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Fourth Session Tenth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 10 of 2014

[L.S.]

AN ACT relating to the planning and development of
land and to repeal and replace the Town and
Country Planning Act, Chap. 35:01

[Assented to 1st October, 2014]

WHEREAS it is provided by subsection (1) of section 13 of ^{Preamble}
the Constitution that an Act of Parliament to which that
section applies may expressly declare that it shall have
effect even though inconsistent with sections 4 and 5 of

the Constitution and, if any such Act does so declare, it shall have effect accordingly:

And whereas it is provided by subsection (2) of the said section 13 that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment

ENACTED by the Parliament of Trinidad and Tobago as follows:

PART I PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Planning and Facilitation of Development Act, 2014.

(2) This Act shall come into operation on such day as the President may by Proclamation appoint.

Act inconsistent with the Constitution

2. This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

PART II INTERPRETATION AND PURPOSE

Interpretation

3. (1) In this Act, unless the context otherwise requires—

“advertisement” means anything visible that is employed wholly or in part for the purpose of product or service promotion, announcement or direction and, without limiting the generality of the foregoing, includes any hoarding or similar structure, any wall-painting and any balloon used or adapted for use for the purposes of any such promotion, announcement or direction;

“agriculture” means horticulture, fruit

cultivation, seed cultivation in forest land, dairy farming, livestock breeding and keeping (including the breeding and keeping of any animal for the production of food, wool, skins or fur, or for use in the farming of land), the use of land as grazing land, market gardens and nursery grounds, and woodlands where that use is ancillary to the farming of land for other agricultural purposes, but does not include aquaculture;

“aquaculture” includes the cultivation of aquatic plants and animals for the production of food or mariculture and the use of aquatic habitats for such purposes including, without limiting the generality of the foregoing, the use of reefs for reef farms, the use of aquatic habitats for reserves, hatcheries, raceways or fish ponds, and the building on, or placing in, aquatic habitats of artificial reefs, fish pens, fish cages or fish tanks;

“aquatic habitat” means—

(a) a body of water; or

(b) an area of land wholly or partially covered by water,

supporting plant or animal life, regardless of whether such body or area is natural or artificial;

“aquatic plants and animals” means plants and animals that live in aquatic habitats for all or most stages of their life cycles;

“area of special interest” means any part of Trinidad and Tobago determined by a competent authority under any law to be an area of natural, scientific, heritage, historic, architectural or aesthetic interest or significance and includes a building listed

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under the National Trust of Trinidad and Tobago Act;

“breach of planning control” means any development commenced, existing or continuing—

(a) in breach of any terms or conditions subject to which permission was granted; or

(b) where permission required to develop land has not been granted;

“building” means any structure consisting of a wall, roof and floor or any one or more of the foregoing and includes all works, fixtures and service systems appurtenant thereto and such other structures as may be prescribed, but does not include any plant or machinery in, or on the structure regardless of whether it is affixed thereto;

“building operations” includes rebuilding operations, structural alterations of, or additions to, buildings and other operations normally undertaken by a person carrying on business as a builder;

“building permit” means a permit required under section 63(1) for the purpose of constructing a building;

“building regulations” means regulations made under section 61;

“certificate of environmental clearance” means a certificate issued under section 36 of the Environmental Management Act;

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“Chief Building Officer” means the person holding or acting in the office of Chief Building Officer referred to in section 13(2)(b);

“Chief Enforcement Officer” means the person holding or acting in the office of Chief Enforcement Officer referred to in section 13(2)(c);

“compliance notice” means a notice served under section 51(2)(a);

“demolition” means the pulling down or removal of a building or any material part of it;

“demolition permit” means a permit required under section 63(1) for the purpose of demolishing a building;

“development” has the meaning assigned to it by section 29;

“development completion notice” means a notice referred to in section 50(5) and, except in section 50, includes a provisional development completion notice;

“Development Control Committee” means a standing committee appointed under section 11(1)(a);

“development hazard” means any area, condition, development or other activity, or any process or pollution on, or in the vicinity of land subject to development, which—

(a) constitutes or, in the opinion of the National Planning Authority, is likely to constitute a danger to human life, health or safety;

(b) is causing injury or damage or, in the opinion of the National Planning Authority, may present serious risk of injury or damage to property; or

(c) is causing substantial degradation of the land or surrounding areas or, in the opinion of the National Planning Authority, may present serious risk of substantial degradation of the land or surrounding areas;

“Development Order” means an order made under section 31;

“development plan” means a plan prepared under section 19;

“development repair order” means an order issued under section 57;

“development reserve” means land required to be set apart for protection against development hazard or for the purpose of providing public access;

