

SHORT-TERM MEASURES FOR IMPROVEMENT OF THE PLANNING SYSTEM

CONTEXT

The suggested measures for improvement of the planning system must be placed within a context that defines the purpose for which the planning system has been established, the objectives of the constituent functions and the roles and responsibilities of the actors.

The statutory purpose of the planning system as defined in the Town & Country Planning Act (Chap 35:01) is:

- *to make provision for the orderly and progressive development of land in both urban and rural areas*
- *to preserve and improve the amenities thereof;*
- *to provide for the grant of permission to develop land and for other powers of control over the use of land;*
- *to confer additional powers in respect of the acquisition and development of land for planning; and*
- *for other purposes connected with the matters aforesaid*

The Act places the responsibility on the Minister to “secure consistency and continuity in the framing and execution of a comprehensive policy with respect to the use and development of all land in Trinidad and Tobago in accordance with a development plan” prepared in accordance with certain provisions spelled out in Part II the Act.

The provisions in Part II deal with development planning, one of the two main technical planning functions residing with the Minister. The other function, development control, is dealt with in Part III – “Control of Development of Land”, where the provisions governing the state’s control over the use and development of land by private persons are spelled out. Together these two functions make up the statutory or public sector component of the planning system which has been operated exclusively by the Town & Country Planning Division, the agency charged with the specific mandate to provide professional planning services to the Minister.

This situation has produced what may be termed a public sector perspective on the purpose and content of professional planning practiced in the public interest (as generally claimed). On the other hand, there are the services provided by professional planners operating in the interests of private clients who are usually land owners, state corporations, private companies, developers and individuals in the private sector who account for most of the development being carried out in the country. Planning practice in the two sectors is complementary and subscribes to the same set of goals – the improvement in the quality of life of the inhabitants of urban and rural settlements through the orderly and progressive use and development of land and the improvement and preservation of amenities.

Thus the planning system and the practice of planning must be seen in a much broader context than that associated with public sector planning. This is the context within which the measures proposed by the TTSP are placed.

There is little knowledge or awareness of the development planning function, except for periodic references to the National Physical Development Plan which is thought to be some sort of panacea for all the ills experienced with the built and natural environment. These unrealistic expectations come about because of a lack of understanding of what planning is and what the plan can achieve. On the other hand, people are very familiar with development control, but unfortunately it is seen as a purely negative function, existing for the sole purpose of restricting or denying applicants the right to carry out development.

There is widespread dissatisfaction with the services provided to the public by the T&CP Division and a negative impression that planning practitioners generally are ineffective with the result that planning itself seems to have failed to meet the expectations of ***creating attractive settlements that allow people to enjoy a good quality of life and protecting and enhancing the physical environment.***

Much blame has been placed on the T&CP Division which is seen as being deficient in the performance of its services. Not all of the blame is justified. For instance, it is known that the division has suffered from shortages of staff and other institutional resources. There is also recognised difficulty with outdated legislation, weak political support and a lack of understanding of how planning affects development and the role of the various players in the process. The TTSP's view is that the definitive issue to be addressed is the planning system as structured and operated at present. And it is these shortcomings that require an immediate response to the urgent demands for action to be taken to effect improvement.

Hence, the proposals by the TTSP are not focussed narrowly on the T&CP Division, but rather they are targeted at restructuring of the planning system overall so as to achieve the larger objectives of improving the services provided by planners in both the public and private spheres and satisfying the needs of their clientele. This will require recognising and embracing within the planning system the interests, responsibilities and roles of all individuals and organizations involved. These include local authorities and other quasi-government agencies, community organizations and individuals, other development professionals and the private sector and providing a more constructive operating environment for all professional planners.

The TTSP is convinced that merely adding planners to the T&CP Division or introducing new radically different legislation will not achieve the desired objectives. Attention must first be given to framing a structure for the planning system which will overcome the present problems and promote operating procedures appropriate for the contemporary circumstances. The planning system has to be opened up to accommodate full participation, within their respective roles, by all – planning practitioners, policy-makers, planning administrators, developers and general public as groups or individuals.

