING AREAS IN NEGRIL AND GREEN ISLAND
DEVELOPMENT ORDER AREA*Negril Local Planning Area*

Starting from a point where the Negril and Green Island Local Planning Authority (Norman Manley Sea Park) property boundary meets the Norman Manley Boulevard, thence westerly along the property boundary to a point where it meets the coast, thence generally south-westerly, westerly, south-westerly and south-easterly along the coast to the Negril Lighthouse, thence easterly in a straight line to a point on Parish Council Road Number 4 at Retirement, south of the transmitter site, thence north-easterly along this parish council road to where it meets with Parish Council Road Number 10, thence northerly, in a straight line to a point on the Sheffield to Little London Main Road, opposite a marl quarry, thence north-westerly in a straight line to point where the Sheffield to New Hope Secondary Road meets the South Negril River, thence generally north-westerly, westerly and south-westerly along the river to a point approximately 350 metres north-east of the bridge over the river at Negril Square, thence north-westerly in a straight line to the starting point.

Orange Bay Local Planning Area

Starting at a point on the coast opposite to where the Negril to Green Island Main Road meets the property road leading to Rhodes Hall (approximately 402 metres south of the Number 14 mile Post) thence, easterly in a straight line to a point on the main road where it crosses the property road, then south-easterly along the said property road to its end where it meets a track, thence south-westerly in a straight line to a point on the Santoy Settlement Road where it meets another track thence south-westerly along this settlement road to where it meets the Wharf Parish Council Road, thence south-easterly along the Wharf Parish Council Road, to where it meets the Silver Spring to Salt Spring Secondary Road at Santoy Postal Agency, thence south-westerly along this secondary road to a point where the Orange River crosses it at Bridge No. H3, thence in a north-westerly direction along this river to where the Orange River Canal enters it, then westerly along the canal to where it empties at a point across the main road along the coast, thence generally north-easterly, southerly, northerly-easterly, along the coast to the starting point.

Green Island Local Planning Area

Starting at a point on the coast approximately one kilometre west of the Old Fort where the parish council road meets the sea, thence south-easterly along this parish council road to a point where it meets the Negril to Green Island Main Road, then south-easterly along this main road to a point where it meets the Salt Spring to Green Island Secondary Road, thence south-easterly along this secondary road to a point where it meets the secondary road from Salt Spring to Grange, thence south-easterly along this road to a point where it meets with

FIRST SCHEDULE, *contd.*

Parish Council Road No. 8, thence northerly, easterly, northerly, south-easterly, north-easterly along this parish council road to the intersection at the Green Island to Glasgow and the Prospect to Paradise Secondary Roads at Prospect, thence north-easterly along this Paradise Secondary Road to a point where it meets the parish council road from Harding Hall, thence north-easterly along this parish council road to a point where it meets the eastern boundary of Harding Hall, thence easterly, northerly, along this road to a point where it meets with the Davis Cove Main Road, thence north-westerly along this road to its intersection with the Negril to Green Island Main Road, thence north-westerly, northerly along the coast around Industry Cove in a generally westerly direction to Negro Bay, thence south-westerly along the coast to Green Island Harbour and back to the starting point.

SECOND SCHEDULE

(Paragraph 5)

*Use Classes Order*Class 1—*Shops*

Use for all or any of the following purposes:—

- (a) as a shop;
- (b) for the retail sale of goods to the public other than hot food;
- (c) as a post office;
- (d) for the sale of tickets or as a travel agency;
- (e) for the sale of sandwiches or other cold food for consumption off the premises;
- (f) for hair grooming (hairdressing and barbering);
- (g) for the direction of funerals but does not display coffins and bodies;
- (h) for the display of goods for sale;
- (i) for the hiring out of domestic or personal goods or articles;
- (j) for the washing or cleaning of clothes or fabrics on the premises except for dry cleaning;
- (k) for the reception of goods to be washed, cleaned or repaired where the sale, display or services is to visiting members of the public except for dry cleaning; and

SECOND SCHEDULE, *contd.*

- (l) as an internet cafe;

Class 2—*Financial and Professional Services*

Use for the provision of:—

- (a) financial services;
- (b) professional services (other than health or medical services); or
- (c) any other services (including use as a betting office) that it is appropriate to provide in a shopping area where the services are provided principally to visiting members of the public for example banks, building societies, estate and employment agencies.

Class 3—*Restaurants and Cafes*

Use for the sale of food or drink for consumption on the premises—restaurants, snack bars and cafes.

Class 4—*Drinking Establishments*

Use as public houses, bars or other drinking establishments (but not a night club).

Class 5—*Hot Food Takeaways*

Use for the sale of hot food for consumption off the premises.

Class 6—*Business*

Use for all or any of the following purposes:—

- (a) As an office other than use within class 2 (financial and professional services);
- (b) or research and development of products or processes; or
- (c) for any light industrial process being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, visual appearance, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class 7—*General Industry*

Use for the carrying on of any industrial process other than one falling within Class 6.

SECOND SCHEDULE, *contd.*Class 8—*Storage or distribution*

Use for storage or as a distribution centre or as a wholesale warehouse.

Class 9—*Hotels*

Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided.

Class 10—*Residential Institutions*

- (a) for the provision of residential accommodation and care to people in need of after care. (Other than a use within Class 12 (dwelling houses);
- (b) use as a hospital or nursing home; or
- (c) use as a residential school, college or training centre.

Class 11—*Secure residential institution*

Use for a provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital or use as a military barracks.

Class 12—*Dwelling House*

Use as a dwelling house (whether or not as a sole or main residence):

- (a) by a single person or persons living together as a family; or
- (b) by not more than 6 residents living together as a single household (including a household where care is provided for residents such as disabled or handicapped people living in the community and students or young people sharing a dwelling).

Class 13—*Non-Residential Institutions*

Any use not including a residential use:

- (a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner;
- (b) as a creche, day nursery, day centre health centre, clinic;
- (c) for the provision of non residential education and training centre;
- (d) for display of records of art (otherwise than for sale or hire);

SECOND SCHEDULE, *contd.*

- (e) as a museum;
- (f) as a public library or public reading room;
- (g) as a public hall or exhibition hall;
- (h) for, or in connection with, public worship or religious instruction;
- (i) as a court of law; or
- (j) as an art gallery.

Class 14—*Assembly and Leisure*

Use as:

- (a) a public hall, concert hall, exhibition hall, social centre or a community centre;
- (b) a theatre, cinema, music hall; or
- (c) a dance hall (but not night clubs), swimming bath, skating rinks, gymnasium, sport arenas or for other indoor games (except for motor sports, or where firearms are used).

THIRD SCHEDULE

(Paragraph 7)

PERMITTED DEVELOPMENT

PART 1—*Development within the Curtilage of a Dwelling House*

CLASS A

Permitted
development.A. The enlargement, improvement or other
alteration of a dwelling house.Development
not permitted.

A.1 Development is not permitted if—

- (a) the cubic content of the resulting building would exceed the cubic content of the original dwelling house—
 - (i) In the case of a terrace house or a town house by more than 50 cubic metres or 10%, whichever is the greater;
 - (ii) in any other case, by more than 70 cubic metres;
- (b) the part of the building enlarged, improved or altered would exceed in height the highest part of the roof of the original dwelling house;
- (c) the part of the building enlarged, improved or altered would be nearer to any highway which bounds the curtilage of the dwelling house than—
 - (i) the part of the original dwelling house nearest to that highway; or
 - (ii) 15.24 metres, whichever is the nearest to the highway;

THIRD SCHEDULE, *contd.*

- (d) the part of the building enlarged, improved or altered would be within 1.5 metres of the boundary of the curtilage of the dwelling house and would exceed 3.6 metres in height;
- (e) the total area of ground covered by buildings within the curtilage (other than the original dwelling house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house);
- (f) it would consist of or include the installation, alteration or replacement of a satellite antenna;
- (g) it would consist of or include an erection of a building within the curtilage of a listed building; or
- (h) it would consist of or include an alteration to any part of the roof.

A.2. Development is not permitted by Class A if it would consist of or include the cladding of any part of the exterior with stone, artificial stone, timber, plastic or tiles to an existing external surface.

Interpreta-
tion of Class
A

A.3 For the purpose of Class A—

- (a) the erection within the curtilage of a dwelling house of any building with a cubic content greater than 10 cubic metres shall be treated as the enlargement of a dwelling house for all purpose including calculating cubic content where any part of that building would be within 5 metres of any part of the dwelling house;
- (b) where any part of the dwelling house would be within 5 metres of

THIRD SCHEDULE, *contd.*

- an existing building within the same curtilage, that building shall be treated as forming part of the resulting building for the purposes of calculating the cubic content.
- Class B
Permitted
development.
- B. The enlargement of a dwelling house consisting of an addition or alteration to its roof.
- Development
not
permitted.
- B.1 Development is not permitted if—
- (a) any part of the dwelling house would as a result of the works, exceed the height of the highest part of the existing roof;
 - (b) any part of the dwelling house would, as a result of the works extend beyond the plane of any existing roof slope which fronts any highway;
 - (c) it would increase the cubic content of the dwelling house by more than 40 cubic metres, in the case of a town house or terrace house or 50 cubic metres in any other case;
 - (d) the cubic content of the resulting building would exceed the cubic content of the original dwelling house—
 - (i) in the case of a terrace house or town house by more than 50 cubic metres or 10%, whichever is the greater;
 - (ii) in any other case, by more than 70 cubic metres or 15%, whichever is the greater; or
 - (iii) in any case, by more than 115 cubic metres.

THIRD SCHEDULE, *contd.*

Class C Permitted development.	C.	Any other alteration to the roof of a dwelling house.
Development not permitted.	C.1	Development is not permitted if it would result in a material alteration to the shape of the dwelling house.
Class D Permitted development.	D.	The erection or construction of a porch outside any external door of a dwelling house.
Development not permitted.	D.1	Development is not permitted if— <ul style="list-style-type: none"> (a) the ground area (measured externally) of the structure would exceed 3 square metres; (b) any part of the structure would be more than 3 metres above ground level; or (c) any of the structure would be within 15.24 metres of any boundary of the curtilage of the dwelling house with a highway.
Class E Permitted Develop- ment.	E.	The provision within the curtilage of a dwelling house of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling house as such, or the maintenance, improvement or other alteration of such a building or enclosure.
Development not permitted.	E.1	Development is not permitted if— <ul style="list-style-type: none"> (a) it relates to a dwelling or a satellite antenna; (b) any part of the buildings or enclosure to be constructed or provided would be nearer to any highway which bounds the curtilage than— <ul style="list-style-type: none"> (i) the part of the original dwelling house nearest to that highway; or (ii) 15.24 metres whichever is nearer to the high- way;

THIRD SCHEDULE, *contd.*

- (c) where the building to be constructed or provided would have a cubic content greater than 10 cubic metres, any part of it would be within 5 metres of any part of the dwelling house;
- (d) the height of that building or enclosure would exceed—
 - (i) 3.66 metres, in the case of a building with a ridged roof; or
 - (ii) 3 metres, in any other case;
- (e) the total area of ground covered by buildings or enclosures within the curtilage (other than the original dwelling house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house); or
- (f) in the case of land within the curtilage or a listed building, it would consist of the provision, alteration or improvement of a building with a cubic content greater than 10 cubic metres.

Interpreta-
tion of Class
E.

E2 For the purpose of Class E purpose incidental to the enjoyment of the dwelling house as such, includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwelling house where the dwelling house is located in a rural area.

Class F.
Permitted
development.

F. The provision within the curtilage of a dwelling house of a hard surface for any purpose incidental to the enjoyment of the dwelling house as such.

THIRD SCHEDULE, *contd.*

Class E
Permitted
Develop-
ment.

G. The installation, alteration or replacement of a satellite antenna on a dwelling house or within the curtilage of a dwelling house.

Development
not
permitted.

G.1 Development is not permitted if—

(a) the size of the antenna (excluding any projecting feed element, reinforcing rim, mounting and brackets) when measured in any dimension would exceed—

(i) 45 centimetres in the case of an antenna to be installed on a chimney;

(ii) 70 centimetres in any other case;

(b) the highest part of an antenna to be installed on a roof or a chimney would, when installed, exceed in height—

(i) in the case of an antenna to be installed on a roof, the highest part of the roof;

(ii) in the case of an antenna to be installed on a chimney, the highest part of the chimney;

(c) there is any other satellite antenna on the dwelling house or within its curtilage;

Conditions.

G.2 Development is permitted by Class G subject to the following conditions—

(a) an antenna installed on a building shall, so far as practicable, be sited so as to minimise its effect on the external appearance to the building;

THIRD SCHEDULE, *contd.*

- (b) an antenna no longer needed for the reception or transmission of microwave radio energy shall be removed as soon as reasonably practicable.

Interpreta-
tion of Part
1.

- 1. For the purposes of Part 1—
“existing building” means the dwelling house as enlarged, improved or attached, taking into account any enlargement, improvement or alteration to the original dwelling house, whether permitted by this part or not.

PART 2—*Minor Operations*

Class A
Permitted
development.

- A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Development
not
permitted.

- A.1 Development is not permitted if—

- (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceeds one metre above ground level;
- (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed two metres above ground level;
- (c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in sub-paragraph (a) or (b) as the height appropriate to it if erected or constructed, which is the greater; or

THIRD SCHEDULE, *contd.*

- (d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.
- Class B. Permitted development. A. The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any class in this Schedule (other than by Class A of this Part).
- Class C. Permitted development. C. The painting of the exterior of any building or work.
- Development not permitted. C.1 Development is not permitted where the painting is for the purpose of advertisement, announcement or direction.
- Interpretation. C.2 In class C "painting" includes any application of colour.
- General Note. This part grants planning permission for minor operations in relation to walls and enclosures, and means of access. There is some overlap with Pt. 1, which permits the erection of buildings and enclosures, but is limited to dwelling-house curtilages. Rights under this Part are not so limited.

PART 3—*Development by Local Authorities*

- Class A. Permitted development. A. The erection or construction and maintenance, improvement or other alteration by local authority of—
- (i) such small ancillary building works and equipment as are required on land belonging to or maintained by them for the purpose of any functions exercised by them on that land otherwise than as statutory undertakers.
- (ii) lamp standards, information works, passenger shelters and seats,

THIRD SCHEDULE, *contd.*

telephone boxes, fire alarms, public drinking fountains, horse troughs, useful bins or baskets, barriers for the control of persons waiting to enter public vehicles, and such similar structures or works may be required in connection with the operation of any public service administered by them.

- Class B
Permitted
development.**
- B. The deposit by a local authority of waste material or refuse on any land comprised in a site which was used for that purpose previously, whether or not the superficial area or the height of the deposit is thereby extended.

PART 4—*Temporary Buildings and Uses*

- Class A
Permitted
development.**
- A. The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.
- Development
not
permitted.**
- A.1 Development is not permitted if—
- (a) the operations referred to are mining operations; or
 - (b) planning permission is required for those operations but is not granted or deemed to be granted.
- Conditions.**
- A.2 Development is permitted subject to the conditions that, when the operations have been carried out—
- (a) any building, structure, works, plant or machinery permitted by this Class shall be removed; and
 - (b) any adjoining land on which development permitted by this Class has been carried out shall as

THIRD SCHEDULE, *contd.*

soon as reasonably practicable, be reinstated to its condition before that development was carried out.

Class B
Permitted
development.

- B. The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purpose of the holding of a market or motor car and motor cycle racing including trials of speed and practicing for the activities and the provision on the land of any moveable structure for the purposes of the permitted use.

Development
not
permitted.

- B.1 Development is not permitted if—

- (a) the land in question is a building or is within the curtilage of a building; or
- (b) the land is, or is within, an area of special scientific interest and the use of the land is for—
 - (i) motor car and motor cycle racing or other motor sports;
 - (ii) clay pigeon shooting;
 - (iii) any war game.

Interpreta-
tion of
Class B.

- B. 2 “war game” means an enacted, mock or imaginary battle conducted with weapons which are designed not to injure (including smoke bombs, or guns or grenades which fire or spray paint or are otherwise used to mark other participants), but excludes military activities or training exercises organised by or with the authority of the Jamaica Defence Force.

THIRD SCHEDULE, *contd.*PART 5—*Agricultural Buildings And Operations*

Class A Permitted development.	Development on units 2.0 hectares or more	
	A.	The carrying out on agricultural land comprised in an agricultural unit 2.0 hectares or more in area of—
		(a) works for the erection, extension or alteration of a building; or
		(b) any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit.
Development not permitted.	A.1 Development is not permitted if—	
		(a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 0.4 hectare in area;
		(b) it would consist of, or include, the erection, extension or alteration of a dwelling;
		(c) it would involve the provision of a building, structure or works not designed for agricultural purposes;
		(d) the ground area which would be covered by—
		(i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations; or
		(ii) any building erected or extended or altered by virtue of this Class, would exceed 465 square metres, calculated as described in paragraph D.2;

THIRD SCHEDULE, *contd.*

- (e) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;
- (f) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;
- (g) any part of the development would be within 25 metres of a metalled part of a trunk or classified road;
- (h) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building; or
- (i) it would involve excavations or engineering operations over land which are connected with fish farming.

Conditions. A.2 (1) Development is permitted by Class A subject to the following conditions—

- (a) where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, excavation or works resulting from the development shall not be used for the accommodation of livestock except in the circumstances described in paragraph D.3 or for the storage of slurry or sewage sludge;

THIRD SCHEDULE, *contd.*

- (b) where the development involves—
 - (i) the extraction of any mineral from the land;
or
 - (ii) the removal of any mineral from a mineral-working deposit, the mineral shall not be moved off the unit;
 - (c) waste materials shall not be brought onto the land elsewhere for deposit except for use in works described in Class A (a) or in the creation of a hard surface and any materials so brought shall be incorporated forthwith into the building or works in question.
- (2) Subject to paragraph (3), development consisting of—
- (i) the erection, extension or alteration of a building;
 - (ii) the formation or alteration of a private way;
 - (iii) the carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.4 below exceeds 0.5 hectare); or
 - (iv) the placing or assembly of a tank in any waters is permitted by Class A subject to the following conditions—
 - (a) the developer shall, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting, design and external

THIRD SCHEDULE, *contd.*

appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit of the siting and appearance of the tank, as the case may be;

- (b) the application shall be accompanied by a written description of the proposed development and of the materials to be used and a plan indicating the site;
- (c) the development shall not be begun before the occurrence of one of the following—
 - (i) the receipt by the applicant from the local planning authority notice of a written notice of their determination that such prior approval is not required;
 - (ii) where the local planning authority gives the applicant notice within 28 days following the date on which the application was received by the local planning authority without the local planning authority making any determination as to whether such

THIRD SCHEDULE, *contd.*

approval is required or notifying the applicant of their determination;

(iii) the expiry of 28 days following the date on which the application was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

- (d) (i) where the local planning authority gives the applicant notice that such prior approval is required the applicant shall display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant;
- (ii) the applicant shall not be treated as not having complied with the requirements of subparagraph (i) if the site notice

THIRD SCHEDULE, *contd.*

is, without any fault or intention of his, removed, obscured or defaced before the period of 21 days referred to in that sub-paragraph has elapsed, if he has taken reasonable steps for its protection and, if need be, replacement;

- (e) the development shall, except to the extent that the local planning authority otherwise agree in writing, be carried out—
 - (i) where prior approval is required, in accordance with the details approved;
 - (ii) where prior approval is not required, in accordance with the details submitted with the application; and
- (f) the development shall be carried out—
 - (i) where approval has been given by the local planning authority, within a period of two years from the date on which approval was given;
 - (ii) in any case, within a period of two years from the date on which the local planning authority were given the information referred to in sub-paragraph (b).

(3) The conditions in paragraph (2) do not apply to the extension or alteration of a building except in the case of significant alteration or a significant extension.

THIRD SCHEDULE, *contd.*

(4) Development consisting of the significant extension or the significant alteration of a building may only be carried out once by virtue of Class A.

Class B.**Permitted development.**

Development on units of less than 2.0 hectares.

B. the carrying out on agricultural land comprised in an agricultural unit of not less than 0.4 but less than 2 hectares in area of development consisting of—

- (a) the extension or alteration of an agricultural building;
- (b) the installation of additional or replacement plant or machinery;
- (c) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus;
- (d) the provision, rearrangement or replacement of a private way;
- (e) the creation of a hard surface;
- (f) the deposit of waste; or
- (g) the carrying out of any of the following operations in connection with fish farming, namely repairing ponds and raceways; the installation of grading machinery, aeration equipment or flow meters and any associated channel; the dredging of ponds; and the replacement of tanks and nets, where the development is reasonably necessary for the purposes of agriculture within the unit.

Development not permitted.

B.1 Development is not permitted by Class B if—

- (a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 0.4 hectare in area;
- (b) the external appearance of the premises would be materially affected;
- (c) any part of the development would be within 25 metres of a metalled part of a trunk or classified road;

THIRD SCHEDULE, *contd.*

- (d) it would consist of, or involve, the carrying out of any works to a building or structure used or to be used for the accommodation of livestock or the storage of slurry or sewage sludge where the building or structure is within 400 metres of the curtilage of a protected building; or
- (e) it would relate to fish farming and would involve the placing or assembly of a tank on land or in any waters or the construction of a pond in which fish may be kept or an increase (otherwise than by the removal of silt) in the size of any tank or pond in which fish may be kept.

B2 Development is not permitted by Class B(a) if—

- (a) the height of any building would be increased;
- (b) the cubic content of the original building would be increased by more than 10 percent;
- (c) any part of any new building would be more than 30 metres from the original building;
- (d) the development would involve the extension, alteration or provision of a dwelling;
- (e) any part of the development would be carried out within 5 metres of any boundary of the unit; or
- (f) the ground area of any building extended by virtue of this Class would exceed 465 square metres.

THIRD SCHEDULE, *contd.*

B.3 Development is not permitted by Class B (b) if—

- (a) the height of any additional plant or machinery within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;
- (b) the height of any additional plant or machinery not within 13 kilometres of the perimeter of an aerodrome would exceed 12 metres;
- (c) the height of any replacement plant or machinery would exceed that of the plant or machinery being replaced; or
- (d) the area to be covered by the development would exceed 465 square metres calculated as described in paragraph D.2 below.

B.4 Development is not permitted by Class B (e) if the area to be covered by the development would exceed 465 square metres calculated as described in paragraph D.2 below.

Conditions

B.5 Development permitted by Class B and carried out within 400 metres of the curtilage of a protected building is subject to the condition that any building which is altered, or any works resulting from the development, shall not be used for the accommodation of livestock except in the circumstances described in paragraph D.3 or for the storage of slurry or sewage sludge.

B.6 Development is permitted by Class B (f) subject to the following conditions—

- (a) that waste materials are not brought onto the land from elsewhere for deposit unless they are for use in works described in

THIRD SCHEDULE, *contd.*

Class B (a),(d) or (e) and are incorporated forthwith into the building or works in question; and

- (b) that the height of the surface of the land will not be materially increased by the deposit.

Class C.

Mineral Working for Agricultural Purposes

Permitted development.

- C. The winning and working on land held or occupied with land used for the purposes of agriculture of any mineral reasonably necessary for agricultural purposes within the agricultural unit of which it forms part.

Development not permitted.

- C.1 Development is not permitted by Class C if any excavation would be made within 15.24 metres of a metalled part of a trunk or classified road.

Condition.

- C.2 Development is permitted by Class C subject to the condition that no mineral extracted during the course of the operation shall be moved to any place outside the land from which it was extracted, except to land which is held or occupied with that land and is used for the purposes of agriculture.

Interpretation of Part 5.

- D.1 for the purposes of Part 5—

“agricultural land” means land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of a trade or business, and excludes any dwelling house or garden;

“agricultural unit” means agricultural land which is occupied as a unit for the purposes of agriculture, including—

- (a) any dwelling or other building on that land occupied for the

THIRD SCHEDULE, *contd.*

purpose of farming the
land by the person
who occupies the unit;
or

- (b) any dwelling on that
land occupied by a
farm worker;

“building” does not include anything
resulting from engineering
operations;

“fish farming” means the breeding,
rearing or keeping of fish or
shellfish (which includes any kind
of crustacean and mollusc);

“livestock” includes fish or shellfish
which are farmed;

“protected building” means any
permanent building which is
normally occupied by people or
would be so occupied, if it were
in use for purposes for which it is
apt; but does not include—

- (i) a building within
the agricultural
unit;
- (ii) a dwelling or
other building on
a n o t h e r
agricultural unit
which is used for
or in connection
with agriculture;

“significant extension” and “significant
alteration” mean any extension or
alteration of the building where the
cubic content of the original
building would be exceeded or

THIRD SCHEDULE, *contd.*

altered would exceed the height of the original building; and

“tank” includes any cage and any other structure for use in fish farming.

D2 For the purposes of this Part—

(a) an area calculated as described in this paragraph comprises the ground area which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery or ponds or tanks within the same unit which are being provided or have been provided within the preceeding two years and any part of which would be within 90 metres of the proposed developments;

(b) 400 metres is to be measured along the ground.

D3 The circumstances referred to in paragraph A.2(1) (a) and B.5 are that no other suitable building or structure, 400 metres or more from the curtilage of a protected building,
(i) available to accommodate the livestock; and

(a) that the need to accommodate it arises from—

(i) a quarantine requirements;

(ii) an emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been dam-

THIRD SCHEDULE, *contd*

- aged or destroyed by
fire, flood or storm; or
- (b) in the case of animals normally
kept out of doors they require
temporary accommodation in a
building or other structure—
 - (i) because they are sick
or giving birth or
newly born; or
 - (ii) to provide shelter
against extreme
weather conditions.
- D.4 For the purposes of paragraph A.2 (2) (iii) the
relevant area is the area of the proposed
excavation or the area on which it is proposed
to deposit waste together with the aggregate
of the areas of all other excavations within the
unit which have not been filled and of all other
parts of the unit on or under which waste has
been deposited and has not been removed.
- D.4 A In paragraph A.2(2) (cc), “site notice” means
a notice containing—
 - (a) the name of the applicant;
 - (b) the address or location of the
proposed development;
 - (c) a description of the proposed
development and of the materials
to be used;
 - (d) a statement that the prior approval
of the authority will be required to
the siting, design and external
appearance of the building, the
siting and means of construction
of the private way, the siting of
the excavation or deposit or the
siting and appearance of the tank,
as the case may be; and

THIRD SCHEDULE, *contd.*

- (e) the name and address of the local planning authority and which is signed and dated by or on behalf of the applicant.

D.5 For the purpose of Class B—

- (a) the erection of any additional building within the curtilage of another building is to be treated as the extension of that building and the additional building is not to be treated as an original building;
- (b) where two or more original buildings are within the same curtilage and are used for the same undertaking they are to be treated as a single original building in making any measurement in connection with the extension or alteration of either of them.

- D.6 In Class C, “the purposes of agriculture” includes fertilizing land used for the purposes of agriculture and the maintenance, improvement or alteration of any buildings, structures or works occupied or used for such purposes on land so used.”

PART 6—*Forestry Buildings And Operations*

Class A
Permitted
development.

- A. The carrying out on land used for the purposes of forestry, including afforestation, of development reasonably necessary for those purposes consisting of—
- (a) works for the erection, extension or alteration of a building;
 - (b) the formation, alteration or maintenance of private ways;
 - (c) operations on that land, or on land held or occupied with that land, to obtain the materials required for

THIRD SCHEDULE, *contd.*

- the formation, alteration or maintenance of such ways;
- (d) other operations (not including engineering or mining operations).
- Development not permitted.**
- A.1 Development is not permitted if—
- (a) it would consist of or include the provision or alteration of a dwelling;
- (b) the height of any building or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres in height; or
- (c) any part of the development would be within 15.24 metres of the metalled portion of a trunk or classified road.
- Conditions.**
- A.2 (1) Subject to paragraph (3), development consisting of the erection of a building or the (extension or alteration) of a building or the formation or alteration of a private way is permitted by Class A subject to the following conditions—
- (a) the developer shall, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting, design and external appearance of the building or, as the case may be, the siting and means of construction of the private way;
- (b) the application shall be accompanied by a written description of the proposed development, the materials to be used and a plan indicating the site.

THIRD SCHEDULE, *contd.*

- (c) the development shall not be begun before the occurrence of one of the following—
 - (i) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
 - (ii) where the local planning authority gives the applicant notice within 28 days following the date of receiving his application of their determination that such prior approval is required, the giving of such approval;
 - (iii) the expiry of 28 days following the date on which the application was received by the local planning authority without the local planning authority making any determination as to whether approval is required or notifying the applicant of their determination;
- (d) (i) where the local planning authority gives the applicant notice that such prior approval is required

THIRD SCHEDULE, *contd.*

- the applicant shall display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant;
- (ii) the applicant shall not be treated as not having complied with the requirements of sub-paragraph (i) if the site notice is, without any fault or intention of his, removed, obscured or defaced before the period of 21 days referred to in that sub-paragraph has elapsed, if he has taken reasonable steps for its protection and, if need be, replacement;
- (e) the development shall, except to the extent that the local planning authority otherwise agree in writing, be carried out—
- (i) where prior approval is required, in accordance with the details approved;
- (ii) where prior approval is not required, in accordance with the

THIRD SCHEDULE, *contd.*

details submitted with
the application;

(f) the development shall be carried
out—

(i) where approval has
been given by the local
planning authority,
within a period of two
years from the date on
which approval was
given;

(ii) in any other case,
within a period of two
years from the date on
which the local
planning authority were
given the information
referred to in sub-
paragraph (b).

(2) In the case of development consisting of the
significant extension or the significant
alteration of a building, such development may
be carried out only once.

Interpretation.

A.3 For the purposes of this class—

“Significant extension” and “significant
alteration” mean any extension or
alteration of the building where the
cubic content of the original
building would be exceeded by
more than 10 percent or the height
of the building as extended or
altered would exceed the height of
the original building.

“site notice” means a notice containing—

(a) the name of the
applicant;

THIRD SCHEDULE, *contd.*

- (b) the address or location of the proposed development;
- (c) a description of the proposed development and of the materials to be used;
- (d) a statement that the prior approval of the authority will be required to the siting, design and external appearance of the building or, as the case may be, the siting and means of construction of the private way;
- (e) the name and address of the local planning authority, and which is signed and dated by or on behalf of the applicant.

PART 7—*Repairs To Unadopted Streets And Private Ways*

Class A.

Permitted
development.

The carrying out on land within the boundaries of an unadopted street or private way of works required for the maintenance or improvement of the street or way.

General Note.

Works by road authorities for maintenance and improvement of roads do not constitute development, by virtue of the 1957 Act S.5(2)(b). This part grants planning permission for such works in relation to unadopted streets and private ways, being in both cases ways or highways which are not maintainable at the public expense.

PART 8—*Repairs To Services*

Class A.

Permitted
development.

The carrying out of any works for the purposes of inspection, repairing or renewing any sewer, main, pipe, cable or other apparatus, including breaking open any land for that purpose.

THIRD SCHEDULE, *contd.*

General Note.

Works for the purpose prescribed in this part do not require planning permission if undertaken by local authorities and statutory undertakers, by virtue of the 1957 Act S.5 (2)(c). This part grants planning permission for cases where the works are to be carried out by others.

PART 9—*Aviation Development*

Class A.

Development at an airport

Permitted

development.

- A. The carrying out on operational land by a relevant airport operator or its agent of development (including the erection or alteration of an operational building) in connection with the provision of services and facilities at a relevant airport.

Development

not permitted.

- A. 1 Development is not permitted by class A if it would consist of or include—

- (a) the construction or extension of a runway;
- (b) the construction of a passenger terminal the floor space of which would exceed 500 square metres;
- (c) the extension or alteration of a passenger terminal, where the floor space of the building as existing at the date of coming into force of this order or, if built after that date, of the building as built would be exceeded by more than 15 per cent;
- (d) the erection of a building other than an operational building;
- (e) the alteration or reconstruction of a building other than an operational building, where its design or external appearance would be materially affected.

THIRD SCHEDULE, *contd.*

Conditions.

- A.2 Development is permitted by Class A subject to the condition that the relevant airport consults the local planning authority before carrying out any development, unless that development falls within the description in paragraph A.3(2).

Interpretation
of Class A.

- A.3 (1) For the purposes of paragraph A. 1 floor space shall be calculated by external measurement and without taking account of the floor space in any pier or satellite.
- (2) Development falls within this paragraph if—
- (a) it is urgently required for the efficient running of the airport; and
 - (b) It consists of the carrying out of works, or the erection or construction of a structure or of an ancillary building, or the placing on land of equipment, and the works, structure, building, or equipment, do not exceed 4 metres in height or 200 cubic metres in capacity.

Class B.

*Air Navigation Development at an Airport*Permitted
development.

- B. The carrying out on operational land within the perimeter of a relevant airport by a relevant airport operator or its agent of development in connection with—
- (a) the provision of air traffic control services;
 - (b) the navigation of aircraft using the airport; or
 - (c) the monitoring of the movement of aircraft using the airport.

THIRD SCHEDULE, *contd.*

Class C.

*Air Navigation Development near an Airport*Permitted
development.

C. The carrying out on operational land outside but within 8 Kilometres of the perimeter of a relevant airport by a relevant airport operator or its agent, of development in connection with—

- (a) the provision of air traffic control services;
- (b) navigation of aircraft using the airport; or
- (c) the monitoring of the movement of aircraft using the airport.

Development not
permitted.

C.1 Development is not permitted by Class C if—

- (a) any building erected would be used for a purpose other than housing equipment used in connection with the provision of air traffic control services, with assisting the navigation of aircraft or with monitoring the movement of aircraft using the airport;
- (b) any building erected would exceed a height of 4 metres;
- (c) it would consist of the installation or erection of any radar or radio mast, antenna or other apparatus which would exceed 15 metres in height, or where an existing mast, antenna or apparatus is replaced, the height of that mast, antenna or apparatus is greater.

Class D.
Permitted
development.*Development by Civil Aviation Authority within an Airport*

D. The carrying out by the Civil Aviation Authority or its agents, within the perimeter

THIRD SCHEDULE, *contd.*

of an airport at which the Authority provides air traffic control services, of development in connection with—

- (a) the provision of air traffic control services;
- (b) the navigation of aircraft using the airport; or
- (c) the monitoring of the movement of aircraft using the airport.

Class E.

Development by Civil Aviation Authority for air traffic control and navigation

Permitted
Development.

E. The carrying out on operational land of the Civil Aviation Authority by the authority or its agents of development in connection with—

- (a) the provision of air traffic control services;
- (b) the navigation of aircraft; or
- (c) monitoring the movement of aircraft.

Development
not permitted.

E.1 Development is not permitted by Class E if—

- (a) any building erected would be used for a purpose other than housing equipment used in connection with the provision of air traffic control services, assisting the navigation of aircraft or monitoring the movement of aircraft;
- (b) any building erected would exceed a height of 4 metres; or
- (c) it would consist of the installation or erection of any radar or radio mast, antenna or other apparatus which would exceed 15 metres in height, or where an existing mast, antenna or apparatus is replaced, the height of that mast, antenna or apparatus if greater.

THIRD SCHEDULE, *contd.*

Class F.	Development by the Civil Aviation Authority in an emergency
Permitted development.	F The use of land by or on behalf of the Civil Aviation Authority in an emergency to station moveable apparatus replacing unserviceable apparatus.
Condition.	F1 Development is permitted by Class F subject to the condition that on or before the expiry of a period of 6 months beginning with the date on which the use began, the use shall cease, and any apparatus shall be removed, and the land shall be restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.
Class G.	Development by the Civil Aviation Authority for air traffic control.
Permitted Development.	G The use of land by or on behalf of the Civil Aviation Authority to provide service and facilities in connection with— <ul style="list-style-type: none"> (a) the provision of air traffic control services; (b) the navigation of aircraft; or (c) the monitoring of aircraft; and the erection or placing of moveable structures on the land for the purpose of that use.
Condition.	G1 Development is permitted by Class G subject to the condition that, on or before the expiry of the period of 6 months beginning with the date on which the use began, the use shall cease, and any structure shall be removed, and the land shall be restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.

THIRD SCHEDULE, *contd.*

Class H. Development by the Civil Aviation Authority for surveys.

Permitted
Development.

H. The use of land by or on behalf of the Civil Aviation Authority for the stationing and operation of apparatus in connection with the carrying out of surveys or investigations.

Condition.

H. 1 Development is permitted by Class H subject to the condition that, on or before the expiry of the period of 6 months beginning with the date on which the use began, the use shall cease, and any apparatus shall be removed, and the land shall be restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.

Class J.

Use of airport buildings managed by relevant airport operators.

Permitted
development.

J. The use of buildings within the perimeter of an airport managed by a relevant airport operator for purposes connected with air transport services or other flying activities at that airport.

Interpretation
of Part 9

K. For the purpose of Part 9—

“operational building” means a building, other than a hotel, required in connection with the movement or maintenance of aircraft, or with the embarking, disembarking, loading, discharge or transport of passengers, livestock or goods at a relevant airport;

“relevant airport” means any airport permitted to levy airport charges by the Government of Jamaica or

THIRD SCHEDULE, *contd.*

any airport owned or managed by
the Airports Authority of Jamaica,
its subsidiaries or agencies;

“relevant airport operator” means the
operator of a relevant airport.

General Note

This Part grants permission for development by:

- (1) relevant airport operators, at and (Class C) within 8 kilometres of, relevant airports; and
- (2) the Civil Aviation Authority in connection with air traffic control services, air navigation and monitoring services.

PART 10—*Telecommunications Operations*

Class A.

Permitted

development.

A1. The carrying out of the proper design and
siting of Telecommunications Network—

- (a) most conventional television aerials and their mounting or poles. Many of the smallest antenna systems that may be covered by the normal principle of *de minimis* and/or may not have a material effect on the external appearance of the building on which they may be installed;
- (b) apparatus such as radio masts which is being installed on the ground not exceeding a height of 15 meters (45ft) above ground level or the height of any apparatus which it replaces whichever is greater but not including antennas installed on radio masts;
- (c) satellite antennas except when precluded in any Development Order.

THIRD SCHEDULE, *contd.*

Development
not
permitted.

- (a) cellular towers/masts and mono poles that are being placed in residential areas, schools and hospitals;
- (b) the cellular tower/mast and mono poles that are being located in areas of scenic beauty, protected buildings, national monuments, conservation and/or protected areas and sites protected under the Jamaica National Heritage Trust Act and the Town and Country Planning Act.

Conditions.

A.2 Development is permitted by Class A subject to the following conditions—

- (1) an antenna installed on a building shall, so far as practicable, be sited so as to minimize its effect on the external appearance of the building;
- (2) an antenna no longer needed for the reception or transmission of microwave radio energy shall be removed as soon as reasonably practicable.

FOURTH SCHEDULE

(Paragraphs 8, 10,
12 and 13)

FORM A

Notification to be sent to the Applicant on receipt of an Application.

Your application dated _____
(insert date)

For development at _____
(insert address)

has been received and if it is not valid you will receive a further communication to this effect.

If you have not been informed that the application is not valid and you have not been given notice by the planning authority of its decision within three (3) months of their receipt of the application or such extended period as may at any time be agreed upon in writing between the applicant and the planning authority then you may appeal to the Minister, (copy to the planning authority) in accordance with section 13 (4) of the Town and Country Planning Act on the grounds that your application has been refused.

FORM B

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 you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development, or to grant permission subject to conditions, you may, by notice served within thirty days of the receipt of this notice, appeal to the Minister, (copy to the planning authority) 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 may exercise this power in cases where he is satisfied that you have 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 for 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, *contd.*

FORM C

Notification to be sent to Applicant on reference of an Application to the Authority under section 12 of the Act (calling – in of Application)

Name of Applicant _____

Address _____

Under section 12 of the Town and Country Planning Act, your application dated _____ for a development at _____
(insert date)

(Insert address)

has been referred to the Town and Country Planning Authority, 10 Caledonia Avenue, Kingston 5, for determination.

If you so desire, before determining the application, the Authority will upon request, afford you the opportunity of appearing before and being heard by a person appointed by the Authority for the purpose.

FIFTH SCHEDULE

(Paragraphs 16, 22
and 24)

STATEMENTS

The Planning Framework

NEGRIL AND GREEN ISLAND DEVELOPMENT ORDER AREA

The Development Order covers all that area from Davis Cove in the North (parish of Hanover) to John's Point in the South (parish of Westmoreland) and then westerly from the territorial water boundary to approximately eleven (11) kilometres inland from the coast. It contains three special areas namely Orange Bay, Green Island and Negril which have been identified as growth areas. The small island of Booby Cay which lies approximately 305 metres off shore, just west of Rutland Point forms part of the order area. Communities such as Negril, Sheffield, Broughton, and Spring Garden in Westmoreland and Ireland Pen, Green Island and March Town in Hanover are also included. A detailed description of the boundary is given in the First Schedule and delineated on Map No. 1.

FIFTH SCHEDULE, *contd.*

DEMOGRAPHY

Population Size and Growth

The population of the Negril and Green Island Development Order Area in 2001 was 25,140 persons comprising of 9,524 males and 15,616 females. This represents a growth rate of -0.02 percent over the 10 year period between 1991 and 2001. In 1991 there were 12,999 males and 12,185 females. The growth rate for females over the period was 2.8 percent while that for males was -3.4 percent.

The continued increase in the female population and decrease in male population could be the result of the fact that the region is a service-dominated one with more job opportunities available for females than males. This results in more men migrating to other regions where jobs are available in their area of skill.

