LEGAL NOTICE No. 171

REPUBLIC OF TRINIDAD AND TOBAGO

THE PLANNING AND FACILITATION OF DEVELOPMENT ACT, 2014

ORDER

Made by the Minister under section 31 of the Planning and Facilitation of Development act, 2014

THE PLANNING AND FACILITATION OF DEVELOPMENT (GENERAL DEVELOPMENT) ORDER, 2015

- 1. This Order may be cited as the Planning and Facilitation of Citation Development (General Development) Order, 2015.
 - 2. In this Order— Interpretation
 - "airport" means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing or departure of aircraft;
 - "development plan" means a development plan approved or made under Part IV of the Act;
 - "industrial process" means any process for, or incidental to any of the following purposes:
 - (a) the making of any article or of part of any article;
 - (b) the altering, repairing, ornamenting, finishing, cleaning, washing, packing or canning, or adapting for sale, or breaking up or demolition, of any article; or
 - (c) without prejudice to paragraph (b), the getting, dressing or treatment of minerals, being a process carried on in the course of trade or business, and for the purposes of this definition, the expression "article" means an article of any description, including a ship or vessel;
 - "industrial undertakers" means undertakers by whom an industrial process is carried on and "industrial undertaking" shall be construed accordingly;
 - "mineral undertakers" means undertakers engaged in mining operations and includes undertakers licensed to search and bore for and extract petroleum, and for the purposes of this Order any land in respect of which a licence is in force

authorising undertakers to search and bore for and extract petroleum shall be deemed to be comprised in their undertaking; and

"painting" includes any application of colour.

Application

- 3. (1) Subject to subclause (2), this Order shall apply to all land in Trinidad and Tobago.
- (2) Where a Development Order is made in respect of any land, this Order shall apply to such land subject to such modifications as may be specified in the Development Order.

Permitted development Schedule

- 4. (1) Subject to this Order, development of any class specified in the Schedule shall be permitted and may be undertaken upon land to which this Order applies without submitting application for permission thereof; and the permission granted by this Order in respect of any such class of development is subject to any condition or limitation imposed in the Schedule in relation to that class.
- (2) Nothing in this clause or in the Schedule shall operate so as to permit any development contrary to a condition imposed in any permission granted or deemed to be granted under Part V of the Act otherwise than by this Order.

Directions restricting permitted development

- 5. (1) If the Minister is satisfied that it is expedient that development of any of the classes specified in the Schedule shall not be carried out in any particular area, or that any particular development of any of those classes shall not be carried out, unless permission is granted on an application in that behalf, the Minister may direct that the permission granted by clause 4 shall not apply to—
 - (a) all or any development of all or any of those classes in any particular area specified in the direction; or
 - (b) any particular development specified in the direction, falling within any of those classes.
- (2) Notice of any direction given under subclause (1)(a) shall be published in the *Gazette* and in at least two daily newspapers circulating in Trinidad and Tobago and the notice shall contain a concise statement of the effect of the direction and name any place where a copy thereof and of a map defining the area to which it relates may be inspected at all reasonable hours; and any such direction shall come into force on the date on which the notice is first published.

- (3) No direction given under this clause shall have effect in relation to the carrying out in case of emergency of any development specified in the Schedule, or unless the direction specially so provides, to the carrying out by statutory undertakers of any of the following operations:
 - (a) maintenance of bridges or buildings;
 - (b) maintenance of docks, harbours, quays and wharves;
 - (c) provision and maintenance of mechanical apparatus or appliances (including signalling equipment) required for the purposes of shipping or in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, quay, harbour or wharf; and
 - (d) any development required in connection with improvement, maintenance or repair of water courses or drainage works.
- 6. (1) An application for planning permission shall be made in the Application prescribed form and shall be accompanied by a plan sufficient to identify for planning the land to which it relates and such other plans and drawings as may be necessary to describe the development which is the subject of the application.
- (2) In addition to the information required by the application form, the planning authority may, by a direction in writing addressed to the applicant request that further information be provided in respect of any application for permission as may be necessary in order to determine that application.
- (3) For the purpose of determining whether proposed development comprising the erection of buildings of any type or scope is permitted under the development plan and existing policy, an application, expressed to be an outline application, may be made for permission to erect any buildings subject to the subsequent approval of the planning authority with respect to any reserved matters which may include the siting, design, or external appearance of such 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, with or without conditions, or refused.

