

THE TOWN AND COUNTRY PLANNING LAW, 1957

(Law 42 of 1957)

THE TOWN AND COUNTRY PLANNING (FILLING STATION—ST. CATHERINE) PROVISIONAL DEVELOPMENT ORDER (CONFIRMATION) NOTIFICATION, 1964

In exercise of the powers conferred upon the Minister by section 7 of the Town and Country Planning Law, 1957, the following Notification is hereby given:—

1. This Notification may be cited as the Town and Country Planning (Filling Station—St. Catherine) Provisional Development Order (Confirmation) Notification 1964.

2. The Town and Country Planning (Filling Station—St. Catherine) Provisional Development Order, 1964, hereinafter referred to as the Provisional Order, is hereby confirmed with the modifications set out in the Schedule hereto.

SCHEDULE

- (a) Paragraph 5 of the Provisional Order has been amended by deleting from sub paragraph (7) the word "three" and substituting therefor the word "two".
- (b) The following new paragraph has been inserted into the Provisional Order, immediately after paragraph 6:—
- "7. (a) Before granting permission for development affecting main roads, whether unconditionally or subject to conditions, the planning authority shall seek the advice of the Chief Technical Director, Ministry of Communications and Works (Public Works Department).

(b) Before granting permission, whether unconditionally or subject to conditions, the Authority shall seek the advice of the appropriate Parish Council or the Kingston and St. Andrew Corporation."

(c) Paragraphs 7, 8 and 9 of the Provisional Order have been renumbered paragraphs 8, 9 and 10 respectively.

(d) The following new paragraph has been inserted into the Provisional Order, immediately after paragraph 10 as renumbered:—

"Compensation. 11. The 13th day of February, 1964 shall be the base date for valuations in assessing compensation in relation to this Order."

(e) The Second Schedule to the Provisional Order has been amended by deleting from Part 1 the word and figure "paragraph 4" and substituting therefor the word and figures "paragraph 5 (7)".

Dated at Kingston this 8th day of September, 1964.

EDWARD SEAGA,
Minister of Development and Welfare.

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(LAW 42 OF 1957)



Town and Country Planning
(Filling Station — St. Catherine)
Provisional Development Order, 1964

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THE TOWN AND COUNTRY PLANNING LAW, 1957

(Law 42 of 1957)

TOWN AND COUNTRY PLANNING (FILLING STATION—ST. CATHERINE)

PROVISIONAL DEVELOPMENT ORDER, 1964

In exercise of the power conferred upon the Town and Country Planning Authority by section 5(1) of the Town and Country Planning Law, 1957, the following Provisional Development Order is, after consultation with the Parish Council of St. Catherine, hereby made:—

1. This Order may be cited as the Town and Country Planning (Filling Station—St. Catherine) Provisional Development Order, 1964 and shall apply to the area described in the First Schedule to this Order.

Citation and application.
First Schedule.

2. In this Order the expression:

Interpretation.

“the Law” means the Town and Country Planning Law, 1957;

“the Authority” has the meaning assigned to it by section 2 of the Law;

“local planning authority” has the meaning assigned to it by section 2 of the Law;

“planning Authority” means local planning authority as defined by section 2 of the Law, and includes the Authority in any case where an application is referred to the Authority pursuant to the provisions of section 12 of the Law;

“development plan” means the plan including any accompanying statements, approved by the Governor in Council in relation to this Order;

“the Minister” has the meaning assigned to it by section 2 of the Law;

“Filling Station” means land, building, or equipment used for the sale or dispensing of petrol or oil for motor vehicles or incidental thereto, 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.

3. Subject to the Provisions of this Order no development of land which comprises wholly or in part, the erection or alteration of building or equipment for the sale of petrol or oils for motor vehicles on any land or the change of use of land or buildings from any other use to use wholly or partly for this purpose shall take place except in accordance with any planning permission granted in relation thereto:—

Prohibition of development.

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

4. Notwithstanding anything in this Order, planning permission to develop land shall not by reason of anything in this Order, be required for development other than development of the kind stated in paragraph 3 of this Order.

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

Application for planning permission.

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

Provided that—

(a) where such permission is granted it shall be expressed to be granted under this paragraph on an outline application and the approval of the planning authority shall be required with respect to the matters reserved in the planning permission before any development is commenced;

(b) where the planning authority are of the opinion that in the circumstances of the case the application for permission ought not to be considered separately from the siting, design or external appearance of the buildings, or the means of access thereto, they shall within the period of one month from the receipt of the outline application, notify the applicant that they are unable to entertain such application, specifying the matters as to which they require further information for the purpose of arriving at a decision in respect of the proposed development, and the applicant may either furnish the information so required (in which event the application shall be treated as if it had been received on the date when

such information was furnished and had included such information) or appeal to the Minister under section 13 of the Law within one month of receiving such notice, or such longer period as the Minister may at any time allow, as if his outline application had been refused by the planning authority.

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

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

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

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

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

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

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

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

Directions
restricting
the grant of
planning
permission.

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

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

Reference of
applications to
the Authority.

7. On referring any application to the Authority under section 12 of the Law 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.

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

- (a) against a decision of the planning authority refusing planning permission or granting planning permission subject to conditions; or
- (b) against a determination of the planning authority under section 14 of the Law; or
- (c) on the failure of the planning authority to give notice of their decision or determination, shall give notice of appeal to the Minister in writing within one month of the receipt of notice of the decision or determination, or of the expiry of the period specified in paragraph 5(7) of this Order, as the case may be, or such longer period as the Minister may at any time allow.