There is a relatively high dependency ratio for the Order Area. This is attributed to the percentage (32.6%) of the population below 15 years of age. However the dependency ratio is trending downward from the figure for 1991. One factor that could be a cause for this is that the elderly population continues to remain relatively small in relation to the overall population of the area. This may be due to the absence of facilities that cater to the elderly are not located within the Order area. Additionally, the area is predominantly a resort area and as such the elderly may be migrating out of the area.

Two new schools have been established, however, in light of large developments undertaking in the area additional social facilities including schools and cemetery will be required.

LABOUR FORCE AND EMPLOYMENT

Labour Force

In 1991, the Order Area had a total Labour Force of 7,847 persons, in which males outnumbered females accounting for approximately 67 percent of the Labour Force. This area also accounts for 10 per cent of the labour force for the parishes of Hanover and Westmoreland.

Employed and Unemployed Labour Force

Employed persons, accounted for 6914 or approximately 88 per cent of the Labour Force while the unemployed accounted for 12 percent. A market demand analysis survey carried out in 1987 as part of the preparation of the National Shelter Strategy indicated that unemployment was 27.0 percent in Negril. It is estimated therefore that unemployment in the Development Order Area in 1992 was in the region of 25.0 percent.

A breakdown of the census data between 1970-1982 reveals that growth in employment was greater in the urban centres of the Development Order Area and that the greatest growth occurred in the Town of Negril. The highest growth in employment was among women which increased at 22.1 percent per year compared with 7.9 percent

FIFTH SCHEDULE, *contd.*

for males. Similarly, respective rates for employment in Green Island were 2.2 percent for females and 1.6 percent for males. Within the more rural sections of the Development Order Area, employment declined for both males and females during the period.

In the town of Negril the tourist industry was of paramount importance to employment of the residents. Some 40.2 percent of the employed labour force worked in this sector. Outside of the resort area agriculture was the dominant activity with this being the economic base in Sheffield and the Logwood/Santoy area.

A large percentage of the workers in the tourist industry commuted on a daily basis from outside the Order Area coming from as far away as Little London, Montego Bay, Savanna-la-Mar and Kingston.

NATURAL RESOURCES

Minerals

The area is rich in Limestone, which is utilized in the local construction industry. Mining of this resource contributes to the economy of the Order Area.

Major Peat deposits are known to exist in the Great Negril Morass and studies have indicated that this has significant energy production potential which could ultimately enable a decrease in the nations dependency on foreign oil.

However, findings of the "Peat Environmental Studies" indicated that although Peat Mining would only result in moderate impacts on the surrounding coastal zones, their habitats and tributaries etc., the serious social dislocation and the extent of the wetlands involved made it ecologically unacceptable.

CONSERVATION OF THE NATURAL AND BUILT ENVIRONMENT

Natural Environment

The Negril area is recognized as a tourism destination. This is due mainly to its diverse ecosystem. Its greatest attraction, however, is its 7.2 kilometres stretch of white sand beach at Long Bay and others at Bloody Bay, and Orange Bay. These beaches are comprised of calcareous sediments produced mainly by the off-shore fringing coral reef, which also offers protection from heavy waves during the strong northerly winds. The fringing coral reef with its associated flora and fauna, the extensive beds of turtle grass, manatee grass and the sandy lagoon bottom, exists in a dynamic ecological balance with each other.

The submerged rock platforms are a characteristic and usual feature which carries a unique coral community. In shallow water the coral is scattered in small colonies and a large area of bare rock is visible. As the Shelf slopes into deeper water a linear organization of coral colonies appear and they become more numerous in parallel bands running roughly north-north west. As these linear features become more pronounced, the coral cover becomes more continuous and they develop into long reef ridges with channels between, as can be seen in Samuels Bay where the platform slopes without a break. The scattered coral community on the shelf extends into

FIFTH SCHEDULE, *contd.*

shallow water. Shallow water reefs are well developed at Orange Bay, Samuels Bay and on the Seaward side of Booby Cay.

Off the peninsular between Bloody Bay and Orange Bay are areas covered by a dense turf of turtle grass, which support large numbers of herbivorous animals such as the Queen Conch.

The beach and submarine sands are chiefly of marine origin. There is little impact of land sediment because of the lack of large rivers and the sediment trapping effect of the Great Negril Morass.

The shelf and beach sand are probably derived from three sources:

- (a) the rocky parts of the platform with their coral community;
- (b) Sandy Cay and the patch reefs;
- (c) the sand and sea grass areas.

Sand does not accumulate on the outer parts of the rock platform, but instead, is swept off into deeper water or moved in shore to build up the beach and berm.

The Great Negril Morass, comprising both fresh water marsh, swamp forest, and mangroves which are located further inland from the beach; is also an important element of the Negril landscape. This wetland provides essential, feeding, breeding and nursery grounds, for fish, crab, and birds, as well as storing and diffusing rain flood waters. A section of this wetland has been developed into a "Royal Palm Reserve Park" to enable enjoyment by the public of the plants and wildlife existing in this area.

Although the prominent attractions in the Negril area are the beach and wetlands, these features derive additional value from their proximity to areas of higher ground, which provide scenic views. The moist forests of the Negril Hills and the Fish River Hills are important watersheds and provide safe roosting place for a variety of birds.

These natural resources need to be protected from adverse human intrusion as Tourism-based activities and other development has already begun to disturb the natural environment.

Built Environment

There are several sites and buildings having particular beauty or which are of historical and architectural significance. Apart from the lighthouse, the main historic sites have their significance rooted in battles fought in the early 18th century.

ECONOMY

Agriculture Fishing, Tourism, Quarrying and the Personal Services Sector were the main income earners utilizing the physical resources of the area. Manufacturing accounted for only a minor portion of employment and investment in this sector with only two factories located in the area.

FIFTH SCHEDULE, *contd.*

Westmoreland is a major producer of sugar cane and one of the largest sugar factories in the island is located at Frome. Sugar cane is grown around the town of Sheffield which represents an extension of the plains of Little London. Other crops of importance include yams and vegetables.

Fishing (sea and river) is also important, and there are six (6) fishing beaches located in the Development Order Area. Of concern however, is the over-fishing of inshore banks coupled with excess demand for seafood by local hotels and restaurants, which has resulted in a decline in stocks.

Tourism and retail trade dominate activities in the service producing sector, while commercial activities are directly related to tourism and are mainly in the vending of food and craft. (See section on Tourism)

Other economic activities such as Quarrying (limestone), block making and wood products manufacturing also play a part but their impact on the employment situation has been minimal.

TOURISM

Tourism plays a major role in the economy of Negril and its environs. The growth in direct employment in the accommodation subsector rivals that of Ocho Rios and Montego Bay. Available data for 1992 indicates that this increased by an average of 13 per cent for the island in 1992. Negril experienced for the same year a 28 per cent growth, i.e., approximately twice the national average.

Negril is not a Cruise Ship destination for visitors to the island. It however has an attraction all of its own in a natural "white sand" beach and a rustic, natural ambience not experienced in other resort areas.

TRANSPORTATION

The Order Area has a fairly good network of roads. It is served by the south coast main road which connects to the town centre, the Norman Manley Boulevard, and the North Coast Highway. The West End Road is however inadequate as it was not originally designed for the mix of motor vehicle, motor cycle and pedestrian traffic it now carries. Widening is not feasible because of the topography and the location of buildings near the road boundary.

There is an airstrip located at Rutland Point approximately 658.36 metres long which caters to light aircrafts. Since it has site limitations, further development would not be possible and relocation may be necessary.

WASTE TREATMENT AND DISPOSAL

Sewage disposal within the Development Order Area is done largely through septic tanks and absorption pits, tile fields and pit latrine. A central sewage system has been constructed to serve the areas from Bloody Bay to the Square, West End to the Square and from the Square along NonPariel road to the Stabilization Ponds north of Sheffield.

FIFTH SCHEDULE, *contd.*

This central system replaces the individual package plants and other systems previously used by the developments in this area. In addition other small private tertiary systems exist in Orange Bay.

MAJOR GROWTH AREAS

The town of Negril is one of four (4) growth centres that were identified in the National Settlement Strategy as District Centres. In the Negril and Green Island Development Order Area, the other three (3) district centres are Orange Bay, Green Island and Sheffield. For the purpose of this Development Order three local planning area has been identified namely Negril including Sheffield, Green Island and Orange Bay.

In terms of their development and relative importance Negril has grown to dominate the centres within its sphere of influence. These towns function in effect as feeder and dormitory centres for Negril's work-force. Because of its proximity and linkage with Negril, Sheffield has been incorporated into Negril as one Growth centre.

NEGRIL LOCAL PLANNING AREA

The Negril Local Planning Area includes the town of Negril and the linear settlement of Sheffield. There has been a steady increase in population of this area and this trend is expected as the majority of services are found within this area. Additionally, this region represents the most urbanized of the three local planning areas and includes a number of hotels and tourist attractions which offer greater job opportunities for locals who generally live within proximity to their place of employment.

In 1991 the population of Negril was 4,184 persons of which 2,197 were males and 1,987 females. By 2001, the population had grown by 3.40 per cent to 5,651. Based on this continued increase it is projected that the population of Negril will be doubled by 2025. The female population grew at a slightly faster rate than the male population. At the current growth rates it is anticipated that the female population will surpass that of the male population by 2025. This is in keeping with the general characteristics of the town of Negril, which is dominated by service industries that offer greater opportunities for females.

Negril is bordered by the Great Morass on the north as well the resort development along Long Bay thus preventing expansion in this direction. Therefore it is expected that the expansion and growth of the town of Negril will be towards Sheffield.

ORANGE BAY LOCAL PLANNING AREA

This area represents the second most populous within the Negril and Green Island Development Order Area. It is predominantly residential settlement and can be considered as a dormitory of Negril. In 2001 the population of Orange Bay was 2,661 representing an annual growth of 7.23% from the last census conducted in 1991. The importance of this region for settlement purposes is crucial as the availability of residential land in the Negril Area is hindered by the resort developments.

FIFTH SCHEDULE, *contd.*

GREEN ISLAND LOCAL PLANNING AREA

The Green Island Local Planning Area located within the northern section of the Order Area and has the lowest growth rate within the Negril and Green Island Development Order Area. The population has remained relatively stagnant over the last two census periods recording a growth rate of 0.2 per cent over this period. Assuming that this growth rate remains constant the population is projected to increase to 2579 persons in 2011 and 2624 persons in 2021.

PLANNING STRATEGY

Record growth has taken place in the Development Order Area over the past three decades as a result of the Tourist Industry giving rise to an increase in the population and urbanization. This has been compounded by high expectations of the quality of life and standard of living to be enjoyed in the area. The result is overuse and over harvesting of resources; solid waste and sewage pollution as well as deforestation; causing serious ecological imbalances.

The area's future as a growing tourism destination therefore depends on careful management of its natural resources. The maintenance of a healthy environment requires the protection of key productive lands and waters, recreation and open spaces and the fragile eco-system. A strategy therefore has to be developed which will address anticipated problems and apply mitigation measures to facilitate the orderly development of the area.

The Planning Strategy for the Negril and Green Island Development Order Area is to:

- (A) pursue economic growth and development through tourism and agriculture within the ambits of the resources and amenities available,
- (B) enhancing the special character of the area by protecting and improving its environmental quality through sustainable development.

THE PURPOSE OF THE ORDER

This Development Order will guide development for the next ten to fifteen years, encouraging activities the local planning authority has identified as beneficial to the area generally and the local communities especially in Local Planning Areas specifically and preventing those that could harm the environment or amenity of the residents. The main aim is to provide the basis for sound decisions on planning applications in accordance with the planning strategies, Objectives, Policies and proposals outlined in this document. The Town and Country Planning Act requires development to take place in accordance with the provisions of the Order firstly unless material consideration indicates otherwise. An applicant who proposes a development that does not accord therewith, except those falling within the categories outlined in the third and fourth schedule will therefore need to demonstrate compelling reasons why it should be allowed.

In some instances where it is expedient to do so the Order will encourage appropriate development on specifically identified sites or in particular areas.

FIFTH SCHEDULE, *contd.*

FORMAT OF THE ORDER

The document is presented in two parts along with the Land Use Proposal maps. The first section of the document addresses the Citation, Interpretation, Notices, Schedules and other Statutory matters.

In the remainder of the document the Statements are presented.

The Statements are further divided into two Sections:

Section 1 identifies the Planning Framework and deals with the Objectives and Policies with reasoned justification at the Order Area level under different Thematic Headings, and

Section 2 provides the Guidelines and Policies for Local Planning Area Development and the Appendices. The Appendices include standards and details for such matters as parking and loading requirements, guidelines for petrol filling stations, residential densities etc.

The Land Use Proposal Maps show the particular property which may be affected by the policies indicated in the written statement. Some of these policies are general and will affect the entire Order Area while some will only be applicable to specific local planning areas. If a discrepancy should arise between the Statements and the Maps then the former will prevail.

Although the Order is presented in sections it should be considered as a whole.

How to use the Order

(1) For information

- (a) On the interpretation of legal definitions, the application process and schedules refer to the section of the document before the content for the Fifth Schedule.
- (b) On a particular site or building refer to the Proposals Map which will show any guidelines or policy applicable. The inset maps may also provide additional information.
- (c) Regarding a particular subject area such as housing, environment etcetera. consult the sections devoted to them. [There is a Table of Contents at the front of the Document that will help in this regard.]

(2) For Policy Identification Sector Policies are identified by a letter in the Subject Area (thus T for Transportation) followed by the number of the Policy (thus 1). A sector policy for transportation would read:— Policy T 1.

Policies for local planning areas are identified by using a letter(s) of the area to which the Policy relates (thus GI for Green Island) followed by the first letter(s) of the Subject Area (thus T for Transportation) followed by the number of the Policy (1). A transportation policy for Green Island would therefore be:—

FIFTH SCHEDULE, *contd.*

POLICY GIT 1

It should be noted that some of the policies are cross listed, that is, they may appear under other headings.

Acknowledgement

The Information and Data used in the preparation of this document were derived from a number of sources which are recognized in the Acknowledgement in Appendix 17.

Objectives

The following objectives provide a detailed framework within which policies are formulated and against which success of policy implementation can be evaluated qualitatively or quantitatively. They are listed sectorally to outline the rationale for the "Planning Strategy" and to establish the long term intentions of the local planning authority which will guide them in their decision making process throughout the Development Order Area, within the life of the Development Order.

The objectives are:—

Transportation

The movement of goods and people in, out and around Negril and Green Island Development Order Area is extremely dependent on vehicular traffic. The majority of this service is provided by mini-buses and route taxis. A temporary transportation centre at White Hall is currently being used by buses and taxis. The air strip at Rutland Point has experienced dramatic decline in passenger movement with the completion of segment one of the North Coast Highway between Negril and Montego Bay. The improvements to this transportation corridor has resulted in a 40 – 50% reduction in travel time between the two tourist centres.

- OBJ. 1 To develop a system of road network which focuses on the efficient movement of goods and people in, out and around the Development Order Area with appropriate transport centres and adequate off street parking facilities.
- OBJ. 2 To preserve and protect lands required for the development of a new airstrip to serve Negril and surrounding areas.
- OBJ. 3 To establish preserve and protect the reservation of lands necessary for new roads and the improvement of existing ones.

HOUSING

The growth in Tourism, commerce, services and manufacturing industries will attract more people to the Negril Order area especially the resort centre on the coastal strip. The effect of this is already being felt with a high level of squatting in the area.

- OBJ. 4 To allocate land for new housing development and the expansion of existing ones.
- OBJ. 5 To identify the level of social services appropriate to the established settlement hierarchy.

FIFTH SCHEDULE, *contd.*

CONSERVATION OF THE NATURAL AND BUILT ENVIRONMENT

The Negril and Green Island Development Order Area has a diverse eco-system, the survival of which depends on careful management. There are also sites and buildings having particular beauty or historic archaeological or architectural significance which needs to be conserved and protected.

Conservation of the Natural Environment

- OBJ. 6 To preserve and enhance areas of outstanding natural qualities and to protect them from inappropriate forms of development.
- OBJ. 7 To ensure that sports, community and beach facilities are preserved, developed and made accessible to the public, especially where deficiency exists.

Conservation of the Built Environment

- OBJ. 8 To develop policies which will ensure the maintenance and protection of structures, sites and areas of historical, architectural and archaeological significance.
- OBJ. 9 To conserve and protect watershed areas bearing in mind their intrinsic environmental value nationally and locally.
- OBJ. 10 To identify areas of ecological importance for further protection.
- OBJ. 11 To encourage tree planting and amenity features in public areas and in residential and resort developments.
- OBJ. 12 To reserve land for the development of sport and recreation and encourage provision for a wide range of formal and informal activities for the enjoyment of the population of the parish.
- OBJ. 13 To preserve and enhance the physical environment of the Town of Negril and other local planning areas in the Development Order Area generally by preserving buildings and structures of architectural, archeological and historical interest.

MINERALS

The quarrying of limestone and marl is important to the construction industry as well as the economic base in and around the Development Order Area. Mineral resources will have to be protected from sterilization by urban and other development. In the rural sections of the Development Order Area exploitation of mineral resources provide employment opportunities for the residents.

- OBJ. 14 To safeguard lands with marl, limestone and peat deposit against encroachment by other uses or development which would prevent their exploitation in the course of time.
- OBJ. 15 To guard against all forms of pollution resulting from mining activities.

FIFTH SCHEDULE, *contd.*

- OBJ. 16 To promote effective management of the environment, and adherence to best practices in health and safety standards within the industry.
- OBJ. 17 To ensure that mineral extraction and waste disposal operations maintain high standards of site operation and restoration and provide for beneficial post mining activities when mineral working has ceased.
- OBJ. 18 To protect areas of importance such as critical landscape or nature quality from inappropriate mineral development
- OBJ. 19 To promote the sustainable exploitation of mineral resources.

ENERGY GENERATION

Notwithstanding the presence of a significant deposit of peat within the Negril Great Morass, owing to the environmental sensitivity of the area, the deposit has not been accessed for energy generation. Hence, the Negril and Green Island Development Order Area is dependent on the national grid. The demand for energy has grown considerably with increased levels of development in the area.

- OBJ. 20 To ensure that electricity is supplied in accordance with the settlement strategy for domestic, industrial and commercial needs where required.
- OBJ. 21 To encourage proposals to create and use renewable energy while minimizing any adverse impacts.
- OBJ. 22 To ensure that new developments mitigate their impact on the environment through the layout and design of energy

RURAL ECONOMY

Outside of the immediate Negril township area and the resort area along the coast, tourism plays a less dominant role. It is therefore important that other activities such as farming and fishing be maintained and enhanced to support the economy.

- OBJ. 23 To expand the economy and diversify the employment base in rural areas:
- (1) by promoting the development of agriculture through the protection of good agricultural lands;
 - (2) by ensuring that fishing is maintained as a viable commercial activity through the establishment and maintenance of facilities in fishing areas;
 - (3) by establishing formal manufacturing activities in selected rural centres.

URBAN ECONOMY

Although Tourism will continue to play an important role in the economic activities of the urban area, it will be necessary to widen this base through service and related activities to ensure that jobs are created for a wider cross section of the local population.

FIFTH SCHEDULE, *contd.*

- OBJ. 24 To increase employment opportunities and economic activities in the urban areas through the identification and allocation of lands for manufacturing, commerce and service industries.
- OBJ. 25 To increase access to jobs through employment facilities.

TOURISM

Negril is the third largest resort centre in the island after Ocho Rios and Montego Bay. Although it is not the major source of employment a large percentage of residents depend on tourism as a secondary source of income. It is important that this activity be protected and promoted.

- OBJ. 26 To transform small towns and villages into centres of vitality and interest through the integration of tourism development and other related activities, thereby creating a broader economic base.
- OBJ. 27 To ensure that in developing the tourist industry the environment is fully protected and that there is a desirable ecological balance in all areas.
- OBJ. 28 To transform Negril and Green Island Development Order Area into a more interactive community thus de-emphasizing the clear demarcating line between tourist facilities and local facilities efficient buildings.

WASTE TREATMENT AND DISPOSAL

Due to the sensitive nature of the Negril and Green Island Development Order Area both liquid and solid waste have to be disposed of carefully. Although a central sewage system exists in the Negril Local Planning Area there are several communities in the Order Area where other forms of sewage disposal will have to be used. There is no solid waste disposal facility in the Development Order Area, however, there is a recycling centre for glass, paper and plastic. The other forms of solid waste are transferred to Retirement in St. James.

- OBJ. 29 To ensure that safe and sanitary conditions exist for the disposal of both solid and liquid waste without any unacceptable risks or detrimental effects to natural resources or the environment.

TELECOMMUNICATIONS

With the increase in demand for telephone and other telecommunication services it is necessary to assess their impact on the environment. It may therefore become necessary to rationalize the installation of cellular base stations, satellite dishes, antennae etc.

- OBJ. 30 To ensure that the proliferation of cellular base stations, satellite dishes and other telecommunication antennae which might destroy the aesthetics of an area is avoided.
- OBJ. 31 To encourage the siting of these equipment away from public view and the sharing of facilities where possible.
- OBJ. 32 To safeguard the development rights of properties.

FIFTH SCHEDULE, *contd.*

GUIDELINES AND POLICIES

Sectoral Policies

The development of the area will be guided by the policies outlined under the various subject headings in this section of the document. These policies are intended to protect all aspects of the natural, physical and built environmental features of the area while at the same time improve the character and quality of life for its residents. They are not intended to restrict development in any way but along with the "General Policies" will endeavour to promote resource sustainability. Specific policies have been developed for the growth centres to deal with the situation existing in these areas and are to be used in conjunction with the other policies in this Order.

TRANSPORTATION AND COMMUNICATION

Roads

Road transportation is vital for the conveyance of people and commodities both within and outside of the area. Roads have therefore been classified into two categories, urban and rural. The requirements for these vary chiefly in relation to the method of construction, volume of traffic and level of pedestrian and vehicular access. If congestion is to be reduced and commuters safely transported, the necessary precautionary measures must be taken to ensure that adequate reservations are made and safeguarded for the construction of these roads.

- | | |
|---------------|--|
| POLICY SP T 1 | All road reservations should be in accordance with the requirements set out in Appendix 6 and no development will be permitted which would conflict with these reservations. |
| POLICY SP T 2 | New and improved roads will be required to comply with the provisions set out in the Schedule of Road Standards with such other details of construction and design as required by the relevant road authority. |
| POLICY SP T 3 | Appendix 5 indicates the roads which will be improved or re-aligned in due course and no development should be allowed which could obstruct the proposals. |
| POLICY SP T 4 | Where a dual carriage way is intended but the present need is for a single carriage way, the first should be built in its ultimate position within the road reserve allowing the second to be located in its correct position later. |

FIFTH SCHEDULE, *contd.*

- POLICY SP T 5 Where in the rural village or town an adjoining area is beginning to urbanize so that pedestrians are using the road for access way, the local planning authority shall ensure that the road verges are levelled in a manner consistent for use as a safe continuous sidewalk and no obstructions of any kind shall be permitted within the walking area.

It is important that buildings and other permanent structures be constructed at a reasonable distance from main and other roads so that they will not impede future road improvements. Along a road with fast moving vehicle it is also better for buildings to be located from the roadways in safety zones to protect occupants from mishaps. This also lessens the noise to which residents may be subject from motor vehicles which can be a disruptive element especially at nights.

- POLICY SP T 6 All developments should be set back a minimum of 6m from the main road improvement line for all categories of land use except where the terrain does not allow for this.

- POLICY SP T 7 No habitable structure is to be constructed within 14m of the centre line of a secondary main road or within 12m of the centre line of a parish council road.

Service roads are those used for direct access to individual lots within a residential area or for access to commercial premises. Although the volume of traffic which traverses them may not be heavy there are times, when they have to be upgraded especially to fit into a new traffic system. Care has to be taken to ensure that this can be accomplished through the adequate set back of buildings. A building line will therefore be established in this regard.

- POLICY SP T8 No permanent development will be permitted within 4.5 metres of a service road boundary except in unavoidable circumstances.

- POLICY SP T9 Where it is necessary to provide a service road in the future, owners of property in the area will be required to reserve part of the frontage of their properties for this purpose and to set back their developments accordingly.

One of the functions of a roadway is to accommodate utility services such as light and telephone poles. However, at times these can be disruptive to the movement of pedestrians and impede access to individuals premises. The installation of these utility services is development, it is therefore an operation which needs planning permission and should be adhered to.

FIFTH SCHEDULE, *contd.*

- POLICY SP T 10 The planning authority will ensure that utility pole lines, and similar installations in road reservation do not obstruct the free movement of pedestrians and vehicles before granting planning permission for their erection.

With the extension of the Development Order Area boundary and the provision of utilities in the West End it can be expected that development beyond the lighthouse will increase. The presently overburdened West End Road will therefore not be adequate to accommodate the volume of traffic that will be generated. An alternate route has been identified to alleviate this situation and all efforts will be made to preserve the reservation.

- POLICY SP T 11 A parallel road is to be constructed further inland as shown on Map No. 2 to accommodate the increase in traffic to and from West End and no development will be allowed in the reservation.

It is very difficult to see the movement of traffic when approaching some intersection making it necessary for the corners be rounded or splayed to improve visibility. In some instances it may also be necessary for building or fence lines to be set back in a taper where the land adjoins a main road at an intersection, bend or corner for the same reason.

- POLICY SP T 12 The corner of lots at intersections are to be rounded or splayed to facilitate visibility in accordance with the guidelines at Appendix 15.

New and direct access points onto highways and arterial roads should be avoided or limited in the interest of safety and free traffic flow. When considering such access, the views of the Chief Technical Director, of the Agency with responsibility for such roads will be taken into consideration.

- POLICY SP T 13 Planning permission will not normally be given for development which would require direct access/egress onto or have an adverse impact on a main road or highway.

- POLICY SP T 14 The laying out or material widening of a means of access will be permitted only where it does not constitute a hazard to pedestrians and other users of the highway and where it is possible for vehicle to enter and leave the premises in a forward gear.

It is desirable that the road hierarchy and the pattern of land uses are harmonized in order to reduce the environmental impact of traffic in residential and other sensitive areas. In this regard special attention will be given to the types of

FIFTH SCHEDULE, *contd.*

development allowed along these roadways to ensure that their functions are not impeded.

POLICY SP T 15 Planning permission will not normally be granted for any development which would result in significant hazard to road users or which would reduce the free flow of the traffic on a primary distribution road.

Vehicle Parking

The exceptional growth in the number of vehicles on the roads has led to an increased demand for parking facilities. The standards indicated for vehicle parking and loading requirements in Appendix 7 provide the requirements for the Negril and Green Island Development Order area.

Public car parks and street parking will be available in certain locations but this may not be able to satisfy parking requirements.

Provision will therefore have to be made within the boundaries of the site of all new and extended developments and all changes of use for the parking of vehicles.

POLICY SP T 16 Developers will be required to provide parking facilities within the curtilage of the site being developed for new and extended developments and all changes of use in accordance with the requirements set out in Appendix 6 and the design standards in Appendix 9.

POLICY SP T 17 A standard allowance of approximately 30 square metres of parking area in practical shape (inclusive of maneuvering space) should be made for each car parking space.

POLICY SP T 18 When the use of any building is not specifically mentioned in the schedule of parking requirements or more than one use is involved, the planning authority shall determine the parking provision based upon the requirements for one or both of the uses.

POLICY SP T 19 Where a building is divided by permanent construction into more than one use and occupancy the number of parking bays required shall be calculated separately for each use and occupancy.

Operators of buses and trucks in particular have the tendency to discharge passengers and goods in areas where it is neither safe nor convenient causing inconvenience to other users of the road. It is therefore necessary that precautionary measures be taken to avoid this practice. In such situations vehicles may have to park at the side or rear of the premises during the process.

FIFTH SCHEDULE, *contd.*

POLICY SP T 20 The places where buses and trucks pick up or discharge passengers and goods shall be located only where there is adequate space out of the line of traffic and where there is good visibility in both directions for an adequate distance to prevent danger to persons and vehicles.

Provisions should also be made within related developments for the loading and off loading of trucks and goods vehicles. Where the building site area is too small, the frontage of the site is short and service is not possible from the rear the planning authority may find it expedient to waive or alter this requirement.

POLICY SP T 21 Developers will be required to provide vehicle loading and off loading bays within the curtilage of the site to be developed as set out in Appendix 7.

POLICY SP T 22 Loading and unloading of vehicles may be provided at the side or rear of the premises in cases where Policy T 21 cannot be complied with, so that no parked or temporary halted vehicles will be on the road reserve to impede or endanger the movement of traffic.

In some situations it may be necessary to provide parking spaces or loading bays on a site other than the one being developed. Under such circumstances it will be necessary to tie both sites together legally.

POLICY SP T 23 Where parking is to be provided on an alternate site the planning authority shall ensure that the required parking is adequate and convenient.

POLICY SP T 24 The planning authority will ensure that there is an agreement between the owners of the sites making the parking site legally available to serve the development on the other site for as long as necessary.

Certain types of uses such as night clubs, churches etc. require parking facilities exclusively in the evenings or on days when other facilities in the area are not in operation. It may be possible to permit development without sufficient on site parking where such requirements could be met in public car parks or shared with the other activities at times when they are underused. However, some on site parking would still be required to meet operational needs and customer demands and use of the alternate area must be legalized.

POLICY SP T 25 The planning authority will give special consideration to the dual use of parking areas in mixed development where the uses alternate in terms of time scale.

FIFTH SCHEDULE, *contd.*

POLICY SP T 26 When considering proposals which would operate outside of regular business hours, the planning authority will take into consideration whether or not it is possible for a part of the requirements to be provided on a nearby existing public car park.

Educational Institutions such as basic schools, primary schools etcetera in addition to conforming to the parking requirements indicated in Appendix 7 should reserve an area on their site for the setting down and picking up of children. The area should be such that there is no conflict between children and motor vehicles, thereby reducing the possibility of accidents.

POLICY SP T 27 An area should be reserved on basic and primary schools premises, separate from the parking area specifically for the picking up and setting down of children from motor vehicles.

Developments which are accessible to the public should make provision for parking spaces to be used by the disabled or handicapped. To deter able-bodied drivers from using these spaces the international symbol should be painted on the ground and a sign posted with the logo for the disabled. The number of such spaces will depend on the type, size and use of the development.

POLICY SP T 28 In all parking areas used by the public the planning authority will require that provision be made for the reservation of car parking spaces for the disabled, in accordance with Appendix 7.

On street parking controls are effective mechanisms in controlling commuter parking by providing parking spaces to priority users. In residential areas they can protect the amenities of home owners from illegal developments without adequate parking and the overflow from adjoining developments. This type of control will be adopted by the Planning Authority.

POLICY SP T 29 The planning authority will allow on street short stay parking for shoppers and for the operational use of business where road conditions make this possible. Parking should be parallel to the curb.

POLICY SP T 30 Where the planning authority thinks it is necessary to protect the amenities of residential areas by means of on street parking controls, it will encourage the local planning authority to issue parking stickers to residents in the area.

FIFTH SCHEDULE, *contd.**Public Transportation Centre*

The Negril and Green Island Development Order Area is served by only one legally designated public transportation centre. It is not desirable to have passengers embark and disembark from public transportation in areas where it is neither safe nor convenient. This activity should be organized so that the regular flow of traffic is not impeded. The establishment of more transportation centres is therefore essential within the Order Area and should be in accordance with the stipulation of the local planning authorities.

POLICY SP T 31 The planning authorities will ensure that land is identified for the erection of public transportation centres in all major urban centres where the need for these facilities exist.

POLICY SP T 32 All transport centres or off street parking facilities, including parking lots shall be properly surfaced, and drainage provided so as not to cause any nuisance or damage to adjacent property or roadways.

POLICY SP T 33 All transport centres, parking lots and parking facilities shall be properly landscaped with materials which may be used as a visual medium and shall be maintained in a good condition.

POLICY SP T 34 A plan shall be submitted to the planning authority for approval showing clearly and accurately the location, size and description of all landscape materials in relationship to the parking bays, buildings, bathroom facilities, commercial kiosk etc.

POLICY SP T 35 All parking bays in a public transportation centre or public parking area should be clearly marked or identified and be designed for the convenient access and safety of pedestrian and vehicles.

The safety of persons, especially women and children using transportation centres and car parks at nights cannot be overlooked. The possibility of criminal acts occurring against individuals at this time is much higher than during the day and in dark places than in well lit areas. Because of this attention must be given to the proper lighting of these developments.

POLICY SP T 36 The planning authorities will not approve applications for the development of transportation centres and car parks unless the proposals are accompanied by plans showing the layout and design of adequate lighting facilities.

FIFTH SCHEDULE, *contd.**Communications*

The airstrip at Rutland Point is operated by the Airport Authority of Jamaica and has limited scope to accommodate future increased air transport needs of the area. The total land area required to accommodate a relocated airport with the required runway would be approximately 83 hectares, when fully developed. A site at Logwood has been selected as being the most suitable for this purpose.

POLICY SP T 37 No permission will be granted by the local planning authority for any further expansion of the existing airstrip and facilities located at Rutland Point except such development is to improve the safety of the existing facilities.

POLICY SP T 38 The site proposed for a new airstrip at Logwood shall be used for that purpose and no permission will be given for any other use unless an irrevocable decision is made otherwise by the authorities.

HOUSING

The major land owner in Negril and Green Island Development Order Area is the Urban Development Corporation (UDC) with lands at Long Bay, Rutland Point, Bloody Bay, Ireland Pen, Orange Bay, and most of the Great Negril Morass. The Ministries of Transport, Works and Housing and Agriculture and Fisheries own substantial portions of Whitehall and Non Paniel. A considerable amount of housing in the middle and lower income level is supplied by the UDC and the Ministry of Transport, Works and Housing, either through serviced lots or in the form of housing schemes. In the other areas living accommodation is provided by private individuals, either in approved subdivisions or on family lands.

Due to the fragile environment that exists in the Development Order Area policies have to be established to ensure that safe and satisfactory standards of development take place and the environment is duly protected.

POLICY SP H 1 Housing development will be allowed in the areas identified for this purpose at Orange Bay, Sheffield, Green Island, Whitehall and Non Paniel as shown on maps 1 and 2 and no permission will be given for any large scale linear or sporadic housing development outside these areas.

POLICY SP H 2 New single family housing development only, which respect the village environment will be permitted in the confines of established villages where it can be

FIFTH SCHEDULE, *contd.*

demonstrated that there is a demand and where organized development is taking place.

POLICY SP H 3 Housing development will not be allowed on land that is subject to flooding, erosion, subsidence or other natural hazards or any areas of swamp which has not been filled or reclaimed in accordance with the requirements of the Natural Resources Conservation Authority.

In order to meet the growing housing needs of the population and contain the problem of squatting by persons migrating to the Order Area in search of jobs it is necessary that development be not confined to one type of housing but to a mix. Provision should be made for the development of such housing types as starter homes, and other low costs schemes which is suitable for people not being able to compete easily in the existing housing market.

Care must also be taken that units reach individuals for whom they were intended and that they are not speculated on and used for other purposes. Measures have to be taken to stem the infiltration of these non-residential uses and the conversion of units to other non-residential activities.

POLICY SP H 4 Housing constructed for low and middle income earners will not be allowed to convert to resort or other uses for which they were not intended.

POLICY SP H 5 In large housing developments developers will be encourage to undertake a mix of housing types to satisfy the various needs of the population and provide adequate commercial and social facilities for the residents.

POLICY SP H 6 Planning permission will only be granted for non-residential development within housing areas if it provides an essential service or facility to the community and has no adverse impact upon the amenity of neighbouring property.

POLICY SP H 7 Planning permission will not normally be granted for any change of use or conversion proposal which would result in a significant loss of residential accommodation especially that which is potentially available to people not being able to compete easily in the general housing market, or that which provides accommodation for special needs groups.

Housing is one of the main elements in determining the direction of development hence the authorities have to ensure that it not only goes where it

FIFTH SCHEDULE, *contd.*

is required but that the proper social and physical infrastructure are provided, and that growth takes place in an orderly and progressive way. The lack of necessary infrastructure at the development stage can result in government having the responsibility to put it in at a later stage at great cost to the country.

POLICY SP H 8 Applications for housing development will not be considered by the local planning authority where there is an existing deficiency in the provision of the necessary infrastructure unless this can be made good or supplied by the developer within a reasonable time period.

The Negril and Green Island Development Order Area is still an agricultural community, with agriculture continuing to play an important role in the economy of the area. Agricultural lands therefore have to be protected from the intrusion of residential and other forms of unrelated development. However, the occasion may arise when it is necessary to allow a farmer to construct his dwelling on his property so that he can manage its operation efficiently. In some cases it may also be necessary to provide housing accommodation for workers on a farm. In such circumstances the viability of the farm will be taken into consideration in assessing the application.

POLICY SP H 9 Agricultural lands of high value are to remain as such and should not be converted to housing or resort development except in extenuating circumstances.

POLICY SP H 10 Permission will be granted to farmers to construct their dwelling houses on farmsteads or other agricultural holdings if this is their main place of residence.

POLICY SP H 11 Planning permission for agricultural dwellings will only be permitted where it is essential that the worker be accommodated on the holding, existing accommodations are not adequate and the new building is sited in association with any that is existing thereon.

POLICY SP H 12 In single family housing developments provision should be made for play fields and other recreational activities in accordance with the requirements set out in Appendix 10.

The convenience, amenity and safety of a community are of paramount importance in dealing with housing developments.

In order to meet community needs, land of appropriate size should be set aside for the various amenities required by the residents. In assessing these requirements facilities existing in the area will be taken into consideration and their availability to residents.

FIFTH SCHEDULE, *contd.*

POLICY SP H 13 In multi-family development space should be set aside for children's play space and other amenity and recreational and landscaping purposes exclusive of that reserved for driveway, parking areas, and access ways.

POLICY SP H 14 Where a housing development is constructed adjacent to a school the open space requirements of that development shall not be decreased because of the existence of open space on the school compound, but should be provided in accordance with the standard requirements set out in this Order in Appendix 10.

Individuals, particularly those living in organized housing developments tend to protect their privacy by constructing high walls around their premises. While their desire to have privacy can be respected, at times, these walls or screening devices are as of such that they become unsightly and overbearing not only to neighbours but the whole community. Such height cannot be left to discretion but have to be regulated by the planning authorities.

POLICY SP H 15 The height of all fences, hedges or other permanent screening devices to the front of properties in subdivisions and housing schemes should not exceed 1.37 metres and for the side and rear 1.8 metres except with the permission of the local planning authority.

While it is essential to protect the housing stock from depletion there will be situations where change of uses may have to be allowed to satisfy a community's needs. This is likely where the change is to facilitate the community, such as the establishment of a doctor's office, children's day care facilities, or meeting place for the community.

POLICY SP H 16 Planning permission may be granted for non-residential development or change of use of a building, if it is to provide an essential service or facility serving the community and in doing so it has little or no impact upon the amenity of adjoining properties.

To ensure that there is a suitable balance between the need to make the best use of residential land and the need to provide a satisfactory residential environment it is imperative that the density, height and location of buildings on the land be controlled. The ground coverage and set backs should comply with the requirements set out in Appendix 10.

POLICY SP H 17 Houses on lot sizes up to a maximum of 600 metres should not exceed a single storey in height except in cases where the terrain is such that a basement can be accommodated.

FIFTH SCHEDULE, *contd.*

- POLICY SP H 18 Buildings higher than two storeys will not be permitted on lot sizes less than 600 square metres, except where special consideration is given by the planning authority.

The coastal sections of the Negril Green Island Development Order area is developed mainly for resort purposes, and because of this there is a shortage of accommodation for those who service these facilities. Where it is planned to construct future resorts, the provision of accommodation for workers should be given due consideration not only on the site but on the surrounding lands or lands elsewhere under control of the developer. This is necessary to ensure that there is adequate provision of accommodation for the operation at stages.

Due consideration will be given to the housing of these workers, whether in the facility or elsewhere.

- POLICY SP H 19 In considering applications for hotel or resort development the local planning authority will give due consideration to the provisions being made for workers accommodation in the project, granting permission.

CONSERVATION OF THE NATURAL AND BUILT ENVIRONMENT.

The Development Order Area is one of the most fragile, diverse and sensitive marine and terrestrial eco-system in the north western part of the island. Premature and environmentally insensitive developments have already resulted in the widespread loss of some of its resources. If the growth of the area is to continue as an attraction to visitors (local and overseas) careful management of both the Natural and Built Environment will be required. This involves protecting key ecological sensitive areas, recreational open spaces, wild life sanctuaries and archaeological sites and buildings. Conservation does not mean that these resources should not be used but this should be in a sustainable way and done in such a manner that the values are not degraded or destroyed, but are instead enhanced.

Development pressures will almost inevitably continue to affect the environmental features which have given the area its character. However, these systems should improve as environmental awareness increases and pressure is put on corporate bodies to operate in an environmentally friendly manner.

Natural Environment

The Negril and Green Island Development Order Area is well endowed with trees and foliage which gives it a special pleasant ambiance. This green aspect is widely recognized as intrinsic to its environmental quality. Growing public awareness of the need to respect the potential ecological significance is providing great support for this green feature.

FIFTH SCHEDULE, *contd.*

- POLICY SP C 1 Planning permission will not normally be granted for any development which would result in the significant loss of any trees within the built up area.
- POLICY SP C 2 The planning authority will insist that a detail landscaping plan being submitted for approval illustrating the levels of landscaping being proposed. This should accurately identify planting area, including details of plant species, size, densities in each location and existing proposed services.
- POLICY SP C 3 The local planning authority will normally refuse planning permission for any development that will have a detrimental effect on the conservation value of sites that have been slated for development.