“Director of Planning” means the person holding or acting in the office of Director of Planning referred to in section 13(2)(a);

“engineering operations” includes cutting, filling, grading or paving land, cutting drains or drainage or irrigation channels, the formation or laying out of streets or other means of access to highways, the reclamation of land, and any other activity as may be prescribed;

“environment” means all land, areas beneath the land surface, atmosphere, climate, surface water, ground water, sea, coastal and marine areas, seabed, wetlands and natural resources (including plants and animals) within the jurisdiction of Trinidad and Tobago;

“Environmental Commission” means the Environmental Commission established under section 81 of the Environmental Management Act;

“environmental impact assessment” means an environmental impact assessment within the meaning of section 35 of the Environmental Management Act;

“environmentally sensitive area” means an area of land designated as requiring special protection by a Notice made under section 41 of the Environmental Management Act;

“erection”, in relation to any building, includes construction, extension or alteration;

“fish” includes oysters, crabs, shrimps, turtles, turtle eggs, coral and any species of marine or other aquatic animals and the eggs, sperm, spawn, larvae, sprat and juvenile stages thereof;

“former Act” means the Town and Country Planning Act;

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“highway authority” means any authority responsible for the maintenance of roads;

“immediate compliance order” means an order served under section 51(2)(b);

“inspector” means an officer of a planning authority authorised under section 62(1);

“land” includes any building, any land underlying the territorial waters of Trinidad and Tobago and, in relation to the acquisition of land, any interest in, or over land;

“land development regulations” includes land use, subdivision, development approval, building, construction, and other written laws controlling, regulating or affecting the

use or development of land;

“local development plan” means a plan that interprets broad structure plan policies at a district or community level in great detail;

“material change” in relation to the use of any building or other land, includes a change from a nil use to any use, any operation which would have the effect of changing the use of any building or other land from its approved use, and such other changes as the Minister may, by Order, prescribe;

“minerals” includes all naturally occurring metallic and non-metallic minerals, natural gas, petroleum and related substances, coal, salt, quarry and pit material, gold, silver and all other rare and precious metals, sand, gravel, peat, pulverized fuel, furnace ash, clinker, iron, or other metallic slag, tailings and waste rock;

“mining operations” includes the exploration, preparation, construction, operation, de-commissioning and rehabilitation phases related to the working or winning of minerals, and includes—

(a) any alteration, disturbance or removal of plants, animals, overburden or other materials incidental to any phase of such activities;

(b) the installation or operation of any tailing or waste facility, roasting or smelting furnace, concentrator, mill, drill, rig or platform gathering or pumping station, or any work-place, machinery, or pipeline used for, or in connection with the processing or treating of

minerals; and

- (c) the retention of any installation referred to in paragraph (b) that has been temporarily suspended, rendered inactive, closed out or abandoned;

“Minister” means the Minister to whom responsibility for physical planning and development of land is assigned;

“municipal planning authority” means a Municipal Corporation continued or established under section 3 or 4 of the Municipal Corporations Act;

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“National Planning Authority” means the National Physical Planning Authority of Trinidad and Tobago established by section 6;

“National Spatial Development Strategy” means the strategy referred to in section 7(1)(c);

“occupancy certificate” means a certificate issued pursuant to section 65;

“occupier” means a person in occupation of land as a tenant from year to year, or for any lesser term, or as a tenant at will;

“operative development plan” means a development plan which is in operation in accordance with section 25(7);

“outline development approval” means the approval applied for under section 41(1);

“owner” in relation to land, includes—

(a) a person in whose name the land is registered;

(b) a person either in possession of the land or in receipt of the whole or

any part of the rents or profits of the land, whether in his own right or as trustee, personal representative, committee, guardian or agent of any other person; or

- (c) a person in occupation of land, other than as a tenant from year to year, or for any lesser term, or as a tenant at will;

“permission for a limited period only” means permission to develop land granted subject to any condition involving a specified period;

“permission to develop land” means permission granted under this Act to develop land, whether without or subject to conditions;

“permit” means a building permit or a demolition permit;

“person interested” includes any person with a direct or indirect financial interest;

“planning authority” means—

- (a) the Tobago House of Assembly;
- (b) a municipal planning authority; or
- (c) a special planning authority or a joint planning authority appointed under section 16;

“pollution” means the creation or existence of any deviation from natural conditions within the environment which (based on technical, scientific or medical evidence) is determined to cause or to be likely to cause harm to human health or to the environment, through—

- (a) the presence or release of any substance; or

(b) any type of disturbance, whether by noise, radiation, temperature variation, vibration, other energy manifestation or objectionable odors;