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

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

9. (1) The planning authority shall keep a register containing the following information in respect of all land within the area to which this Order applies, namely— Register of applications.
- (a) particulars of any application for permission to develop made to them in respect of any such land, including the name and address of the applicant, the date of the application, and brief particulars of the development forming the subject of the application;
 - (b) particulars of any direction given under the Law or this Order in respect of the application;
 - (c) the decision, if any, of the planning authority in respect of the application, and the date of such decision;
 - (d) the date and effect of any decision of the Minister on appeal, in respect of the application;
 - (e) the date of any subsequent approval given in relation to the application.
- (2) Such register shall include an index, which shall be in the form of a map unless the Minister approves some other form, for enabling a person to trace any entry in the register.
- (3) Such register shall be kept at the office of the planning authority.
- (4) Every entry in the register consisting of particulars of an application shall be made within fourteen days of the receipt of such application.

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

(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 Law.

FIRST SCHEDULE

(Paragraph 1)

ST. CATHERINE (FILLING STATIONS) DEVELOPMENT AREA

Starting at the centre line of the mouth of Bowers River; thence generally northerly, north-westerly, generally northerly, generally north-westerly, generally westerly, generally northerly, generally north-westerly, generally north-easterly and north-westerly along the boundary between the Parishes of Clarendon and St. Catherine to the common corner of the Parishes of Clarendon, St. Ann and St. Catherine at the source of the Pedro River; thence generally north-easterly along the boundary between the Parishes of St. Ann and St. Catherine to the common corner between the Parishes of St. Mary, St. Ann and St. Catherine; thence generally north-easterly, generally south-easterly, north-easterly, south-easterly and north-easterly along the boundary between the Parishes of St. Mary and St. Catherine to the common corner of the Parishes of St. Mary, St. Andrew and St. Catherine; thence generally southerly, westerly, south-westerly, south-easterly and generally southerly along the boundary between the Parishes of St. Andrew and St. Catherine to its intersection with the centre line of the Fresh River; thence generally south-easterly along the boundary between the Parishes of St. Andrew and St. Catherine to the mouth of the Salt River at Hunts Bay; thence generally south-westerly, generally westerly, generally northerly, generally north-westerly and generally south-westerly along the sea coast and including the offshore Islands back to the starting point.

SECOND SCHEDULE

(Paragraph 5(5))

PART I

Notification to be sent to the Applicant on Receipt of his Application

Your application dated has been received and, if on
(insert date) (insert date of expiry of the Period under paragraph 4 of the Order)

you have not been given notice by the planning authority of their decision you are entitled to appeal to the Minister in accordance with section 13 of the Town and Country Planning Law, 1957, by notice served within one month from that date. You may, however, by agreement in writing with the planning authority extend the period within which the decision of the planning authority is to be given.

PART II

(Paragraph 5(8) (a))

Notification to be sent to Applicant on Refusal of Planning Permission or on the grant of Permission Subject to Conditions. (To be endorsed on Notices of Decision)

(1) If the applicant is aggrieved by the decision of the planning authority to refuse permission for the proposed development, or to grant permission subject to conditions, he may, by notice served within one month of the receipt of this notice, appeal to the Minister in accordance with section 13 of the Town and Country Planning Law, 1957. The Minister has power to allow a longer period for the giving of a Notice of Appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the planning authority in regard to the proposed development are in progress. The Minister is not, however, required to entertain such an appeal if it appears to him that the planning permission for the proposed development could not have been granted by the planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the provisions of section 11 of the Law and of the Development Order and to any directions given in the Order.

(2) In certain circumstances provided in section 17 of the Town and Country Planning Law, 1957, 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.

Dated at Halfway Tree, St. Andrew
this 9th day of January, 1964.

D. W. SPREULL,
Government Town Planner
Town and Country Planning Authority

GENERAL DESCRIPTION

The intention of this Order is to provide for the proper siting and design of petrol and oil filling stations throughout the parish of St. Catherine with particular regard to:

- (1) access to and egress from roads, and the relation of these to traffic intersections;
- (2) the design, appearance and location on the site of buildings and ancillaries, including signs and advertisements;
- (3) the location of the proposed site of a filling station in relation to existing or proposed development;
- (4) the planting or protection of grass, trees and shrubs.

It is intended that normally no access to nor egress from a filling station shall be closer than 150 ft. to any road intersection or sharp corner, or 250 ft. from the intersection of two main roads.

It is also the intention of this Order to consider the siting of petrol and oil stations with regard to the likely or desirable anticipated future development of major roads so that such siting does not interfere with the development as envisaged under the Order, or create an eventual wastage of resources (public or private) and cause additional expenditure from public funds. Where it is anticipated that a road will develop as a limited access road, the siting and design of the petrol station should conform to the special standards required for access to and egress from such roads.

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.

Principles of good neighbourliness rather than commercial competition should influence design.

Provision for commercial signs should be shown in designs, and advertisement will be controlled in accordance with regulations.

D. W. SPREULL,
Government Town Planner
Town and Country Planning Authority

DIRECTION BY THE TOWN AND COUNTRY PLANNING AUTHORITY

The Town and Country Planning Authority, in exercise of the powers contained in Section 12(1) of the Town and Country Planning Law, 1957, hereby directs the local planning authority that all applications for permission made in accordance with the Town and Country Planning (Filling Station—St. Catherine) Provisional Development Order, 1964, made under the Town and Country Planning Law shall be referred to the Authority for decision.

D. W. SPREULL,
Government Town Planner
Town and Country Planning Authority.