MEASURES TO IMPROVE THE PLANNING SYSTEM

The TTSP proposes the following measures to effect the required improvements in the planning system:

- 1 The Minister should delegate to the council of every municipal corporation the powers to administer development control in accordance with the provisions of Part III of the Act. Institutional arrangements and staffing are discussed below.
- 2 To kick-start the development planning function, the Minister should establish a procedure for adoption by the council of every municipal corporation the Final Draft Municipal Development Plan prepared for the Regional Corporation by consultants under contract with the Ministry of Local Government. To be fully effective the corporations must continue the process by preparing local areas plans.

Over-sight and facilitation in implementing this process can be provided by the Local and Regional Planning Unit of the Ministry of Local Government and the immediate human resource needs can be met by deployment of its planners.

- 3 To broaden the participation in the planning process and to embrace the special interests, the Minister should establish a procedure for granting recognition and appropriate powers for development planning and control of development to quasi-government bodies and state enterprises in respect of specified lands or particular development functions. A model of the arrangement is the Town & Country Planning (Chaguaramas) Development Order which grants powers to the Chaguaramas Development Authority in respect of its land and the development being undertaken in the north-west peninsula. Other agencies for consideration for this kind of arrangement are:

- East Port of Spain Development Company (for East Port of Spain)
- Housing Development Corporation (Public Housing)
- E TecK (Light Industry on its industrial estates)
- National Energy Corporation (State-sponsored energy-based industry)
- EMBD (Caroni Lands)

- 4 The Minister should engage the associations of related development professionals to work out frame the procedures for implementing the operation of the listed professional. There is commitment from the professional associations and the TTSP stands ready to organize and manage this exercise.

The measures proposed above relate to the planning functions in the Act and provide the means for carrying them out in a more efficient, transparent and effective manner. They go much further in rationalizing the role of the T&CP Division and allowing it to concentrate on the higher-order policy and

strategic issues, bringing planning closer to people through their local government bodies and tapping into specialised knowledge and the power of implementation in the special interest agencies.

Development Control – Institutional Arrangements

In Part III of the Act permission is required for any development of land. The powers of the Minister to grant permission for the development of land, or to refuse permission are provided for by the Town and Country Planning (General Development) Order. The order sets out the legal procedures.

There is also discretionary power for the Minister to delegate to the council of any local authority his functions relating to the grant or refusal of permission to develop land **by instrument in writing**, subject to such conditions, directions, reservations and restrictions as he thinks fit. This instrument can be in the form of a development order.

The following is suggested as the immediate institutional arrangement and staffing:

- a) The development control administration in the three regional offices of the T&CP Division will be “transferred” to the respective regional corporations. What this means is that the administrative staff will provide planning services and report to Councils on development control matters in the corporation areas now served by that regional office.
- b) There will be no significant break in operations. What will be required is for the regional office to disaggregate and re-bundle the records for each regional corporation currently under its purview.
- c) The next step will be to assign and recruit staff for each corporation to administer the function.
- c) At a later stage, with necessary legislative changes the functions of development control, public health and building control can be brought together in a one-stop shop. As an interim measure it should be possible to create administratively a virtual one-stop shop since all the functions will be under the control of the Council.

Development Planning

As the service provider to the Minister, the development planning responsibilities of the central public sector agency, the T&CP Division include the preparation of the National Physical Development Plan incorporating “a comprehensive policy with respect to the use and development of all land in Trinidad and Tobago”. This **national planning** level must essentially deal with the policy and strategic issues of the use and development of all land, and as such does not involve the degree of details necessary for immediate implementation.

The bridge between the national level and the local level where implementation takes place is the usually termed regional planning. Plans at this level whether for functional regions, municipalities or particular parts of the territory, articulate national policies and strategies in relations to those areas. Also at this level issues that transcend local boundaries, such as drainage and major arterial roads, are

addressed. In general, however, regional plans still tend to be strategic and not detailed enough for immediate implementation.

Implementation is guided by plans at the local level. These tend to focus strongly on the spatial elements of land use, detailed layouts, site allocations, community facilities and infrastructure services, urban design and site development standards. These plans also facilitate the incorporation and coordination of projects of sector agencies. A key feature of local level plans is that they should be closely associated with and more importantly owned by the body or bodies responsible for implementation.

Although plans at regional and local level may be prepared by the T&CP Division, there is nothing in the Act that prevents the Minister utilising other planning services to prepare these plans. Neither is there specific provision governing such an arrangement, which leaves the Minister free to devise appropriate arrangements to fit each situation. The suggestion for pursuing this approach is made above at (2) and (3)

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