The protection of existing vegetation and open water (both marine and fresh) which positively enhance the amenity of the Order Area is important and the planning authorities will seek to protect and retain hearty trees, planted areas, and hedge rows and to avoid damage to existing vegetation, ponds and ditches during development. Accurate surveys of drainage patterns and existing and proposed changes of levels over the site, particularly in relation to existing vegetation should be shown on plans being submitted for approval. Trees should be plotted accurately by their crown extent and location.

- POLICY SP C 4 The planning authority will not consider applications for development which do not show all vegetation, ponds and ditches which are to be retained during construction with details for their protection during the period.
- POLICY SP C 5 Planning permission will not be granted for any development which infringes directly or indirectly (through felling, lopping, topping, pruning, changes to drainage patterns or ground levels, severance or compaction of roads), upon areas of woodland, as identified on the land use proposal map.
- POLICY SP C 6 Where possible, utility service lines should not be placed under tree crowns through shrub or proposed landscape areas and the planning authority will be mindful of this in dealing with applications.

The Order Area contains a wide variety of trees and other plants such as the Royal Palm which is indigenous to the area. On various occasions these have been uprooted and removed to other areas outside of Negril for speculative purposes without any regard to the effects on the immediate environment. There

FIFTH SCHEDULE, *contd.*

are also situations in which trees are mutilated and are destroyed without any regard to their environmental values. The Order will seek to protect trees of any kind, be they in the wild state, within gardens or along streets.

POLICY SP C 7 The local planning authority will seek to have indigenous trees e placed under Tree Preservation Order and those involve in the lopping, or topping of trees along roadways or other public areas will be encouraged to seek the permission of the local authority.

Landscaping can add quality to the environment as it can screen unsightly buildings or land uses and assist natural conservation especially if native species are used in appropriate circumstances. It can enhance the appearance of development by acting as a foil or screen to existing buildings through the provision of texture and pattern where landscape is a major feature.

POLICY SP C 8 Hard and soft landscaping is to be provided to the satisfaction of the planning authorities as an integral part of any development proposals, where it is necessary to enhance the environment and siting of a new building or otherwise help integrate that development into its surroundings.

POLICY SP C 9 Development which conflicts with the need to safeguard and enhance the landscape and townscape features which contribute to the identity of areas of special character will not be permitted.

The Fish River Hill is an aquifer recharge area. The Orange and Fish Rivers are major sources of fresh water for Negril. This upland area should remain under natural forest cover to protect their springs, wells and aquifers and reduce lowland flooding.

POLICY SP C 10 Development that would result in the excessive cutting down of trees within the Fish River Hills will not be allowed by the planning authorities.

POLICY SP C 11 The planning authority will not encourage development within the aquifer recharge and watershed area of the Fish River Hills, that threatens to undermine or is in conflict with the natural functions of this area.

Scenic views may be obtained from high points in the Negril Hills to the South, the Fish River Hill to the east, and from a number of points along the coast or bordering the wetlands itself. These areas will be enhanced so that the public will be able to enjoy the amenities they provide.

FIFTH SCHEDULE, *contd.*

- POLICY SP C 12 Where extensive views of headlands, mountains and sea exist along the coast or inland, the local planning authority will endeavour to have viewing points with seats and lay-by for vehicles established.

The Great Morass, including the Royal Palm Reserve, comprising an area of 2,289 hectares, plays a very important role in sustaining the fish supply, recovery of reefs and the development of ecotourism in the Order Area. Thick stands of vegetation including native palm trees and bamboo are an integral part of the visual experience of the area. Over the years humans' impact on the morass has resulted in the gradual reduction of its acreage, flora and fauna. The planning authorities will assist in providing prudent management of the morass as this is essential for it to serve its purpose.

- POLICY SP C 13 Within the Great Morass development shall be restricted to the areas identified on the land use proposal map for agriculture, and other related agricultural activities.

- POLICY SP C 14 Planning permission will not be given for any form of development which will involve the cutting down or removal of any trees including the Royal Palms within or on the perimeter of the Great Morass.

- POLICY SP C 15 No planning permission will be given for any filling or other operations in the morass that will decrease or lower the water level during dry periods.

Mangrove forests exist in the Great Morass as well as other wetland areas in the Order Area. Proper management of these forests by property owners will be necessary if this form of vegetation is to be saved and the planning authorities will be encouraged to ensure the protection of these resources.

- POLICY SP C 16 The local planning authority will encourage the local authority to place Tree Preservation Order on the trees in the Great Morass where it does not now exist and all other mangrove forests especially those in danger of destruction.

The landward side of the main road is an important element in the eco-system of the Great Morass. It still has the vestiges of a once magnificent forest and if left undisturbed will restore itself. It should therefore be managed under the concept of a National Park.

- POLICY SP C 17 The landward side of the Norman Manley Boulevard is to remain in its natural state as far as possible and only limited development will be permitted on a narrow strip nearest the main road.

FIFTH SCHEDULE, *contd.*

The Negril and Green Island Development Order Area is fortunate in having a rich variety of wildlife habitat. Relatively dry "islands" of marl and limestone within the wetlands enrich the diversity of habitat for animals.

The large trees bordering the wetlands provide nesting and roosting places for the West Indian Tree Duck while the coastal cliffs north of Bloody Bay provide a safe roosting place for large sea birds. The Order will seek to ensure that nature conservation is taken into account in the development of the area.

POLICY SP C 18 Valuable existing wildlife habitats will be protected and the local planning authority will if necessary refuse planning permission where a proposal is likely to result in the loss of habitats or wildlife population of major importance.

POLICY SP C 19 All new developments will be encouraged to design landscape schemes with nature conservation in mind including the planting of material attractive to wildlife.

There may be parcels of land that have not been identified for a specific use on the proposed land use map. This does not mean that the land is vacant and can be used for any purpose. Instead it may have been prudent to leave it in its natural state, for "nature conservation" purposes, as it may have needed some form of preservation. In the interim such land should be regarded as "nature conservation" or for "informal recreation" where appropriate until it is required for development by its owners. However, if they are unsightly, they may have to be bushed or otherwise be cleaned up for amenity reasons by their owners.

POLICY SP C 20 The local planning authority will in conjunction with the local authority encourage the beneficial use and management of vacant land particularly where environmental advantages may be secured.

POLICY SP C 21 Lands designated as private open space do not necessarily mean that such lands are free and open to the public, or that it will be purchased by the government for public use.

Pollution may cause significant damage to the ecological systems and residential amenity and affect natural wildlife habitats. Air pollution can cause adverse health problems from the emission of fumes, dust, and offensive smells, and poor water quality can destroy wildlife in riparian Habitats and affect water borne leisure potential. Developments which give off high levels of pollution will be treated cautiously when being processed to ensure environmental safety.

POLICY SP C 22 The planning authority will not grant planning permission for any development proposals which could lead to

FIFTH SCHEDULE, *contd.*

unacceptable levels of environmental pollution and in dealing with such application will take into consideration site location and environmental safeguards.

Noise pollution also damages the environment and although there is a "Night Noise" Act which controls the volume of sound emanating from a building, planning plays a critical role in this regard. The layout and design of buildings can be of such that it reduces the effects of noise disturbance. Great emphases will be placed on this in processing applications where this is a possibility.

POLICY SP C 23 Development proposals which would lead to unacceptable levels of noise nuisance to nearby existing or future occupants will not be granted permission by the planning authority.

There are a number of leisure and sporting activities which produce large volumes of noise and nuisance and which would not be considered suitable for a resort area such as Negril. These include motor cycle sports, go karting, pistol and gun shooting. Some of these activities could however, be accommodated in indoor facilities which are constructed specifically for the purpose.

POLICY SP C 24 Planning permission will not normally be granted for the use of land or water for noisy sporting activities such as motor sports or pistol shooting.

In some areas the parish councils have lands which were either vested in them as open space on behalf of residents or which they acquired as public playing fields. Over the years, due to shifting neighborhood patterns some of these may become derelict or due to a demand for other facilities there is always pressure for them to be disposed of for other purposes. These lands should be protected as they were acquired or given for specific purposes.

POLICY SP C 25 The local planning authority will not support development on parish council owned lands which have been designated as open space or roadways. Where such lands are to be used for other public purposes, the planning authority will only support such development if an equivalent area of land is acquired for open space in the immediate area or in a alternate area where the use is deficient.

POLICY SP C 26 In the design and development of open spaces, parks and other open areas under the jurisdiction of the local authority, the local planning authority will seek to protect and enhance areas that attract wildlife.

FIFTH SCHEDULE, *contd.*

The same principle which applies to the ownership of lands by parish councils also applies to lands owned by Central Government. There are instances in which lands have been acquired for parks and have been used for other purposes and these need to be safeguarded.

POLICY SP C 27 Except as required for other necessary public purposes, planning permission will not be granted for development on publicly owned lands which have been designated as park or open space and which shall be used for that purpose.

Since government has access to publicly owned lands it is customary for it to undertake activities in areas in which they would not otherwise have been allowed or allowed only if certain criteria are met. Where lands have been zoned for conservation purposes (or, are in other sensitive areas) such activities should be so designed that they do not detract from the area.

POLICY SP C 28 The undertaking of public works in conservation and other sensitive areas will be allowed only where essential and should be designed such that it detracts as little as possible from the appearance and recreational use of the area.

There are recreational outdoor activities such as golfing and horseback riding, which require extensive areas of land and can only be located in the "countryside". In considering the location aspect of such development their scale and character will have to be assessed against the general appearance of the countryside to ensure that compatibility exists.

POLICY SP C 29 Proposals for outdoor recreational uses which require extensive areas of land in the countryside will normally be permitted if there is no conflict with the general character and appearance of the countryside and the scale of development is kept to a minimum.

Although the Negril and Green Island Development Order Area is characterized by green areas there is a shortage of organized green spaces outside of the Town of Negril. Open space which exists in the villages, communities and urban areas, therefore has to be safeguarded. In considering applications in these areas care and attention will be paid to protection of existing and proposed green areas.

POLICY SP C 30 The use of the beach from the town square to Bloody Bay for horse back riding will not be supported.

POLICY SP C 31 Planning permission will not be granted for any development which would result in the loss of any green area within the built up area unless there will be no

FIFTH SCHEDULE, *contd.*

significant effect upon the environment and amenity of the surrounding area.

Towns and villages should have their own identities and peculiarities that make them distinctly different from each other. One way of achieving this is through the maintenance of a green corridor or strategic gap. Developments in these areas will be severely restricted, so that they do not lose the purpose for which they were intended.

POLICY SP C 32 The class and nature of development on green areas connecting towns and villages to each other (Strategic gaps) will be restricted to prevent coalescence and maintain openness of the area.

The Built Environment

The Negril and Green Island Development Order Area may be regarded as predominantly a rural landscape, since much of the interest is related to its unique natural resources. Consequently, attention has to be paid to the built up areas, as existing buildings together with their setting in the landscape, provide identity to the area.

There is a concern about the quality of the built development and the protection of the local character. These continue to change in ways or at a rate which local people sometimes consider unwelcome or inappropriate. Change is an inevitable and continuing process which although necessary, can be positive if executed with sensitive control.

POLICY SP C 33 The local planning authorities will ensure that the design and character of a new building is, as far as possible in keeping with the scale and character of existing buildings in the area.

An essential feature of the built environment is the protection of the exterior feature of the buildings from unsympathetic change.

The architectural character of an area can be enhanced by protecting those buildings which are important in their own rights or which have some special characteristic. In this regard the local planning authority will exercise rigid control.

POLICY SP C 34 The conversion or alteration of any existing building should be of a high standard of design and be in sympathy with the existing built environment.

POLICY SP C 35 Alterations and extensions to buildings should respect the period, architectural characteristics and detailing of the original building including external features such as porches, and should use matching material.

FIFTH SCHEDULE, *contd.*

The special importance of buildings in the townscape or landscape may sometimes justify allowing it to be used for some purpose which would not normally be acceptable in that location to save it from damage or discordant development. Such an action should not be regarded as a precedent to allow other extraneous uses in the area.

POLICY SP C 36 The local planning authority will ensure wherever possible the conservation of the best buildings and their features in the Development Order Area.

A shop front with a distinctive character in an area that contributes to the building or street architecture then it should as much as possible be preserved and not arbitrarily replaced. Where a new shop front has to be provided it should be in keeping with the character of those already existing in the area. In dealing with shopping (commercial) applications it will be necessary to control the design and arrangement of buildings and structures, access and circulation, and relation to the surroundings to ensure efficient functioning and adequate protection to adjacent and nearby residential areas.

POLICY SP C 37 The design of shopping centres and other commercial developments should have due regard for convenience and safety of the public and adequate protection and separation should be provided for contiguous and nearby residential property.

POLICY SP C 38 The character of shop fronts and other commercial buildings which are of architectural or historic interest should be maintained and enhanced and others made to conform as much as is practicable.

Insensitively sited high buildings, especially those above two storeys in height (ground plus one floor) can often intrude upon scenic views. These will therefore be restricted to the height of surrounding developments where their visual impact will be minimal.

POLICY SP C 39 Proposals for high buildings within or adjacent to an area sensitive to their impact will only be approved if they exhibit an appropriate degree of sensitivity in respect of siting and scale.

POLICY SP C 40 No permission will be given for the erection of high buildings within an area regarded as inappropriate for such buildings or in, or, adjacent to sight lines between strategic view points and landmarks.

Buildings in the Town Centres which were established a long time ago will eventually need to be renovated as developers and retailers seek to upgrade their

FIFTH SCHEDULE, *contd.*

premises over time. This helps to preserve the town centres' unique urban fabric and is to be encouraged. However, such changes should not have a detrimental effect on present servicing and parking facilities, but should instead, seek to improve the situation.

POLICY SP C 41 Proposals for redevelopment and extensions for commercial purposes within the Town Centre will normally be permitted if they have no adverse effect on existing servicing of motor vehicle and parking arrangements.

HISTORICAL, ARCHEOLOGICAL SITES AND BUILDINGS

The Negril and Green Island Development Order Area has a rich heritage of sites and buildings having particular beauty or historic, archaeological or architectural significance which should be preserved for the benefit of both residents and visitors.

A list of those which are protected by the provisions of the Jamaica National Heritage Trust Act is indicated in Appendix 3. Rather than allowing those sites and their settings to be destroyed the local planning authority will seek to have them preserve and protected and that any archaeological deposits within the area are conserve.

Application for the development of land in the vicinity of sites and buildings of historic significance should only be undertaken after consultation with the Jamaica National Heritage Trust Commission.

POLICY SP C 42 The monuments and historic buildings listed by the Jamaica National Heritage Trust and other historic and cultural sites of particular beauty or historic, archaeological and architectural significance listed in Appendix 3 will be protected, and permission for development will only be allowed after consultation by the applicant with the Jamaica National Heritage Trust.

POLICY SP C 43 The planning authorities will not normally grant planning permission for development which would damage or destroy the setting of ancient monuments, historic landscape and important archaeological sites not listed before consultation with the Jamaica National Heritage Trust.

Where it is anticipated that development will affect a historical site, the owner/developer must ensure that adequate time is allowed for an investigation of the site to be undertaken so that valuable heritage information is not lost. The views of the Jamaica National Heritage Trust should be sought when such situations arises.

FIFTH SCHEDULE, *contd.*

- POLICY SP C 44 Before granting permission for the redevelopment of any site with historic or archaeological buildings, the local planning authority may require the developer to provide information regarding the importance of the site and the impact of the development. In certain cases an excavation may be required. Planning permission may not be granted if adequate assessment is not provided.
- POLICY SP C 45 Before granting permission for a proposal which would result in damage or destruction of archaeological remains, the local planning authority will need to be satisfied that the developer has made appropriate provisions with the Jamaica National Heritage Trust for investigation and recording of the remains. Planning permission will be guided by the assessment of the archaeological information provided.

There may be a situation in which a proposed development will unavoidable affect archaeological remains if it is allowed to take place. Archaeological remains are fragile and irreplaceable. Once destroyed their record of the past is lost forever. Every effort will therefore be made to protect their intrinsic value when and where developments are taking place.

The local planning authority will seek an agreement with the developer and other appropriate bodies to make time and resources available for a comprehensive programme, of investigation to take place. The planning authority will seek the views of the Jamaica National Heritage Trust when the impact of development proposals on such a site is being assessed.

- POLICY SP C 46 There will be a presumption against development on important archaeological sites except where the redevelopment of a substantially developed site is proposed. Where preservation of archaeological remains is not possible, planning permission will only be granted if arrangements are made with the local planning authority for the work to be undertaken in a programmed manner after approval by the Jamaica National Heritage Trust.

Where the restoration of a building is to take place it is customary for the existing features to be changed by the owners. This will be discouraged by the planning authorities and all efforts made to retain the original design. Any application within 91m of a monument will be referred to the Jamaica National Heritage Trust for their comments and advice before approval is granted.

- POLICY SP C 47 Where works of restoration are necessary for any development every effort will be made to ensure that the original design is retained.

FIFTH SCHEDULE, *contd.*

- | | |
|----------------|--|
| POLICY SP C 48 | Any application for change of use relating to a heritage building shall pay special attention to the viability of preserving the building in terms of safety, its setting or any special feature it possesses. |
| POLICY SP C 49 | In considering applications on or near sites of historic, architectural or archaeological significance the planning authority will have regard to the Jamaica National Heritage Trust Act and refer such applications for their comments and advice. |
| POLICY SP C 50 | The local planning authority will endeavour to protect and enhance all listed buildings, their settings and any features of special architectural or historical interest they may possess. Due to circumstances beyond the control of the authorities and the developers it may be necessary to develop a site completely rather than trying to save existing buildings. In such situation precautionary measures will be taken to retain the character of the area. |
| POLICY SP C 51 | The demolition of buildings of historic interest may be allowed subject to the recommendation of the Jamaica National Heritage Trust when a large scale development is proposed and the design and character of the buildings cannot fit into the overall design of the new development. |

RURAL ECONOMY

Agriculture, fishing, and tourism are the main economic activities in the Development Order Area. Agriculture and fishing are the most outstanding contributors to the economy in the rural regions with tourism playing a less dominant role in these farming areas. Farming takes place mainly on the southern, eastern, and northern edges of the morass with the heart of this sub-economy sited in a string of villages along the eastern perimeter and the Fish River Foothills. Logwood is the main agricultural community in the north, while Sheffield is the major one in the south of the Order Area. The Sheffield plain is an extension of the plains of Little London and as such is an important sugar cane growing area.

The northern and eastern edges of the morass which borders the roadside are fairly dry as a result of the drainage canals in the wetland. The greater portion of farming, however, occurs in the fertile parts of the morass, and the produce is distributed in regional markets. It is important that lands of high agricultural value be protected and rationalized to safeguard the economy of the area.

FIFTH SCHEDULE, *contd.*

POLICY SP RE 1 The planning authority will give long term protection to the areas which have been delineated as agricultural lands on the land use proposal map and will give priority to the needs of agriculture over other planning considerations in dealing with any development applications in these areas.

POLICY SP RE 2 There will be a presumption against development which diminishes the amount of productive or potentially productive agricultural land in rural areas.

Since agriculture is the main land use activity outside the built up area, in order that this economic base is protected, development pressures should be resisted where they would divide economically viable and manageable farm units. The Planning Authority will not support the conversion of good agricultural land into nonagricultural activities.

POLICY SP RE 3 The planning authority will ensure that good agricultural lands are protected from encroachment by other uses and only intensive agriculture will be allowed on lands in classes 1 to 3 of the categories relating to agricultural use areas.

The rural area provides attractive settings for the urban areas from which it obtains economic benefits and therefore has to be protected from encroachment by non-rural type development. Any such development, therefore, should be absolutely necessary as land once taken out of agriculture and used for development cannot normally be easily restored.

POLICY SP RE 4 The planning authority will seek to protect land outside the defined built up area from irreversible and unnecessary development and will ensure that permission for development in these areas is kept to a minimum.

It is the general belief that once the land cannot be viably cultivated it has no agricultural potential and should be used for other purposes such as, housing development. It should be borne in mind that land cultivation is not the only viable agricultural activity that can be undertaken. In areas where the land is of a poor quality the rearing of animals or the planting of economic fruit trees from which substantial economic returns may be obtained, can be undertaken. However in dealing with such applications care will be taken to ensure that they have no significant effect on their surroundings.

POLICY SP RE 5 Agricultural activities such as poultry and pig rearing which do not depend on the quality of the soil and which can contribute to the rural economy will normally be supported by the planning authority on poor quality agricultural land.

FIFTH SCHEDULE, *contd.*

There are some uses which bear no relationship to the quality of the land and cannot always justify their location as being part of an agricultural use of an area. In some instances their existence jeopardizes the use of adjacent agricultural land and they will therefore be treated no differently from other forms of development.

POLICY SP RE 6 Development will not be allowed by the planning Authority on poor agricultural land if it will in anyway jeopardize the existence of good agricultural land elsewhere.

Under the Third Schedule of this Order there are some agricultural developments which do not require planning permission. Those that are exempted should be designed and sited so that they do not conflict with other rural interests such as the landscape and conservation areas.

POLICY SP RE 7 Development essential for agricultural production outside the urban fence will normally be permitted provided that there is no conflict with other important rural area resources and no adverse impact on the appearance of the surrounding area.

There may be occasions when it becomes necessary to house workers on or as near as possible to a farm for convenience, for example, those who reap sugar cane. Normally, this is for a short period of time and the buildings are usually of a temporary nature. This exercise may involve the use of good agricultural land and would be allowed since it will not be permanent. The land should however, be reverted to agricultural production when this temporary residential use is no longer required.

POLICY SP RE 8 Applications for dwellings of a temporary nature for agricultural workers and agricultural buildings on good agricultural land will be supported by the Planning Authority in extenuating circumstances.

Expansion of the economic base can be achieved through the diversification of farming activities and the re-use of redundant rural buildings for various purposes. However, caution will have to be exercised to ensure that a heavy volume of traffic is not encouraged onto any unsuitable roads where this is allowed.

POLICY SP RE 9 Recreation, light industrial use, educational and tourist related business will be supported within redundant farm and institutional buildings, provided that such change would not in any way affect the character of the building or be detrimental to the character of the rural area.

FIFTH SCHEDULE, *contd.*

Although agriculture is the major source of employment for residents in the rural section of the Development Order Area, many persons depend on tourism as a secondary source of income.

A significant amount of hotel accommodation in Negril is provided by hotels with under 50 rooms and non-hotels. To diversify the economic base residents in the rural area will have to get involved in providing suitable holiday accommodation in their homes especially where these can be or are operated by owners. This activity would have to be compatible with the areas in which they are to be located or undertaken.

POLICY SP RE 10 Extensions to existing buildings to accommodate guests will normally be supported, provided that there is adequate amenity, the character of the building and its locality will not be negatively affected, and it conforms to other related policies in this Order.

Self employment is widespread among the rural population especially women. Rural residents can now obtain loans to expand their businesses and many have made use of this opportunity especially in the operation of small scale home industries. The planning authorities will support such activities where possible.

POLICY SP RE 11 The operation of small scale home industries will be supported provided that it will not create a nuisance, nor affect the character and appearance of the neighborhood in anyway.

Residents in rural areas tend to shop for small items at regular intervals. Local shops are therefore very important in fulfilling this day to day activity particularly for the less mobile members of the community.

Although, consumer habits are changing and people are travelling to urban centres to do their shopping, the above situation has not changed considerably. Some of these business outlets also offer part-time employment to men and women, and sometimes are their only source of income. Such facilities will therefore be supported where there is a justifiable need and where they will not act as a catalyst to linear commercial development.

POLICY SP RE 12 Proposals for shops in rural areas will be given consideration in appropriate locations where it can be proven that there is a need for the facility in the neighborhood.

POLICY SP RE 13 Proposals for improvements to local shopping facilities in villages or residential areas will normally be permitted.

FIFTH SCHEDULE, *contd.*

The efficient practice of agriculture and horticulture requires the provision of markets and other distribution facilities in convenient locations. These will normally be supported to facilitate farming activities.

POLICY SP RE 14 Developments will normally be permitted where it is shown that it is necessary for the wholesale distribution of produce to and from local farms.

There are a number of fishing beaches located along the coast. Over-fishing of the inshore banks coupled with a reliance on traditional fishing techniques, example, pot-fishing in fairly shallow water has caused a decline in local output. The demand by hotels and restaurants has led to the importation of fish from outside the order area. The planning authority will support the improvement of facilities on the beach that will be able to cope with more modern fishing techniques.

POLICY SP RE 15 The planning authority will seek to enhance and protect the beaches listed at appendix 4 as public fishing beaches and only activities related to the fishing industry will be given planning permission at these beaches.

With the decline in output from ocean fishing, fisherman will have to look seriously at the inland fisheries in an effort to protect their livelihood. The location of such ponds will be closely examined by the planning authorities as they could be environmentally incompatible especially where large scale excavation has to be done and streams diverted to supply them with water.

POLICY SP RE 16 The planning authority will ensure that fish ponds and related facilities are located and established in locations where they will not have any detrimental environmental effect.

URBAN ECONOMY

The economic base of the urban centres in the Negril and Green Island Development Order Area is closely linked to the Tourist Industry. Tourism and related trade dominated activities in the Services Producing Sector, while commercial activities were directly related to tourism and were mainly related to the vending of food and craft. Manufacturing accounted for only a minor portion of employment and investment.

The slow pace of the development of the growth centres could be attributed to the vast numbers of all-inclusive hotels in the area. The needs of the visitors are provided for in house; hence it is not necessary for them to go shopping on the outside. Negril unlike the other resort areas has no cruise ship pier, hence it does not have cruise ship visitors which are allowed to move more freely around

FIFTH SCHEDULE, *contd.*

and make use of facilities outside of the hotels. Because of this, a base has to be provided for growth in employment and economic activities in manufacturing, commerce and the service industries, especially as it relates to tourism.

POLICY SP UE1 Where appropriate, development providing for growth in economic activities, such as commercial and office uses which sustain and enhance the variety and mix of uses while remaining in tandem with the function and character of urban areas, will be supported in the growth centres.

To strengthen the economic role of urban or growth centers, a lot of private investment will be required. It is of great importance therefore that potential investors have confidence in the future prosperity of these centres. Major commercial activities outside of these areas will have to be controlled and business activities promoted within them instead.

POLICY SP UE2 The planning authority will consider favourably, proposals for new retail developments in urban centres, which increase the range and quality of local retail facilities and services, and are readily accessible to residents of the Order area.

POLICY SP UE3 The planning authority will oppose proposals for major retail development outside established growth centres (including shopping centres outside of urban areas) which could adversely affect the prospects of achieving a significant and lasting improvement in the retail facilities and services available in the urban centres.

The upper floors of some commercial buildings in the centre of business areas are sometimes used for residential purposes or for storage. In an effort to increase retail or office space there is no objection to the conversion of these as the process helps to consolidate the shopping functions of these buildings. However, to minimize losses to the housing stock and to maintain interest, variety, and life in the town centre, changes of use involving the loss of high standard residential or tourist accommodation will be discouraged.

POLICY SP UE4 Proposals for change of use on upper floors of commercial buildings, from residential to retail within town centres will be permitted only if there will be no loss of good standard residential or tourist accommodation.

Negril is known for its green environment. Improvements to in-town shopping areas such as tree planting can make a shopping area attractive and enhance its commercial prospects. The addition of public conveniences, new shop fronts and other amenities can help to increase trade and attract investment.

FIFTH SCHEDULE, *contd.*

POLICY SP UE5 The authorities will encourage proposals which enhance the attractiveness and vitality of town centres, including environmental improvement schemes, and shop extensions, providing that such works are not in conflict with surrounding uses.

Fast food outlets, (take away hot food shops), restaurants and other similar establishments have important leisure and service roles. Such uses can however, cause problems to residents nearby because of odour, noise and other disturbances. Control over these uses is therefore necessary to ensure compatibility in the area in which they are located.

POLICY SP UE6 Planning permission will only be granted for suitably located fast food shops and restaurants where there is no potential detriment to environmental amenity. Appropriate hours of operation will be placed on this activity to protect residential amenity.

All industrial uses require specific planning permission and the conditions of approval are binding on the operation, the operator and the owner of the land. In an effort to preserve industrial land because of the nature of some industrial activities strict adherence to the land use proposals will be exercised.

POLICY SP UE7 Applications for the development of buildings or lands already being used for industrial purposes, or sites identified for industrial purposes on the proposed land use map, will not normally be supported if the intended use is non-industrial in nature, while the land retains its industrial capabilities.

POLICY SP UE8 The location of new industrial, office and business activities and the expansion and intensification of such uses in areas where they are already predominant will be encouraged and promoted as long as they are in conformity with planning requirements.

The promotion of "cottage industries" has become an essential element of long-term growth within the tourism sector. In giving consideration to this issue, the Order seeks to facilitate the development of such industries under a framework of planning policies, providing both the opportunity for involvement, and the dynamism needed to support growth.

POLICY SP UE9 The planning authority will support cottage industries and handicraft on residential properties provided there is no adverse effect on adjacent premises.

FIFTH SCHEDULE, *contd.*

- POLICY SP UE 10 Cottage industries shall be subordinate to the essentially residential purpose of the premises on which they are carried out, and no residential premises shall be wholly or in the majority be used for industrial or commercial purposes.
- POLICY SP UE 11 Handicrafts may be permitted provided that there is no machinery, equipment or process likely to adversely affect the comfort, health or enjoyment of residents in the area.
- POLICY SP UE 12 Whenever an enterprise has outgrown its original subordinate place in the use of a residential premises, it shall opt to remove to an industrial or commercial area, depending on the scale of the future operation and demand for zoned space.

Sometimes new and small business operations may have to be set up close to residential areas and other sensitive locations giving rise to negative impact on the amenity of the surrounding property. It is important that all new developments be such that they can be integrated into the surroundings and that the amenity of neighbouring occupiers particularly residences will not be unduly affected.

- POLICY SP UE 13 In considering applications for business developments outside of the area shown on the land use map for the purpose, the following will be taken into consideration:
- (d) the character of the area;
 - (e) the availability and supply of such facilities within the area;
 - (f) the development being acceptable on environmental, design, traffic amenity and other grounds g) the plot ratio standard for the type of development;
 - (h) the car parking requirements for the development;
 - (i) the provision of adequate servicing facilities;
 - (j) impact on amenity, in terms of noise, vibration, smell, fumes, smoke, soot, ash, dust, grit etc.;
 - (k) provision of soft landscaping and trees;
 - (l) other related policies in this order.

FIFTH SCHEDULE, *contd.*

Community benefits will be sought from large scale development where the need will arise from the development themselves. These would range from the provision of children's play area, to nature conservation schemes in the area where the development is to take place.

POLICY SP UE14 In considering application for large scale office, business and industrial development consideration will be given to the provision of certain essential community facilities such as, children's play area, provision of nature conservation schemes or others benefiting the environment such as recycling.

Car repair activities are essential and provide opportunity for the employment of local people as well as being a community service. Approval for these facilities will only be given in areas where they have no adverse effects on adjoining residents or on the surrounding areas.

POLICY SP UE15 In considering application for car repair workshops and garages, car tyre and muffler repair services, regard will be given to the impact on the amenities of the surrounding occupiers particularly where residential accommodation is involved.

Night life is an important part of the urban fabric and contributes to its economy. This tends to be deficient outside of the "all inclusive hotels" in Negril and Green Island Development Order Area, and is an activity that needs to be addressed especially for the survival of the small and medium sized hotels. However some forms of entertainment can be a nuisance to their neighbours hence they have to be properly screened and located.

POLICY SP UE16 Planning permission for entertainment facilities will not be supported where traffic problems will be exacerbated, where the amenity of residents would be appreciably injured or where a proposal is incompatible with the existing character and function of the area.

POLICY SP UE17 Permission will not be granted for a change from a cultural use, such as cinemas, museums, art galleries, etc., to other non related uses except in circumstances where a replacement will be made, within a stated time period.

Most times small offices are located in premises suited for this purpose or in part of a larger building which has been subdivided. When they are in prime

FIFTH SCHEDULE, *contd.*

locations there is always the pressure to do major redevelopment in the areas they occupy. Because of their contribution to the economy and other environmental factors their removal will be resisted.

POLICY SP UE18 Permission will not be granted for the redevelopment of small offices into large complexes or their alterations, where they make a particular contribution to the character and function of the area.

Public and private entities heavily used by the population, will be encouraged to locate their services in shopping centres and other related developments, where it is convenient for shoppers to carry out their business transactions at the same time, rather than having to move around from one location to another.

POLICY SP UE19 New shopping and other commercial business activities which are established in local planning areas will be encouraged to provide accommodation for public service facilities such as the paying of utility bills, etc.

The National Industrial Policy seeks to promote transformation of the structure of the Jamaican economy by expansion of existing activities and promotion of new activities in targeted areas. This Order will seek to facilitate and promote this objective, through its land use policy.

POLICY SP UE20 In keeping with the Industrial Policy the planning authority will support the development of specialized industrial parks and industrial space for small businesses in appropriate locations.

Due to the nature of hotels in Negril, the necessary commercial facilities to complement their operations are usually located within their complex and are a part of the design. This decreases the need for large scale shopping facilities in the area which encourages intrusion on the privacy of the guests

POLICY SP UE21 Free standing commercial activities will therefore be encouraged in growth centres rather than along Norman Manley Boulevard where most of the hotels are located. Such uses will be supported on the West End Road where they can meet planning criteria.

TOURISM

The tourism industry is one of the main contributors to the growth of the economy of the Development Order Area which is the third largest resort centre in

FIFTH SCHEDULE, *contd.*

the island after Ocho Rios and Montego Bay. The Negril and Green Island Development Order Area is a popular tourist destination which can be attributed to the beaches, the sea, the coral reefs and the The Negril Great Morass. To a lesser extent there are some man-made features in the form of historic sites, monuments and buildings which also contribute to the resources of the area. As the industry continues to grow there will be a demand for more accommodation and attractions, hence the need to ensure that the correct policies are applied.

POLICY SP TO 1 Proposals for hotels, guest houses and other service accommodation will normally be permitted along the coast, within built up areas and in areas identified for the purpose where the facilities are available to service this type of activity.

POLICY SP TO 2 Conversion of buildings of historic and architectural importance into tourist accommodation especially in rural areas where this would contribute to the conservation of the building will be supported.

POLICY SP TO 3 Proposals for new or improved tourism facilities and attractions will be supported on appropriate sites for such development subject to the siting, design, environmental and visitor management considerations being satisfactory.

Policy SP TO 4 In resort areas and urban areas permission will be given for hotels, conference facilities, villas and other serviced accommodation, provided they are consistent with the requirements for the areas.

Although new development to facilitate tourism will not normally be supported in the rural area, there may be occasions when the efficient operation of well-established activities justifies modest extensions. This may be acceptable if the size of the building or the activity is not increased significantly. Extension to existing buildings and changes of use to existing developed sites and buildings such as redundant farm buildings to accommodate guest houses, bed and breakfast, and self catering accommodation will normally be acceptable. However, access should be suitable with the proposals having no adverse effect on the character of the building and its locality.

POLICY SP TO 5 Permission will not be granted for hotels, guest houses, and other tourism service accommodation outside built up areas, except for conversion of existing building or appropriate extensions to existing service accommodations.

FIFTH SCHEDULE, *contd.*

While tourism development facilities are to be encouraged, the local environment has to be safeguarded in the interest of local residents. Although tourism facilities which are compatible with the amenities in resort areas will be encouraged in the urban areas and elsewhere, small facilities will be acceptable.

Policy SP TO 6 In built up areas, development which improves or extends the range of tourist facilities will be permitted provided the development will not be detrimental to the character and appearance of the locality and to the amenities of nearby residents.

It is in the interest of the motoring public to have certain facilities established along heavily used roads for their convenience and comfort. These should be at locations where they do not conflict with conservation policies nor interfere with the flow of vehicular traffic.

POLICY SP TO 7 Restaurants and cafes, tourist information facilities and picnic areas, may be permitted at appropriate locations on roads carrying tourist traffic providing there is no conflict with conservation policies and the design being satisfactory to the relevant authorities.

The height of hotels, guest houses and other tourist facilities should fit into the environment in which they are being located. They should not be bulky and overbearing, should be adequately landscaped and conform to the density, height, floor area ratio, ground coverage and all other development requirements for the area.

POLICY SP TO 8 The height of hotels, guest houses and other tourist accommodation should not exceed the planning criteria established for the area in which they will be located.

In some instance man-made and natural tourist attractions will need service facilities. These should be provided in a very unobtrusive manner and at a scale and intensity such that they do not detract from or have any harmful effects on the surroundings.

POLICY SP TO 9 Tourism service facilities will be allowed in areas where man-made features are developed as attractions and in conservation areas.

MINERALS

Minerals are basic resources for development, the extraction of which can have positive or negative effects on the environment. Dereliction of the landscape

FIFTH SCHEDULE, *contd.*

and destruction of the ecological balance are some possible effects when the activity is done in a haphazard way. Limestone and peat are the two minerals existing in the Order Area. Although there are major peat deposits in the morass, it is very unlikely that this resource will be exploited. However, there is a great demand for limestone which is used in the construction industry. The following policies are therefore intended to safeguard the areas in which quarrying takes place.

POLICY SP M 1 Physical development of a permanent or capital intensive nature will not be given permission on mineral bearing lands including peat deposits.

POLICY SP M 2 All operations concerned with and ancillary to the extraction of minerals constitute development and as such require planning permission from the planning authority.

The Mines and Geology Division has delineated a quarry zone in the Negril and Green Island Development Order Area, that is, "The Negril Quarry Zone." It is anticipated that under normal circumstances quarrying will only be permitted in this area and only after the necessary licenses have been obtained. The zone has been determined by the availability and quality of suitable material and is related to the consumption areas. However, there are some quarry sites outside of the zone which will remain in operation until their licenses are not renewed.

POLICY SP M 3 Quarries must be located within the quarry zone, and this operation will not be permitted in any other location, except in extenuating circumstances.

POLICY SP M 4 Mining and quarrying plans should be submitted to the appropriate authorities including the local planning authority for approval before any such activity commences.

Where quarry proposals fall outside the zones or where there are no zones in the area such application will be assessed for its impact on the surrounding areas in terms of aesthetics and environmental considerations such as noise, dust, smoke, traffic and visual effect.

POLICY SP M 5 In dealing with quarry applications the local planning authority will take into consideration the impact of the activity on the surrounding areas and will not recommend their approval to the Commissioner of Mines in cases where the use is contrary to the Development Order.

FIFTH SCHEDULE, *contd.*

POLICY SP M 6 Plant sites for the processing of quarry materials should be located as close as possible to the quarry sites and will be assessed in terms of their impact on the surrounding areas with regards to noise, dust nuisance and the traffic leading to and from the site.

The number of quarries operating in any area at one time will be controlled by the demand for the material. On completion of the operations it is expected that restoration of the quarried areas will take place in the shortest possible time.

POLICY SP M 7 All mined out and quarried lands are to be restored to its original vegetative state, or to a level which is satisfactory to the local planning authority and related authorities.

In some instances, land that is slated for future development may be quarried on a priority basis and prepared for development to the satisfaction of the local planning authority in consultation with the Mines and Geology Division. However, the quarrying of land shall not be construed as rendering the land suitable for building purposes.

POLICY SP M 8 Lands which are slated for development may be quarried on a priority basis and be prepared for development to the satisfaction of the planning authority.

POLICY SP M 9 In the event that contemplated development might affect licensed quarry operation the matter will be referred to the Commissioner of Mines for recommendation.

Coastal sand (both onshore and offshore) should not be regarded as a source for extraction purposes. These deposits are not extensive and the rate of generation by natural means may not be as rapid as the rate of removal, resulting in the destruction of the beaches. In this regards, there are no sand quarrying sites in the area.

POLICY SP M 10 The extraction of onshore coastal sand will not be permitted except under exceptional circumstances and sand extraction in such situations will be stringently controlled and removal confined to reuse in the area.

FIFTH SCHEDULE, *contd.*

WASTE TREATMENT AND DISPOSAL

Sewage

One of the obstacles to the development of Negril and Green Island Development Order Area over the years was the lack of adequate infrastructure, especially quality sewage treatment facilities and potable water.

The method of sewage disposal used for several years was mainly septic tanks with absorption pits or tile fields. A few hotels had package plants, the Urban Development Corporation had a central system that serviced developments on its properties, and the Whitehall Housing Scheme had its own plant. These treatment works suffered from regular mechanical failure which prevented them from operating efficiently.

The waste water from the intensive development along the coast raised the water table resulting in waste water from septic pits and tile fields seeping underground into the coastal waters affecting the coral reef and sea grass beds. This led to the introduction of holding tanks which eased the situation temporarily.

A municipal system has been constructed by the National Water Commission which extends from Negril Hills in the south to Bloody Bay in the north, and along the West End Road from the Roundabout to the Lighthouse. It consists of a system of central trunk sewers, secondary sewers, laterals and sewage treatment works that can adequately manage the needs of the area covered.

POLICY SP WT 1 Permission will not be granted for any new development or extensions to existing development within the sewered area unless they are being connected to the central sewerage system.

Although developers tried to cope with the inadequate situation by installing their own treatment plants, there were sites which were developed without this facility, resulting in the pollution of the environment. To safeguard against this in the future it will be necessary that a central collection systems be installed either individually or collectively for developments outside the sewered area.