“prescribed” means prescribed by regulations under section 107;

“provisional development completion notice” means a notice served under section 50(1);

“provisional development plan” means a development plan adopted by a planning authority under section 22(6) or a development plan to which the Minister gives provisional agreement under section 24(4);

“regional” means pertaining to a geographical area traversing the boundaries of individual governmental units, sharing common characteristics that may be social, economic, political or national;

“regional development plan” means a plan of a geographical area traversing the boundaries of individual governmental units, sharing common characteristics that may be social, economic, political or national;

“restore the environment” means restore all forms of life and physical conditions of the environment to their natural state as far as practicable;

“review” in relation to a development plan, includes a fresh survey, a report on that survey and recommendations and alterations;

“road” means any public or private road and includes any highway, street, square, court, alley, lane, bridge, footway, trace, bridle path or passage, regardless of whether it is a thoroughfare;

“special plan” means a development plan prepared for an area of special interest;

“statutory undertakers” means a person authorised by any written law to operate a service, including any road, air or water transport, canal or inland navigation system, dock, harbour, pier, lighthouse or airport undertaking or any undertaking for the supply of electricity, water, gas, steam, hydraulic power or telecommunications service, or for the operation of any sewerage, drainage or irrigation system;

“subdivision” means the division of land (other than buildings) held under one ownership into two or more parcels, regardless of whether the division—

(a) is effected by deed of conveyance, transfer, agreement, vesting order, partition order, will or other instrument;

(b) is for the purpose of sale, lease, mortgage, gift, devise or any other purpose; or

(c) involves a change in the use of any of the parcels,

but does not include—

(d) the creation of a periodic tenancy for a tenancy from year to year or any lesser period;

(e) the granting of a lease the term of which, together with any period contemplated by any option or right of renewal, does not exceed three years in aggregate;

(f) the division of any land by means of acquisition under the Land Acquisition Act; or

(g) the division of a cemetery into burial plots,

and “subdivide” shall have a corresponding meaning;

“tree” includes palms, bamboos, stumps, brush wood, canes, mangroves, bushes and hedges;

“Tobago House of Assembly” means the Tobago House of Assembly established by section 141A of the Constitution;

“toxic”, in relation to material or waste, means any substance known to be poisonous, corrosive, irritating, sensitizing or harmful to humans, animals or plants and includes any substance or waste designated as a hazardous substance under the Environmental Management Act;

“utility services” means the provision of gas, electricity, sewerage and waste disposal;

“waste” includes any material discarded or intended to be discarded which—

(a) constitutes garbage, refuse, sludge, or other solid, liquid, semi-solid or gaseous material resulting from any residential, community, commercial, industrial, manufacturing, mining, petroleum or natural gas exploration, extraction or processing, agricultural, health care, or scientific research activities; and

(b) is otherwise identified by the Environmental Management Authority as waste under the Environmental Management Act.

(2) Without limiting the generality of the definition of “development hazard”, the following conditions, which exist or, in the opinion of the National Planning Authority, are likely to occur on, or in the vicinity of land

subject to development, constitute a development hazard:

- (a) erosion or the potential for erosion;
- (b) flooding or the potential for flooding;
- (c) landslides or unstable soil;
- (d) pollution of surface water, aquifers, land or the atmosphere;
- (e) any breach of a written law relating to the environment or the protection of any species of plant or animals; or
- (f) abandoned, discarded or unlawfully deposited waste of any type, except domestic waste generated by a person when deposited on property that he owns or occupies.

Objects and purposes
of the Act

4. The objects and purposes of this Act are to—

- (a) provide the framework whereby plans and related measures may be prepared and adopted;
- (b) foster awareness that persons owning, occupying and developing land are under a duty to use the land with due regard for the wider interests, both present and future, of society as a whole;
- (c) assist in the orderly, efficient and equitable planning, allocation and development of the resources of Trinidad and Tobago, taking account of all relevant social, economic, ecological and cultural factors so as to ensure that the most efficient, equitable and environmentally sustainable use is made of land in the interests of all people of Trinidad and Tobago;
- (d) maintain and improve the quality of the physical environment, to improve the aesthetic quality of the built environment

and to protect, conserve and promote the diverse cultural heritage of Trinidad and Tobago as it finds expression in both the natural and built environments;

- (e) provide for the orderly subdivision of land for residential as well as non-residential purposes in order to facilitate timely and efficient provision of infrastructure, works and public services, including transportation and utilities, and to ensure that parcels of land are not divided into under-sized or inappropriately shaped units that are unfit for rational development;
- (f) provide for the structural and fire safety of buildings and the safety, health and general welfare of persons occupying buildings or using land in proximity thereto;
- (g) provide for planning processes that are fair by making them open, accessible, timely and efficient; and
- (h) encourage cooperation and coordination among various interests for the purpose of achieving the foregoing objects and purposes.