(4) Where, however—

- (a) such permision is granted, it shall be expressed to be granted on an outline application and the approval of the planning authority shall be required with respect to the matters reserved in the permission before any development is commenced; and
- (b) the planning authority is of the opinion that 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, the planning authority shall, within one month from receipt of the outline application, notify the applicant that the planning authority is unable to entertain the application, and the planning authority shall specify the matters as to which further information is required. Where such further information is furnished, the application shall be treated as having been made on the date when the information was received.
- (5) An application to determine whether proposed development comprising the subdivision of land may be approved shall be submitted and determined in accordance with the Land Subdivision Regulations.
- (6) An application for an approval required by subclause (3) 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 permission together with such additional number of copies of the application and plans and drawings as are required in relation to the application for permission.
- (7) Any application made under this clause shall be lodged with the planning authority within whose jurisdiction the land concerned is located and on receipt of any such application, the planning authority shall forthwith send to the applicant an acknowledgement.
- (8) The planning authority may, by a direction in writing addressed to the applicant require to be produced such evidence as may be reasonably called for to verify any particulars of information given in any application for permission.

- (9) The period within which the planning authority shall give notice to an applicant for the determination of an application shall be the following period from the date of receipt of the application:
 - (a) in the case of an application referred to in paragraph 1 of Class XIII of the Schedule, three months; and
 - (b) in any other case, two months or such extended periods as may at any time be agreed upon in writing between the applicant and the planning authority.
- (10) Every such notice shall be in writing and in the case of an application for planning permission or approval where the planning authority decides to refuse such permission or to grant approval subject to conditions, he shall state the reasons therefor in writing.
- 7. (1) A planning authority shall cause a register to be kept Planning containing the following information in respect of all land to which this authority to Order relates:
 - (a) particulars of any application for permission for development made 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) the date and effect of any decision of the planning authority in respect of the application; and
 - (c) the date of any subsequent approval given in relation to the application.
- (2) The register shall include an index, which shall be in a form approved by the Minister.
- (3) The register shall be kept at the office of the planning authority within whose jurisdiction the land concerned is located.
- (4) Every entry in the register consisting of particulars of an application shall be made within twenty-eight days of the receipt of the application.
- 8. This Order shall come into force upon the coming into force of all $_{\rm Commence}$ the provisions of the Planning and Facilitation of Development Act, 2014. $_{\rm No.~10~of~2014}^{\rm ment}$

SCHEDULE

(Clause 4)

PART I

PERMITTED DEVELOPMENT

The development described hereunder is permitted under clause 4 of this Order subject to the conditions specified in respect of each description of development. The references to standard conditions are to the conditions numbered and described in Part II of this Schedule.

COLUMN (1) Description of Development	COLUMN (2) Condition
CLASS I. REPLACEMENT OR CONSTRUCTION OF A SINGLE FAMILY DWELLING HOUSE The replacement or construction of a single family dwelling house.	1. The parcel shall be bona fide and not be designated an area of special interest. 2. The proposed development shall observe the following standards: Setbacks Front Minimum of 4.5 metres clear from the face of the building along a minor or local road and 7.5 metres clear from an arterial road. Side 1.25 metres clear from the edge of the eave to the side property boundaries (4.5 metres on a double frontage property along a minor road). Rear 2.5 metres clear from the edge of the eave to the rear property boundary. Floor Area Ratio A maximum of 1: 0.80 which is restricted to the simple building definition.

COLUMN (1) Description of Development	COLUMN (2) Condition
	Coverage 1. A maximum building coverage of 40% and site coverage of 65%. Building Height 2. Storeys to a maximum of 8.5 metres. 3. All development shall be on slopes of gradients 1 and 4 and flatter. 4. Standard conditions 1 and 2.
CLASS II: DEVELOPMENT WITHIN THE CURTILAGE OF AN APPROVED SINGLE FAMILY DWELLING The improvement or other alteration of an approved single family dwelling house as long as the cubic content of the approved dwelling house, as ascertained by external measurement, is not increased and as long as the area defined by the external walls of the original building remains the same in both content and location, except in the case of the addition of a water closet, a bathroom, a kitchen and prayer room.	 No part of such building shall project beyond the forward most part of the front of the approved single family dwelling. Building coverage shall not exceed 40%. Minimum building line setback distances from the edge of the eave of 1.25 metres to the side property boundaries (4.5 metres on a double frontage property along a minor road) and 2.5 meters clear from rear property boundary. Standard conditions 1 and 2.
CLASS III: USES WITHIN AN APPROVED SINGLE FAMILY RESIDENTAL DWELLING Use as a Daycare or Nursery, Professional Office, Medical or Dental Surgery, Catering Service or other Self-employment activity, except any use classified as industrial.	Activity shall not exceed 35% of the total floor area of the approved single family residential dwelling. No alterations shall be made to the external appearance of the building.