POLICY SP WT 2 To meet the needs of the growing population in Negril and Green Island Development Order Area the planning authorities will seek to encourage the relevant agencies to have a comprehensive sewage system installed.

POLICY SP WT 3 Where densities are higher than seventeen dwelling units per hectare (17 du/ha) and an aggregation exceeding seven hundred and fifty persons, or where otherwise necessary because of environmental conditions, the units should normally be connected to a central collection system.

POLICY SP WT 4 Where there is no constraint in available land space consideration will be given to the installation of stabilization ponds or similar systems in preference to mechanical systems.

Areas in which there are no central collection facilities with access to piped water and where it is unlikely that this will be installed in the near future, should discharge their sewage by means of one of the methods approved for such situations. This should however, have regards to the type of building, lot size, soil characteristics, sources of ground water, and topographical conditions existing in the area.

FIFTH SCHEDULE, *contd.*

POLICY SP WT 5 For single family houses on lots of five hundred and eighty square metres (580m²) and larger with maximum density not exceeding eighty six person per hectare (86 p/ha) and a total ultimate population not exceeding three hundred persons, waste disposal should be by means of septic tank and tile field or septic tank and reed bed with grease trap incorporated or any other approved method where the soil is considered suitable.

In locating disposal facilities care should be taken to ensure that they do not pollute or are in a position to pollute underground water sources. Minimum distances should be strictly adhered to although they should not be taken as the maximum.

POLICY SP WT 6 No tile field shall be located in the vicinity of an actual or potential well or source of domestic water supply where there is the possibility that these may become polluted.

POLICY SP WT 7 There should be a minimum vertical distance of one metre (1m) between the bottom of a tile field and the maximum elevation of the ground water table or any layer of rock or impervious material.

Although it is desirous to have a high level of disposal facilities in some sections of the Order Area, especially in squatter settlements, it may not be possible to have soak-aways or tile fields. In such circumstances the alternative methods of disposal will be pit latrines. These should be constructed in accordance with the Ministry of Health standards and should preferably be of the ventilated improved type as this gives more satisfactory service.

POLICY SP WT 8 Where sewage disposal has to be by means of pit latrine then these should be of the ventilated improved type.

Recycling of Wastewater

Due to high cost and the difficulty experienced in providing a piped domestic water supply system to Negril and Green Island Development Order Area the recycling of grey water and the provision of rain water for secondary uses in buildings should be seriously looked at. Waste water from basins, baths, and showers can be disinfected and used to flush lavatories or water gardens. In this way domestic water consumption can be substantially reduced and control placed with the user making it less costly and more readily available especially during periods of drought.

POLICY SP WT 9 The use of rain water and recycled grey water for some secondary uses in buildings will be encouraged and provision should be made for this in development proposals.

POLICY SP WT 10 New housing developments which are served with a piped domestic water supply system should make provision for the use of rain water/grey water for the watering of plants and gardens.

Black water from the lavatory and grey water from kitchen sinks and dish washers go directly to the sewers and into the treatment plant. However, where treatment is by

FIFTH SCHEDULE, *contd.*

means of stabilization ponds or secondary system in a mechanical plant, the outfall can be used to water large landscaped areas or golf courses thereby reducing the consumption of water for this purpose.

POLICY SP WT 11 Developments with large landscaped grounds and golf courses should make provision for the use of recycled water to water these areas.

Solid Waste Disposal

Solid waste in Negril and Green Island Development Order Area is generated mainly by the commercial activities such as shops, restaurants, hotels, associated with the tourist industry and the resident population. The volume of waste produced is therefore higher in the tourist season, and has a high organic content. Presently there are no disposal sites within the Order Area and the waste is transported to Retirement in St. James for disposal. In due course one can therefore expect the setting up of "transfer stations" which should be guided by the undermentioned policy.

POLICY SP WT 12 Proposal for civic amenity waste sites and transfer stations should have satisfactory access, traffic route to and from the site should not be detrimental to environmental sensitive areas and the activity should in no way be a nuisance to adjoining uses.

Recycling has become increasingly important, because of concern over global environmental issues and for economic reasons. Any form of recycling has land use implications as space has to be provided for the activity. This ranges from small recycling centres in housing developments and shopping areas to depot space for amassing, sorting, and handling recycled materials.

POLICY SP WT 13 The Planning Authority will seek to ensure that provision is made for recycling facilities in new developments to facilitate the recycling of waste.

POLICY SP WT 14 In considering the location of sites for the waste disposal/recycling the Planning Authority will have regard to the potential impact and effect on the surrounding residential community, or commercial and residential activities, and in general, the environment.

Where facilities are not adequate for the storage of garbage and other solid waste, a breeding ground for flies and rodents is created. Although this tends to be more prevalent in commercial areas and activities, it is to a lesser extent applicable to residences as well. Precautionary measures should therefore be taken in the form of the provision of satisfactory receptacles on the premises.

POLICY SP WT 15 Commercial and other business places should provide fly proof and rat proof receptacles on the premises for the storage and disposal of garbage.

FIFTH SCHEDULE, *contd.*

- POLICY SPWT16 Solid waste management plans showing the separation, use, and disposal of solid waste shall be submitted with development applications to the Planning Authority.

With the overall growth being experienced within the industrial sector, it is possible that hazardous waste may be created from related activities, as such, adequate provision will therefore need to be made for the disposal of such waste should it occur, so as to ensure complementarity between the environment and industry.

- POLICY SPWT17 The planning authority will give special attention to the creation of special hazardous waste disposal sites where and when necessary for the safe disposal of hazardous materials.

ENERGY CONSERVATION

In order to provide a more reliable electricity service to the growing number of customers in the Negril and Green Island Development Order Area and to meet future demand, the Jamaica Public Service Company has constructed a new substation at Orange Bay. This substation accommodates not only the initial line from Paradise but a second line from Bogue. The overall plan will result in a significant increase in substation capacity for Negril and its environs. Improved voltage levels and service reliability will also result, as the substation would be much closer to the major load centres. With the increase in the reliability of the distribution system an increase can be expected in the consumption of electricity. Because of the high cost of energy it is essential that conservation measures be effected.

- POLICY SPE1 The planning authority will ensure that the design of hotels, residential, commercial and office buildings is such that they can make full use of natural lighting and ventilation and other energy conservation devices.
- POLICY SPE2 Where it is necessary to have heated water, the planning authority will require that buildings be designed so that they can make use of solar heaters.
- POLICY SPE3 The planning authority will support the heights of buildings which are such that it makes it unnecessary to install elevators or other electrical lifting devices for goods and people.

The availability of electricity contributes to comfortable living and is necessary for business and other activities but care has to be taken in its distribution. Substations and pole lines can be aesthetically unsightly if not properly located can be dangerous as well. Planning permission should be obtained for these activities before work commences as this constitute development.

- POLICY SPE4 The construction of electricity substations will be supported in areas where it is necessary to upgrade the supply of electricity as long as it will have no adverse impact on the environment.

FIFTH SCHEDULE, *contd.*

- POLICY SPE 5 Utility substations and individual transformers located on the ground, shall be surrounded by a wall or by a security fence with a screening hedge or other environmentally friendly device.
- POLICY SPE 6 Planning permission will be given for the installation of utility poles and lines where they are sited so as to allow easy and economic means of road and sightline improvements and do not obstruct pedestrian movement.
- POLICY SPE 7 Ancillary utility services should be so located that they will in no way obstruct sidewalk facilities.

The laying of electric wires underground is a costly and technical activity. Although it makes an area more aesthetically pleasing this has to be considered in terms of the capital outlay. However, in shopping plazas and some resort development, this method is more appropriate than to have the wires dangling dangerously overhead.

- POLICY SPE 8 Where it is feasible it is desirous that electric wires and cables be placed underground and appropriate markers be installed to identify the routes.

TELECOMMUNICATION

The growth in communication technology has given rise to the erection of Cellular base stations, and other telecommunication apparatus and devices such as antennae and satellite dishes for both domestic and commercial use across the Negril and Green Island Development Order Area. Telecommunication devices for commercial purposes are larger and more prominent than those for domestic purposes which are getting smaller. The siting and design of these facilities should at all times be such that they do not have a severe impact on the character and visual amenities of the environment see Appendix 14 for general standards.

- POLICY SP TELE 1 Base stations and transmission masts/towers will be approved in areas where they do not impact negatively on the environment and in which the land to be developed meets the necessary guidelines for the structures proposed.
- POLICY SP TELE 2 Where possible the proposed development should be designed so that it blends into the environment and minimize the visual impact. Different solutions, types of material and colours should be utilized where possible. New apparatus within urban areas should be sited on existing structures where possible.
- POLICY SP TELE 3 Telecommunications network should be sited so as to minimize the disturbance to the environment and loss of amenities.

Telecommunication and particularly mobile phones have become an indispensable feature of modern living. However, there has been a great deal of concern about the radio frequency transmitted from cellular towers on the health of residents in their

FIFTH SCHEDULE, *contd.*

vicinity. Since most studies on the effects of exposure to radio frequency (RF) from mobile phones or their base station have remained inconclusive, a precautionary approach will therefore be adopted in the location of these telecommunication devices.

POLICY SP TELE 4 Pre application consultation and discussion will have to be undertaken between the planning authority and the operator, schools, communities, interested parties and any other relevant body before planning permission is granted.

POLICY SP TELE 5 The beam of greatest radio frequency intensity from a base station sited within or near retirement homes, educational and health facilities should not fall on any part of the grounds or buildings of the institution.

POLICY SP TELE 6 Operators shall submit statements indicating compliance with World Health Organization guidelines for non-ionizing radiation protection with each application before it will be considered by the planning authority.

The construction of new developments can adversely affect the telecommunication services of others in the neighbourhood and the rights of adjacent landowners. The level of effect of the proposal on them will have to be assessed by the developers and the authorities and their protection ensured.

POLICY SP TELE 7 In considering applications the planning authority will take into consideration the development rights of the subject land and that of the adjoining premises.

The remains of obsolete equipment can destroy the amenities of an area and threaten the health and welfare of those living in the communities of which they are a part. Such equipment should safely be disposed of by the network operators in accordance with any standards or guidelines provided by the relevant agencies/authorities, and appropriate measures taken to reinstate the land to its original state or as near there to as possible.

POLICY SP TELE 8 Operators of telecommunication systems shall safely dispose of obsolete equipment and restore the land to a use satisfactory to the planning authority.

An increase in the number of participants in the telecommunications industry has given rise to a proliferation of antennae not only in urban areas but more so in the rural areas. These equipment are tall and prominent and are always located where they are a visible feature of the landscape. This has threatened the visual quality of some areas reinforcing the need for their control. Where satellite dishes, microwave antenna, radio masts and other telecommunications apparatus have to be installed, they will be considered on their own merits taking into consideration their impact on the character of the area. The possibility of sharing facilities will also have to be explored so that the number of structures in an area may be reduced.

FIFTH SCHEDULE, *contd.*

- POLICY SP TELE 9** The Planning Authority will facilitate the installation of cable television in new, residential, resort and commercial development where this is feasible.
- POLICY SP TELE 10** The planning authorities will ensure that the erection of telecommunications equipment will not result in unnecessary proliferation of or have any adverse effects on the character of a locality or the appearance of a property.
- POLICY SP TELE 11** In considering applications for the erection of masts the planning authority will need to be satisfied that the siting and external appearance of it and its apparatus will take into account existing and proposed landscaping, the impact on amenity and the impact due to noise and disturbance.
- POLICY SP TELE 12** In considering planning applications from license operators consideration will be given to the possibility of sharing existing masts, replacing one with another for joint use or erecting one suitable for joint use and that proposals will not affect the skyline or other areas of importance.

Business premises, especially betting shops and cable facilities, normally have the need for satellite receiving antennae and these are usually installed in unsuitable locations. They should be unobtrusively located so that they are hidden from public view and do not harm the amenities of any residents adjacent or in close proximity to the site.

- POLICY SP TELE 13** The erection of antennae on business premises will normally be permitted where the proposal is such that it is not visible from public areas or from the habitable room window of a dwelling which overlooks the site.
- POLICY SP TELE 14** Proposals for the erection of commercial antennae within the curtilage of industrial or commercial premises will be considered taking into account the scale of the equipment in relation to its surroundings and the existence of similar equipment in the vicinity of the site. Under normal circumstances the size should not exceed 1.8m in diameter.

Antennae in residential development or for other domestic use have very little environmental effect and are mostly confined to satellite antenna. Normally a satellite dish of up to 70cm in diameter is permitted development and will not require planning permission. Those above this size will need planning permission and special attention will be paid to their location. Ground mounted antennae will be less obtrusive than wall or roof mounted and will be allowed where it can be screened from public view.

- POLICY SP TELE 15** Where planning permission is required for the erection of an antennae on any residential dwelling, the application will be considered in terms of:—
- (a) any existing antennae on the building;
 - (b) the size which should not be greater than 1.8m in diameter;
 - (c) the visual effect on occupiers of adjacent land.

FIFTH SCHEDULE, *contd.*

- POLICY SP TELE 16** Satellite dishes should wherever possible, be located at the rear of a building or premises or on lower roofs and should be as unobtrusive as possible from the public view.

Although telecommunication devices are not compatible with historic or other heritage buildings or even townscapes due to their limitations, permission will be granted if they have minimal effect on their surroundings. The visual amenities of buildings, open areas and street scenes will have to be protected.

- POLICY SP TELE 17** Telecommunication devices will not be allowed on listed or other such buildings or buildings within conservation areas or on a site affecting heritage and consideration will be given to siting these on adjoining buildings or where they will least jeopardize the character and appearance of the heritage building.

It is indisputable that telecommunication has contributed to modern living. The dependency on this means of communication will continue and designers and architects should make provision for its future needs. In designing new developments telecommunication requirements should be considered to prevent installation at a later stage which may not be supported.

- POLICY SP TELE 18** Telecommunication requirements should be considered at an early stage in new developments as the installation of visually intrusive equipment at a later date may not be permitted.

In dense developments it is customary for each block of units to have its own dish and other communication antennae. These create a visual impact as they become prominent skyline features from street level or other sensitive viewpoints. To avoid this the shared use of these facilities will be encouraged.

- POLICY SP TELE 19** In complexes such as terrace and town house development consideration will be given to the sharing of one antennae and, or satellite dish between several units.

- POLICY SP TELE 20** Where there are several separate users in one building such as apartment and office building only one antennae will be permitted for the whole building unless the others can be screened from public view.

As the technology in telecommunication equipment advance dishes and other transmittal and receival equipment become smaller and more powerful. Domestic satellite dishes now range in size from forty five centimeters (45cm) (eighteen inches) (18 ins) to three feet (3 ft) (0.9m) and come in a variety of colors enabling one to choose the size and color that blend with the environment. In buildings where these equipment are to be installed requirements should also be considered at an early stage to prevent non-conforming additions in the future.

FIFTH SCHEDULE, *contd.*

- POLICY SP TELE 21** Where possible the planning authority will require that the smallest size dish should be used on the exterior of buildings and the color should blend with its background and surroundings.

GENERAL DEVELOPMENT POLICIES

The policies in this section are intended to supplement or fill the gaps in the Sectoral Policies. They are of a general nature and are applicable throughout the Development Order Area.

In dealing with development applications the planning authorities will ensure that proper sanitary conditions and conveniences are secured, that there is the co-ordination of roads and public services, the protection and extension of amenities and the conservation and development of the resources of the Order Area. The Land Use Proposal Map will adequately identify the areas for each of these activities as necessary.

- POLICY GD 1** Development will be approved in areas that provide a healthy environment and in which the land to be developed meets the necessary standards and guidelines for the type and scale of development proposed.

- POLICY GD 2** The planning authorities will not normally support approvals for major residential or commercial development:

- (1) outside of the urban built up areas except as it relates to local demand.
- (2) where adequate provisions have not been made for infrastructure and utility services.
- (3) which will destroy the natural environment or which will sterilize the enjoyment of an important resource.
- (4) which would be a nuisance to existing and proposed development in the area in which it is to be located by virtue of any process generating smell, fumes and or, noise.

The flora of the Development Order Area will be maintained for its general amenity, ecological and economic value. The local planning authority will discourage development which requires the large scale removal of trees. In developments where it may not be possible to retain trees because of their location their replacement will be required in the form of new landscaping with varieties adaptable to the new environment.

- POLICY GD 3** The local planning authority will not entertain planning permission for development which is likely to result in damage to or the loss of trees which makes a significant contribution to the character and appearance of an area except in

FIFTH SCHEDULE, *contd.*

extraordinary circumstances. In such situations the site would have to be landscaped to the satisfaction of the local planning authority.

In order to preserve the visual and recreational amenities of the Development Order Area, sites within the growth centres will be zoned to preserve amenity and open space. It is the intention of the local planning authority that these facilities be provided within a convenient distance of all places of residence. Where private or public open spaces or recreational activities are of high amenity value they will be protected from abuse and vandalism by allowing only uses consistent with their preservation. This includes development of recreational and cultural buildings and with the necessary car parking facilities. This will improve the quality of leisure activities for residents in the Order Area. Unrelated uses such as shops and houses will not be permitted.

POLICY GD4 Existing recreational open spaces will be protected and enhanced in all developments and only facilities necessary for their adequate functioning and the preservation of the amenity and character of the area will be allowed.

POLICY GD5 Existing playing fields and recreational open spaces within established residential areas will be protected and the creation of new areas for active and passive recreation will be promoted wherever possible.

POLICY GD6 Provision of facilities for a wide range of sports, arts and other activities will be encouraged in appropriate locations throughout the Order Area to meet the needs of all residents and visitors.

Non-conforming uses are those activities existing in areas that have not been zoned for that purpose and would be out of character in such cases. It is anticipated that where these exist, the land affected will revert to those uses which are in conformity with this Order. Such non-conforming uses will be required to relocate to an appropriate site to which they are compatible. In the interim no extension of the use will be allowed for the activity in its existing location.

POLICY GD7 Where a non-conforming use exists, the local planning authority will encourage its removal and will not grant any permission for extension or retention of the facility except in extreme cases of hardship. This does not obviate the fact that it will have to be removed eventually in such circumstances.

There are many activities which are important to the residents of the Order Area but at the same time can be an irritant as well as having a detrimental effect on the environment. As such they are inappropriate in residential areas and the centre of urban areas. These uses are known as "bad neighbour" uses or "backyard industries"

FIFTH SCHEDULE, *contd.*

and include the breaking up, repair and spraying of motor vehicles and the storing and processing of minerals and building materials. These usually have a high level of outdoor activities and should be accommodated on special sites such as those for heavy industry away from residential areas. The local planning authority will seek to have these in acceptable locations which will be screened and landscaped to minimize their impact.

POLICY GD 8 "Bad neighbour" uses will be confined to the area designated for those purposes.

POLICY GD 9 New "bad neighbour" developments or the extension or intensification of existing ones outside of their designated area will not be permitted.

POLICY GD 10 Planning permission will not be given for the establishment or extension of any use likely to be detrimental to the amenity of a locality or the character of a conservation area and any existing development will be encouraged to relocate.

There are lands within the Development Order Area which because of poor drainage become flooded during heavy rainfall. These properties are not suited for residential development and should not be so used unless they can be drained properly. In some instances the situation is such that no development at all should take place on these lands. Careful assessment will therefore be made of applications in these areas to ensure that they will be safe and that they will not increase the risk of flooding due to excess run off from the proposals.

POLICY GD 11 There will be a general presumption against new development or the intensification of existing ones in areas which are at risk from flooding unless the necessary acceptable mitigatory measures can be taken.

Coastal flooding may be caused by extreme tides, storm surges, exceptional waves during storms or a combination of these. It is a natural phenomenon which plays an important role in shaping the natural environment and cannot entirely be prevented. These events may also increase the erosion of natural defences such as sand dunes and shingle ridges, potentially exposing the areas behind to a greater risk of flooding. Global Warming and sea level rise and the increased frequency and severity of storms affecting the Negril and Green Island Development Order Area are pertinent factors for consideration in this regard.

POLICY GD 12 The Local Planning Authority will ensure that flood risk is properly taken into account in the location of new development and that measures are taken to reduce the risk of flooding.

The Negril Great Morass covers an area of approximately two thousand two hundred and eighty nine (2,289) hectares (5,657 acres), and accounts for approximately one fifth of all wetland areas in Jamaica. The wetland consists of herbaceous marshlands, mangrove forests, swamp forests, other lowland forests, and waterways. The dominant

FIFTH SCHEDULE, *contd.*

vegetation is saw grass (*C. jamaicense*), occupying approximately eighty (80) percent of the total surface area. The eastern edge of the morass is fringed by a diverse lowland forest. The largest tract of red mangrove, (*R mangle*), is located at Orange Bay near the old mouth of the Orange River. The Great Morass has been shown to support several species of animals, including tree crabs, birds, and several species of fish. Species of fish known to enter the mangrove area include shad (*Diapterus rhombeus*), piper (*Strongylura timuca*), snapper (*Lutjanus griseus*), and mosquito fish (*Gambusia affinis*). It is separated from the sea by a narrow sandy spit forming the famous Negril beach at Long Bay and Bloody Bay.

POLICY GD 13 Further reclamation of wetlands for any purpose, will not be allowed until an environmental impact assessment is carried out on the entire wetland ecosystem.

POLICY GD 14 No development will be allowed in areas which would adversely affect the integrity and existence of mangroves or other wetland areas, except under extreme circumstances. In certain cases an environmental impact assessment may be required before an application is processed.

Care will be taken to protect Negril's wetland ecosystems for their environmental value. Developments will be assessed for their impact on these ecosystems and will not be supported if detrimental to the area. No large scale removal of mangroves will be allowed especially along the coast and where in exceptional circumstances this occurs, to prevent any net loss it may be required to replant an equal or larger amount of this specie of trees.

POLICY GD 15 Where indirectly, accidentally or purposely the destruction of mangroves occurs on a property, to prevent any net loss in replanting an equal or larger amount is required to be planted by the developer and or owner.

Agriculture is important to both the rural and urban economies as it generates employment and provides a ready source of fresh produce to the urban areas. In this present time of rising food prices an emphasis on food security is paramount in confronting such challenges. It is therefore imperative that large tracts of suitable agricultural lands are available for different types of agricultural development including livestock rearing, and intensive forms of agriculture such as green houses and hydroponics.

POLICY GD 16 There will be a general presumption against the release of lands of agricultural potential for other uses. Such lands will be preserved and conserved for productive agricultural use and the intrusion of non-agricultural related development involving these lands will not be supported.

The provision of golf courses is part of the attraction of many hotels and it is possible that future resort development may have this included as part of their amenities.

FIFTH SCHEDULE, *contd.*

Golf is an activity that requires a considerable amount of land and as such care should be taken to ensure that sites selected for this purpose will not have a negative effect on the environment or intrude on good agricultural land.

POLICY GD 17 Golf courses and other forms of development which require extensive land areas will only be allowed in locations where the environmental impact will not be adverse. They should be sited on non-agricultural land and where roads in the vicinity are adequate to carry an increased traffic flow.

THE DESIGN OF NEW DEVELOPMENTS

Normally the design of new developments should be of a high standard and should be in sympathy with the nature and character of the area in which they are to be located.

The provision and siting of community facilities, the layout of building areas, including density, spacing, grouping and orientation will be considered in the granting of planning permission. The size, height, color and finishing materials of buildings or other structures, the object which may be affixed to structures, the layout and site coverage of buildings and the use to which buildings or land are to be put will be subject to control to ensure proper standards of design and amenity.

POLICY GD 18 New developments will only be approved where the necessary infrastructure and amenities are available and where they conform with the requirements and guidelines set out in the Schedules and Appendices of this Order.

POLICY GD 19 Planning permission will not be granted for any development which would have a significant adverse effect upon the amenity and privacy of adjoining properties.

POLICY GD 20 All single family detached dwellings shall be set back a minimum of 1.5 metre per floor or a suitable distance as may be determined by the local planning authority from time to time from property boundaries and adjoining buildings. The set back for two (2) and more storeys shall be greater than that required for single storey development.

There are certain establishments which are required to provide sanitary facilities for their patrons. Such requirements will be in addition to that provided for employees. The facilities should be maintained in a clean condition and accessible by the public during business hours. The design should be such that they can accommodate the disabled.

POLICY GD 21 All new shopping centres, hotels and other businesses used by the general public should have public sanitary conveniences for both the able and disabled in accordance with the standards set out in the Development and Investment Manual, Volume 1, Section 1-chapter 2 prepared by the National Environment and Planning Agency 2005. See Appendix.....

FIFTH SCHEDULE, *contd.*

With the influx of motor vehicles parking spaces are now at a premium. It is incumbent on developers to ensure that adequate provision is made for parking in the proposed development.

All new developments to which the public will have access should also take the needs of the disabled into consideration in their layout and design.

Parking is an integral part of the overall Transport Policy and the requirements, standards and design criteria are set out in Appendix 9 for all categories of buildings. This is to ensure that an adequate amount is provided for each development. The spaces should be located within the building line on the premises that it is intended to serve in such a manner that it will not be injurious to the amenities of adjoining premises. They should be landscaped, especially in commercial areas as shown in Figure 5. The bays should be of practical shapes that allow for the maneuvering of vehicles.

POLICY GD22 The provision of and standards for parking spaces and bays should be in accordance with the requirements set out in Appendices 7 and 9 and Figure 5 except where extraordinary circumstances warrant otherwise.

It is important that traffic generation and its impact upon the road network be taken into account when dealing with new development proposals. Attention will therefore be given to safety and environmental considerations in all instances.

POLICY GD23 All new development should be designed and located in relation to the existing road network, so that satisfactory vehicular access, egress, crossover and where appropriate, circulation within the site is provided.

The level of awareness and concern for the disabled has increased over recent years. In accordance with the principle of recognizing this general level of awareness, the local planning authority will use the design criteria set out in the Development and Investment Manual Volume 1, Section 1, Planning and Development—Chapter 2 and the National Building Code as a reference in dealing with developments to which the disabled has access.

POLICY GD24 In assessing developments for public buildings the local planning authority will use the relevant sections of the Development and Investment Manual and the National Building Code as guidelines to ensure that such buildings are accessible to the disabled and all developments should be designed accordingly.

Where necessary the planning authorities may request a plan containing details of existing trees (including location on the land, height, girth, and species) and wildlife habitats. It is important that these be protected during the period of construction and the planning authority will take appropriate steps in this regard. Trees which are

FIFTH SCHEDULE, *contd.*

destroyed during the period should be replaced, and the felling or limbing of trees along main roads will be controlled. Species to be used in ornamental planting shall not include noxious exotic plants but should where possible include plants native to the area.

POLICY GD 25 Planning permission for Resort, Town House and apartment, and large non residential developments will be required to include landscaping proposal plans in their submissions.

POLICY GD 26 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 permission of the local authority.

POLICY GD 27 New developments will be expected to conserve existing wildlife features and encourage the creation of appropriate wildlife habitats.

Storm water run off from building sites onto roadways can cause interruption of the free movement of pedestrian and motor vehicles. Owners of properties, especially along major thoroughfares should ensure that surface water is intercepted and disposed of before it reaches the roadway.

POLICY GD 28 Owners of Developments shall be required to dispose of storm water runoff from roofs on their own property or under the sidewalk. No permission will be given for such storm water runoff to be disposed of onto the surface of the side walk or roadway.

POLICY GD 29 In areas where caves, sinkholes, or grottos exist these should be left clear to assist in the natural disposal of surface water and should not in anyway be used as sewage and solid waste disposal facilities.

One of the problems on a development site is the amount of dust generated during the construction period. This can be a nuisance to people living and working in the area as well as motorists and others who have to traverse roadways adjoining or near to such sites. Abatement measures should be undertaken to ensure that the levels are tolerable at all times.

POLICY GD 30 During the construction stage of a development all possible source of fugitive dust generation should be sprinkled to avoid the dispersion to surrounding areas.

In some areas it may be appropriate to have a mix of development. As long as the uses are compatible the planning authority will give consideration to such proposals.

FIFTH SCHEDULE, *contd.*

POLICY GD 31 Mixed use development for residential, office and institutional activities or any of these uses may be allowed in areas zoned for commercial activities. The total amount of development shall not exceed that permitted for the zoned development.

POLICY GD 32 The Local Planning Authority will support proposal for the change of use of the buildings from residential to compatible uses in appropriate locations and premises.

Hotels and Guest Houses can normally be accommodated in residential areas without detriment to the character of the area, provided that their scale, appearance and traffic generation are consistent in the area. It is important to encourage this kind of accommodation particularly at the budget end of the market.

POLICY GD 33 In the built up areas, permission will normally be given for hotels and other serviced accommodation, provided they are consistent with other policies contained in this Order. The conversion of tourist accommodation to other uses will not normally be permitted.

New developments may take the form of infill which is the replacement of individual buildings in a housing development or the construction of buildings on vacant lots within a partially developed subdivision. Such developments should be closely related to its surroundings and should be such that it enhances the appearance and character of such areas. The density should be such that it protects the surrounding amenities as well as that of the new development.

POLICY GD 34 Infill developments will be allowed on vacant lots within areas of residential subdivision where appropriate at a density not significantly higher than that existing. The form and design of the new development should normally be guided by the existing buildings and overall scale of the area and have regard to the form and materials of adjoining buildings.

Developments which impinge on local vistas will not be acceptable to the local planning authority. The design of such buildings should always take cognizance of the surrounding areas and have regard to the amenities being enjoyed by others.

POLICY GD 35 The local planning authority will not normally support permission for any development which will have a detrimental effect on views being enjoyed by occupiers of buildings whether or not they are located in close proximity.

In subdividing land a variety of street design such as grid, modified grid, curve linear, cul-de-sacs, loops and P-loops and a variety of housing types and design along with the necessary open space will be encouraged. All proposals should take the physical characteristics of the site, including trees and clusters of trees, and other

FIFTH SCHEDULE, *contd.*

forms of vegetation and structures and sites of architectural, historical or archeological interest respectively into consideration. Due consideration should also be given to the nature and character of adjoining development and the type of services which will be supplied by the developer. The convenience, amenity and safety of the community are to be of paramount consideration at all times.

POLICY GD 36 In considering subdivision applications the local planning authority will pay special attention to the design of the road networks and will ensure the coordination of the subdivision of contiguous properties through the continuation of roads into lands which have not yet been subdivided in order to integrate utility and public services and other activities.

POLICY GD 37 The land required to be set aside to meet community needs in residential sub division should not be pieces left as unsuitable for housing development but land of appropriate dimensions, shape slope and location in accordance with the requirements set out in Appendix 10, Residential Density, Standards and Control.

POLICY GD 38 In reserving land for open space in large subdivisions, the local planning authority will give consideration to the provision of larger parcel on which playfields can be located rather than several small ones which can only be used for passive recreational purposes. A mixture of both may be acceptable, depending on the circumstances.

The local planning authority is concerned that land is not merely subdivided for sale of lots only but that development takes place and communities are formed. In dealing with very large subdivisions with regards will be had to the pace of development and the number of undeveloped lots in the general area and their rate of absorption. This will be necessary to ensure that development is promoted and the subdivision is not premature.

POLICY GD 39 In granting permission for the subdivision of land due consideration will be given to the standards of amenity already established in an area and departure to a lower standard will be permitted only on the merits of the case.

POLICY GD 40 In considering subdivision application the planning authority will ensure the co-ordination of the subdivision of contiguous properties in order to integrate existing and future services and circulation.

POLICY GD 41 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 in accordance with the requirements set out in Appendix 10.

FIFTH SCHEDULE, *contd.*

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 disposal. Developers will be required to show proof that their proposals are not premature and may have to satisfy seeding requirements. This is necessary to prevent land speculation and promote development instead.

POLICY GD42 Subdivision applications will be assessed on the need for lots in an area and may be given a programme of phasing and seeding.

POLICY GD43 Large scale urban style subdivisions in the rural areas will not be considered unless the proposer can satisfy the planning authority that such development is in no way premature in terms of local demand and that all required utility services can be provided without making demands on the relevant government agency.

POLICY GD44 Where approval is given for a large scale development in rural areas the developer will be required to 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) within a specified time period and at a ratio to be determined by the planning authority.

POLICY GD45 Plot coverage and other requirements for the various types of buildings should be in accordance with the requirements in Appendix 10, and the density zoning for the area.

The subdivision and development of land can cause irreparable damage to the environment. Once land is subdivided, it will take several years before the damage can be reversed or remedied. An assessment of the effect on the environment should be done before subdivision is undertaken.

POLICY GD46 Any development which is likely to have significant effect on the environment by virtue of its nature, size and location may require an Environmental Impact Assessment.

NEW SETTLEMENTS

The National Physical Plans 1970—1990 and 1978—1998 as well as the Jamaica Settlement Strategy 1997 identified Negril as a subregional urban centre and Green Island and Orange Bay as district centres. As industry, commerce and tourism grows, exponential population growth is expected in the local planning areas. This population growth, along with restrictions in land use will eventually give rise to the need for new settlements. There are a number of village centres, which may in time emerge as additional settlements. The new settlement pattern should be based upon development of these communities, rather than the opening up of new areas, and should be established in

FIFTH SCHEDULE, *contd.*

accordance with the guidelines and policies indicated in this order. Care will be taken to ensure that the unique qualities of the rural environment are protected and that they are not degraded by urban development pressure.

POLICY GD47 The local planning authority will ensure that all new settlements are served by its own system of roadways with access onto a main thoroughfare through which transportation links can be made with other areas of the parishes.

POLICY GD48 The subdivision of land will be guided by the relevant Housing Policies and the other guidelines and requirements in Appendix 12 of this Order.

In selecting sites for new settlements care should be taken to ensure that they are located in areas which will provide a healthy living environment. They should not adjoin existing or potential sources of nuisance and site conditions should be suitable for the erection of the type and scale of buildings contemplated.

It is also expected that the basic required amenities such as schools and other community facilities as well as commercial and economic opportunities will be provided at the outset so that they are available for the use of the residents when needed. Steps should be taken to ensure that these fit into government's overall plans for the area and that designs meet with the approval of the relevant authorities. Developers of new settlements should also ensure that adequate arrangements are made with the utility agencies for the services that are provided by them and which are needed in any proposed development.

POLICY GD49 In dealing with applications for new settlements the planning authority will only give consideration to those that are located in areas which will provide a healthy living environment.

POLICY GD50 All proposals for new settlements should include the necessary social amenities, physical infrastructure and facilities as well as commercial and economic activities needed for the residents upon occupancy.

PETROL AND OIL FILLING STATIONS

It is in the public interest that the proper siting and design of petrol and oil filling stations throughout the Negril and Green Island Development Order Area be controlled. Special attention will be given to, access, egress and the relation of these to traffic intersections, the design, appearance and location on the site of buildings and ancillaries, the location of the proposed site in relation to existing or proposed development and the planting and protection of grass, trees and shrubs. In addition to the policies outlined below these developments should adhere to the guidelines listed in Appendix 8.

FIFTH SCHEDULE, *contd.*

- POLICY PFS 1** Filling stations will not normally be permitted close together on one side of any road unless there is similar provision on the other side sufficient to reduce traffic crossing the road.
- POLICY PFS 2** Where it is anticipated that a road will develop as a limited access road, the siting and design of the Station should conform to the special standards for access and egress from such roads.
- POLICY PFS 3** The layout and design of all filling stations should be in accordance with the guidelines in Appendix 8.

Petrol Stations should be established where they fulfill a need. They should not be located in isolated areas on highways where their existence depend solely on passing motorists, but in communities or commercial areas where they can add to the economic activities and provide a service. Consideration will therefore be given to placement so as to ensure that there are no adverse effects on the residents, adjacent development and traffic flow.

- POLICY PFS 4** Permission will only be given for new stations where there will be no significant adverse effect on the amenity and environment of nearby occupiers, traffic levels on residential roads, nor risk to public safety.
- POLICY PFS 5** Developments which are not sensitively designed and integrated with surrounding areas will not be given planning permission.

The hazards associated with the emission of benzene (a known carcinogen) can be minimized by the use of vapour recovery pump. Where petrol contains benzene the mitigatory measures should be in place.

- POLICY PFS 6** "Vapour recovery pumps" should be installed in all new Petrol Filling Stations where the petrol being dispensed contains benzene.
- POLICY PFS 7** Advertisement will be controlled in accordance with the guidelines provided in Appendix 8 and parking in accordance with Appendix 7

CONTROL OF ADVERTISEMENT

The display of advertisement will be controlled in accordance with the Town and Country Planning (Control of Advertisements) Regulation, 1978. Hoardings or other similar structures used or adopted for the display of advertisements or other public notices constitute development for which planning permission shall be required.

The regulations set out the general framework for the control of advertisements but the power of the local planning authority thereunder may be exercised only in the interest of amenity and public safety. In addition applications to display advertisement will however be assessed according to their location and siting, dominance in the street scene and where appropriate illumination.

FIFTH SCHEDULE, *contd.*

Developers and other interested parties should familiarize themselves with the Regulations and the Policies herein as the local planning authority's decision in dealing with applications, will be influenced by them.

POLICY CA 1 When considering proposals for the display of advertisements the local planning authority will take into consideration:

- (i) whether it is an appropriate location given the character and appearance of the surrounding area;
- (ii) the general siting, size and dominance of the proposal and its impact upon the amenity of adjacent property;
- (iii) all relevant road safety considerations;
- (iv) within conservation and heritage areas particular attention will be paid to the design, siting and illumination of advertisements to ensure the maintenance and enhancement of the historic character and appearance of the area.

POLICY CA 2 The local planning authority's decision in dealing with advertisement will be influenced by the Advertisement Regulations in the above policy and the guidelines in Appendix 16.

The Development Order Area is one of the most picturesque areas in Jamaica with its rugged cliffs, pristine waters, endemic flora and white sandy beaches. Even though advertisements are vital to business and important in disseminating information, measures need to be in place to ensure that the character and appearance of the area is not compromised. Guidelines are set by the regulations as to the size, height etc. However their location and appearance throughout the local planning area will have to be addressed.

POLICY CA 3 Signs adhering to the guidelines set out by regulations will only be permitted by the planning authority in areas where they do not distract road users, clutter an area or become unsightly and detract from the character and appearance of the area.

In commercial centres the local planning authority will use its powers flexibly whilst having regard to the particular need to ensure that advertising displays on frontages and street furniture do not detract from the character and appearance of the area.

POLICY CA 4 Signs and advertisement must be well designed and sensitively located within the street scene. When considering advertisement in other location the planning authority will have regard to the circumstances of each case and the interest of amenities and public safety.

FIFTH SCHEDULE, *contd.*

- POLICYCA5 Signs on shop fronts in the area should not be placed above the ground floor level of the building whether or not commercial building exists there. No signs should be displayed on the building above normal fascia level.

COASTAL DEVELOPMENT

The Development Order Area's major attraction is its varied coastline and its lush vegetation. This is evident from the Community Centre to Green Island and easterly from the Lighthouse to John's Point. Within these areas are some highly prized white sand beaches and vegetated areas which are to be preserved and protected for their recreational value. The coastline has several areas which are undeveloped and it is the role of the planning system to reconcile development requirements which will conserve and where appropriate protect the environmental quality and recreational opportunities of the coastal areas. The coast is a complex environment where many of the interactions between natural processes and human activities are not always well understood. A precautionary approach is therefore required where potential damage to the environment is both uncertain and significant.

The limit of the coastal zone (see land use proposal map) varies in different areas, depending on the physical characteristics that exist. In all instances its boundary is the mean low water mark in the seaward direction and the edge of development or roadway in the landward direction. The policies will be dealt with under three headings.

Undeveloped Coast

The undeveloped coast are areas where no development has yet taken place and is preserved for its landscape value and the natural conservation interest. It is expected that planned development will occur in due course but during the interim the local planning authority will endeavour to safeguard it from unplanned development.

- POLICYUC1 Development proposal for the undeveloped coast will generally be considered acceptable where it can be demonstrated that no other suitable site exists elsewhere along the developed coast and the social and economic benefits of the proposal outweigh the potential detrimental impact on the undeveloped coastal environment.

- POLICYUC2 Development along the undeveloped coast will only be considered acceptable if such proposals would not be detrimental to the environmental quality of the surrounding areas, and if it is in close proximity to a service centre or adequate services.

Regard will be paid to the visual and physical impact of coastal development, particularly on the undeveloped coast. Where development is approved, conditions will be imposed to minimize any adverse impact on the environment.

FIFTH SCHEDULE, *contd.*

POLICYUC3 Where the local planning authority grants permission for development on the undeveloped coast, it will ensure that the design is of a high standard and that important scenic views of the sea are kept free from development.

The undeveloped coast in the Development Order Area is very scenic and of great significance to the general attraction of the area. Development proposals will be assessed for their impact on the undeveloped coast and refused if considered to be detrimental to the character of the area in which they are to be located. Any new uses permitted in a scenic area should be designed and located to minimize visual impact and blend with the natural environment. Conservation and, where appropriate, enhancement of the natural and cultural heritage will be promoted and opportunities for its enjoyment will be identified.

POLICYUC4 Development will not be permitted if it materially detracts from the unspoilt scenic quality or scientific value of the undeveloped coast.

Between Ireland Pen and Green Island there are several areas with large and small beaches whilst, to the east of the Lighthouse, beaches exist at Homer's Cove and Little Bay; these are the only beach formations in this section of the coast. These beaches should be developed to the degree that ensures their usefulness and safety without destroying their natural beauty. A list of beaches is indicated in appendix 4

POLICYUC5 The development of beaches outside of Long Bay and Bloody Bay will be allowed to the degree that ensure their usefulness and safety without impairing their natural endowment.