PART III

GENERAL ADMINISTRATION

5. (1) The Minister shall be responsible for the administration of this Act.

General
responsibility of the
Minister

(2) In addition to any other duties assigned to the Minister by this Act, the Minister shall be responsible for framing comprehensive development policies and for the implementation of such policies in accordance with the provisions of Parts IV, V, VI and VII.

Establishment of the
National Planning
Authority

6. (1) There is established a body corporate to be known as “the National Physical Planning Authority of Trinidad and Tobago” (hereinafter referred to as “the National Planning Authority”).

First Schedule

(2) The constitution and procedure of the National Planning Authority shall be in accordance with the First Schedule.

Functions of the
National Planning
Authority

7. (1) The principal functions of the National Planning Authority are to—

Second Schedule

- (a) facilitate good and sustainable development in a fair, transparent and equitable manner;
- (b) advise the Minister in accordance with Part A of the Second Schedule with respect to the framing of development policies referred to in section 5(2) and, to ensure consistency and continuity in the implementation of policies adopted by the Minister in accordance with Parts IV, V, VI and VII;
- (c) prepare and keep under review a spatial development strategy for Trinidad and Tobago (hereinafter referred to as “the National Spatial Development Strategy”) for the purpose of section 18(1);
- (d) develop regulations, standards and practices for building, engineering operations and land development and submit them for the approval of the Minister;
- (e) monitor and oversee the preparation of development plans by planning authorities to ensure consistency with the National Spatial Development Strategy;
- (f) ensure compliance of all development with the requirements of the National Spatial Development Strategy, the regulations, standards and practices;
- (g) facilitate and coordinate the land development approval process and ensure timely determination of all applications for

- approvals required for plans requiring expert professional technical review;
- (h) make recommendations to the Minister with respect to the devolution of functions relating to development control, issuance of building permits, approvals for engineering operations and occupancy approvals to local authorities; and
- (i) consider and determine applications for permission for the development of land under Part V in respect of any matter that is not—
- (i) subject to the jurisdiction of the Tobago House of Assembly, by virtue of the Tobago House of Assembly Act;
 - (ii) subject to the jurisdiction of any other planning authority, by virtue of an Order made under section 31; and
 - (iii) reserved for decision by the Minister in accordance with any directions given by the Minister under section 48.
- (2) In the performance of its function under paragraphs (b) to (d), the National Planning Authority shall consult with the Tobago House of Assembly.

8. The National Planning Authority shall—

- (a) monitor and oversee the effectiveness and status of the National Spatial Development Strategy with a view to making recommendations annually for amendments to the National Spatial Development Strategy;
- (b) prepare periodic evaluation and appraisal reports on the National Spatial Development Strategy and submit them to the Minister at least once every five years;

Duties of the
National Planning
Authority

- (c) make reports and recommendations to the Minister which shall include programmes for development and construction of such infrastructure as may be desirable;
- (d) submit annually to the Minister, not later than three months before the beginning of each financial year, a list of recommended capital improvements, which in the opinion of the National Planning Authority are necessary or desirable for implementing the National Spatial Development Strategy or any element or portion of it;
- (e) ensure a high degree of service and efficiency to communities and applicants in regulating development and shall establish time frames and monitoring mechanisms to ensure that this is done; and
- (f) perform such other duties as the Minister may from time to time direct.

Ministerial directives **9.** The Minister may give to the National Planning Authority, in writing, general policy directives to be followed in the performance of its functions or the exercise of its powers under this Act, and the National Planning Authority shall comply with those directives.

Committees **10.** (1) Subject to section 11, the National Planning Authority may appoint a committee for any of the purposes of this Act, as it sees fit.

(2) A committee appointed under this section may include in its membership, persons who are not members of the National Planning Authority but whose appointment to such committee and remuneration are approved by the Minister.