COLUMN (1) Description of Development	COLUMN (2) Condition
	 A minimum of two on-site parking shall be provided. Street parking shall adhere to traffic regulations. Shall adhere to all health and safety and other statutory requirements. Advertisements in support of the activity shall adhere to all approval requirements. Standard condition 1.
CLASS IV: SUNDRY MINOR OPERATIONS 1. The erection or construction of gates, fences, walls or other means of enclosure not exceeding 2.25 metres in height and the maintenance, improvement, or other alteration of any gates, fences, walls, or other means of enclosure. 2. The painting of the exterior of any building or work otherwise than for the purpose of advertisement, announcement or direction.	No improvement or alteration shall increase the height above the height appropriate for a new means of enclosure. Standard conditions 1 and 2.
CLASS V: TEMPORARY BUILDING AND USES 1. The erection or construction on land, in, on, over or under which operations other than mining operations, being or about to be carried out in pursuance of planning permission granted or deemed to be granted under Part V of the Act, or an adjoining land, or buildings, works, plant or machinery needed temporarily in connection with those operations, for the period of such operations. 2. The use of land (other than a building or the cartilage of a building) for community, social and recreational use for a total of not more than twenty-eight days in any calendar year, and the erection or placing of moveable structures on the land for the purpose of that use.	1. Such buildings, works, plant or machinery shall be removed at the expiration of that period and where they were sited on any such adjoining land shall be forthwith reinstated. (1) 2. Notice shall be given to the Municipal Planning Authority indicating the date of commencement of the use. 3. Standard conditions 1 and 2.

COLUMN (1) Description of Development	COLUMN (2) Condition
CLASS VI: AGRICULTURAL BUILDINGS, WORKS AND USES 1. The carrying out on agricultural land having an area of more than 0.4 hectare of building or engineering operations requisite for the use of that land for the purpose of agriculture, other that the placing on land of structures not designed for those purposes or the provisions and alteration of dwellings. 2. The winning and working on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use, including the fertilisation of the land so used and the maintenance, improvement or alteration of buildings or works thereon which are occupied or used for the purposes aforesaid.	 The height of any buildings or works within 3 kilometres of the perimeter of an airport shall not exceed 15 metres. No part of any buildings (other than moveable structures) or works shall be within 15 metres off the reserve of any road. Standard conditions 1 and 2.
CLASS VII: FORESTRY BUILDINGS AND WORKS The carrying out on land used for the purposes of forestry (including afforestation), of building and other operations (other than the provision or alteration of dwellings) requisite for the carrying on of those purposes, and the formation, alteration and maintenance of private ways of such land.	 The height of any buildings or works within 3 kilometres of the perimeter of an airport shall not exceed 15 metres. No part of any building (other than moveable structures) or works shall be within 15 metres of the reserve of any road. Standard conditions 1 and 2.

COLUMN (1) Description of Development	COLUMN (2) Condition
CLASS VIII: DEVELOPMENT FOR INDUSTRIAL PURPOSES Development of the following descriptions carried out by an industrial undertaker on land used with planning permission for the carrying out of any industrial process, and for the purposes of such process, or on land used (otherwise than as aforesaid) as a dock, harbour or quay for the purpose of an industrial undertaking: (a) the provision, rearrangement or replacement of private ways or private railways, siding or conveyors; (b) the provision or rearrangement of sewers, mains, pipes, cables or other apparatus; and (c) the installation or erection by way of addition or replacement of plant or machinery, or structures or erections of the nature of plant or machinery, not exceeding 15 metres in height or the height of the plant, machinery, structure or erection so replaced whichever is the greater.	 No operations carried out under paragraph (c) shall materially affect the external appearance of the premises of the undertaking. No part of any building or works shall be within 15 metres of the reserve of any road. Standard conditions 1 and 2.
CLASS IX: REPAIRS TO PRIVATE WAYS The carrying out of works required for the maintenance or improvement of private ways, being works carried out on land within the boundaries of the way.	
CLASS X: REPAIRS TO SERVICES The carrying out of any works for the purpose of inspecting, repairing, or renewing sewers, mains, pipes, cables or other apparatus, including the breaking open of any land for that purpose.	