At Bloody Bay, portions of the area where several hotel developments are located were not served by the central sewage disposal system. The system was expanded to rectify this situation, however it is expected that Plans for similar scaled developments will be presented in the future. Density in this area will therefore be expected to remain moderate as over development could destroy the amenities in the area.

POLICYUC6 Development within Bloody Bay area should be as unobtrusive as possible and shall not exceed a density of fifty habitable rooms per hectare (50 h.r.ha.) on the landward side, and twenty five habitable rooms per hectare (25 h.r.ha) on the seaward side.

Ireland Pen to Orange Bay, Orange Bay to Green Island and the area east of the Negril Lighthouse, remain relatively undeveloped. Ireland Pen includes, Little Bay and consists of narrow cliff edge tracts, rocky inlets and a mature vegetation covering. It is bisected by the North River control canal and the southern area contains the only white sand beach on this stretch of the coastline. The northern section has magnificent cliffs and boasts a superb view out to sea. The land on the morass side of the main road north of the canal is tree covered and falls off to the morass fringe land below with views over the wetlands and the inland mountain ranges.

FIFTH SCHEDULE, *contd.*

Developments should be sited such that the public has unrestricted movement along the coast line and a clear view of the sea from the road. Buildings should also be setback from the edge of the morass to prevent encroachment into this sensitive area which is vital to Negril's coastal existence.

POLICY UC 7 Developments in Ireland Pen should consist of hotels, apartments and villas and should not exceed an overall density of thirty habitable rooms per hectare (30 h.r.ha) (12 h.r.a) with densities on the seaward side not being more than twenty five habitable room per hectare (25 h.r.ha).

POLICY UC 8 The heights of buildings in this area should reflect the ambience of Negril, should not exceed two floors in height and should be set back from road and sea in accordance with the relevant policies.

POLICY UC 9 The layout of the developments to be undertaken in the area should be such that they do not result in any significant alteration to the vegetation cover, the cliffs and the views to sea and mountains.

The area between Orange Bay and Green Island is one which is characterized by unspoilt views which should be retained as much as possible. The main road runs along a beautiful unspoilt waterfront with a variety of caves, offshore islands and large and small beaches. Conservation and where appropriate, enhancement of the natural and cultural heritage will be promoted and opportunities for its enjoyment will be identified. This is of particular beauty and interest and is to be retained in its present state for the continued enjoyment of its natural attributes by the general public.

POLICY UC 10 Development will not be allowed along the stretch of the coastline which would materially detract from the un-spoilt scenic quality or scientific value of the area.

POLICY UC 11 Recreational development may be permitted in locations where such a facility would serve the public or will preserve an area of natural beauty and where such proposal would not be detrimental to the environmental quality of the surrounding areas.

The section of the coastal area south-east of the Negril Lighthouse is extremely ecologically sensitive. The coastline is rocky, rough and steep, and the offshore topography is some of the steepest in Jamaica, bringing deep reef close to land. Some of the best reef in the Negril area are found here and this is a major fish trapping area for Negril based fishermen. Limited tourist development may become expedient in the future when the other areas of Negril have been developed. Such development should be clustered rather than being dispersed or continuous. However, there is an absence of infrastructure in the area hence; no intensive development will be allowed until this is rectified. Set backs from the Coastline should be in accordance with Figure 4.

FIFTH SCHEDULE, *contd.*

- POLICYUC 12 In order to protect against premature development, the local planning authority will give due consideration to the timely basis for the development of resort and residential facilities in this area.
- POLICYUC 13 The planning authority will not grant any permission for development within this coastal area unless it is connected to a central sewage collection system.
- POLICYUC 14 Where permission is granted for any development in this area the local planning authority will ensure that building and structures are located in such a way that they avoid having any adverse effect on the general character of the coastline or adjacent areas.
- POLICYUC 15 The planning authority will not support any form of development that would adversely affect the protected ecological area.

The area on the landward side of the Parish Council Road at a point approximately 4.5 kilometres from the Negril Lighthouse to Johns Point is a protected watershed area. One large subdivision has been approved in an isolated area without any development taking place. The planning authority will ensure that development takes place in an orderly and progressive manner, so that infrastructure and development can be co-ordinated and not established on an ad hoc basis.

- POLICYUC 16 The planning authority will only grant permission for development in this area which is compatible with watershed areas, will not materially diminish the ecological services provided by that watershed and for which the necessary infrastructure and other amenities are available.

There are certain industries which by their nature will require a coastal location. These include ports or marinas, coastal marine farms, and some energy schemes. Large development proposals are likely to present the greatest threat to the natural, cultural or scenic environment but the cumulative effect of smaller developments can be just as damaging. In considering applications for the location of any of these activities the planning authority will ensure that they do not conflict with existing uses or diminish the site's development potential.

- POLICYUC 17 There will be a general presumption against new industrial development along the undeveloped coast unless it can be demonstrated:
- (1) through robust reasoned justification, that no other suitable site exists elsewhere along the developed coast or within existing settlements.
 - (2) that the social and economic benefits of the proposed development outweigh the potential detrimental impact on the undeveloped coastal environment.

FIFTH SCHEDULE, *contd.*

POLICYUC18 The local planning authority will normally consider development proposals for the establishment of coastal dependent industries which will not impact adversely on the coastal environment.

POLICYUC19 The local planning Authority will take into consideration, the cumulative impact of industrial development when assessing proposals for development along the undeveloped coast.

Booby Cay

Booby Cay lies off the coast of Rutland Point and is accessible by boat from Long Bay or Rutland Point. The Cay is approximately two and one half (2.5) hectares in size and is predominantly a white and dolomitic limestone formation. A beach of approximately four thousands (4000) sq meters is located at the southern edge of the Cay and is well used by both locals and tourists. The area is a nesting ground for the Booby birds and is a very vulnerable environment therefore the necessary precautions have to be taken to ensure that the qualities which made it appealing are not degraded or destroyed.

The Cay is owned by the Urban Development Corporation and there are plans to use it as an attraction. However it is recommended that due to the sensitive nature of the Cay and its surroundings no permanent structures be built on this Cay. The carrying capacity should also be evaluated and not exceeded as this could cause rapid deterioration of its fragile environment. It is likely that development will require an environmental impact assessment.

POLICYUC20 In developing the Cay for recreational activities consideration should be given to the erection of structures of a temporary nature only and the provision of facilities that will not negatively impact on the Boobies or any other wild life present.

The coral reefs surrounding the Cay are one of the more frequently visited dive locations, and as such any development permitted on the Cay should be environmentally sound throughout its entire lifetime.

POLICYUC21 Where permission is granted for any development on Booby Cay, the local planning authority will ensure that development is carried out so as to avoid any adverse effect on the surrounding marine environment.

Developed and Partially Developed Coast

The developed and partially developed coast are areas in which development has already taken place but vacant lot still exist which are expected to be developed in the future. Proposed developments within this area will be cognizant of those existing and where possible and desirable conform with these standards.

FIFTH SCHEDULE, *contd.*

POLICYDC 1 The height of proposed new resort buildings on the West End is not to exceed two (2) storeys generally and those as infills on Norman Manley Boulevard three stories. The development should be arranged in clusters, to ensure an unobstructed view of the sea and public access to the beaches.

Due to the considerable depth of the lots on the seaward side of the road, there is a sizeable area of buildable land remaining after the required setbacks are met. In cases where more than one structure is contemplated and it is feasible, the arrangement of the buildings on these sites should be such that views may still be obtained from the road to the sea.

POLICYDC 2 Lots on the seaward side of Norman Manley Boulevard with sizeable area of buildable land should have no structure wider than twelve metres (12m)(40ft) continuously measured anywhere across the width of the lot.

The density of development is one of the major factors in setting limits to intrusions onto the natural environment especially along the coast. Although a central sewage collection system has been installed along Bloody Bay and Long Bay, this does not automatically allow for an increase in density as the carrying capacity at both locations is such that it cannot accommodate higher densities than presently exists. In determining its capacity not only hotel occupancy in the area has been taken into consideration but the fact that, this stretch of beach is used nationally and is subject to serious erosion. Densities in this coastal section of the area will therefore remain low with higher densities limited to infill operations only. In calculating densities for new hotel developments only along this stretch of the coast the principle of foot print, plot ratio, and height will be applied. The figures have been given a range to allow flexibility in the quality of the design based on the size of the lot. The meanings of these terms are outlined in the glossary and special attention should be paid to them as they will be used to assess how much development will be allowed. Habitable rooms per hectare will continue to be used for apartment and townhouse developments.

POLICYDC 3 Densities on vacant or totally undeveloped lots along the seaward side of the main road should have a footprint not exceeding the range of 33 1/3 %–40% of the site, a height of not more than 3 floors, an open land space of 60%– 66 2/3% and a plot ratio in the range of 0.8:1 to a maximum of 1:1 calculated on the entire lot whether or not it extends across the road.

POLICYDC 4 Where a lot extends from the seaward side of the main road to the landward side of the main road and the density is calculated over the whole lot the planning authority will allow the total development to take place, where possible, on the seaward side while the landward side shall remain for recreational purposes.

FIFTH SCHEDULE, *contd.*

POLICYDC5 Densities along the seaward side of the main road at Long Bay shall be a maximum of thirty-seven habitable rooms per hectare (37 h.r.ha) (15 habitable rooms per acre) calculated on the entire lot whether or not it extends across the road.

The landward side of the main road from the roundabout to Orange Bay is an important component of the ecosystem of the morass. This area therefore is to remain in its natural state as far as possible and nothing must be done which will result in irreversible damage to this area between the wetland and the sea. Only "limited development" will be permitted here on lots originating on the landward side of the road. Lots which extend from the seaward side will only be allowed recreational and service facilities on the landward side and no form of accommodation will be entertained.

POLICYDC6 Where densities have not been transferred to the seaward side then the planning authority will only allow service facilities on the landward side of the property.

POLICYDC7 The planning authority will approve single family development not exceeding two floors in height with a ground coverage not exceeding ten percent (10%) and with adequate setbacks on existing lots originating on the landward side of the main road.

POLICYDC8 Resort development will be permitted by the planning authority on lots originating on the landward side of the main road at a maximum density of twenty five habitable rooms per hectare (25 h.r.ha) (10 h.r.a) on lots of a minimum size of 0.4 ha. Such development shall have adequate setbacks, be two (2) storeys in height, (ground plus one) and shall not exceed ten percent (10%) of site coverage.

POLICYDC9 The planning authority will only allow recreational and service facilities on the landward side on lots that extend from the seaward side of the main road, to the landward side.

POLICYDC10 No development will be permitted by the planning authority within a distance of thirty and one half metres (30.5m) of the edge of the morass.

POLICYDC11 The planning authority will require that a minimum of sixty per cent of the existing tree coverage on all lots being developed on the landward side be retained. Trees that are removed should be replanted in a suitable location.

Long Bay which sets the image of Negril and distinguishes it from all other resorts in the island along with Bloody Bay constitutes the major recreational resources in the Order Area. Long Bay extends for 7.2 km from the Community centre at Negril to Rutland Point, whilst north of Rutland Point, Bloody Bay extends over 1.6 km of beach

FIFTH SCHEDULE, *contd.*

frontage. Access to Long Bay Beach can be obtained through a series of roads or openings located between lots. In Bloody Bay public access to the beach is guaranteed by a beach park which is to be located in the middle of Bloody Bay. Siting of building along these two beaches should therefore be done in a manner that will enable the fullest enjoyment of its natural beauty, without being impeded.

POLICY DC 12 The planning authority will not approve the erection of any permanent structure, fences, or obstructions within 45.75 metres of the high water mark.

General Coastal Development

These consist of policies that can apply generally along the coast. Whether or not the development proposals fall into the two previous categories.

The Negril and Green Island Development Order Area continued existence as a natural beauty spot depends largely on how the lots along the coastal area are developed. The general intention is to preserve the unique landscape character of this area. New development should not compromise the existing landscape setting, and due respect should be given to the unique character of the area. Major visual corridors in and around these areas should be maintained. Building, siting, design and landscaping should be such that clear visual corridors of the sea are maintained at all times. The setback from property boundaries and the height of buildings are important considerations in achieving this objective. Buildings should not be obtrusive and the architectural expression should be low keyed. Commercial activities will only be allowed to the extent where they service resort and hotel facilities and are included in the development.

POLICY CD 1 The set back of buildings from side property boundaries shall be determined by their height and density and shall not be less than 4.6 metres for single storey building.

POLICY CD 2 The set back of buildings from the high water mark in area where this has not been indicated in the policies should be in accordance with Figure 4.

POLICY CD 3 The local planning authority will not grant permission for any development on land adjacent to the line of high water mark which would preclude general public access to and along the foreshore.

POLICY CD 4 Buildings and structures shall be located in such a way that they avoid any adverse effect on the general character of the existing coastline in the area in which they are located.

Because of the scenic value of the Development Order Area's coastline, great care has to be taken to ensure that development is compatible with the environment and will in no way significantly affect the vegetation. It has to be designed in such a way that there will be very little alteration to significant stands of vegetation.

FIFTH SCHEDULE, *contd.*

- POLICY CD 5 Development proposals should be accompanied by a comprehensive landscape plan which shows the location species and size of all major vegetation to be removed, retained or planted.
- POLICY CD 6 Only those forms of development which will not result in any significant alteration to the existing topography or any reduction in significant stands of vegetation will be permitted by the planning authority.
- POLICY CD 7 No development will be allowed in wooded areas which would adversely affect the homogeneity or integrity of these areas. Developments should be sensitive to the ecology of the area, and should be in a manner and scale which is in harmony with and/or enhances the character of the coastal environment.

The coastal area and coastal waters 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, irrespective of how it reaches to the coast. Development proposals are to be examined with regard to prevention and/or control of pollution particularly in the most sensitive areas along the coast.

- POLICY CD 8 Development along the coast will only be allowed by the local planning authority if such proposals would not be detrimental to the environmental quality of the surrounding areas.

RURAL AREA POLICIES

While the urban and coastal sections of the Order area with their unique environmental qualities and beautiful landscape features are devoted to resort and hotel development the remainder is mostly used for agricultural purposes. Along with the keen interest in agriculture there is the desire to construct new houses and improve the existing stock. Notwithstanding the Settlement Strategy of the National Physical Plan 1970, these villages will play an important role in the growth of Negril by providing accommodation for locals and tourists in the long term. Permission for such residential development will be based upon their location and the services that are available.

- POLICY RAP 1 New housing development in rural areas will be restricted to the existing built confines of villages except in situations where they could be easily linked with other existing developments.
- POLICY RAP 2 Extensions to existing buildings in the rural areas which can provide tourist accommodation will normally be supported provided there will be no adverse effect on the locality.

Agricultural lands in the rural areas, especially those of moderate or lesser productivity, are always under pressure to be used for housing development. It is important that no large scale change takes place in such situations, and that regard is always had for the agricultural needs of the community when the occasion arises.

FIFTH SCHEDULE, *contd.*

POLICY RAP 3 Lands of high agricultural productivity will be preserved for such use and the gradual intrusion of non-agricultural subdivisions onto fertile lands will not be entertained.

POLICY RAP 4 Planning permission will not normally be granted for development on lesser productive lands, where such development is unrelated to the needs of agriculture, especially in areas where agriculture is the established activity.

Sugar cane cultivation and cattle rearing are the two main agricultural activities outside of the designated urban centres. These provide the base economy for villages like Logwood, Santoy, and Campbellton, where they are well established and where measures should be implemented to protect them from abandonment. Where agricultural lands fall in "protected areas" agriculture should not be excluded but be made to integrate into any overall plan that is intended for the area.

POLICY RAP 5 Areas which are of significant importance to agriculture will be given priority for that purpose except in circumstances where they are designated as "protected areas" and would not be easily integrated therewith.

POLICY RAP 6 Development that would sterilize surrounding agricultural lands will not normally be permitted unless there are overriding factors such as there being no alternative site available for such development, with it being of high importance to the area.

In the majority of cases sugar cane is grown on fairly level or undulating lands where run off is not rapid. It is therefore more economical to farm large acreages rather than small plots of land for this purpose; the same principle applies to cattle rearing. However, there will always be the need for small farms and in some instances the large farms will become subdivided. It is recognized that this may not be in the best interest of agriculture hence close scrutiny will be made of such subdivisions to ensure that the lots are viable agricultural units fulfilling a need and, which will be placed into production rather than being for speculative residential purposes.

In addition sugar cane is grown extensively on the landward side of the main road from Orange Bay to Green Island and all efforts will be made to safeguard these lands for that purpose. Intrusion of non agricultural activities will not be encouraged.

POLICY RAP 7 Planning permission will only be given for the subdividing of large farms, where it would result in economically viable sized farming units.

POLICY RAP 8 Agricultural lands of high value are to remain as such and the local planning authority will not support their conversion to housing and resort development, except in extenuating circumstances where thorough and robust justification can be demonstrated.

FIFTH SCHEDULE, *contd.*

- POLICY RAP 9** The topsoil or topography of agricultural land along the coast should not be altered in anyway so that agricultural productivity is adversely affected.

Although it is the policy of the Government to encourage people to live in settled areas where it is easier to provide them with services, there are some rural villages such as Logwood, Santoy, Campbelton, and March Town which are growing, but individually or collectively they do not fulfill the criteria for a growth centre. In the long term however, they will coalesce with development stretching out along the main road, making it difficult to achieve the desired economic objectives in the distribution of amenities and services. At the risk of intruding into agricultural lands, provision will have to be made to satisfy local housing and business needs which will cater to local people and returning residents, and stem the linear growth. In this regard the area left in white on the land use map will be used for agriculture and may be released on a timely basis for development.

- POLICY RAP 10** Housing developments to satisfy genuine local needs will be supported in villages if the developers can satisfy the authorities that the demand exists.

Many forms of agricultural development and most other agricultural changes do not require planning permission (See permitted development). Some agricultural development does however, require planning permission and it is important that these are designed and sited to avoid conflicts with other rural interest e.g. landscape.

- POLICY RAP 11** Development essential for agricultural production will normally be permitted in the rural area provided that there is no conflict with other important rural area resources and no adverse impact on the appearance of the surrounding.

An area outside of a village or growth centre may at times appear to be developed because of a conglomeration of buildings. In such instances there is always undue pressure for further development in the location. However, before making a decision, such a situation would have to be assessed in terms of the character and appearance of the rural environment. The setting of precedents may also have to be considered both from the point of view of the existing developments and what is proposed to ensure that there is no conflict.

- POLICY RAP 12** Proposals for new development outside of villages and growth centres will be permitted only if it is rural in character and do not conflict with the appearance of the area in which it is to be located.

- POLICY RAP 13** Small scale businesses will be supported on the fringes of villages where they are appropriate to the scale of the settlement and are needed to provide services to residents.

It is of national importance that buildings of historic and architectural significance or buildings with special features be preserved. It may therefore become necessary to

FIFTH SCHEDULE, *contd.*

convert these buildings to other uses to achieve this goal. In such circumstances the character and appearance of the building should not be changed so as to retain its rural and historical appeal.

POLICY RAP 14 The conversion of the function or buildings of historic and architectural importance to provide accommodation for new economic, social, or other suitable services will be permitted if this is necessary to preserve the life of the building.

POLICY RAP 15 Recreational, educational and tourism related activities such as restaurants will normally be acceptable within redundant farm buildings, and buildings of a similar nature provided that its character and appearance would not change and the use would not be detrimental to the rural area.

Most urban areas receive their potable water supply from springs or wells located in the rural area and Negril is no exception. A major source of water to the Development Order Area comes from wells located at Logwood and Campbelton. It is therefore in the best interest of residents in the Order Area that watershed areas be protected from degradation and the wells from underground pollution. Woodlands and trees in watershed areas will be preserved; that is, all members of a species of trees, shrub etc. will be retained. Access to these areas may also be on a controlled basis. The type of sewage disposal facilities used will also have to conform to the high standards expected in such situations.

POLICY RAP 16 All new developments will need to have acceptable waste management systems considering especially, factors such as ground to water table levels, and proximity to surface water sources and channels, and meet the requirements of the health authorities

POLICY RAP 17 The use of pit latrines may be allowed within 1.5 km of a well or potential well site, river, or areas down gradient of a well or potential well site or in an aquiclude.

POLICY RAP 18 The use of absorption pits will not be permitted within the zone of influence of springs and wells.

POLICY RAP 19 Protection will be given to areas of woodland and trees especially those identified in the conservation or watershed areas as being important to sustain the recharge of wells and springs.

Although development interests in the Negril region are centred on the beaches and wetlands, these features derive additional value from their proximity to areas of higher ground. While the natural vegetation of the Negril Hills has been largely replaced by housing cultivation and exotic tree introductions, the eastern hills are relatively undisturbed and should be protected.

FIFTH SCHEDULE, *contd.*

POLICY RAP 20 Permission to allow development in the rural area will at all time seek to protect and enhance areas of outstanding natural beauty.

POLICY RAP 21 Areas of scenic beauty in the "public domain" will be protected for the enjoyment of the public.

The quarry zone in Negril is located in the conservation area. Since the material is an important part of the construction industry both will have to co-exist. However, in all instances the protection of the environment will be paramount to the extraction of quarry material. Precautionary measures will therefore have to be incorporated into the operation in this regard.

POLICY RAP 22 The operators of quarries will be required to ensure that the environment is not destroyed during the process of extracting material and that all trees and vegetation removed is replaced or replanted in the shortest possible time, and shall strictly abide to all conditions stipulated within its licenses.

POLICY RAP 23 The quarrying of land in the rural area will not be regarded as rendering the land suitable for development and will not be accepted as an excuse for circumventing the quarries Act requirements.

The limestone nature of the land surface in the rural section of Negril provides the medium for the development of caves. Where caves exist they are usually a source of "cave pools" and "streams" and a repository for bat guano which can be used for manure. Since a lot of the water flow is underground through cave systems familiarization with the location and nature of caves is important in assessing applications to ensure the prevention of pollution hazards.

In recent times some caves have also been used as places of interest for visitors and others have been developed as "show caves". It is anticipated that caves in Negril will be developed in this way allowing not only tourists to enjoy this spectacle but locals as well.

A list of the caves in the Order Area is indicated in Appendix 11 and their locations are shown on map sheet series 1.

POLICY RAP 24 Development proposals involving caves and or blow holes, or located in the vicinity of such, will only be allowed if they have no adverse environmental or other impacts.

POLICY RAP 25 No planning approval will be given to developments which rely on caves or sinkholes as a means of disposing of sewage and or other waste material.

FIFTH SCHEDULE, *contd.*

LOCAL AREA PLANS FOR GROWTH CENTRES

*Negril Local Area Plan**Description*

This section provides the guidelines for the orderly and progressive development of the area described as the Negril Local Area Plan in the First Schedule of this Order. It stretches from the northern property boundary at the Community Centre in the north-west then east along the South Negril River to Sheffield, south easterly to Negril Spots, then generally south to Retirement then westerly to the Negril Lighthouse, then northerly along the coast back to the northern property boundary at the Community Centre. It includes areas such as Good Hope, Non -Pariel, Mount Airy, and the Western Coast known as "West End".

The local planning area contains the Town of Negril which is the largest of the growth centres in the Development Order Area. Negril has grown to become a vibrant area housing the core administrative and commercial functions of the Development Order Area with a plethora of resorts and a constantly increasing population. The population within the boundaries of the Negril Local Planning Area grew from 4,184 in 1991 to 5,651 in 2001, which represents a growth rate of 3.05 per cent during the intercensal period. Assuming that this growth rate remains constant, the population is expected to increase to 7,632 persons in 2011 and 10,308 persons in 2021.

The commercial, infrastructure and resort services are fairly well developed and there are large tracts of government and privately owned land available for future development. Included in this is a portion of the Whitehall property which is slated for town expansion.

The diverse physical environment (rugged cliff faces, pristine white sandy beaches and the Negril Great Morass), rich cultural heritage, easy pace and vast economic potential of the area earned it the status of one of Jamaica's top resort destination. This has resulted in a number of investors showing significant interest in the area.

POLICIES FOR THE NEGRIL LOCAL PLANNING AREA

*Transportation**Public Transport Centre*

The Negril square can be regarded as the hub of not only the Negril Urban limits but the entire Development Order Area. This has given rise to it being the focal point for vehicles going in all directions within the parishes of Westmoreland and Hanover. Taxis pick up and set down passengers around this general area resulting in congestion along the major thoroughfares.

If this congestion is to be reduced, it will be necessary to provide adequate and secure parking facilities for public transportation including taxis and commuters using this service. Currently, a temporary transportation centre is erected along the Negril to Sheffield Main Road. Even though this facility exists several taxis still operates along the roadways causing problems to other road users and pedestrians.

FIFTH SCHEDULE, *contd.*

It is important that a permanent transportation centre be constructed within the Town. In this regard, a parcel of land has been identified on the White Hall property along the main road to Sheffield. The development of this site should also include facilities necessary for the comfort of commuters and the local authority should see to it that all public passenger vehicles operate from within this facility.

POLICY NT 1 Lands shown reserved for the construction of a Public Transportation Centre on Map 2 at Whitehall shall be used for that purpose only along with any supporting facilities necessary for the proper functioning of the centre.

POLICY NT 2 The local planning authority will ensure that transportation routes and bays are clearly identified and marked so that the centre can operate smoothly.

There is a considerable amount of vendors in and around the current public transportation centre selling various products to commuters and their movement at times causes increased traffic delays. In establishing new transportation centres the local planning authority will seek to ensure that suitable vending areas and supporting facilities are provided. The authority responsible for the operation of the current centre should in the mean time take the necessary steps to control the number of vendors and their activities on the premises to avoid any conflicts.

POLICY NT 3 The local planning authority will seek to ensure that the centre is provided with amenities necessary for the use and comfort of the commuters and vendors such as snack counters and toilet facilities and that vending activities are regulated.

Road Network

The road system in the urban centre of Negril is characterized by three heavily used roads radiating from a roundabout in the centre of the town. While the Non-Pariel and Long Bay main roads have space for improvement this is not the situation with the Lighthouse road (West End Road). Originally designed for use by pedestrians, it now carries a mix of pedestrian, motor vehicle and bicycle traffic. There is no space for the road to be widened as most of the buildings are constructed near to the edge of the paved section which is the property boundary. Noticeable also is the lack of adequate pedestrian facilities in the form of pedestrian crossings and sidewalks resulting in pedestrians using the roadway which is very hazardous. There is a considerable amount of land behind this area such as Red Ground and beyond the Lighthouse which is designated for future development. A new road would therefore have to be constructed further inland to provide access to these lands to facilitate development and rationalized vehicular and pedestrian movement on the West End Road. The alignment shown on Map 2 should therefore be protected from the intrusion of buildings or any other development that would impede the construction of these roadways.

POLICY NT 4 A development road is to be constructed inland of the West End Road from the square to beyond the lighthouse as shown

FIFTH SCHEDULE, *contd.*

on Map 2 and no development will be allowed in this alignment. The local planning authority will ensure that adequate pedestrian crossings and sidewalk facilities are placed along the proposed roadway for the safe movement of pedestrians.

POLICY NT 5

To facilitate the smooth flow of traffic in the West End area the local authority will be encouraged to explore the possibility of converting the existing road into a one way system as soon as the new road is constructed.

The main road from the square to Green Island crosses over the South Negril River. This bridge can only accommodate two lanes of vehicular traffic at the moment. An increase in vehicular traffic will make it more difficult to manoeuvre in the area, especially since the Norman Manley Boulevard is to be dualized. A second river crossing would ease the situation by providing a short bypass to the centre of the town and improve accessibility to the wide urban area.

POLICY NT 6

A dual carriageway road shall be constructed across the South Negril River approximately 402.4 metres up stream from the existing bridge as shown on map 2 and the alignment will be preserved for this purpose.

Parking

There is no parking provided in some commercial and office developments and in others where spaces have been left they are either inadequate or difficult to rationalize because of the shape of the land. All new developments or extensions to existing ones, irrespective of the type, have to conform to the parking requirements established in this Order. In resorts or other commercial developments where parking cannot be adequately provided on the development site for guests and employees, this may be located on a suitable alternative site. This is necessary for the smooth movement of pedestrian and vehicular traffic in the town.

POLICY NT 7

All new commercial, resort and other developments or extensions are required to provide adequate on site parking for staff and customers as set out in the parking regulations, unless it is impractical or not feasible to do so in which case alternative arrangements will have to be made and approved by the planning authority. Parking areas for resorts should be developed to adequately accommodate large tour buses.

Landscaping significantly improves the appearance of commercial parking lots and should be provided where these exist. Landscaped islands usually break up large expanses of asphalt and cars, while shade trees add a third dimension to maintain a pedestrian scale. Islands should be large enough and the soil uncompressed and treated to provide healthy habitat for trees and plant materials.

FIFTH SCHEDULE, *contd.*

POLICY NT 8 All commercial car parks should have at least ten percent (10%) of the asphalted area landscaped with ornamental trees to the satisfaction of the planning authorities.

Where a developer owns more than one parcel of land in an area and is unable to meet the parking requirements on the one being developed, the parking may be placed on the other site. However no development will be allowed on this site that would affect the parking spaces and any new development would be limited to the remainder of the site and would be required to provide its own parking.

POLICY NT 9 Proposals for developments which cannot provide the parking requirements on site will be allowed to do so, on property in proximity owned by the same developer or in which he has a legal interest. Only the remainder of any such property can be developed and it would have to provide the necessary parking for any such proposal.

POLICY NT 10 Where there is a proposal to develop a parcel of land to such an extent that it cannot provide the parking requirements on site and alternative arrangements cannot be made to accommodate the excess the planning authority will not be sympathetic to such situations and will not treat it as a case of hardship.

In most existing developments no consideration is given to the special parking needs for the disable, making it uncomfortable or almost impossible for these persons with special needs to utilize these facilities.

POLICY NT 11 The planning authority will ensure the provision and implementation of parking arrangements for disabled persons which will be in accordance with Appendix 7 and Figure 2.

CONSERVATION OF THE NATURAL AND BUILT ENVIRONMENT

Natural Environment

The Negril Local Planning Area comprise enclaves of fragile and sensitive eco-systems such as the Great Morass and the Marshland Duck Pond, both of which plays very important roles in sustaining the environment of the area thus making conservation of utmost priority.

The Negril Great Morass is a coastal wetland which encompasses approximately two thousands four hundred and twenty eight (2428) hectares. It is the second largest fresh-water marshland in the island. The wetland is comprised in part the Negril Royal Palm Reserve which is almost 121 hectares of which approximately 61 hectares is the Morass Royal Palm Forest. This Morass Royal Palm or Swamp Cabbage is endemic to

FIFTH SCHEDULE, *contd.*

western Jamaica. It is prudent that this wetland eco-system be preserved. In order to preserve its uniqueness the portion of the morass within the urban boundary, must be closely monitored to ensure that no unauthorized development takes place, as this is one way to lose the naturalness that exists.

POLICY NC 1 No permission will be granted for any development within the morass and only agricultural and horticultural activities which are not detrimental to the Great Morass eco-system will be allowed in the area adjoining Sheffield.

POLICY NC 2 Planning permission will not normally be granted for developments along the Norman Manley Boulevard beyond the Copeland Perry Survey Line.

The area between the South Negril River and the Sheffield main road is a marshy area now being occupied by commercial squatters. They have constructed a number of buildings illegally in the area and are intruding further into the swamp lands. It is anticipated that with the development of the new Town Centre these activities will be relocated thereby allowing the release of these lands for more compatible activities. The proposal is to construct a passive recreational park in this area with ancillary facilities.

POLICY NC 3 The area between the South Negril River and the Sheffield Main road is to be used as a passive recreational park and only activities complementary to this type of use will be allowed in this location.

The South Negril River is navigable for a considerable distance upstream and provides a scenic view of the colourful and varied vegetation and wildlife existing in the environment. This river can also provide an access to the Royal Palm Reserve hence its use can be expected to increase. In anticipation of this it is essential that the necessary facilities are in place, to accommodate those wishing to use it.

POLICY NC 4 A restaurant and marina to facilitate the docking of boats from which tours up the river can be operated will be supported on the parcel of land adjoining the north-east corner of the bridge.

The area's rich diversity of flora and fauna is not limited to the morass and adjacent areas only but to other locations in the southern section of the Negril Local Planning Area. One such area is the Marshland Duck Pond at Mount Airy which is a conservation area and bird sanctuary. Necessary action will be taken by the local planning authority to ensure that its existence is not in anyway jeopardized by development.

POLICY NC 5 No development will be allowed in the vicinity of the Marshland Duck Pond Bird Sanctuary at Mount Airy which would in anyway adversely affect or destroy its existence.

FIFTH SCHEDULE, *contd.*

The West End Road was one of the most picturesque routes in Negril. However the seaward side has been developed to such an extent that the view of the sea from the road has been diminished. Several structures have been constructed along the cliffs including walkways, patios, and cliff steps. These have caused some damage to the cliff's edge and underlying caves. It is important that what remains of the cliffs, caves and blow holes be protected and preserved.

POLICYNC6 No development will be permitted by the planning authority in the West End area that would in any way cause the deterioration of the existing caves and blow holes or erosion of the cliffs.

To complement the seaward attraction of the West End is an undeveloped forest area between Rock Cliff and Drumville Cove, on the landward side of the road. This is the last such remaining in the area and should be preserved as possible so that its aesthetic value can be enjoyed by the public.

POLICYNC7 The forested area between Rock Cliff and Drumville Cove should be preserved as much as possible and any development allowed should be sensitive to the characteristics of this area.

The Built Environment

The preservation and conservation of our national and historical sites add variety to the landscape. The Whitehall Great House and the Negril Point Lighthouse are two buildings located in the Negril Local Planning Area which provide a critical link between the past and present. The Lighthouse is in an attractive location and on lands ideally suited for development for tourism purposes. However, before any such development takes place since these buildings are of historic significance consultations will have to be had with the Jamaica National Heritage Trust (JNHT).

POLICYNC8 The planning authority will not grant permission for any development within a heritage area or site that would alter the character and ambiance of any existing building, or without the approval of the Jamaica National Heritage Trust.

The Negril Point Lighthouse was constructed in 1894 and has been declared a Heritage Site by the Jamaica National Heritage Trust (JNHT). The Lighthouse was constructed to guide ships safely around the rugged West-End cliffs and still provides this function to boats and ships.

POLICYNC9 The planning authority will not grant planning permission for any development that would damage the Negril Point Lighthouse which is of historic importance in Negril or one adjacent to such site, which would adversely affect its setting.

The main reason for declaring the Negril Point Lighthouse a heritage area is to prevent its demolition and alteration, as doing so would be deleting our heritage resources.

FIFTH SCHEDULE, *contd.*

POLICY NC 10 Applications for development which involve the demolition of the Negril Point Lighthouse will not be considered.

As buildings age it is recognized that repairs and extensions may be necessary to protect the structural integrity of such buildings. Notwithstanding this, it is important that the external features of the Negril Point Lighthouse are protected as much as possible.

POLICY NC 11 Any application for the repairs or extension of the Negril Point Lighthouse Heritage Site should receive permission from the planning authority and the Jamaica National Heritage Trust before any such repairs or extensions commences.

HOUSING

With the growth of Negril as one of the islands major tourist destination thousands of persons have gravitated to this area seeking employment and subsequently living facilities which have become difficult to obtain. Consequently, this has resulted in a need for additional housing units in the local planning area. Where this need is not satisfied formally, widespread squatting occurs as is evident in sections of the Whitehall area. Some of the solutions being proposed for Negril will not benefit the majority of workers as prices of the units and lots continue to be out of the range of the average workers income. To relieve the situation Government intends to construct a number of units on the Whitehall property on a timely basis.

POLICY NH 1 The planning authority will only support residential development in the areas identified for this purpose on Land Use proposal map. (Map 2)

POLICY NH 2 To meet the housing demands of the area a mixture of housing types will be allowed and land will be provided for service lots and starter units in the Whitehall subdivision.

Adjoining the Whitehall property are lands in private ownership which will be used for housing development as well but this is intended mainly for high-income earners and resort type development. Since most of the resorts have not provided accommodation for their workers and this is the largest growth centre in the Order Area the solution to the problem lies in the number of units that will be constructed in this area solely for residential purposes. Housing development will take place in other areas by private developers, but care has to be taken however, to ensure that good agricultural lands are not subsumed in the process.

POLICY NH 3 Residential development will be encouraged where this form of activity already exists and where facilities and amenities are available to meet the needs of the proposed population.

POLICY NH 4 In dealing with application for multi-family developments the planning authority will take into consideration the guidelines provided in Appendix 10 of this order.

FIFTH SCHEDULE, *contd.*

POLICY NH 5 New residential proposals and extensions must adhere to the lot coverage requirements provided and maintain the distance between buildings and property boundaries as stipulated in Appendix 10 of this Order.

In order for sustainable development to occur it must be recognized that the ecosystem of the area is fragile and has to be handled carefully. Water quality in Negril has been severely affected by inadequate and in some cases non-existent sewage treatment. It is therefore imperative that some form of control be placed on the number of people occupying the land and the form and type of building to be constructed. This is best done by imposing a density in the form of habitable rooms per hectare and controlling, the site coverage and height of the buildings.

POLICY NH 6 All single family housing developments within the area identified for this purpose on the land use map should be in accordance with the guidelines indicated in Appendixes of this Order.

POLICY NH 7 In the sewered area all new developments and extensions will be required to connect to the central sewage disposal system.

POLICY NH 8 All residential development shall be single family in nature be not more than two storeys high at street level and be adequately set back from all property boundaries.

URBAN ECONOMY

Negril may be regarded as the dominant centre within the boundaries of the local planning area followed by Sheffield. It is one of the main administrative centres of the parish, second only to Savanna-la-Mar and it provides jobs in the commercial, industrial and service sectors. As a commercial entity it grew considerably in the 1970's due to its changing role as a tourist centre. With the continued growth in tourism and improvement in the mode of transportation, projections are that this growth will continue. In order to cope, there will have to be considerable increase in and the preservation of land for industrial, commercial and office purposes. It is proposed that this takes place on lands reserved for the purpose on the Whitehall Estate and identified on Map 2.

POLICY NUE 1 The planning authority will ensure that lands on the Whitehall property which has been identified for town expansion of Negril is used only for the purposes allocated on the land use proposals maps.

The urban economy in Negril is heavily dependent on tourism. The development of the Negril Royal Palm Reserve and other nature sites as attractions will add to Negril's appeal. The implementation of approved large scaled hotel developments will also serve to provide jobs in the tourism sector and create several spin-off effects including increased commercial activity.

FIFTH SCHEDULE, *contd.*

POLICYNUE2 The planning authority will ensure that all large scale commercial developments in the planning area have no adverse impacts on the site to be developed or on neighbouring sites in the area for which the proposal is submitted.

POLICYNUE3 The planning authority will support the development of the Negril Royal Palm Reserve as an attraction and other developments associated with this activity except where these would have an adverse environmental impact on the Reserve or surrounding areas.

While tourism is the major economy sector in Negril this industry is very susceptible to the instability of the international marketplace and it is therefore important to diversify Negril's economic base.

POLICYNUE4 Light industrial developments and service industries which are compatible with the general character of the area and have no adverse impact on the environment will be supported in the Negril Local Planning Area.

Fishing has been a traditional economic activity in Negril and is the livelihood of several fisher folk in the area and should be supported. Lands will be reserved on the northern side of the mouth of the South Negril River adjoining the Community Centre property for a fishing beach. This will enable the fishermen to provide the facilities necessary for an efficient operation both in terms of anchorage and supply of materials and equipment needed for their operations.

POLICYNUE5 The site reserved for a public fishing beach at the mouth of the South Negril River on Map 2 shall be used specifically for that purpose and the planning authority will only grant permission for activities directly related to the fishing industry at this location.

POLICYNUE6 The planning authority will support any action taken to ensure that, the fishing beach has the necessary storage, selling and waste disposal facilities that will enhance and make it more attractive to customers.

POLICYNUE7 The planning authority will not support any developments that will have any adverse effect on the environment and subsequently affects the fishing industry.

Compatible mixed uses such as situations in which residential and commercial activities share the same structure each other will be encouraged. This will enable buildings to be used to their full potential and adds to the night life of the town when most activities cease operations.

FIFTH SCHEDULE, *contd.*

POLICYNUE 8

The planning authority will encourage mixed use development where this is appropriate in the Negril Local Planning Area, and will at all times ensure the residential amenities and areas of environmental importance are protected.

The disabled are often not taken into consideration in the design of developments and therefore find it difficult to access most buildings. Sometimes when they do have access they are unable to use the facilities provided. When new developments take place especially in the central area the local planning authority will ensure that adequate provisions are made for the disabled.

POLICYNUE 9

Developments open to the public or used for employment or for business purposes will not be permitted unless adequate access and facilities are provided for all people with disabilities.

At the moment squatting associated with commercial activities takes place along the banks of the South Negril River in the vicinity of Nompriel road. This has led to the destruction of the Mangrove and pollution of the river leading to an increase in the growth of algae and the death of the coral reef directly opposite to the mouth of the river. It has also caused the river to undergo significant changes leading to a decrease in fish life.

POLICYNUE 10

All commercial, industrial and other activities along the banks of the South Negril River within this area shall cease and be relocated to areas zoned for these purposes.

POLICYNUE 11

The local planning authority will not grant permission for any development that will have an adverse effect on the environment of the South Negril River and the surrounding eco-system.

Although Sheffield is lagging behind Negril in terms of commercial development, its focus will be on meeting the demands of local residents rather than the wide area covered by the Negril Local Planning Area. Facilities will therefore be established as the need arises in areas identified on the map for the purpose.

POLICYNUE 12

Due considerations will be given to proposals for the establishment of commercial and other service facilities as the need arise in Sheffield.

POLICYNUE 13

Planning permission will be granted to allow commercial activities and other mixed uses along the main road where they are compatible with the existing developments and will not cause damage to the amenities of the area.

As residential development takes place commercial and other service facilities will have to be established to meet the needs of the new occupants. Each application will be assessed on this basis and the lands required for commercial, industrial and office activities identified and developed accordingly.

FIFTH SCHEDULE, *contd.*

- POLICYNUE14 The planning authority in dealing with applications for new housing development will ensure that lands are reserved in appropriate location for the commercial and other economic needs of the community.

The West End Road consists of a mixture of residential and commercial activities especially on the landward side. These are mainly restaurants or craft shops related to the Tourism Industry. This is so widespread that the trend is expected to continue but on a more regulated basis especially in terms of usage.

- POLICYNUE15 The planning authority will only approve the establishment of restaurants and craft shops as commercial activities along the West end road

RURAL ECONOMY

Although agriculture only accounts for a small percentage of the land within the Negril Local Planning Area the sector is still an important economic activity. Cattle rearing and mixed farming are more pronounced on the outskirts. In dealing with proposals for urban expansion the type of layout that is acceptable will depend upon the agricultural potential of the area and its contribution to the economy.

In keeping with the government's land policy all good agricultural land (classes I-III) will be retained for agricultural uses only.

- POLICYNRE1 The planning authority will encourage agriculture on classes I-III lands as a means of employment and economic growth where they exist in the local planning area. Change of use from agriculture to other uses will not normally be supported by the planning authority unless it is proven that such land is no longer viable in agriculture.

- POLICYNRE2 A change of use from agriculture to urban development or fragmentation of large agricultural lands into other uses will not normally be allowed except in extenuating circumstances.

- POLICYNRE3 Tourism developments that are complementary, or otherwise not injurious to the agricultural use of land may be favourably considered on agricultural land.

SOCIAL AMENITIES

Generally, community and social services in Negril are inadequate, overburdened and in some cases non-existent. There is no food and vegetable market. The existing health centre in Negril is operating at peak capacity and is in need of upgrading and expansion. A new health centre is also proposed for Sheffield to supply the needs of the local planning area. A new library is also required and should be developed in conjunction with a public information centre. These facilities are needed in order to adequately serve Negril and adjoining communities.

FIFTH SCHEDULE, *contd.*

- POLICY NSA 1** The Negril market for agricultural products, dry goods and craft items shall be located on lands reserved for town expansion on the White Hall property.
- POLICY NSA 2** The local authority will be encouraged to properly manage the craft market at the community centre and provide the necessary amenities for the use and comfort of the vendors and customers.
- POLICY NSA 3** The site on which a new health centre will be located at Nonpariel for the residents of Sheffield and adjoining communities will not be allowed for any other purpose.
- POLICY NSA 4** The health facility in Negril should be expanded and upgraded in order to adequately serve the needs of the local population.
- POLICY NSA 5** The new library and public information centre shall be located on the site identified for the purpose on lands reserved for town expansion on the White Hall property.

The primary school has site limitations and is also in a poor condition. There is no secondary school within reasonable travelling distance. A trade training centre is also required to augment the skills requirement of the area.

- POLICY NSA 6** A site has been reserved for a new primary school, and secondary school and trade training centre on the Whitehall property and the planning authority will not support any other form of development on this site.

Facilities for active recreational purposes such as cricket and football are deficient within the Negril development area. A small amenity area and a community centre are located at the Negril Beach Park but otherwise similar facilities are limited. A large area where competitive sports can be undertaken is badly needed. There is an abandoned quarry on the Whitehall property in which a sporting complex could be developed and the relevant authorities will be encouraged to use it for this purpose.

- POLICY NSA 7** The lands adjacent to the community centre shall be used for a "public park" with facilities for passive, and limited active recreational purposes and no other uses will be supported by the planning authority.
- POLICY NSA 8** The planning authority will seek to ensure that the site of the abandoned quarry on the White Hall property is used for a sports complex and related facilities, and no other uses will be entertained.

In establishing new housing developments within the Development Order Area it is a requirement that land be reserved for open space and other recreational purposes.

FIFTH SCHEDULE, *contd.*

This will be in addition to any reservation required for other amenities such as schools, which the community may need. These will be provided at the rate set out in the Development and Investment Manual (2005) Volume 1 Section 1—Planning and Development, Chapter 2.

- POLICY NSA 9** In all new housing developments land is to be provided and developed for amenity purposes as set out in Appendix 10.
- POLICY NSA 10** Developments that would decrease or eliminate any of the social facilities existing in the Negril Local Plan Area will not be supported by the planning authority unless they are being replaced with a similar facility of equal or greater stature in the immediate neighbourhood.
- POLICY NSA 11** The use of the existing social facilities for other compatible uses will be supported by the local planning authority provided their individual requirements are met and they would not be out of character with the area.

There is no proper public sanitary facility in the town to be used by both locals and visitors; this is a situation that needs to be remedied. The only facilities used by locals are attached to commercial establishments and this is not convenient at times. Any new development should provide facilities that the public has access to.

- POLICY NSA 12** The local planning authority will seek to provide properly managed public sanitary facilities in the town.

Beaches

The coastline of the Negril Local Planning Area is characterized by rocky cliffs south of the square and white sandy beaches to the north. Since the economy of Negril is heavily dependent on tourism the protection of the coastline and its environment is of paramount importance. To protect these unique features the local planning authority will have to safeguard against illegal constructions and sand mining in the area.

- POLICY NSA 13** Permission will not be granted by the planning authority for the mining or removal of sand from the beach to aid in construction or any other activity and will support the Natural Resources Conservation Authority in this regard.

The public bathing beaches generally lack facilities such as changing rooms, showers, lockers and restaurants or snack counters, except the facility at the Negril Community Center. Efforts should therefore be made to have these facilities installed to provide the added conveniences to users.

- POLICY NSA 14** The local planning authority will seek to have the relevant agencies install and improve the facilities at the public bathing

FIFTH SCHEDULE, *contd.*

beaches to include changing rooms, showers, lockers and snack counters, and shall generally support any action in this regard pursuant to the other policies set out in this Development Order.

There is a general concern throughout the island that many of the country's better beaches are being reserved for foreign tourists by private developers while residents are being restricted from enjoying their use. The Authority will seek to ensure that Jamaican residents are able to have access to the beaches and coastline as much as possible.

- POLICY N SA 15 Planning permission will not be granted for any development which will restrict residents from gaining access to the beaches for bathing or recreational use via established pathways.
- POLICY N SA 16 All access roads to the beach are to remain open for public use and no development will be permitted to encroach on them.
- POLICY N SA 17 All new developments along the coastal area will be set back in accordance with the guidelines provided in Figure 4.

Open Space

The Negril Hills Golf Course along the main road from Sheffield to Negril is an added attraction to the Townscape. However, in keeping with the green environment which is one of the objectives for keeping Negril beautiful it would be appealing to have a green strip along the main road into the Town. An area should therefore be reserved in front of all properties for the creation of this zone which should be landscaped and maintained by the property owners.

- POLICY N SA 18 A portion of land approximately three metres (3m) in width should be reserved along the frontage of all properties on the main road from Sheffield to Negril and be landscaped and maintained by property owners.

Cemeteries

The Negril Local Planning Area is served by two cemeteries; one in Sheffield and the other in Red Ground. Although they have not yet reached their capacity, steps should be taken to ensure that when this occurs alternative measures are in place.

- POLICY N SA 19 The local planning authority will encourage the local authority to identify suitable lands to establish a new cemetery before the existing cemeteries reaches their capacity and cannot accept any more burials.

TOURISM

Resort related activities are an integral part of the economy within the Negril Local Planning Area. This consists of a mixture of large all inclusive hotels along the Norman

FIFTH SCHEDULE, *contd.*

Manley Boulevard with pristine waters and white sandy beaches the major attraction. The Negril Golf Course located off the Sheffield Main Road is becoming a popular attraction as well. Visitors are also attracted to the Lighthouse which needs to be developed to accommodate them. The potential for tourism is therefore great but has to be guided to ensure that problems created by uncontrolled development do not arise.

POLICY NTO 1 Tourism development will be supported in areas where existing resort developments and infrastructure are already concentrated and where it will not adversely affect the environment.

POLICY NTO 2 Proposals for major hotels and conference facilities will normally be permitted within the local planning area provided that it has no negative impact on neighbouring sites or the proposed site to be developed.

Small hotels, villas and private residences are located along the scenic West End Road where numerous caves and cliffs are the major attraction.

POLICY NTO 3 Resort densities should not exceed twenty five habitable rooms per hectare (25 h.r.ha) on the seaward side and fifty habitable rooms per hectare (50 h.r.ha) on the landward side of the West End road and all such developments should be connected to the central sewerage system.

POLICY NTO 4 Resort development outside of West End shall be of the villa type and shall not exceed a density of fifty habitable rooms per hectare (50 h.r.ha) with buildings not exceeding two storeys in height at street level.

Small hotels, guest houses and villas contribute significantly to the tourism fabric within the Negril Local Planning Area and will continue to do so. Each facility will vary with regards to its location and nature and will have to be assessed on its own merit. The new proposals will therefore need to be satisfactorily located in terms of their likely effect on surrounding uses, safety and other visual impacts.

POLICY NTO 5 Proposals to establish small hotels, guest houses and villas will be considered, having regard to their impact on residential and visual amenity, and should have no adverse impacts on the site to be developed or on neighbouring sites or developments in the area for which the proposal is submitted.

Recently there has been an increase in demand for the types of activities other than the sun, sand and sea that traditionally attracts tourists. Visitors are now more explorative when travelling. The Negril Local Planning Area has vast potential for cultural, heritage and eco-tourism. The Point Negril Lighthouse and the Whitehall Great House can be developed around their rich heritage. The Negril Palm Reserve has a wide variety of

FIFTH SCHEDULE, *contd.*

flora and fauna and the local planning authority will support the development of similar nature sites to attract visitors especially in the suburban areas. Even though these developments will add to the economy of these areas, they should be compatible with the amenities and the interests of local residents should be safeguarded.

POLICY NTO 6 Developments which seek to promote and encourage heritage, cultural and eco-tourism will generally be supported, provided it does not destroy or deface any cultural or heritage site nor does it destroy the natural habitat of any significant flora or fauna, and conforms with other relevant policies in this Order.

POLICY NTO 7 In the local planning area development which improves or expands the range of tourist facilities will be permitted, provided that it would not be detrimental to the character and appearance of the locality and the amenities of the nearby residents.

Waste, Treatment and Disposal

Although a central sewerage system exists in sections of the local planning area to which all developments should connect there are areas that are not served by this facility. Since there is always the possibility of coastal pollution and the spread of diseases associated with unsafe disposal of waste, careful attention has to be given to other methods of disposal acceptable by the relevant authorities.

POLICY NWT 1 In sewered areas the local planning authority will only support new developments and extensions that are connected to the central sewage system.

With the expected growth and continued development of the local planning area the central sewage system in place now will have to be extended and upgraded to be able to adequately handle the additional connections to the system.

POLICY NWT 2 The planning authority will support the extension and upgrading of the existing sewage system to handle the expected growth in the local planning area.

POLICY NWT 3 Outside of the sewered area the sewage disposal methods which will be permitted for developments will be subjected to the approval of the Ministry of Health, local authority and the local planning authority.

Notwithstanding the above there are areas not immediately adjacent to the central sewerage system in which no development should take place without connection to such facilities. Areas such as Jones Pen, Whitehall Estate, Westland Mountain, Somerset and east of the Lighthouse should connect to the main system, while other isolated

FIFTH SCHEDULE, *contd.*

areas should have their own system. The local planning authority will insist on this method of disposal facilities when dealing with applications in these areas.

POLICY NWT 4 The planning authority will give consideration only to applications which will dispose of sewage through the central facilities in Whitehall Estate, Jones Pen, Westland Mountain, Somerset.

There is great concern about the increase litter and garbage strewn throughout the Negril Local Planning Area. Apart from been unsightly, solid waste management is a major environmental, social and economical concern in the Negril Local Planning Area. As part of the new thrust to create a 'greener' area there has to be a reliable and effective garbage collection system. Additionally a recycling system would have to be implemented to reduce the volume and type of materials going to the disposal site.

POLICY NWT 5 The indiscriminate and unsatisfactory disposal of waste will not be encouraged and the local planning authority will support the routine collection and recycling of such waste as much as possible and the facilities to do so.

POLICY NWT 6 Solid waste should be placed in tamper proof containers for collection by the garbage truck however, where this is not possible it should be:

- (i) converted to compost or,
- (ii) disposed of by any other safe and appropriate waste disposal technology as may be developed from time to time that is acceptable to the local planning authority and the other relevant agencies.

ORANGE BAY LOCAL PLANNING AREA

Description

These provisions are for the orderly and progressive development of the area described as the Orange Bay Local Planning Area in the First Schedule of this Order.

Orange Bay could be classified as a dormitory growth centre as it is comprised of two major residential subdivisions. There are limited social facilities and residents commute to either Negril or Green Island for most services. The population for Orange Bay grew by 87.3 per cent from the last census conducted in 1991, from 1,420 to 2,661 persons in 2001. This represents a growth rate of 6.5 percent during this inter-censal period. Assuming that this growth rate remains constant, the population is expected to increase to 4987 persons in 2011 and 9,345 persons in 2021. This growth can be largely attributed to the demand being placed on lands within Negril for tourism and its related activities resulting in persons opting for cheaper more accessible lands in Orange Bay.

FIFTH SCHEDULE, *contd.*

POLICIES FOR THE ORANGE BAY LOCAL PLANNING AREA

*Transportation**Public Transportation Centre*

There is the need to provide safe and satisfactory off road parking facilities for public carriers and the commuters using public transport in the local planning area. Access to Mount Pleasant, the interior regions of Orange Bay, Santoy and Logwood is made possible by taxis and mini-buses. At present the soft shoulders at the intersection of Wharf Road and the Negril and Green Island Main Road serve as a terminus for the vehicles plying the abovementioned areas.

The inevitable growth of Orange Bay would render such an arrangement inadequate and could eventually interfere with the flow of through traffic on the Main Road.

POLICY OB T1 The planning authority will support the erection of a transportation centre with related facilities on lands adjoining the Urban Development Corporation's proposed commercial centre at Orange Bay, to satisfy the needs of the commuting public.

Parking

Although Orange Bay has a predominantly rural type of economy, its increasing population and tourism potential could result in some degree of urbanization. In light of this, an area which would be best suited for commercial development has been identified by the Urban Development Corporation in their land use plan.

To safeguard against the problem of inadequate parking facilities which would cause congestion within the urban centre, strict adherence to the standard parking requirements will be maintained within the area.

POLICY OB T2 Parking within Orange Bay for commercial and other urban developments will be provided within the areas identified for such use on the land use proposal map, in keeping with the standard requirements for parking, set out in Appendix 7.

POLICY OB T3 There will normally be a presumption that new developments should have access onto the highway *via* a service road.

CONSERVATION OF THE NATURAL AND BUILT ENVIRONMENT

Natural Environment

One of Orange Bay's most important natural resources is its marine habitat. As a result of its unique marine features, it has been identified as a prospective site for a National Marine Park. This area (including Samuels Bay) is known for its oddly large, old and rapidly growing corals. Additionally, the area has some of the most diverse and best developed reefs in Jamaica.

FIFTH SCHEDULE, *contd.*

Orange Bay has an abundance of dense turtle-grass beds supporting a large number of herbivorous animals. The area is also rich in seagrass beds, another resource that is vital to the development and sustainability of the area's marine bio-diversity. Mangroves also dominate the area and form an important fish nursery.

POLICY OBC1 The Planning Authority will support the designation of the area between the northern section of Bloody Bay and Samuels Bay, containing exponential growth of mangroves, seagrass and turtle-grass beds as a fish sanctuary and will not permit any development on shore that would undermine the sustainability of the area.

POLICY OBC2 Development will not normally be permitted if it is likely to cause a loss, or material damage to the beach, landscape areas and features which are of scenic and or unspoilt quality.

The intrusion of destructive human activities into the Negril (Orange Bay) watershed areas has become an increasingly difficult problem to curtail in recent years. Improper methods of hillside farming where, wood harvesting for charcoal production and logging for the construction industry has resulted in a marked loss of tree and vegetation cover. Reduced rainfall, soil erosion and the excess siltation of the rivers from which potable water supply is obtained are some of the repercussion of uninformed and unrestricted human intrusion into such areas.

POLICY OBC3 The preservation of a 20 metre wide green corridor along the banks of the Orange River will be required by the planning authority, in order to prevent potentially erosive activities from creating excess siltation of the river.

COASTAL DEVELOPMENT

Undeveloped Coast

The Orange Bay coast contains stands of lush mangrove vegetation stretching from Salt Creek in the southwest along the main road to Half Moon Bay in the north. The coastal main road in the Orange Bay Local Planning area is a scenic route which spans approximately 8km. Along the undeveloped coastline there is a fishing beach, two bathing beaches and three bays namely, Orange Bay, Samuels Bay and Half Moon Bay.

POLICY OBU1 To preserve the scenic beauty of the area the planning authority will not normally support any development that would block any outstanding view of the coastline.

POLICY OBU2 The planning authority will not support any development proposals where the building heights exceed two (2) floors above ground level.

FIFTH SCHEDULE, *contd.*

- POLICY OBU C3 The planning authority will only support development in the undeveloped coast area that allow for views or windows to the sea. Development along the coastal section of the main road shall contain windows to the sea.
- POLICY OBU C4 The planning authority will only permit developments if it will not be detrimental to the environmental quality of the surroundings or will not materially detract from the unspoilt scenic quality of the undeveloped coast.

HOUSING

The Urban Development Corporation has significant land holdings within Orange Bay's prime developmental areas. It has made provisions for lower and middle income residential developments in its proposed land use plan for its land holdings. The Order has retained this proposed zoning.

- POLICY OB H1 The reservation of land for middle income and serviced lots within Orange Bay, as shown on the land use plan, will be supported by the planning authority.
- POLICY OB H2 The Local Planning Authority will seek the support of the local authority and the Squatter Management Unit to ensure that no squatter settlements develop during and after construction phases.
- POLICY OB H3 Housing solutions required to meet the needs of the workers in the hotel industry should be provided by the developers.

URBAN ECONOMY

Although the fishing industry had traditionally enjoyed a dominant position in Orange Bay's economic activities, the lack of facilities to support the industry as well as the misuse of the marine environment (inappropriate fishing methods and upstream activities) have resulted in a general decline of the area's fishing industry. Efforts should now be concentrated on not only strengthening but maintaining the diversification of Orange Bay's economic base through the establishment of storage and processing facilities.

- POLICY OB UE1 The development of Orange Bay's designated fishing beach to include the provision of the necessary storage, cleaning, processing, marketing and sanitary facilities, will be supported by the local planning authority.
- POLICY OB UE2 The fishing beach shall be used specifically for such purposes and the planning authority will only grant permission for related activities.
- POLICY OB UE3 The planning authority will not support any development that will have a negative impact on the fishing sanctuary located between Ireland Point and Samuels Bay (see Map 3)

FIFTH SCHEDULE, *contd.*

Commerce and small scale light industries can also contribute and add diversification to Orange Bay's local economy. Provision for the development of a commercial centre has been made on lands being developed by the Urban Development Corporation and this will be retained for that purpose in the Order.

- POLICY OBUE4 The planning authority will ensure the reservation of the proposed commercial zone and will support its development in the economic welfare of the community.

TOURISM

Orange Bay has tourism development potential in terms of its coastal beauty and the existence of rich marine eco-systems. The major constraint to the large scale development of this sector is the present lack of physical infrastructure. Considering the environmental degradation being experienced in the Negril township as a result of premature and uninformed tourism development, similar developments in Orange Bay will only be allowed after the necessary infrastructure is in place.

- POLICY OBTO1 Permission for resort development in Orange Bay will not be given planning approval without the construction of a central sewerage collection system and increased infrastructural services, with the capacity to adequately serve the communities of the area.
- POLICY OBTO2 Tourism development in Orange Bay proper, will be limited to a scenic route on the coastal main road, the construction of lay-by's along this route and the preservation of a tour guided nature reserve.

WASTE TREATMENT AND DISPOSAL

Human waste water has been identified as a large contributor to the increased nitrate levels and subsequent coral reef smothering taking place within Orange Bay's valuable marine habitat.

The predominant method of human waste water disposal is largely by way of pit latrines, especially within the rural upland and upstream communities. The karstic and highly porous limestone terrain with its high aquifer and underground drainage patterns is not conducive to the use of the commonly constructed type of pit latrine, as it easily allows the seepage of waste water into these underground channels. This type of contamination not only poses a threat to the source of Negril's drinking water but also has downstream effects on Orange Bay's coastal marine habitats. An appropriate low income waste disposal method should be employed within this area, considering its geological features.

- POLICY OBWT1 Planning permission will not be given for the construction of any kind of waste water disposal method which can be seen to have an adverse effect on the underground wells and springs of the wider Orange Bay area.

FIFTH SCHEDULE, *contd.*

- POLICY OB WT2 The use of Ventilated Improved Pit latrines will be encouraged within the limestone hills of Orange Bay, as a low income method of waste disposal, by the planning authorities.
- POLICY OB WT3 Planning permission will not be given for waste disposal operations likely to have an adverse effect on public health and safety.

SOCIAL AMENITIES

Considering Orange Bay's potential and expected growth as a district centre, certain social facilities have been foreseen as future necessities. However, there presently exists a need for some services (for e.g. health centre, recreation park, police post and fire station), as the population growth from the current National Housing Trust and Urban Development Corporation's housing schemes have created a demand for greater accessibility to these amenities.

- POLICY OB SA1 Lands identified for recreational use on Orange Bay's land use plan, will be reserved as such for the development of a multi-purpose recreational park, to benefit the residents of the area.

Within Orange Bay's proposed commercial area, lands should be set aside for the development of standard public buildings. In the event that the present commercial allocation is not sufficient to meet the public and private needs of the area, then efforts should be made to secure lands, firstly, for the siting of these public buildings, then for the location of additional private enterprises.

- POLICY OB SA2 The preservation of lands adjoining Orange Bay's proposed commercial zone should be reserved, to accommodate the development of a police post, fire station, post office and type III health centre.

GREEN ISLAND LOCAL PLANNING AREA

Description

These provisions are for the orderly and progressive development of the area described as the Green Island Local Planning Area in the First Schedule of this Order. Green Island is bordered to the north-west by wetlands and agricultural plantations, to the east and north-east by the hilly forests, to the west by the coastline and the Caribbean Sea, and to the south by areas such as Prospect and Salt Spring. Along the southern boundary sugar cane production is recognized as a significant feature of the landscape.

Like much of the Negril and Green Island Development Order Area, the terrain is interspersed with hills and plains, karst geological features, mangrove forests (wetlands) and an economy based on agricultural production, mainly sugar cane.

FIFTH SCHEDULE, *contd.*

Green Island has been classified as a district centre in the National Physical Plan 1978–1998 and could be considered as the second largest of the three growth centres mentioned in the document for the local planning area. The area has experienced marginal population growth over the years. In 1991 there were 2,490 persons living in the Green Island Local Planning Area. This was increased to 2,534 in 2001 which represent a growth rate of 0.17 per cent per annum. Assuming that this growth rate remains constant, it is projected that the population will increase to 2,579 persons in 2011 and 2624 persons in 2021.

POLICIES FOR THE GREEN ISLAND LOCAL PLANNING AREA

TRANSPORTATION

Public Transportation Centre

Green Island's town square suffers from congestion during the peak traffic periods, due to the absence of proper parking facilities especially for public transportation. The practice of using filling stations and other commercial sites for that purpose poses a serious threat to the safety of the commuting public. The Parish Council has identified lands within Green Island specifically the old market grounds to be used for this purpose, and efforts should be made to retrofit this site with the necessary amenities required to satisfy the needs of the travelling public as early as possible.

POLICY GIT1 All forms of public transportation will be required to use the transportation centre to be developed on the old market grounds with the necessary amenities. The use of alternate sites for the picking up and setting down of passengers will not be permitted.

Parking

Green Island has a well developed, commercialized, and busy town centre. However, as is the case with most towns, provisions for onsite parking was not considered and where it does exist it still fails to meet the required standards for that development. Since on street parking can cause inconvenience and danger, new developments should include generous well located and imaginatively laid out parking areas. Strict adherence to the standard parking requirements within Green Island's proposed and existing commercial zone should therefore be given top priority especially since no public car park has been established in the area.

POLICY GIT2 Parking within Green Island for commercial and other urban type developments will be provided within the precincts of the site in accordance with the requirements in Appendix 7.

POLICY GIT3 Parking areas should be designed so that vehicles can turn and enter the roadway in a forward manner rather than having to reverse onto it.

POLICY GIT4 There will normally be a presumption that new developments should have access onto a main road via a service road.

FIFTH SCHEDULE, *contd.*

- POLICY GIT5** To mitigate congestion along the main thoroughfare and facilitate the smooth flow of traffic, the planning authority will not support on street parking along "Green Island to Lucea" and "Green Island to Orange Bay" main roads.

Road Network

The North Coast Highway, which forms part of the all island highway improvements programme, passes through the town. There are also two major links to the interior of the parish emanating from this road, one to Grange Hill and the other to March Town. Beside the general presumption against increasing traffic flows on these roads particularly because of the expected "natural" growth in traffic volumes expected over time which might adversely affect conditions on the main road network and increase the risk of accident has to be restricted. The needs of the road user must therefore be considered. Where developments are not of a size that incorporate a local distributor or access road they will be expected to provide well-related pedestrian links to public transportation routes.

- POLICY GIT6** There will be a presumption against new developments which would involve the construction of new accesses directly onto major roads or be detrimental to standards of road safety or cause a material loss of residential amenity arising from a significant increase in the volume of traffic.

CONSERVATION OF THE NATURAL AND BUILT ENVIRONMENT

The Natural Environment

One of Green Island's most important natural resources is its mangrove forests. Such forests are very important for protecting the coastline from the erosive forces of storm surges and they also serve as a marine habitat for coastal ecosystems. In recent years the Green Island community has been disposing solid waste in the mangroves. This is a dangerous practice which has negative implications for the survival of the ecosystems that rely on the mangrove habitat for food and nesting and therefore should cease. Strict monitoring of the area will be encouraged by the relevant authorities and only compatible development will be allowed in the area.

- POLICY GIC1** The Mangrove forests that run along the landward and seaward side of Green Island's road, between the Harbour and Negro Bay Point will be treated as Conservation Area, and only developments compatible with such areas will be allowed.

FIFTH SCHEDULE, *contd.*

THE BUILT ENVIRONMENT

Historical Sites and Buildings

Although Green Island is not historically renowned at the national level, there are sites and structures that are of historical significance within and in proximity to the area. The "Abingdon Greathouse" is one structure that the Jamaica National Heritage Trust has identified as a heritage site and there is also an old fort which has some historical value. Protection of these from destruction is integral to the historical assets of the area.

- | | |
|-------------|--|
| POLICY GIC2 | Recommendations will be made by the local planning authority to the Jamaica National Heritage Trust, for the Fort to be declared a historic site. |
| POLICY GIC3 | Planning permission will not be granted for developments of the Fort without the recommendation of the Jamaica National Heritage Trust. |
| POLICY GIC4 | The local planning authority will seek to safeguard the character, appearance and setting of buildings which are listed as being of special architectural or historic interest by the Jamaica National Heritage Trust. |
| POLICY GIC5 | The planning authority will support the development of heritage sites for functional uses, if it can be determined that the proposed use will not alter the character or ambience of the existing structure. |

URBAN ECONOMY

Apart from the Negril Town area, this local planning area has the most extensive commercial belt, within the Negril and Green Island Development Order Area. However there are some services that are absent and have to be accessed in the Negril Local Planning Area. There is a need to reserve lands to accommodate the expansion of the area's commercial activities as its importance increases. Due to physical constraints, however the town will have to be expanded in a linear fashion. Development will have to be therefore designed that there is no direct access on to main road and be in conformity with POLICY GI T4.

- | | |
|--------------|---|
| POLICY GIUE1 | Mixed uses such as situations in which residential and commercial activities occurs on the same lot will only be supported by the local planning authority where they can be satisfactorily accommodated. |
| POLICY GIUE2 | Building heights should not normally exceed two (2) floors from ground level. |

FIFTH SCHEDULE, *contd.*

- POLICY GIUE3 Commercial activities will be encouraged along the Green Island main road as shown on the land use proposal but should be provided with their own service road where possible.

HOUSING

Overcrowding is not a serious problem in Green Island. However, housing provision should, allow for the best possible choice of units to meet the needs of the people living in the area consistent with the highest possible quality of the environment. Provision of infrastructure and amenities are lacking and are therefore the areas of greatest needs. A large percentage of the houses are made of wood some of which are in poor condition. These need to be replaced on a timely basis. With an increase in the volume and quality of commercial services a positive change in the population may occur resulting in the need to create additional housing units especially in the income level that would require shelter solutions mainly in the form of serviced lots or "affordable" schemes. The Government has no major housing programme in the area hence this demand will most likely be met by private developers. The development of housing solutions in Cousins Cove and Winchester are prime examples. As an agricultural community care has to be taken that the economic base is not eroded by the fragmentation of agricultural land for housing development.

The quantity, rate and location of new development will therefore be limited by the over-riding need to conserve the natural environment. It should take place where it can take maximum advantage of spare capacity in the existing infrastructure or where this can be provided at the outset.

- POLICY GIH1 The planning authority will support residential developments where this activity already exists and the necessary infrastructure is available.
- POLICY GIH2 The planning authority will not permit development unless the infrastructure which is required to service the development can be made available as needed.

RURAL ECONOMY

Sugar cane cultivation dominates the land use of the area, especially in the regions adjoining the Green Island River. Agriculture remains the leading source of income in the growth centre. In the local planning area agricultural lands therefore need to be safeguarded against other activities except where circumstances dictates as this will reduce its potential and diminish this source of income to residents.

FIFTH SCHEDULE, *contd.*

- POLICY GIRE 1 The planning authority will not normally grant permission for developments that would result in the loss of agricultural activities thereby reducing the economic base of the area.
- POLICY GIRE 2 Planning permission will not be granted for the fragmentation of large tracts of agricultural lands for housing or non-related development especially in farming areas.

WASTE TREATMENT AND DISPOSAL

Sewage Disposal

A central sewerage system has been installed from Orange Bay along Norman Manley Boulevard to Nompriel Road. It is unlikely however that Green Island will be linked to this system or have a system developed specifically for the area any time soon. Treatment within the town will therefore have to be dealt with on an individual basis for some time subjected to the approval of the Ministry of Health, local authority and local planning authority. While this may be satisfactory for single lots in small developments, large scale housing developments should be connected to a central disposal system in accordance with the requirements set out in the General Policies.

- POLICY GI WT1 If a central sewerage system is implemented or the present one extended, no permission will be granted for development within the service area unless they are connected to it.
- POLICY GI WT2 Until a central sewerage system is implemented disposal will be by any means satisfactory to the health authorities and the local planning authority.

Solid Waste Disposal

The disposal of solid waste is a problem especially in the town as there is a tendency for persons to dispose of their waste in the drains. This result in the drains being blocked frequently causing an overflow onto the streets. The garbage is also washed out to sea and is carried back on shore by the tide. Appropriate measures will be put in place to cope with this situation by the National Solid Waste Management Authority which is in charge of garbage collection within the area.

- POLICY GI WT3 Owners of commercial buildings are expected to have proper garbage disposal receptacles on their premises and are responsible for disposing of waste in an appropriate manner.
- POLICY GI WT4 The local planning authority will encourage the relevant agency to have large garbage skips placed in public areas as a repository.

FIFTH SCHEDULE, *contd.*

- POLICY GIWT5 Planning permission will not be given for waste disposal operations likely to have a detrimental effect on public health and safety.

SOCIAL AMENITIES

Although Green Island benefits from a playing field, it does not enjoy any of the other facilities or amenities of a town located along the coast. Such amenities should not be overlooked in its development especially in terms of its relationship to the major resort areas and will therefore be encouraged. As the population increases there will also be pressure on the existing leisure facilities creating the need for new ones. New housing developments should take this into consideration and make provisions in this regard when they are being implemented while existing facilities will be safeguarded.

- POLICY GISA 1 The planning authority will ensure that existing open spaces and amenity areas will be safeguarded and where appropriate new ones are provided or permitted.
- POLICY GISA 2 Water recreation facilities of an appropriate range or standard will be permitted at suitable sites provided there is no material conflict with the conservation or built environment policies.
- POLICY GISA 3 In all residential developments consisting of ten (10) lots and over land is to be left as open space to satisfy the recreational needs of the community as per appendix 10.

Cemetaries

The Green Island local planning area is served by one cemetery. Although it is yet to reach its capacity, steps should be taken before hand to ensure that when this occurs alternative measures are in place to deal with the situation. This is of a high priority as the practice of onsite or family plot burials is not supported by the planning authority especially in urban areas.

- POLICY GISA 4 The local planning authority will encourage the local authority to seek or to identify lands to establish a new cemetery before the Green Island Cemetery reaches its capacity.

FIFTH SCHEDULE, *contd.*

APPENDICES

APPENDIX 1

1. *General Glossary*

In these Appendices—

“agriculture” means the cultivation of the soil for any purpose, the breeding and keeping of livestock and pond fish, the keeping of apiaries, the use of land for grazing, meadows, nurseries, the growing of economic fruit trees and the use of lands for woodlands where this is auxiliary to other agricultural activities.

“amenity area” means an area within a development which is intended for leisure purposes and may include landscaped site area, communal lounges or swimming pools;

“apartment building” means a multi-dwelling building comprising three or more dwelling units with shared entrances and other essential facilities and services and with shared facilities provided for dwelling units;

“bad neighbour” means any use that has a seriously detrimental effect on the locality in terms of noise, traffic or other disturbance and to people living near it.

“Building” means any structure or erection or any part of a building so defined (and includes operations usually undertaken by a builder) but does not include plant or machinery located in the building;

“building line” means a line established from an officially designated centre line or boundary of a street from which all front and street setbacks required under this Order shall be measured and determined;

“built up area” means land forming part of the urban area which is either developed, committed for development or the subject of a new land allocation in this plan. It is a policy boundary concept rather than what exists and is the area within which the general presumption is in favour of development and outside which is against development;

“country side” means lands that are outside the built up area;

“commercial development” means development for the provision or supply of goods or service by wholesale or retail; but does not include a warehouse;

“cubic content” means the cubic content of a structure or building measured externally and determined by multiplying the floor area by the height;

FIFTH SCHEDULE, *contd.*APPENDIX 1, *contd.*

“dwelling house” means a building or part of a building forming a self contained premises designed to be occupied by a single family or household and does not include a building containing one or more flats;

“density” means the number of habitable rooms that will be allowed per hectare of land;

“ecologically sensitive area” means an area which is vulnerable to natural disasters and human impact;

“environmental impact assessment” means a study of the environment to detect how a development would impact on the area in which the development is proposed;

“facade” means any exterior surface of a building other than the roof;

“flat” means a separate and self contained premises constructed for use as a dwelling and forming part of a building from some other part of which it is divided horizontally;

“floor area” means the gross horizontal area of all floors of buildings, structures or erections covered or uncovered measured from the exterior faces of exterior walls or exterior supporting columns for any floor not enclosed by exterior walls together with any floor space provided for mechanical equipment, elevator shafts and stairwells at each floor, other than basement space used as car parking facility;

“floor area ratio/plot area ratio / floor space index “ means the ratio of total floor area of a building to land area at the location expressed as a decimal which is determined by dividing the total building area on a lot/site by the lot area;

“ground cover/ footprint” means the amount of ground space at grade covered by building development whether or not it is roofed or unroofed, enclosed by walls, or open space used for accommodation or any auxiliary purposes but does not include parking areas.

“habitable room” means in residences, any room or space intended primarily for human occupancy other than a kitchen or bathroom; or a storeroom not exceeding 6.5 sq.m.in area, in hotels, hotel bedrooms for guest or staff;

“habitable Structures” means any structure primarily intended to be used for living, sleeping, eating, or assembly purposes including but not limited to residences, multi family dwellings, churches, food facilities and industrial buildings.

FIFTH SCHEDULE, *contd.*APPENDIX 1, *contd.*

“industry” means one in which the use carried on involves or is incidental to the making of any article or part of any article or the altering, repairing, ornamenting, finishing, cleaning, washing, packing, canning, or breaking-up or demolition of any article or the extraction or processing of minerals;

“industry-light” means an industry in which the process is such that it is suitable for location adjacent to or in close proximity to residential development although not necessarily within the area itself;

“infill” means the development of a vacant site within a substantially developed area in which the bias is to preserve the status quo;

“landscape plan” means a plan which shows the location, species, and size of all major vegetation to be retained, removed, or planted; as well as all other aspects of “landscaping”;

“mixed—commercial residential” means a development consisting of a mix of residential, commercial and office activities in which the subordinate commercial and office use is compatible with, and to some extent provides services to the residential development;

“Non-conforming use” means the use of a building, structure, land or portion thereof which use does not conform with the use regulations designated for the area in which it is located.

“office” means a place in which clerical and administrative work is undertaken or a place used for transacting business;

“professional office” means a place used by professionals for the practice of their profession;

“public open space” means land which is reserved for the use of the public without any obstruction or hindrance;

“quarry” shall have the same meaning as in the Quarries Control Act;

“residential density” in relation to any area, means the number of habitable rooms per hectares and is calculated by adding together all habitable rooms in a selected area and dividing it by the acreage;

“rural areas” mean lands outside the built up area or coastal areas;

“satellite antenna” means an apparatus designed for transmitting microwave radio energy to satellites or receiving it from them, and includes any mountings or brackets attached to such apparatus;

FIFTH SCHEDULE, *contd.*APPENDIX 1, *contd.*

“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 or for any other purpose appropriate to a shopping area;

“show caves” means caves that are managed by a government or commercial organization and made accessible to the general public usually for an entrance fee;

“Storey” means that portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above it, then the space between such floor and the ceiling next above it;

“strategic gap” means an open area of land where development will be strictly controlled to prevent the coalescence of existing built up areas;

“studio” means an open multifunctional unit which serves as a living, sleeping and cooking area along with a bathroom (which may or may not be enclosed) and having a maximum floor area of 350 square feet.

“Structure” means anything constructed or erected with a fixed or permanent location on the ground or requiring a fixed location on the ground or attached to something having a fixed location on the ground such as building, platform, swimming pools, sheds, boundary walls, fences, radio towers etc.

“townhouse” means a one-family two or three storey dwelling in series with a group of two or more such dwellings each located on a separate lot and separated from each other by an adjoining fire wall or walls without opening in such walls;

“use classes order” means the classes of land use within which certain changes of use may take place without requiring planning permission, as they are deemed not to involve development;

“warehouse” means a building, or land used temporarily for the purpose of storage or distribution of goods and materials.

2. *Telecommunications Network—Glossary*

Base Station means—a structure or structures that consist of transmitters and receivers that are connected to antennas by feeder cables. A base station can be a microcell, macrocell or picocell and can either be mobile or fixed;

Co Location/mast sharing means—The utilization of one site by more than one service provider and/or the utilization of one or more masts by more than one service provider;

Exclusion zone means—an area within which radiation exposure guidelines may be exceeded. Zones shall be a minimum of 20 m by 20 m (65.6 ft. by 65.6 ft) in size and the physical barrier shall be a minimum of 3 metres (9.8 ft) in height;

FIFTH SCHEDULE, *contd.*APPENDIX 1, *contd.*

Macrocell means—A base station that provides the largest area of coverage within a mobile network. The antennas at this station must be positioned at a height, which prevents obstruction from terrain or buildings;

Mast/Tower means—a ground-based or roof-top structure that supports antennas at a height where they can satisfactorily send and receive radio waves;

Microcell means—base stations that provide additional coverage and capacity to macrocells. A microcell is usually sited where there are large numbers of users. Antennas are usually mounted at street level;

Physical barrier means—a fence or wall not less than 3 metres (9.8ft) in height which encloses a base station;

Picocell means—a base station, which is normally found within existing buildings and provides more localised coverage than a microcell;

Precautionary approach means—before a development is permitted it should be shown that the risk from the development is acceptably low. The lack of full scientific certainty or an absence of information indicating that a risk is unacceptably high should not be reasons to approve development;

Radio waves means—electromagnetic wave of frequencies lower than three million megahertz propagated in space without artificial guide (Radio and Telegraph Control Act);

Sound broadcasting—means the dissemination by wireless telephony of sounds of any description but does not include sounds, which form part of a television broadcast;

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

APPENDIX 2

LIST OF LOCAL PLANNING AREAS

Three main communities have been identified in the Order Area. Although Sheffield is growing, it was the general opinion of the consultative committee and others in the area that it be joined with Negril Township to form one local planning area. This is evident in the policies that have been developed for the area.