COLUMN (1) Description of Development	COLUMN (2) Condition
CLASS XI: DEVELOPMENT BY MUNICIPAL CORPORATIONS 1. The erection or construction and the maintenance, improvement or other alteration by a local authority of— (a) such small ancillary buildings, works and equipment as are required on land belonging to, or maintained by the local authority for the purposes of any functions exercised by the local authority on that land; and (b) information kiosks, passenger shelters, public shelters and seats, public drinking fountains, refuse bins or baskets, barriers for the control of persons waiting to enter public vehicles, and such similar structures or works as may be required in connection with the operation of any public service administered by them. 2. The deposit by a local authority of waste material or refuse on any land comprised on a site which was approved for that purpose. 3. The carrying on by a local authority of any works required for the maintenance or improvement of existing roads being works carried out on land outside but abutting on the boundary of the road.	1. Development not to exceed a maximum of 10% of the floor area of the existing development with a maximum building coverage of 60% of the site and limited in size of a simple building as defined under the Act. 2. Minimum building line setbacks shall be consistent with what was approved. 3. Standard condition 1.
CLASS XII: DEVELOPMENT BY STATUTORY UNDERTAKERS DESCRIPTION OF DEVELOPMENT	
A. Transport Undertaking	
Development required in connection with the movement of traffic by road and carried out by statutory undertakers in, on, over or under the operational land of the undertaking except the construction of bridges and	Standard conditions 1 and 2.

COLUMN (1) Description of Development	COLUMN (2) Condition
the construction or erection, or the reconstruction or alteration so as materially to affect the design or external appearance of any bridge, or of any residential building, office, or building to be used for manufacturing or repairing work, which is not situate wholly within the interior of the operational land of the undertaking.	
B. Dock, Pier, Harbour or Water Transport Undertaking	3
Development required for the purposes of shipping or in connection with the embarking, disembarking, loading, discharging or transporting of passengers and vehicles, livestock or goods at the dock, pier, or harbour, or the movement of traffic by any railway forming part of the undertaking, and carried out by the undertakers, in, on, over or under the operational land of the undertaking except the construction or erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of bridges or other buildings, not being structures or erections required in connection with the handling of traffic.	Standard conditions 1 and 2.
C. Gas Undertaking	
Development required for the purpose of the undertaking of operations carried in, on, over or under operational land of the undertaking except-	Standard conditions 1 and 2.
(a) the installation in a gas distribution system of gas valve governor housing not exceeding 17 cubic metres in capacity, except when constructed underground elsewhere than under a road; and	
(b) any other development carried out in, on, over or under operational land of the undertaking except— (i) the erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of buildings	

COLUMN (1) Description of Development	COLUMN (2) Condition
(ii) the installation of any plant or machinery, or structure or erections of the nature of plant or machinery, exceeding 15 metres in height, or capable, without addition, of being extended to a height exceeding 15 metres; or	
(iii) the replacement of any plant or machinery, or structures or erections of the nature of plant or machinery to a height exceeding 15 metres or the height of the plant, machinery, structure or erection so replaced, whichever is the greater.	
D. Electricity Undertakings	
Development required for the purposes of the undertaking of any of the following descriptions, that is to say:	Standard conditions 1 and 2
 (a) the installation of service lines to individual consumers from an electric line and the erection, maintenance, improvement or other alteration of lamp standards; 	
(b) any other development carried out on, in, or under the operational land of the undertaking except—	
(i) the erection, or the reconstruction so as materially to affect the design or external appearance thereof, of buildings; or	

	COLUMN (1) Description of Development	COLUMN (2) Condition
	(ii) the installation or erection, by way of addition or replacement, of any plant or machinery, or structures or erections of the nature of the plant or machinery, exceeding 15 metres in height or the height of the plant, machinery, structure or erection so replaced, whichever is the greater.	
	nd Sewerage Undertakings	Standard conditions Land 2
	ent required for the purposes of the any of the following descriptions, that is	Standard conditions 1 and 2.
(a)	the construction of water pipelines of 20 centimetres in diameter or less, booster stations and associated appurtenances;	
(b)	the installation of service lines from water mains to consumers;	
(c)	the construction of house sewer connections, i.e., connections from the street sewer to the boundary of the property;	
(d)	the construction of domestic sewer connections, i.e., connections of the sewer from the boundary of the property to the domestic plumbing;	
(e)	the construction of laterals either on streets or in rights-of-way to collect sewer from buildings which cannot be connected to existing street sewers;	
(f)	the construction of laterals of 20 centimetres to 30 centimetres as well as manholes and associated structures to serve existing streets; and	

COLUMN (1) Description of Development	COLUMN (2) Condition
(g) the construction of small sewer lift stations or ejector stations constructed with paragraph (f).	
CLASS XIII: DEVELOPMENT BY MINERAL UNDERTAKERS	
DESCRIPTION OF DEVELOPMENT	
1. The erection, alteration or extension, by mineral undertakers on land in, or adjacent to and belonging to a quarry or mine comprised in their undertakings, of any building, plant or machinery, or structure or erection in the nature of plant or machinery other than a stone crusher which is required in connection with the winning or working of minerals, in pursuance of permission granted or deemed to be granted under Part V of the Act and other existing legislation or which is required in connection with the treatment or disposal of such minerals. However, permission shall be required for the erection, alteration or extension of a building but the planning authority shall not refuse permission and shall not impose conditions upon the grant thereof, unless it is satisfied that it is expedient so to do on the ground that-	Standard conditions 1 and 2.
(a) the erection, alteration or extension of such building would injure the amenity of the neighbourhood and modifications can reasonably be made or conditions can reasonably be imposed in order to avoid or reduce the injury; or	
(b) the proposed building or extension ought to be, and can reasonably be, sited elsewhere.	
2. The deposit of refuse or waste materials by, or by licence of, a mineral undertaker in excavations made by such undertaker and already lawfully used for that purpose provided that the height of such deposit does not exceed the level of the land adjoining any such excavation.	

COLUMN (1) Description of Development	COLUMN (2) Condition
CLASS XIV: USES OF AIRPORT BUILDINGS The use of buildings on an airport for purposes in connection with the air transport service or other flying activities of such airport.	Standard conditions 1 and 2.
CLASS XV: ADVERTISEMENTS Advertisements for display without specific consent. A. Functional Advertisements Advertisements which are needed by public bodies such as public utilities and public transport operators as follows: 1. Vehicle or pedestrian direction. 2. Location identification. 3. Safety warnings. 4. Instructions B. Temporary Notices	 Shall not obscure, or hinder the interpretation. Standard condition 2.
Notices displayed to publicise a forthcoming event, or to advertise a short-term use such as- 1. Travelling Fairs. 2. Local events being held for charitable purposes. 3. Non-commercial purposes. 4. Pending parliamentary or local government elections subject to condition 1. 5. Sale of goods, livestock on premises. 6. Permits for carrying out building, engineering or construction work. 7. Pennants.	 As controlled by the Representation of the People Act, Chap. 2:01. Have the permission of the owner of the site on which they are displayed. Shall not be displayed more than fourteen days after the end of event. Standard condition 2.

COLUMN (1) Description of Development		COLUMN (2) Condition
1. Bu 2. Sta 3. She 4. Ard	opping malls	Forms part of the building's fabric. Shall be visible from inside the area. Advertisements displayed inside building shall not be illuminated displayed within one metre of an window or other external openin through which they can be seen from outside the building.
relating to (a) service (b) institu	ted in the Schedule hereunder	1. If there is more than one entrance to the premises on different road frontages, two advertisements may be displayed. 2. Does not block vista of neighbouring property. 3. Flags can be flown so long as it does not have anything added to its design or an advertising material added to the flagstaff. 4. Flags may only have on it the name emblem, device or trademark of the companies or persons occupying the
Public Amenity Sign	first floor slab or eave in multi-storey buildings Signs carrying advertisements placed on public amenities, limited to one sign per amenity, maximum size 0.2 m ² Maximum area 1.5 m x 600 mm. Bottom	building. 5. Standard condition 2.
Wall Sign Window Sign	of sign to be minimum of 2.4 m above ground Should not extend beyond/above eave line of single storey, nor above soffit of first floor slab or canopy in multi-storey buildings No higher than roof line, should not project more than 200 mm from building face or building wall One (1) sign per window, maximum of 30% of window area to be obscured by sign	

Does not include illuminated or flashing advertisements on any moving vehicle. Shall not have any intermittent light
source, moving feature or animation.

PART II

STANDARD CONDITIONS

- 1. This permission shall not authorize any development which involves the formation, laying out or material widening of a means of access from a lot to a public right-of-way.
- 2. No development shall be carried out which creates an obstruction to the view of persons using any road used by vehicular traffic at, or near any bend, corner, junction or intersection so as to be likely to cause danger to such persons.

Dated this 18th day of August, 2015.

B. TEWARIE
Minister of Planning and Sustainable
Development