The local planning areas are therefore:

- (a) Negril;
- (b) Orange Bay;
- (c) Green Island;

FIFTH SCHEDULE, *contd.*

APPENDIX 3

SCHEDULE OF HISTORICAL AND ARCHAEOLOGICAL AND ECOLOGICAL
SITES AND BUILDINGS*Historical and Ecological Sites and Building List*

Grid references have been provided where possible, using 1:50,000 metric sheets series 1.

<u>Name</u>	<u>Location</u>	<u>Sheet</u>	<u>Grid References</u>	
			<u>Easting</u>	<u>Northing</u>
White Hall Great House	White Hall	5	108650	179900
Negril Light House	West Point	5	106950	177800
Westfield House and Estate	Green River	1	117400	189150
Sax Ham Great House and Estate	Sax Ham	1	118250	191300
Paradise Great House and Estate	Paradise	1	121250	193050
Abingdon Great House Estate	Rhodes Hall	1	113200	192950
Green Island Church	Green Island	1	115300	193100
Old Fort	Green Island	1	115000	193900
New Found River Estate and House	New Found River	5	116950	189000
Haughton Hall House	Haughton Hall	1	142000	192050
Rhodes Hall Estate House	Rhodes Hall	1	113500	192950
Rhodes	Rhodes Hall	1	112500	192500
New Found River	New Found River	1	117600	188500
Abingdon	Rhodes Hall	1	113550	193500
Mount Eagle	Camp Savanna	5	120900	183600
Rhodes Hall	Estate Rhodes	1	113500	192950

FIFTH SCHEDULE, *contd.*

APPENDIX 4

SCHEDULE OF BEACHES ALONG THE NEGRIL AND GREEN ISLAND
DEVELOPMENT ORDER AREA COAST

Location	Type
Norman Manley Sea Park	Bathing
Long Bay	Bathing
Bloody Bay	Bathing/Fishing
Little Bay	Bathing
Homers Cove	Bathing
Little Bloody Bay and Pumpkin Pt.	Bathing/Fishing
Salmon Point	Fishing
West End (4 Beaches)	Fishing
South Negril River Mouth	Fishing
Orange Bay	Fishing
Upper North Negril River	Fishing
Green Island	Fishing
Davis Cove	Fishing

APPENDIX 5

MAIN ROAD DEVIATIONS 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 Road Authority:

- (1) West End from roundabout at Norman Manley Boulevard to the coastal road in vicinity of Lighthouse as shown on Map 2.

These routes will be protected and no development will be permitted which could in any way obstruct the proposals or make it more costly to Government to implement.

FIFTH SCHEDULE, *contd.*

APPENDIX 6

SCHEDULE OF ROAD STANDARDS
(All measurements in metres)

Type of Road	Total Reservation	Carriageway	Side Reservation (each side)			
			Total	Paved	Planted	
(a) Service Roads	9	6	1.5	—	—	Reservation, carriageway, paving and planting may be varied by Local Planning Authority depending on circumstances.
(b) Housing Estate Road	12	6	3	1.2	1.8	Paving and planting may be varied by Local Planning Authority depending on circumstances.
(c) Main Housing Estate Roads	15	8.5	3.25	1.45	1.8	Paving and Planting may be varied by Local Planning Authority depending on circumstances.
(d) Arterial Roads	30	7.5	See special requirements			(2) 2.4 shoulders and a median strip, or such requirements as the Local Authority may consider adequate.

FIFTH SCHEDULE, *contd.*APPENDIX 6, *contd.*

Type of Road	Total Reservation	Carriage-way	Side Reservation (each side)			
			Total	Paved	Planted	
(e) Arterial Roads where standards of (d) are not required	21	14.6	See special requirements			(2)3.2 footpaths or such requirements as the Local Planning Authority may consider adequate.

Standard of new roads and improvements to existing roads will be required to comply with the above 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) **Housing Estate Roads:** These are intermediate collector roads for traffic Roads generated by service roads.
- (c) **Main Housing 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) **Arterial Roads:** These are the main roads normally through the city or linking parts of the city.

FIFTH SCHEDULE, *contd.*

APPENDIX 7

PARKING AND LOADING REQUIREMENTS

Schedule of Vehicle Parking requirements within Site Boundaries

<u>Type of Development</u>	<u>Minimum Number of Vehicle Parking Spaces Required</u>
Private Residence (up to two bedrooms)	1 for each individual unit.
Private Residence (over two bedrooms)	2 for each individual unit.
Apartment Buildings and Town Houses	1.25 for each individual unit.
Elderly Persons Accommodation (Self contained dwellings)	2 per three units.
Elderly Persons Accommodation (Grouped flatlets)	1 per three one bedroom units.
Guest Houses	1 for each 2 guest unit plus 1 for each 4.5 square metres of public dining room.
Motels and Hotels	1 for each guest unit plus 1 for each 4.5 square metres of public dining room. 1 coach parking space per 50 bed spaces in hotels.
Villas	1 per 2 bedroom villa 2 per 3 bedroom villa
Hostels for students	1 space for every 4 units plus 1 space per 2 full-time members of staff.
Civic Administration Building, Office Building, Libraries	1 for each 20 squares metres of floor area inclusive of store—rooms plus 1 space per unit for staff parking where the building is divided into smaller units.
Museums and Art Galleries	1 space per 30 square metres of public display space.

FIFTH SCHEDULE, *contd.*APPENDIX 7, *contd.*

Type of Development	Minimum Number of Vehicle Parking Spaces Required
Shops, Stores, Supermarkets	1 for each 20 square metres of gross floor area inclusive of store-rooms plus 1 space per unit for staff where the building is divided into smaller units. 1 for each 16 of gross floor area. (The same applies to Shopping centres).
Markets	To be assessed individually.
Restaurants	1 for each 4.5 square metres of public dining room.
Take-Away Fast Food Shops	6 spaces per unit, plus 1 for each 4.5 square metres of dining area or public dining room.
Industrial Buildings used for manufacture or storage	1 for each 185 square metres of gross floor area including office space, plus provision for trucks as indicated in Vehicle Loading Requirements.
Dance Halls, Clubs Bars	1 space per 2 square metres of public and floor area.
Games Buildings, Public or Exhibition Halls	1 space per 3 staff members plus 1 space for every 10 square metres of exhibition area.
Cinemas, Concert Halls, Theatre	Town Centre locations , 1 space per 10 seats. Other locations—1 space per 5 seats.
Primary Schools	1 space for every 5 Teachers.
Secondary Schools	1 space for every 5 Teachers, plus 1 space for every 3 non Teaching staff.
Post Secondary Institutions (Colleges, Universities, etc.)	1 space to be provided for every 2 members of staff plus 1 space for every five (5) full-time equivalent students in addition to administration requirements.
Hospitals	1 space for each 4 beds.
Clinics/Health Centres	3 space for each practitioner.

FIFTH SCHEDULE, *contd.*APPENDIX 7, *contd.*

PARKING AND LOADING REQUIREMENTS

Schedule of Vehicle Parking requirements within Site Boundaries, contd.

Type of Development	Minimum Number of Vehicle Parking Spaces Required
Group medical, Veterinary or Dental Practices	2 spaces per practitioner.
Creche, Day Nurseries or Day Care Centre	1 space per 3 staff members plus an area for setting down and picking up of children.
Assembly Halls, Auditoriums, City and Town Halls, Court House, Lecture Halls	1 for each 8 seats
Place of Public Worship or Religious Instruction	1 space per 7 seats plus one parking space for each 4.5 m ² of floor area in assembly rooms with movable seats or 1 space per 1 square metre (1.0 m ²) if no permanent seat is provided.
Petrol Filling Station	5 car parking spaces per service bay plus a minimum of 3 car parking spaces up to a site area of 500 square meters and an additional space for each additional 250 square meters.
Golf Courses	4 spaces per hole.
Tennis/badminton	4 spaces per court.
Parking for Disabled	In all parking areas for developments open to the public consisting of 3–19 spaces—at least 1 space; 20 spaces or more—a minimum of 5% of the total number of spaces.

FIFTH SCHEDULE, *contd.*APPENDIX 7, *contd.*

VEHICLE LOADING REQUIREMENTS WITHIN SITE BOUNDARIES

<u>Types of Building</u>	<u>Number of Loading or off-loading bays</u>
Shops	1 for each building up to 930 square metres
Showrooms, Stores,	plus 1 for each 1850 square metres of floor area
Markets, Hospitals	in excess of 930 square metres.
	1 for each 930 square metres thereafter.
Industrial Buildings,	1 for each building up to 460 square metres plus
used for manufacture	1 for each 930 square metres of floor area in
or storage	excess of 460 square metres to a total of 3.
	One (1) for each 4600 square metres thereafter.

The design layout and landscaping of parking areas shall be in accordance with Appendix 9 and Figures 2, 3 and 5.

APPENDIX 8

GUIDELINES FOR THE PROPER SITING AND DESIGN OF PETROL AND OIL FILLING STATIONS

1. Stations should be located at a minimum of 152.4m from any public institution such as schools, churches, public libraries, auditoriums, hospitals, public playgrounds, et cetera.
2. Area of land to be developed should be sufficient to allow manoeuvring of vehicles within its curtilage but should not be less than 112.0 sq. m. with a minimum frontage of 91.44m. on the primary street.
3. Filling Stations will not be allowed in any area where traffic situation is such that it will cause obstructions in entering or leaving a station, or on tight curves where visibility is not adequate.
4. Vehicular access or egress or crossover should be reasonably safe with adequate approach distances especially where main roads and intersections are involved.
5. Wherever possible, stations should be erected on level rather than sloping site to prevent rolling of discarded materials such as cans, drums, et cetera.
6. When sited in shopping centres, stations should be located in an isolated area of the development as long as planning criteria are met e.g. set back.

FIFTH SCHEDULE, *contd.*APPENDIX 8, *contd.*

7. Environmental impact on streams, lakes, ponds, aquifer, et cetera, will be taken into consideration. An Environmental Impact Assessment may be required from the applicant.
8. Buildings are to be located a minimum of 12.20 m. from road property boundaries to provide adequate area for manoeuvring of vehicles in the service area.
9. Canopies and supports over pumps and service equipment when located less than 6 m. from interior residential lot lines or building or structure should be constructed of non-combustible material.
10. Petrol pumps shall be located a minimum of 30.48 m. from any residential building.
11. No fuel pumps or other mechanical equipment shall be installed so as to permit servicing of motor vehicles standing on a public street or highway.
12. All service areas should be paved to avoid dust nuisance.
13. Exterior design of the building should be compatible with adjacent development and should be such that it is not detrimental to property values in the area.
14. In a residential area a landscaped open area 3.0m wide shall be provided along the rear property boundary and 4.6m wide along the side property boundaries, and be separated from paved area by kerb or other barrier.
15. Where the site adjoins the side of, or rear boundary of a residential lot, a solid wall 3.0m. in height should be constructed and maintained along that lot boundary.
16. A raised kerb of at least 15cm in height should be erected along street property lines except for driveway openings so as to prevent operation of vehicles on sidewalks, and to define entrance or exit points.
17. Signs should be in accordance with the advertisement Regulations and should be located so as not to reflect the sun into the face of motorists and should be large enough so that they can be seen from a reasonable distance at a reasonable speed.
18. Each tank shall be vented to the atmosphere outside of buildings by means of an independent vent pipe which should not be less than 3.65m. in height or 0.6m. above the top of the nearest adjacent building.
19. All volatile flammable liquid storage tanks shall be installed below ground.
20. Integral containers of adequate design and capacity should be provided for solid waste, such as discarded cans, bottles, etc.

FIFTH SCHEDULE, *contd.*APPENDIX 8, *contd.*

21. Proper facilities for storage and disposal of used and waste oil and gas must be provided.
22. Waste water from the washing of motor vehicles et cetera and sewage disposal should be to the satisfaction of the Health Authorities.
23. Fuel should be stored in double walled container with leak spillage and over fill detection system to minimised leakage and prevent contamination of ground water and the material of the tank is to be coated to avoid corrosion.
24. A secondary containment should be in place to contain any spills or leakage and should have a volume of not less than a hundred and ten percent of the volume of the tank itself.
25. Normally no access to nor egress from a filling station shall be closer than 45.72m. to any road intersection or sharp corner, or 76.2m. from the intersection of two main roads.
26. Tank access chambers and filling points should be liquid tight to prevent accidental spillage from entering the ground around the installation.
27. The surface around the road tanker discharge area and around the vehicle filling points should be liquid tight, and the area drained to a petrol/oil separator to prevent product from entering off-site drainage systems.

APPENDIX 9

THE DESIGN OF PARKING FACILITIES

1. The condition governing the design of parking facilities (see Figure 3) for enclosed and unenclosed parking is an unobstructed rectangular minimum space of 5.5m x 2.5 m. for each car, so, however, that—
 - (a) where parking is parallel to the kerb, the length of the car parking space shall be increased to 6.7m;
 - (b) where a vehicle can overhang the kerb by 0.6m and such overhanging does not seriously limit the use of a sidewalk or other access, the length of the parking space may be reduced to 4.88m;
 - (c) where the use of one car parking space is limited on both sides by a wall or column, the unobstructed width (face to face of obstruction) of the parking space shall be 3.0m or if a door opens into the parking space on its long side, 3.36m;

FIFTH SCHEDULE, *contd.*APPENDIX 9, *contd.*

- (d) where the use of one parking space is limited on one side by a wall or column, the unobstructed width (face to face of obstruction) of the parking space shall be 3.0m;
- (e) the minimum width of a parking aisle shall be 5.5m except where parking is provided at a lesser angle to the aisle than 60 degrees and access is one way only, in which case the following aisle width shall apply;

Angle of Parking	—	Minimum Aisle Width
30 degrees	—	3.36m.
45 degrees	—	3.97m.
60 degrees	—	5.48m.

2. In the case of parking garages with columns, care must be taken to ensure proper moving of vehicles and in no case should a column project into a minimum parking space aisle.

3. For parking garages, carports and parking areas, the maximum gradient and the maximum cross slope shall be 1 in 20.

4. In certain types of developments, developers will be required to provide loading and off-loading bays within the curtilage of the site.

5. Each bay shall have an unobstructed rectangular space 6.7m by 3.0m and reasonably vehicular access shall be provided to each bay.

6. The parking provision for disabled drivers should be as indicated in Figure 2.

APPENDIX 10

RESIDENTIAL (DEVELOPMENT, STANDARDS AND CONTROLS)

Requirements

Residential density is used as a control over the physical intensity and bulk of buildings and indirectly as a control on the number of people living on a particular site. Since the actual occupancy of unit of accommodation is a variable that is dependent upon such factors as tenure, size and mix of units of accommodation density is best expressed in terms of habitable rooms per hectare rather than persons per hectare.

While density is useful in assessing proposals, other requirements such as adequate amenity space, ground cover, floor area ratio, security, privacy and car parking spaces will be taken into consideration. The general appearance of the building, distance to adjacent development and established character of the area will also be considered.

FIFTH SCHEDULE, *contd.*APPENDIX 10, *contd.*

In calculating density all the rooms are regarded as habitable rooms except for kitchen and bathroom, landing stairs, passages and storerooms are also excluded. However where a room can be subdivided it counts as two habitable rooms for density calculation purposes.

Where the proposal is for a site with an existing building the density of the development should be calculated as follows and shown on the drawings—

- (a) density for the whole site including habitable rooms in the existing building plus the new proposal;
- (b) density for the existing building on its reduced site area;
- (c) density for the new proposal on its new site area;

Low densities may be appropriate for residential development where the site is of irregular shape, the adjacent buildings are low rise, where there are trees or other natural features to be retained, where it is in a conservation area or where another use is involved.

Security

Public safety and security should be given attention in the design, layout and lighting of developments, especially as it affects the needs, of women, children, the elderly and disabled persons.

Where possible footpaths, play areas, and car parks should be well lit and should be overlooked by habitable rooms or kitchens.

Footpaths should have a clear view through to public areas without any blind corners. Rear access ways to dwellings should be avoided as should access through a block of flats or between houses to other flats.

Play areas should be located so that they can be overlooked from nearby dwellings, but well separated from roads and parking areas; and landscaping should include low shrubs, ground cover and well sited trees to avoid creating hiding places.

Privacy and distance between buildings

Town House and apartment buildings require an area of privacy either for the outdoor use of the occupants of a particular unit or to provide privacy from passers-by. This area is known as the privacy zone. The remainder of the open area where no privacy zone is required maybe used for communal pedestrian purposes by the occupants of the project. The yard depth and privacy zone requirements may vary depending upon the form of housing and on the use of the rooms having principal windows overlooking the area.

FIFTH SCHEDULE, *contd.*APPENDIX 10, *contd.*

Each dwelling unit in a horizontal multiple housing shall have one yard area which serves as a private outdoor living area for the occupants. This is normally associated with the living room, but to allow flexibility in design, the private outdoor living area may alternatively be located adjacent to a dining room, study lounge or a kitchen which is combined with one of the above uses.

A privacy zone should normally not be less than 4.5 metres deep. Outside a window of a habitable room the minimum distance to a wall or building should be 7.5 metres.

Minimum distance between two storey building front (or back) elevation is 10.5 metres with the condition of 20 metres distance to the next two storey building from its opposite back (or front) elevation.

A outdoor area adjacent to a non-habitable room shall have a minimum depth of 1.2 metres plus 0.6 metres for each storey above the storey or partial storey at ground level.

Minimum distance between building in excess of two storeys should be twice the height of the building measured on the side or front (or back) elevation to a maximum of 30 metres. The minimum distance between two end elevations of two apartment buildings should be 1.2 metres plus 0.3 metres for each storey additional to the storey or partial storey at ground level to a maximum of 3.5 metres. This is not applicable if the end elevation has the only window of a habitable room. If so the distance should be a minimum of 7.5 metres. Along either front or back elevations there should be a privacy zone of appropriate length.

For distance between buildings of different heights, the height of the highest one dictates the distance of parking from habitable room windows.

AMENITIES

(i) Single Family Detached Development

In housing developments, space such as parks, playgrounds and sports fields are needed as part of the public areas. To ensure that this need is satisfied, in all new residential area in excess of 10 lots usable lands must be reserved for the above community non-residential needs at the minimum rate of one hectare to every one hundred (100) dwelling units. Such land should be landscaped initially and otherwise be developed.

The land reserved for public use should not be pieces left over as unsuitable for development of houses. It is important that the land is on usable ground and also that it is properly located within the neighbourhood so that it can be conveniently used for the required public purpose.

FIFTH SCHEDULE, *contd.*APPENDIX 10, *contd.*

Consideration should also be given to the provision of large open spaces rather than several small ones.

(ii) Multi-Family Development

Space must be set aside for recreational and landscaping purposes different from the land reserved for the building, car parking, driveway areas, foot paths accessory building and ancillary uses where required. This referred to as the amenity area will normally be a portion of the total site, but may also include swimming pools, communal lounges and other areas within the site which, in the judgement of the planning authorities, can be used for general recreational purposes.

The minimum common "amenity area" for each unit should be provided as follows:

- Studio Unit 15 square metres
- One-Bedroom Unit 30 square metres
- Two or more Bedroom Unit 60 square metres

Landscaping

In new residential developments a site plan will be required showing the accurate position of all existing trees and shrubs and those that are proposed to be removed.

Existing trees and shrubs should, where possible be protected during the construction period by exclusionary fences which should be erected before site clearance commences.

The landscaped areas should be laid out before the development is occupied so that they will be ready for maintenance at the time of occupancy.

Applications will not be considered in outline if the development or the area is felt to be environmentally sensitive.

FIFTH SCHEDULE, *contd.*

APPENDIX 11

CAVES OF NEGRIL

The following have been plotted, where possible, using the 1:50,000 metric sheet series 1.

NAME REFERENCE	LOCATION	SHEET #	GRID
			Easting
			Northing
Bat Hole	Little Bay		156 754
Bat Hole	Little Bay		158 750
Water Hole	Homers Cove		143 754
Reynal Shelter	Monarva District		138 765
Monarva Cave	Revival		138 763
Titus Cave	SSW of Negril Spots		137 775
Top Hill Cave	Retreat		152 776
Blue Hole	Eardsley Property		170 815
Devils Hole	Eardsley Property		165 833
Spring Garden Cave	Head of Fish River		153 831
Suicides Hole	Eardsley Property		175 851
Negril Light House Cave	Negril Barnas Bay		062 779
Mount Airy Cave	Negril Area		085 775
Indian Head Cave	Mount Airy (Arawak Site)		082 784
Negril swallow Hole	Negril Village		072 812
Negril Reef Cave	Long Bay, Negril		062 860
White Hall Property (Grove Land Well)	Arawak Site		085 792

FIFTH SCHEDULE, *contd.*

APPENDIX 12

Information To Be Supplied With Subdivision Application

SCHEME PLAN

Every Scheme plan prepared for the purpose of a subdivision shall show—

- (a) the whole of the land being subdivided;
- (b) the type of development and the several allotments and their areas, dimensions, and numbers in sequence;
- (c) the proposed phasing and seeding if any;
- (d) contour lines with respect to residential subdivision especially where the terrain is most uneven and difficult;
- (e) surface water drainage details;
- (f) scale to which the plan is drawn;
- (g) existing roads, reserves, access way and service lanes;
- (h) the layout of the proposed roads and their approximate grades, the proposed reserves, access ways and service lanes;
- (i) all those lands which are either affected by existing easements or to be affected by easements which are created;
- (j) the nature of all easements whether existing or to be created;
- (k) the relationship of the proposed scheme with adjacent land or development whether or not under the control of the applicant or owner;
- (l) such information as suffices to identify any particular road such as names, letters, or numbers;
- (m) such other particulars as may be required in writing by the local planning authority.

Location Plan

A location plan is to accompany each scheme plan showing the position of the subdivision in such a manner as to facilitate mapping and location on ground. Such a plan should:

- (a) show the nearest places of importance to and from which any road leads;
- (b) show definable and easily recognizable marks on earth together with necessary data such as distance from nearest mile post;

FIFTH SCHEDULE, *contd.*

APPENDIX 13

Subdivision Assessment Criteria

The planning authority will take into consideration the following criteria in assessing subdivision applications:

- (a) whether or not closer subdivision or settlement of the land shown on the scheme plan is in the public interest, or the land for any other reason whatsoever is suitable for subdivision or it is premature having regard to the provision of essential engineering and social services;
- (b) if adequate provision has been made for the drainage of any allotment or the disposal of sewage therefrom;
- (c) if 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 the proposed subdivision conforms to recognized principles of town planning;
- (e) if there is adequate information given concerning the proposed co-ordination with adjacent land and its development and services.

APPENDIX 14

*General Development Standards For Telecommunication Network**1. Standards**Size of site for base station for free standing structure.*

- (i) No base station shall be less than 400 square meters (1312.3 square ft.) for self-support towers.

Set back for free standing structure

- (ii) The foremost part of each Mast/Tower shall be a minimum distance of 6.1 meters (20 feet) from the physical barrier.

Exclusion Zone

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

FIFTH SCHEDULE, *contd.*APPENDIX 14, *contd.**Height of tower*

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

Signage

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

Parking and Access to site

- (vii) Sites must be adequately sized to accommodate the maneuvering and parking of not less than two service vehicles. Access way shall be a minimum of 4.6m (15ft) with parking bays being 5.5 by 2.4m (18 feet by 18 feet).

Emissions

- (viii) Emissions from any apparatus associated with a base station shall conform to Natural Resources Conservation Authority (Industrial Air Quality) Regulation 2004.

2. INFORMATION ACCOMPANYING APPLICATION

A. Consultation Information

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

B. Site/Location

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

FIFTH SCHEDULE, *contd.*

APPENDIX 15

Visibility Splays

Visibility splays are the angles of visibility which are designed at all major road intersections. They are intended to facilitate the unobstructed vision of motorists from one street onto the other, thereby minimizing the risks of accidents. Suggested visibility splays in relation to street type are listed below:—

ROAD VISIBILITY SPLAYS AND SIDEWALKS RESERVATIONS

Road Type	Total Width (m)	Carriage Way (m)	SIDEWALK RESERVATION			Visibility Splay Angle (Degrees)	Splay Distance (m)
			Total (one side)	Paved	Planted (m)		
Service Road	9	6	1.5	—	—	45	1.8
Estate Road	12	6	33	1.2	1.8	45	3.0
Main Estate Road (spine or collector)	15	8.5	3.25	1.45	1.8	30	3.0
Main arterial road (adjacent residential areas)	21	14.6 Dual	3.25	1.45	1.8	30	2.1

FIFTH SCHEDULE, *contd.*APPENDIX 15, *contd.**Sidewalk Reservations*

- Sidewalk reservations are required to support the paved surface of the road and to provide areas for safe emergency stopping of vehicles. They should never be used as permanent parking places for vehicles.
- The layout and construction of sidewalk reservations should be done as carefully as the construction of the main paved area of the road except that sidewalk reservations on access roads they would not normally be paved.
- Unpaved sidewalk reservations should be properly grassed and maintained, and if they are not, storm water may enter the road base and affect the stability of the road.

APPENDIX 16

Advertisement Guidelines

The display of advertisements, whether illuminated or not, can have a considerable impact on visual amenities. This is evident along main roads especially in rural areas and on buildings and open spaces in urban areas. The local planning authority will therefore pay particular attention to the siting of advertisements to ensure that the character of the country side, individual buildings and streets are not adversely affected. Signs will be controlled in accordance with the Control of Advertisements Regulations 1978.

Applications will be considered in respect of the amenity and public safety and the following guidelines which have been adapted from the Lambeth Draft Unitary Development Plan (1992) will apply:

A General Considerations

- (1) Regard will be paid to the general characteristics of the locality—existing advertisements in the locality will be disregarded in assessing its general characteristics.
- (2) Advertisements should respect the scale of the buildings or sites in which they are displayed, together with the surroundings.
- (3) Displays at high levels will normally be resisted, particularly where they affect long range visibility.
- (4) Advertisements will be considered in respect of public safety.
- (5) The painting of walls as advertising space will not be allowed rather, the use of free standing boards will be encouraged where possible.

FIFTH SCHEDULE, *contd.*APPENDIX 16, *contd.***B Residential Areas**

- (1) Advertising is generally out of place in any predominantly residential locality and will normally not be allowed.

C Commercial Areas

- (1) All displays must be in scale with the particular building on which they are located and must not conceal any architectural features.
- (2) A display must not be unduly dominant and the most important criterion will be the overall visual effect upon the entirety of the building and its surroundings.
- (3) Advertisements must be properly organized and clutter will be resisted.

D Declared Buildings and Structures

- (1) Special consideration will be given to advertisements on or adjoining buildings of architectural or historic interest.
- (2) Internally illuminated box signs will normally be resisted.

E Conservation Areas

- (1) Advertisements will be expected to preserve or enhance the character of Conservation Areas.
- (2) Signs should normally be located at fascia level and should not damage original mouldings or brackets. Size, design and method of illumination will be carefully controlled.

F Illumination

- (1) Illuminated advertisements will be considered in respect of amenity and public safety.
 - (i) Public Safety Regard will be given to possible danger to users and operators of road transport particularly where:—
 - (a) The means of illumination is directly visible from the transport system;
 - (b) The colour of the signs may cause confusion with traffic signals or other means of direction;

FIFTH SCHEDULE, *contd.*APPENDIX 16, *contd.*

- (c) Brightness could result in glare, dazzle or distraction.
- (ii) Amenity—
 - (a) the illumination of advertisements at high levels with long range visibility, will not normally be permitted;
 - (b) Flashing or intermittent signs will not normally be permitted.

G *Unauthorized Advertisements and removal of Displays*

The local planning authority will take action to secure the removal of unauthorized displays or advertisements which are being displayed with “deemed consent” where it is satisfied that this is necessary to remedy a substantial injury to the amenity of a locality or a danger to members of the public.

H *Hoardings and Poster Boards*

Advertisement hoardings either free-standing or attached to buildings are generally considered to be unacceptable as permanent features of the street scene, as they detract from the townscape. They will normally be resisted unless they can be advantageously used to screen unsightly building sites on a temporary basis pending development.

I *Blinds and Awnings*

- (1) In conservation areas, permission will only be granted for retractable blinds which have no adverse impact on the street scene.
- (2) On listed buildings, blinds will only be permitted where they do not adversely affect the architectural or historic interest of the building.
- (3) Blinds above the first floor sill level will only be permitted in exceptional circumstances.
- (4) Where blinds are unsuitably designed, mounted or located, the local planning authority will take appropriate action to remove them.
- (5) Very bright fluorescent, glossy or metallic finish blinds will not be permitted on listed buildings and in conservation areas.

Source:—Lambeth Environmental Services, 1992. Draft Unitary Development Plan, Courtney House, London.

FIFTH SCHEDULE, *contd.*

APPENDIX 17

AGRICULTURAL LAND USE CLASSIFICATION SYSTEM

For agricultural purposes land is classified into the following categories related to agricultural use.

Class I

This is land which is level with deep fertile soil and no factors limiting its use for agriculture.

Class II

Land which is suitable for cultivation with moderate limitations such as slope, inter-fill soils or poor drainage.

Class III

Land suitable for cultivation with strong limitations by one or more of the following factors:

- Steepness or slope
- Infertile soils
- Poor drainage

Class IV

Land that is of marginal use for cultivation due to one or more of the factors listed above.

Class V

This is land that is not suitable for cultivation due to adverse soil factors. It is usually steep land that should be used for forestry or fruit trees.

The classification system is of a general nature and in some instances may not be specific enough for detailed planning. Note should also be made of the fact that a classification could be improved by removing one or more limiting factor(s). Care should therefore be taken in the interpretation of agricultural land use and when in doubt, reference should be made to the Ministry of Agriculture and Fisheries.

FIFTH SCHEDULE, *contd.*APPENDIX 17, *contd.*

LIST OF FIGURES

Figure 1

DENSITY, HEIGHT AND LOT COVERAGE FOR MAJOR LAND USES

Major Use which is Specified	Maximum Permissible Floor Area Ratio	Maximum Plot coverage (% of net area)	Maximum Permissible Height (No. of stories above frontage)	Maximum Green Spaces Required within Net Plot Area (%)
RESIDENTIAL (Maximum Habitable Rooms per Hectare)				
Single Family Residential	0.50	50	To be determined by 45 Local Planning Authority	
3-75 habitable rooms per ha.	0.33	33 1/3	2	45
76-125 habitable rooms per ha.	0.50	33 1/3	4	33 1/3
126-250 habitable rooms per ha.	0.66	33 1/3	6	33 1/3
251-375 habitable rooms per ha.	1.00	33 1/3	10	33 1/3
COMMERCIAL				
General Commercial in Business Centres	1.00	50	2	20

FIFTH SCHEDULE, *contd.*APPENDIX 17, *contd.*DENSITY, HEIGHT AND LOT COVERAGE FOR MAJOR LAND USES, *contd.*

Major Use which is Specified	Maximum Permissible Floor Area Ratio	Maximum Plot coverage (% of net area)	Maximum Permissible Height (No. of stories above frontage)	Maximum Green Spaces Required within Net Plot Area (%)
OFFICE				
Office in Business Centres	2.00		10	20
Office in Other Areas	0.50 or as indicated in the policy Guidelines for the area	33 1/3	2	33 1/3
Industrial	0.50	33 1/3	2	33 1/3
Institutional	0.66	33 1/3	3	50

NOTE

Floor area ratio and height of a building will be used to control the quantity of floor space proposed by a development. This is necessary to avoid the over development of a site which could result in excessive strain on the infrastructure in an area.

It is not necessary that all the developments should meet the proposed floor area ratio level indicated as this is a maximum and not a minimum.

Where a residential and a non-residential use occupy different sections of a site, the floor area ratio and residential density will be calculated in relation to the portion of the site occupied by each.

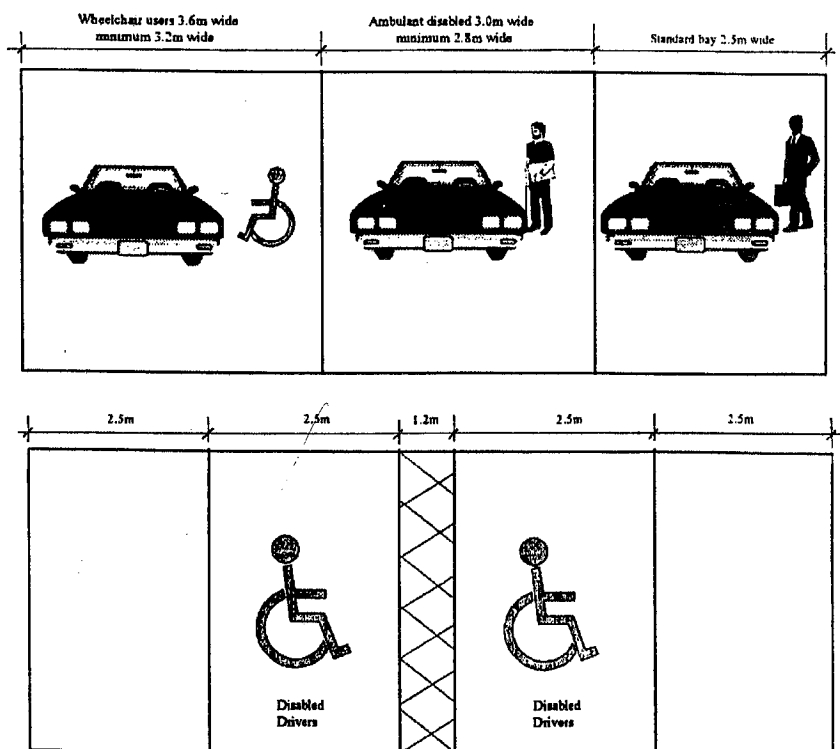
Where both uses are combined in the same building the residential density will be calculated after subtraction of the area needed to accommodate the non-residential development at the normal maximum plot ratio or *vice versa*.

FIFTH SCHEDULE, *contd.*

APPENDIX 17, *contd.*

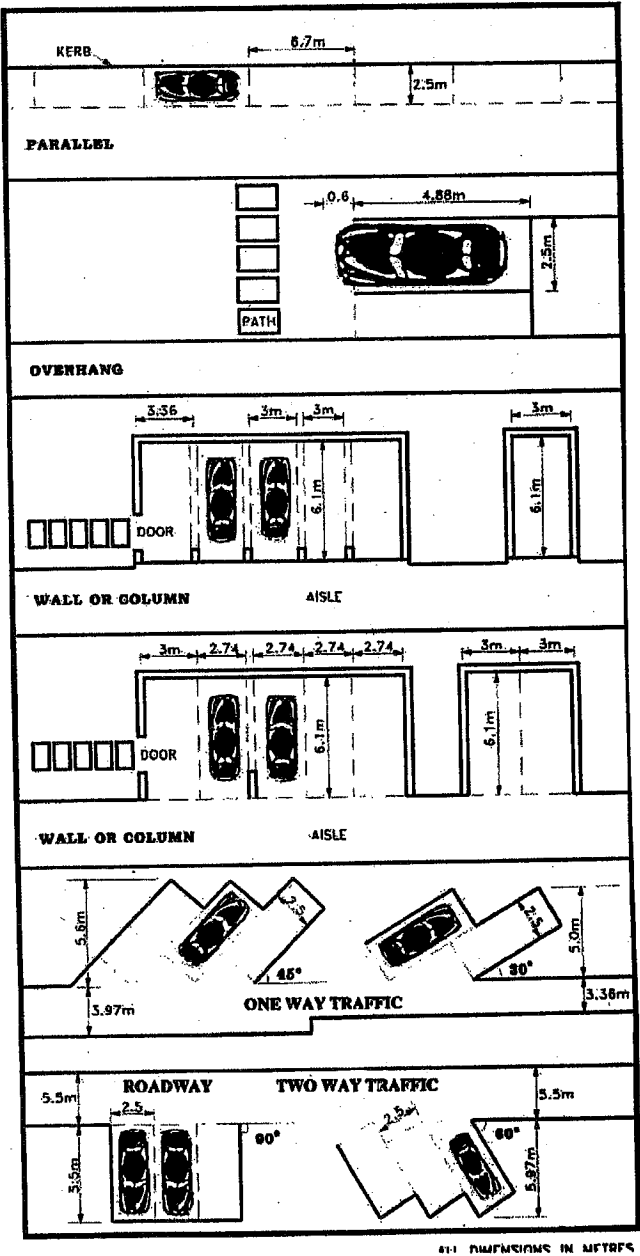
FIGURE 2 PARKING FOR PHYSICALLY CHALLENGED

To allow for assisted wheelchair users the preferred width of special spaces allocated for Physically Challenged drivers is 3.60m, minimum 3.20m. To allow for ambulant disabled people the preferred width of parking spaces is 3.00m, minimum 2.80m. While manoeuvring space may be tight, a width of 3.00m will in practice, cater for independent wheelchair users.



Where adjacent spaces are reserved for Physically Challenged drivers, an access area 1.20m wide may be marked on the ground to indicate that cars should be parked to either side. This will allow for access on one side to the driver's door of a car, and on other to the passenger's door. Car parking spaces for use by disabled people should be suitably signposted. To deter non-disabled drivers from using the spaces, the international symbol may be painted on the ground, with the legend "Physically Challenged Driver".

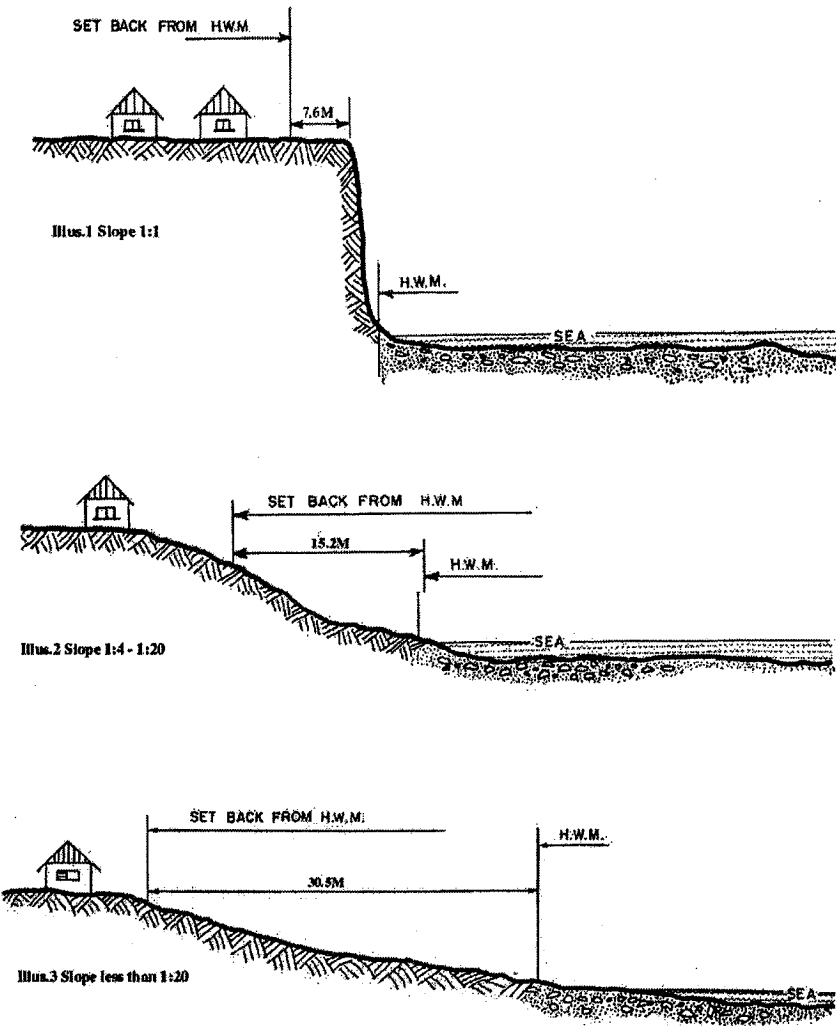
FIFTH SCHEDULE, *contd.*
APPENDIX 17, *contd.*
FIGURE 3—*Parking Layout*



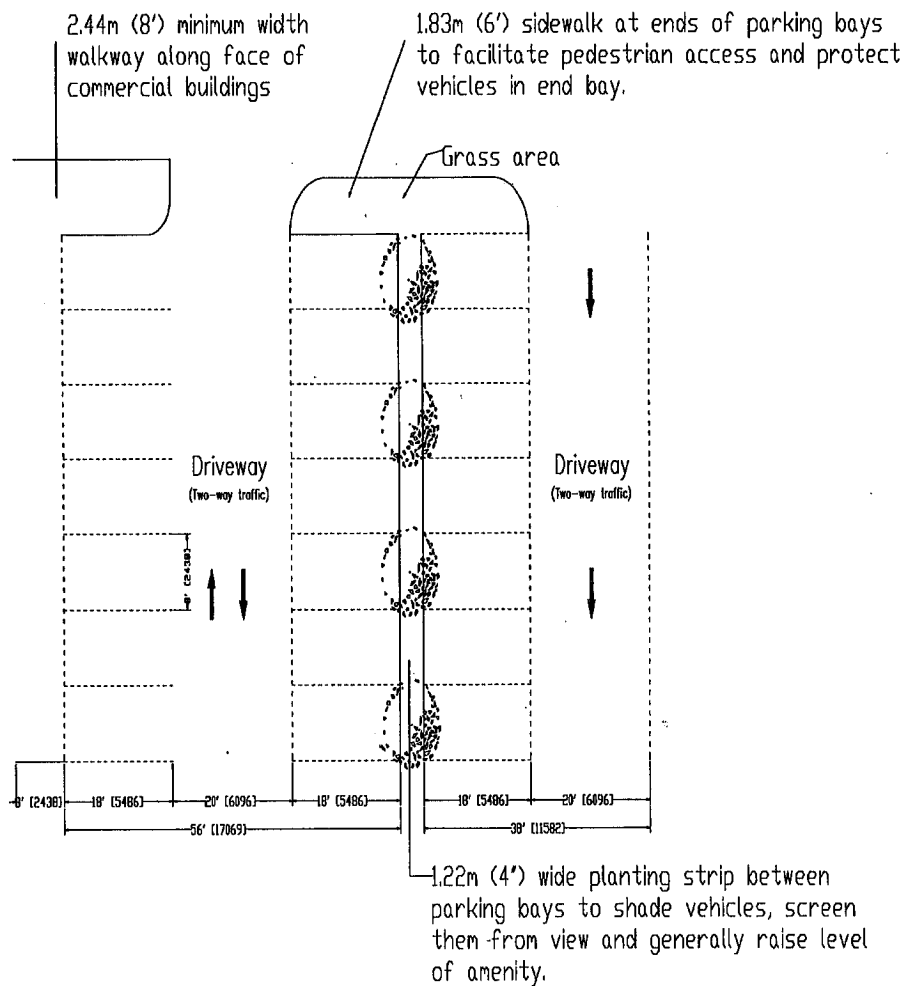
FIFTH SCHEDULE, *contd.*

APPENDIX 17, *contd.*

FIGURE 4—*Guidelines for setbacks from high water mark*



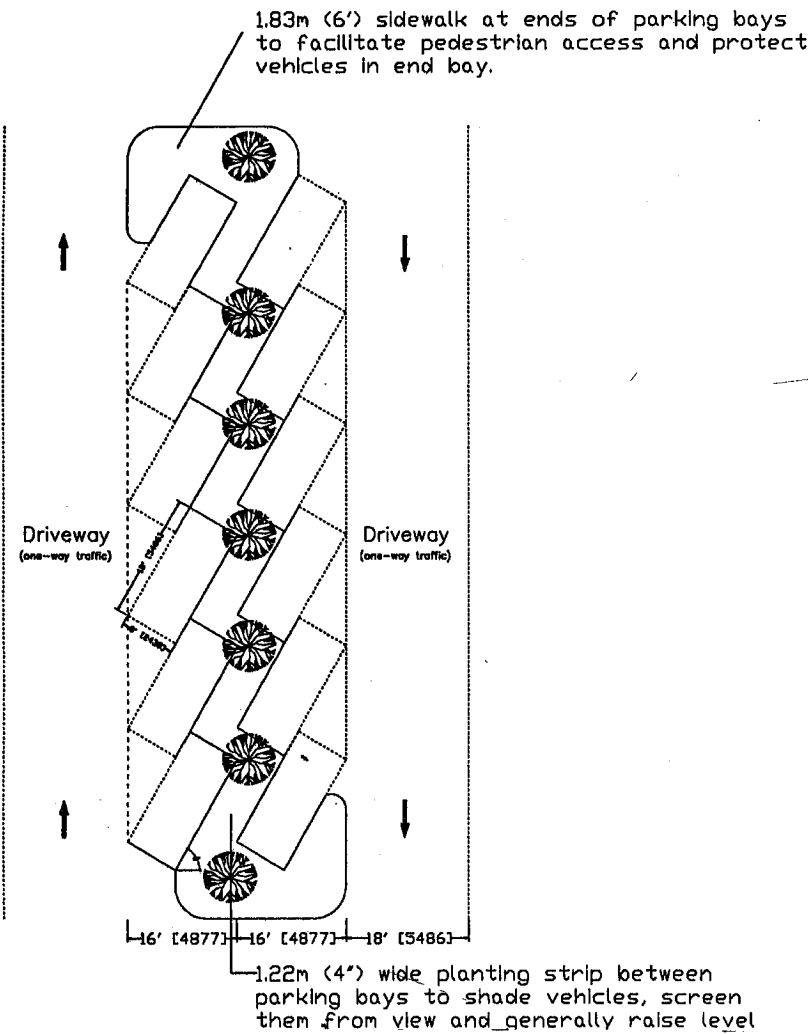
NOTE: SETBACKS ARE SUBJECT TO NATURE OF SUBSTRATA, OCEANOGRAPHIC CONDITIONS, PLANS FOR SEASIDE PARKS ETC.

FIFTH SCHEDULE, *contd.*APPENDIX 17, *contd.***Parking Standards****90 degrees - Angled parking design
Showing Landscaping**

FIFTH SCHEDULE, *contd.*

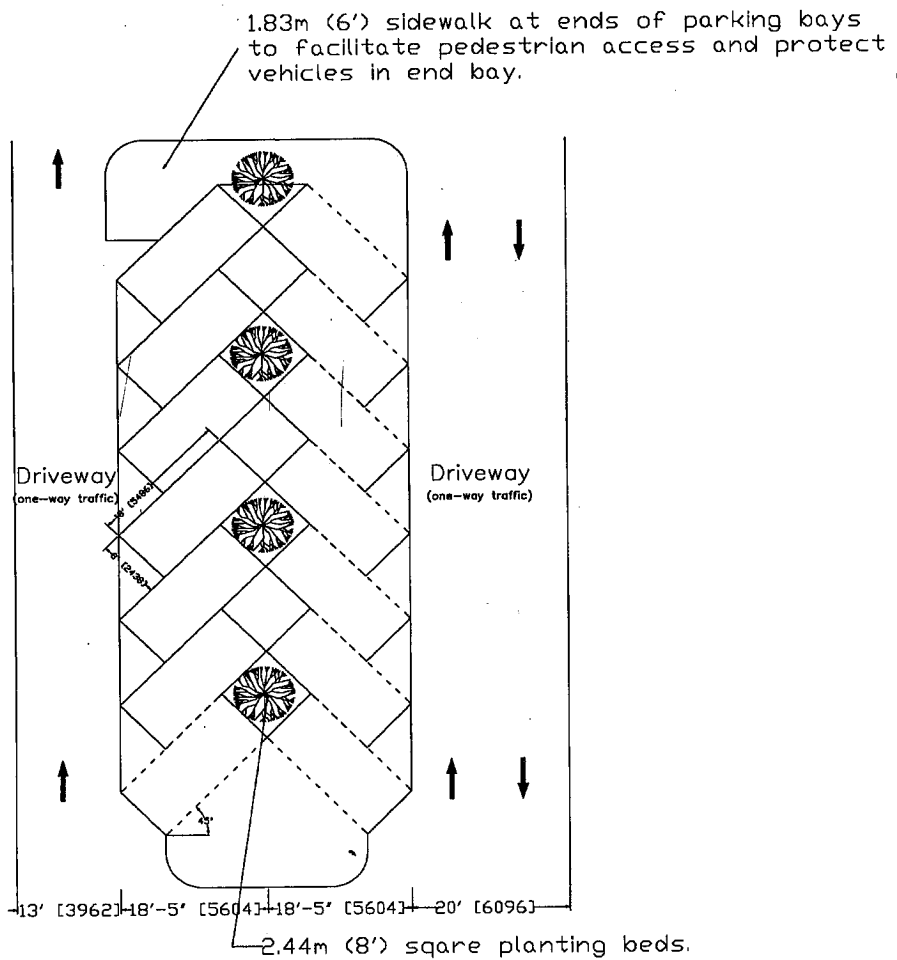
APPENDIX 17, *contd.*

Parking Standards
60 degrees - Angled parking design (double bay)
Showing Landscaping



FIFTH SCHEDULE, *contd.*APPENDIX 17, *contd.***Parking Standards**

45 degrees - Angled parking design (double bay)
Showing Landscaping

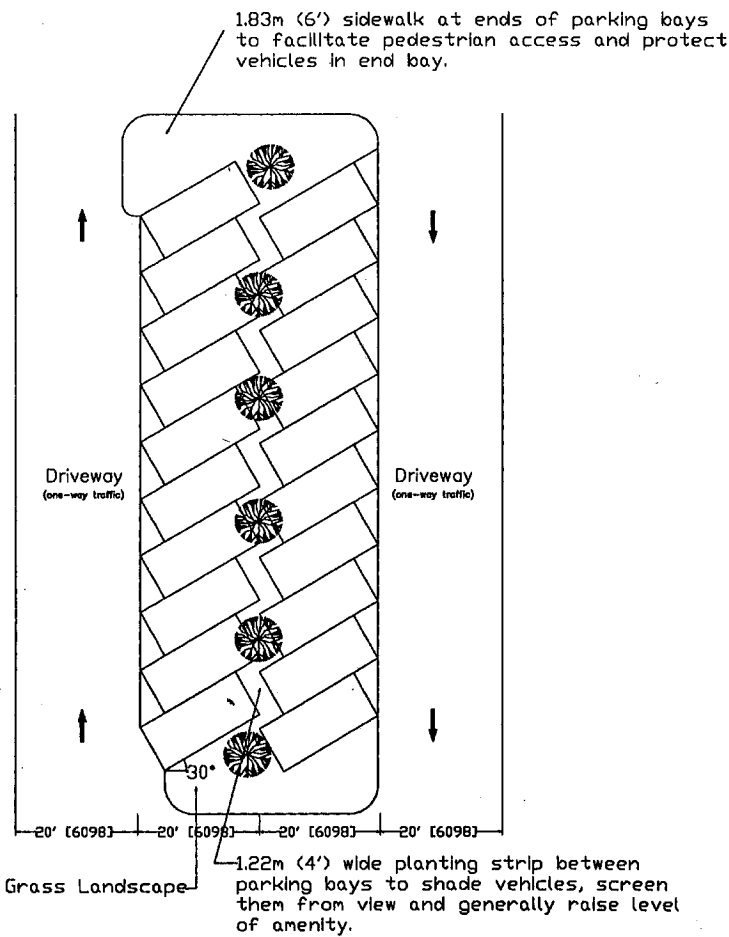


FIFTH SCHEDULE, *contd.*

APPENDIX 17, *contd.*

Parking Standards

30 degrees - Angled parking design (double bay)
Showing Landscaping



FIFTH SCHEDULE, *contd.*APPENDIX 17, *contd.**List of Abbreviations*

B	Beach
C	Conservation of the Natural and Built Environment
CA	Control of Advertisement
CD	Coastal Development
DC	Developed and partially Developed Coast
E	Energy Conservation
GD	General Development Policies
GI	Green Island Local Planning Area
H	Housing
M	Minerals
N	Negril Local Planning Area
OB	Orange Bay Local Planning Area
Obj.	Objectives
PFS	Petrol Filling Station
RAP	Rural Area Policies
RE	Rural Economy
SA	Social Amenities
SP	Sectoral Policies
T	Transportation
Tele	Telecommunication
TO	Tourism
UC	The Undeveloped Coast
UE	Urban Economy
WT	Waste Treatment and Disposal

FIFTH SCHEDULE, *contd.*APPENDIX 17, *contd.**Acknowledgement*

The information data used for the preparation of this Order was derived from:

- (a) The National Physical Plan (1978 – 1998)
- (b) Development and Investment Manual (2007)
- (c) Dictionary of Place – Names in Jamaica

The Town and Country Planning Authority would like to thank the many persons, Organizations, Institutions, Departments and Ministries for their input to the preparation of this Development Order. Although it is not possible to recognize all contributions special mention is made of the following:—

- (1) Coconut Industry Board; 18 Waterloo Ave., Kingston 5.
- (2) Coffee Industry Board; Willie Henry Drive, Kingston.
- (3) Jamaica National Heritage Trust.
- (4) Ministry of Tourism and Sports; Master Plan for Sustainable Tourism Development.
- (5) National Environment And Planning Agency; Development and Investment Manual, Volume 1 Section 1—

Planning and Development—Chapter 2.

- (6) National Environment and Planning Agency; The Development Orders Project Team.
- (7) National Housing Development Corporation 13 Caledonia Ave., Kgn. 5.
- (8) National Land Agency; Topographic Base Maps and Land Parcels.
- (9) National Solid Waste Management Authority; 61 Half Way Tree Road.
- (10) Negril Environment and Protection Trust.
- (11) Negril and Green Island Area Local Planning Authority
- (12) Office of the Prime Minister; Development Planning Unit.
- (13) Social Development Commission.
- (14) The Parish Councils Westmoreland and Hanover.
- (15) The Planning Institute of Jamaica; Economic and Social Survey of Jamaica and various other publications.

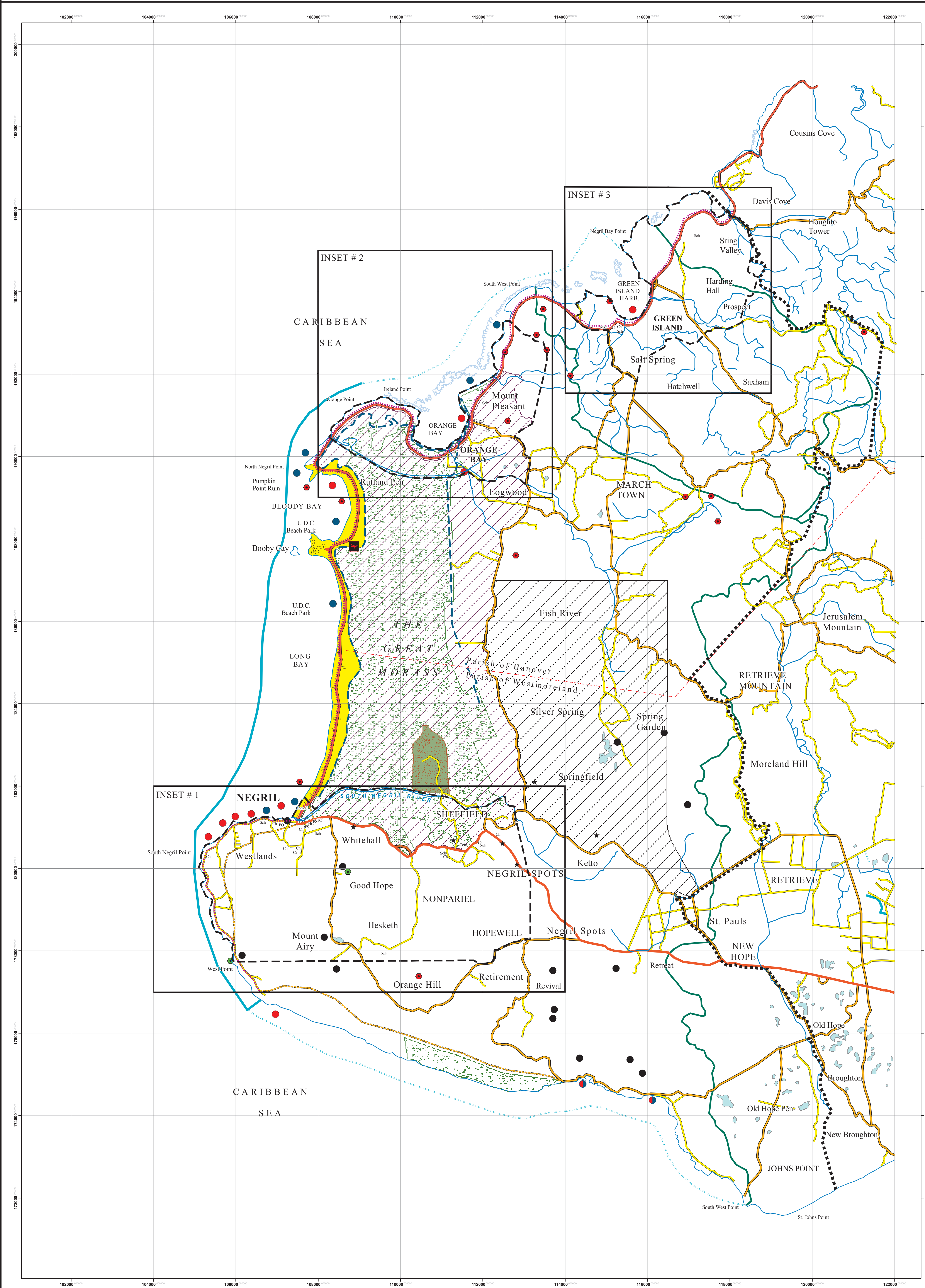
FIFTH SCHEDULE, *contd.*APPENDIX 17, *contd.**Acknowledgement, contd.*

- (16) The Statistical Institute of Jamaica (STATIN); Statistical Data (including EDs).
- (17) The Town and Country Planning Authority; the Town and Country Planning (Hanover Coast) Provisional Development Order, 1962; Negril and Green Island Confirmed development Order, 1984; Westmoreland Parish Confirmed Development Order, 1978.
- (18) Town Planning Department.
- (19) Urban Development Corporation; North East Coast Regional Development Plan and the Port Antonio Sanitation Study (Executive Summary).
- (20) Various United Kingdom Unitary Development Plans.
- (21) Wikipedia, the free encyclopedia.

Dated at 10 Caledonia Avenue, Kingston 5, this 21st day of March, 2013.

JOHN JUNOR,
Chairman
Town and Country Planning Authority.

NEGRIL GREEN ISLAND DEVELOPMENT ORDER AREA LAND USE PROPOSAL (MAP 1)



Legend

PO	Post Office
PA	Postal Agency
Mkt	Market
HC	Health Centre
Com C	Community Centre
PS	Police Station
Sch	School
Ch	Church
FS	Fire Station
Cem	Cemetery
TC	Transportation Centre

	Existing Aerodrome
	Bathing Beach
	Fishing Bathing Beach
	Fishing Beach
	Historical Site
	Listed Buildings/Monuments
	Cave
	Quarry Site
	Negril Green Island Development Order Area Boundary
	Growth Centre Boundary
	Parish Boundary
	Coral Reef
	Coastline
	River
	Scenic Route
	North Coast Highway
	Copland_Perry_Survey_Realigned
	Road Class A single
	Road Class B
	Road Class C
	Road Other
	Proposed New Road
	Fish Sanctuary Boundary
	Marine Park Boundary
	Protected Watershed Boundary
	Inset Boundary
	National Park
	Proposed Resort
	Protected Ecosystems Boundary
	Negril great Morass Game Sanctuary
	Quarry Zone Boundary
	Lakes/Ponds

INDEX TO POLICIES

SECTORIAL POLICIES	
Transportation and Traffic	SP T1 - SP T38
Housing	SP H1 - SP H18
Conservation of the Natural and Built Environment	SP C1 - SP C48
Rural Economy	SP RE1 - SP RE16
Urban Economy	SP UE1 - SP UE22
Minerals	SP M1 - SP M10
Waste Treatment and Disposal	SP WT1 - SP WT19
Energy Conservation	SP E1 - SP E8
Tourism	SP TO1 - SP TO9
Telecommunication	SP TELE1 - SP TELE21
General Development	GD 1 - GD 53
Petrol and Oil Filling	PFS 1 - PFS 7
Control of Advertisement	CA 1 - CA 2
Undeveloped Coast	UC 1 - UC 41
Rural Area Policies	RAP 1 - RAP 23

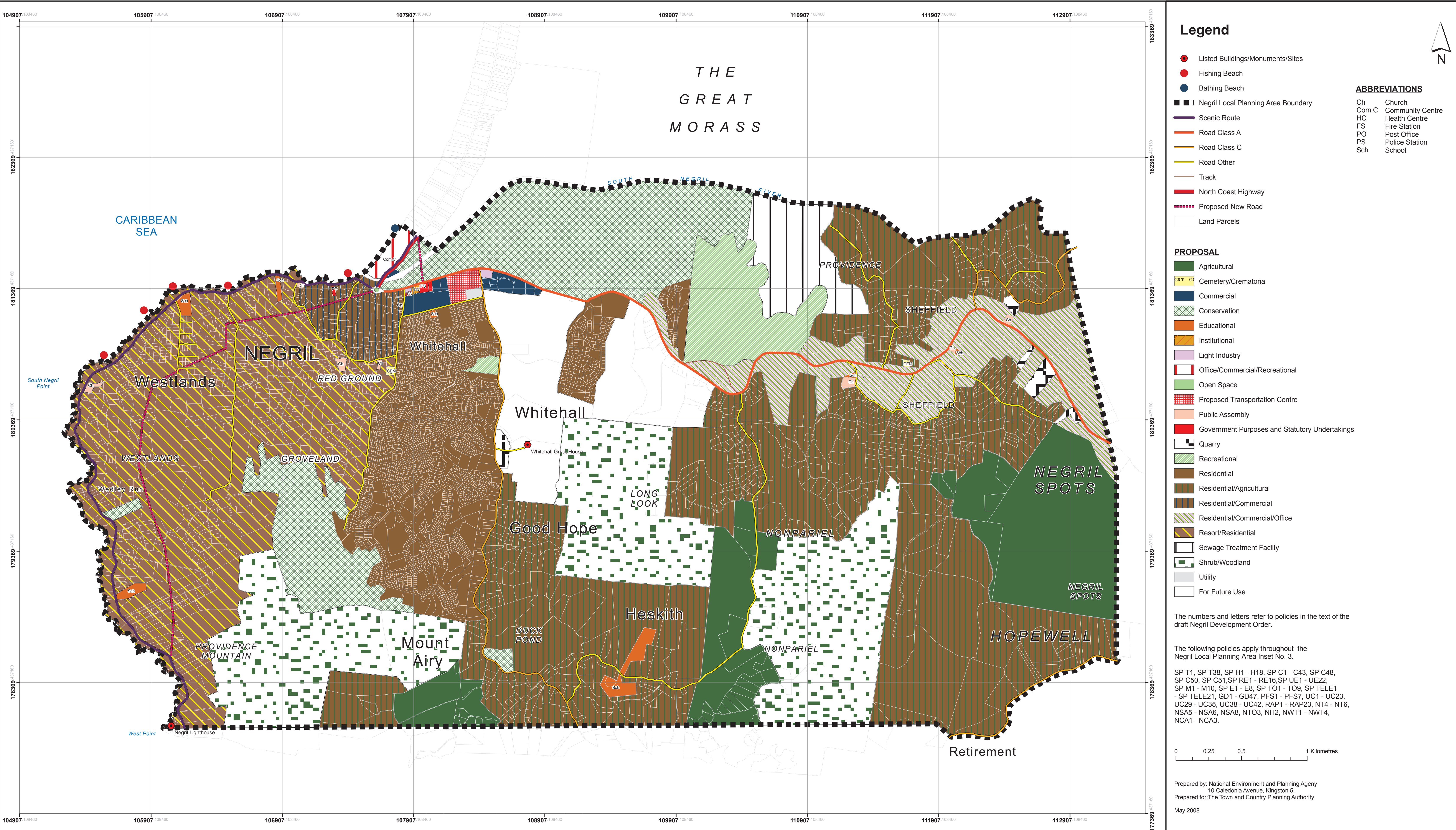
0 1 2 4 Kilometers

Prepared by: National Environment and Planning Agency
For: The Town and Country Planning Authority
10 & 11 Caledonia Avenue,
Kingston 5

Date: December 2011

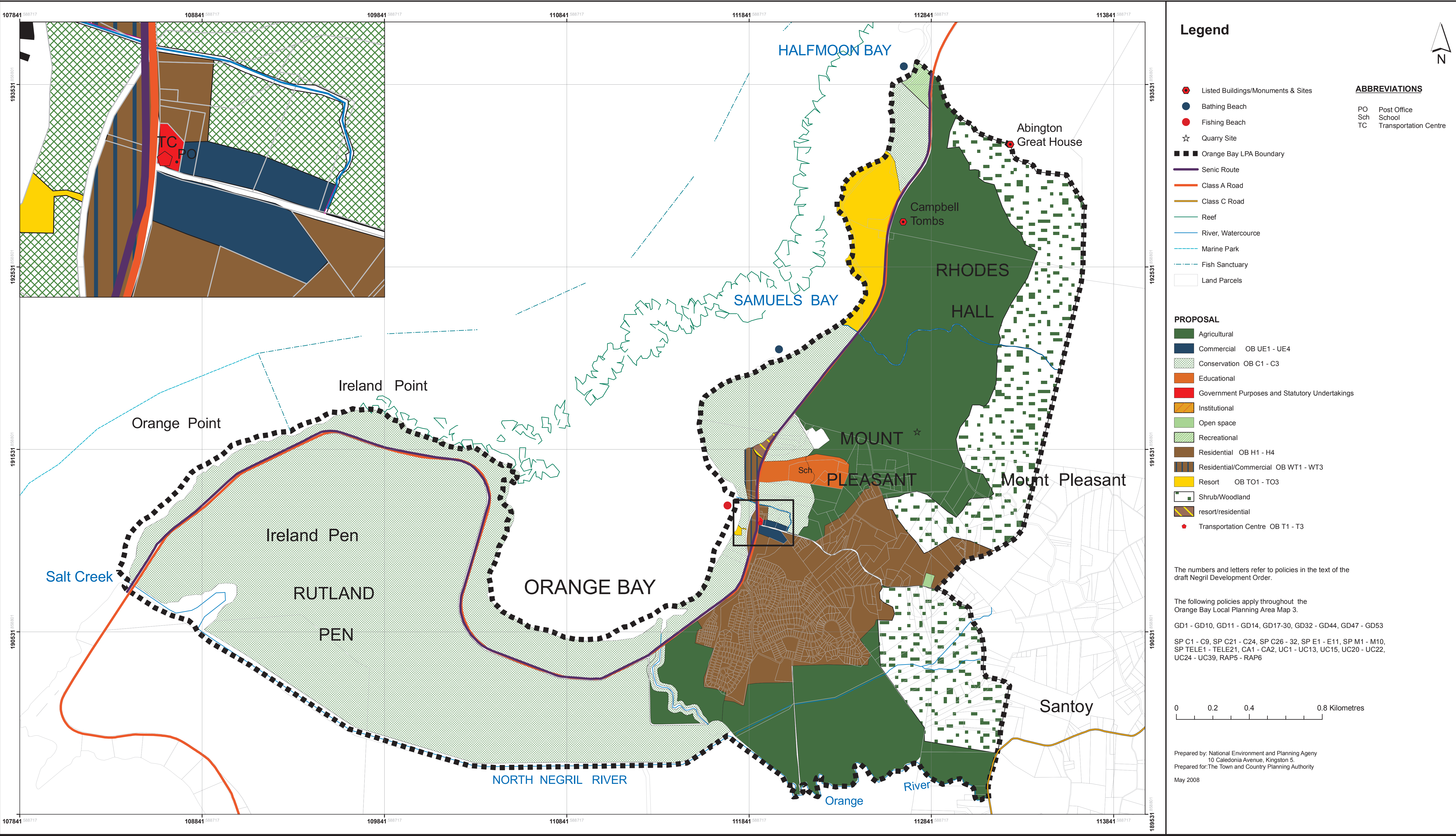
NEGRIL/GREEN ISLAND DEVELOPMENT ORDER AREA

NEGRIL LOCAL PLANNING AREA PROPOSED ZONING (Map 2)



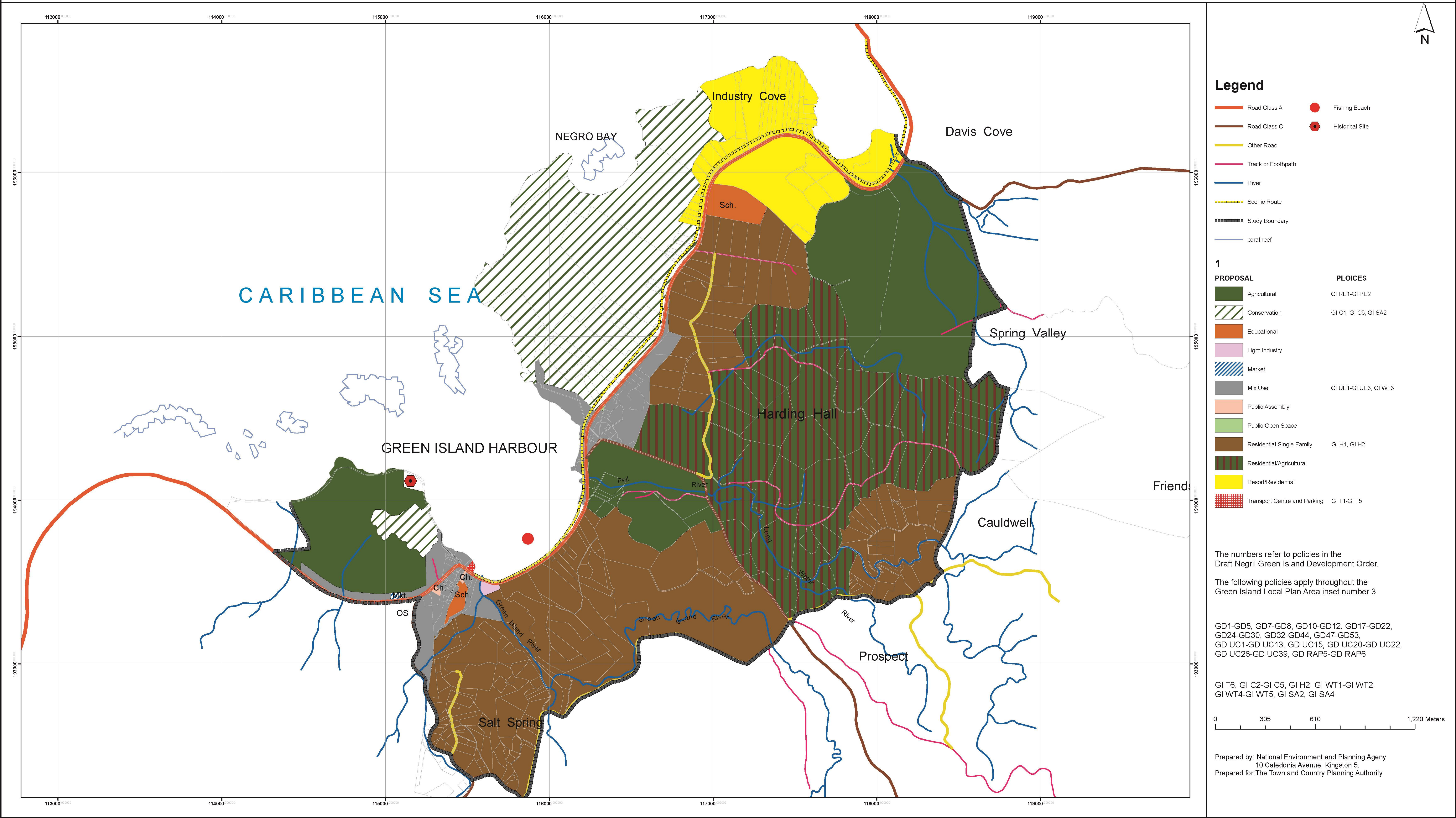
NEGRIL/GREEN ISLAND DEVELOPMENT ORDER AREA

ORANGE BAY LOCAL PLANNING AREA PROPOSED ZONING (Map 3)



NEGRIL GREEN ISLAND DEVELOPMENT ORDER AREA

Green Island Local Planning Proposed Land Use (Map 4)





THE
JAMAICA GAZETTE
SUPPLEMENT

PROCLAMATIONS, RULES AND REGULATIONS

250N¹

Vol. CXXXVIII

MONDAY, APRIL 27, 2015

No. 28A¹

No. 56A¹

THE TOWN AND COUNTRY PLANNING ACT

THE TOWN AND COUNTRY PLANNING (NEGRIL AND GREEN ISLAND AREA)

PROVISIONAL DEVELOPMENT ORDER, 2013 (CONFIRMATION)

NOTIFICATION, 2015

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

1. This Notification may be cited as the Town and Country Planning (Negril and Green Island Area) Provisional Order, 2013 (Confirmation) Notification, 2015.

2. The Town and Country Planning (Negril and Green Island Area) Provisional Development Order, 2013 published in the Jamaica Gazette Supplement, Proclamations, Rules and Regulations Vol. CXXXVI No. 19E dated Tuesday, March 26, 2013 is hereby confirmed with the modifications set out in the Schedule.

SCHEDULE

(Paragraph 2)

*Modifications to Town and Country Planning
(Negril and Green Island Area) Provisional Development Order, 2013*

A. TYPOGRAPHICAL CHANGES

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

SCHEDULE, *contd.*6. On page 190v²⁰⁰—

- (a) in the third line of paragraph 15 (1) delete the word “Directions” and substitute therefor the word “directions”; and
- (b) in the first line of paragraph 15 (2) delete the word “Directions” and substitute therefor the word “directions”.

7. On page 190v²⁰²—

- (a) in the first line of paragraph 16 (1) (i) delete the word “Radius” and substitute therefor the word “radius”; and
- (b) paragraph 18 (1) delete “(i)” and substitute therefor the letter “(d)”.

8. On page 190v²⁰³—

- (a) in paragraph 18 (1) delete “(ii)” and substitute “(e)” therefor; and
- (b) in paragraph 18 (1) (ii) delete “11 (1)” and substitute therefor the numeral “12 (3)” therefor.

9. On page 190v²⁰⁴—

- (a) in paragraph 20 in the second line delete the word “Directions” and substitute therefor the word “directions”;
- (b) in the first line of paragraph 24 delete the word “death” and substitute therefor the word “dealt”.

10. On page 190v²⁰⁹ under the heading “Class 13—*Non Residential Institutions*” delete the words in line (b) and substitute therefor “(b) as a crèche, day nursery, day care centre, health centre or clinic”.11. On page 190v²⁴⁶ under the heading “Part 10—*Telecommunications Operations*” delete “A1” and substitute therefor the letter “A”.12. On page 190v²⁴⁷ immediately above the letter “(a)” insert the words “A.1 Development not permitted by Class A—”.13. On page 190v²⁵¹ under the heading “*Natural Environment*” delete the words “and usual” in the first line of the second paragraph.14. On page 190v²⁵³ under the heading “WASTE TREATMENT AND DISPOSAL” delete from the second line of the first paragraph the word “latrine” and substitute therefor the word “latrines”.

SCHEDULE, *contd.*

15. On page 190v²⁵⁴—

- (a) under the heading “NEGRIL LOCAL PLANNING AREA” insert the words “as shown on Map 2” after the word “Sheffield” in line 2; and
- (b) under the heading “ORANGE BAY LOCAL PLANNING AREA” add immediately after the words “Development Order Area” in line 2 the words “as shown on Map 3”.

16. On page 190v²⁵⁵

- (a) under the heading “GREEN ISLAND LOCAL PLANNING AREA” delete the word “and” immediately after the words “Order Area” in line 2;
- (b) under the heading “GREEN ISLAND LOCAL PLANNING AREA” in the first sentence add the words as shown on Map 4” after the words “Order Area” in line 3 of the first paragraph.

17. On page 190v²⁶⁰ in paragraph “OBJ 28” delete the words “efficient buildings” appearing at the end of the paragraph.

18. On page 190v²⁶² in the “POLICY SPT5” delete the word “the” immediately after the word “in” in the first line.

19. On page 190v²⁶³ in the justification for “POLICY SPT12” delete the word “intersection” and substitute therefor the word “intersections”.

20. On page 190v²⁶⁸ in “POLICY SPH 1” in the third and fourth line delete the words “and 2” immediately after the words “maps 1” and substitute the words “to 4” therefor.

21. On page 190v²⁷¹, in “POLICY SPH 13” delete the word “development” in the first line and substitute therefor the word “developments”.

22. On page 190v²⁷², in “POLICY SPH 19”—

- (a) insert the word “before” between the words “project” and “granting” in the fourth line; and
- (b) under the heading “CONSERVATION OF THE NATURAL AND BUILT ENVIRONMENT” in the seventh line of the first paragraph delete the word “ecological” and substitute therefor the word “ecologically” therefor.

SCHEDULE, *contd.*23. On page 190v²⁷³

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

24. On page 190v²⁷⁴ In "POLICY SP C7" in the second line delete the letter "e" immediately after the words "indigenous trees".25. On page 190v²⁷⁵ in the justification for "POLICY SPC13" delete the word "humans" in the fifth line and substitute therefor the word "human" therefor.26. On page 190v²⁸¹—

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

27. On page 190v²⁸² in the first paragraph of the justification for "POLICY SP C 46" delete the word "unavoidable" and substitute therefor the word "unavoidably" therefor.28. On page 190v²⁹⁰—

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

29. On page 190v²⁹⁵ add the words "approved by the relevant agency" after the word "circumstances" in the last line of "POLICY SP M3".30. On page 190v²⁹⁶ in the justification for "POLICY SP M 10" delete the word "regards" in the fourth line and substitute therefor the word "regard" therefor.31. On page 190v³⁰⁰ insert the word "and" after the word "unsightly" and before the words "if not" in the third line of the justification for "POLICY SPE 4".

SCHEDULE, *contd.*

32. On page 190v³⁰⁹—

- (a) under “POLICY GD 21” in lines 5 and 6, delete the words “prepared by the National Environment and Planning Agency 2005”.
- (b) delete the words “See Appendix” at the end of “POLICY GD 21” and substitute therefor the words “Figure 22” therefor;

33. On page 190v³¹³—

- (a) delete the word “parcel” in the third line of “POLICY GD 38” and substitute therefor the word “parcels”;
- (b) delete the word “with” immediately before the word “regards” in the third line of the justification for “POLICY GD 39” and substitute therefor the word “due”;
- (c) delete the word “regards” in the third line of the justification for “POLICY GD 39” and substitute therefor the word “regard”.

34. On page 190v³¹⁵ in “POLICY GD 48” insert the words “and 13” after the words “Appendix 12” and before the words “of this Order” in the last line.

35. On page 190v³²³ delete “POLICY DC 1” and substitute therefor the words “The height of proposed new resort buildings on the West End is not to exceed two (2) stories generally and those as infills on the Norman Manley Boulevard four (4) stories. The development should be arranged in clusters, to ensure an unobstructed view of the sea and public access to the beaches.”.

36. On page 190v³²³ delete “POLICY DC 3” and substitute therefor the words “Densities on vacant or totally undeveloped lots along the seaward side of the main road should have a footprint not exceeding the range of 33 1/3%—40% of the site, a height of not more than four (4) floors at a maximum height of 15.24 metres (50 feet), an open land space of 60%—66 2/3% and a plot ratio in the range of 0.8 : 1 to a maximum of 1 : 1 calculated on the entire lot whether or not it extends across the road.”

37. On page 190v³²⁴ delete “POLICY DC 5”.

38. On page 190v³²⁴ “POLICY DC 8” should be revised to state that “the maximum height of resort developments on the landward side of Norman Manley Boulevard will be increased from two (2) to four (4) floors or 15.24 metres (50 feet) with or without a pitched roof”.

39. On Page 190 v³²⁵ “POLICY DC 12” should be revised to state that “The planning authority will not approve the erection of any permanent structure, fences or obstructions within 45.75 metres of the high water mark save and except as otherwise determined by the Town and Country Planning Authority”.

SCHEDULE, *contd.*

40. On page 190v³²⁶ under the heading "RURAL AREA POLICIES" in the sixth line delete the numerals "1970" and substitute therefor the numeral "1978".
41. On page 190v³²⁹ in the justification for "POLICY RAP 20" insert a "comma" immediately after the word "housing" and before the word "cultivation" in the fourth line.
42. On page 190v³³⁴ under the heading "Natural Environment" in the second paragraph insert the word "of" after the word "part" and before the word "the" in the third line.
43. On page 190v³³⁶ in the justification for "POLICY NC 7" delete the word "as" in the third line and substitute therefor the word "if".
44. On page 190v³³⁸
 - (a) in "POLICY NH 6" third line delete the word "Appendixes" and substitute therefor the words "Appendix 10" therefor
 - (b) in the justification for "POLICY NUE 2" delete the word "scaled" in the third line and substitute therefor the word "scale" therefor.
45. On page 190v³⁴⁴ in "POLICY N SA 19" delete the word "reaches" in the third line and substitute therefor the word "reach".
46. On page 190v³⁴⁵ in the justification for "POLICY N TO 6" the second line delete the word "attracts" and substitute therefor the word "attract".
47. On page 190v³⁴⁹ in the second line of the justification for "POLICY OB C 3" delete the word "has" and substitute therefor the word "have".
48. On page 190v³⁵¹ delete the full stop (period) after the word "the" in the second line of the second paragraph under the heading "WASTE TREATMENT AND DISPOSAL".
49. On page 190v³⁵³ delete the words "mentioned in the document for the local planning area" in the third line of the first paragraph on the page.
50. On page 190v³⁵⁶ delete the words "the land use proposal" and substitute therefor the words "Map 4" therefor in the second line of "POLICY GI UE 3".
51. On page 190v³⁵⁹ delete the word "and" in the second line of the definition of "bad neighbour".
52. On Page 190v³⁷¹ in "APPENDIX 8" delete the text which appears in item numbered 2 and replace with the words "Area of land to be developed should be sufficient to allow manoeuvring of vehicles within the site boundaries but should not be less than 1,858 square metres with a minimum frontage of 30.5m on the primary street. Where the site is part of a functionally integrated commercial or industrial complex, the size may be reduced to not less than 1,120 square metres."

SCHEDULE, *contd.*

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

B. MINOR AMENDMENTS

1. On page 190v¹⁹³—

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

2. On page 190v¹⁹⁴—

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

SCHEDULE, *contd.*

3. On page 190v¹⁹⁵, immediately below “picocell” insert the following—

““planning authority” means local planning authority as defined by section 2 of the Act, and includes the Authority in any case where an application is referred to the Authority pursuant to the provisions of section 12 of the Act;

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

SCHEDULE, *contd.*

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

SCHEDULE, *contd.*

C. CHANGES IN MAP SYMBOL AND COLOURS

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

Dated this 27th day of April, 2015.

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