Appointment of Development Control Committee and other standing committees **11.** (1) The National Planning Authority shall appoint—

- (a) a standing committee to be known as “the Development Control Committee”—
 - (i) to coordinate and expedite the development approval process; and

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- (ii) to grant final approval and render binding advice on behalf of the National Planning Authority and the agencies and officers referred to in subsection (2)(b);
- (b) other standing committees to advise and make recommendations on any of the following matters:
- (i) the preparation and review of the National Spatial Development Strategy;
 - (ii) the development of codes and standards; and
 - (iii) national land policies including—
 - (A) legislative framework;
 - (B) policies relating to property taxation; and
 - (C) policies in respect of land information systems.
- (2) The Development Control Committee shall comprise—
- (a) the Director of Planning, who shall be the Chairman; and
 - (b) appropriate representatives of the following agencies and officers who are authorised to grant final approval or render binding advice on behalf of the respective agencies and officers:
 - (i) the Water and Sewerage Authority;

- (ii) the Environmental Management Authority;
- (iii) the Chief Building Officer;
- (iv) the Highways Division of the Ministry with responsibility for works;
- (v) the Drainage Division of the Ministry with responsibility for drainage;
- (vi) the Chief Fire Officer;
- (vii) the Occupational Safety and Health Agency;
- (viii) the Chief Medical Officer in the Ministry with responsibility for health;
- (ix) the Trinidad and Tobago Electricity Commission; and
- (x) such other agencies and officers as may be designated by the Minister in writing for any particular category of development.

(3) For the purpose of coordinating and expediting the development approval process, the Director of Planning or the Chief Building Officer may refer an approval submission to the Development Control Committee.

(4) Notice of the appointment of the members to the Development Control Committee shall be published in the *Gazette* and at least two daily newspapers in circulation in Trinidad and Tobago.

Conflicts of interest

12. (1) A member of the National Planning Authority or a committee thereof who is in any way, whether

directly or indirectly, interested in any matter under consideration by the National Planning Authority or committee shall declare the nature of his interest at the first meeting of the National Planning Authority or a committee at which it is practicable for him to do so.

(2) A disclosure under subsection (1) shall be recorded in the Minutes of the meeting during which the disclosure was made.

(3) Where a member makes a disclosure under this section, he shall not be present or take part in deliberations when the matter is being discussed.

13. (1) The National Planning Authority shall establish such departments or units as may be necessary to undertake its functions under this Act. Departments and officers of the National Planning Authority

(2) The National Planning Authority shall employ suitably qualified persons as heads of departments, including—

- (a) the Director of Planning who shall have qualifications and at least ten years' post-qualification experience in urban and regional planning;
- (b) the Chief Building Officer who shall have qualifications and at least ten years' post-qualification experience in engineering; and
- (c) the Chief Enforcement Officer who shall—
 - (i) have qualifications and at least ten years' post-qualification experience in a profession relating to the built environment; or
 - (ii) be an Attorney-at-law of at least ten years' standing and have experience in law relating to the built environment,

and shall employ such other officers and employees as are required for the efficient performance of its functions.

(3) The Director of Planning, the Chief Building Officer and the Chief Enforcement Officer shall be persons in public life for the purposes of the Integrity in Public Life Act.

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Delegation to
Director of Planning

14. (1) The National Planning Authority may, by written instrument, delegate to the Director of Planning such of its functions as it sees fit.

(2) Delegation of any function under this section does not prevent the exercise of that function by the National Planning Authority.

Functions of certain
heads of departments

15. (1) Notwithstanding section 14, the Director of Planning shall be responsible for development planning and development control in accordance with this Act.

(2) The Chief Building Officer shall exercise oversight over all applications for building or engineering operations and the implementation of all approved plans for building or engineering operations and in so doing, shall be responsible for the following:

- (a) ensuring compliance with all building regulations;
- (b) monitoring all building and construction procedures to ensure compliance with approved designs;
- (c) establishing inspection procedures for building and engineering operations;
- (d) referring of flagrant breaches of building regulations to the Chief Enforcement Officer; and
- (e) submitting of biannual and other reports to the National Planning Authority on the performance of his functions in a form

specified by the National Planning Authority.

(3) The Chief Enforcement Officer shall enforce the building regulations and shall take action on matters referred to him by the Chief Building Officer under subsection (2)(d).

16.(1) The Minister may, by written instrument after consultation with the National Planning Authority, and subject to such conditions, directions, reservations and restrictions as the Minister considers proper, appoint a special planning authority for the purpose of—

Appointments of special and joint planning authorities

- (a) preparing a development plan, other than a development plan for the whole of Trinidad and Tobago or for the island of Tobago; or
- (b) determining applications for permission to develop land, except in relation to the island of Tobago; or
- (c) discharging other development control functions under Part V, except in relation to the island of Tobago.

(2) After consultation with the National Planning Authority, the Minister may, by written instrument, appoint two or more municipal planning authorities to be one joint planning authority for the discharge of such functions as the instrument may specify.

17.(1) A municipal planning authority may delegate any of its functions under Part IV to a committee or an officer of the authority.

Delegation of planning functions to officers of local authorities

(2) Two or more municipal planning authorities may discharge any of their functions under Part V jointly by delegating those functions to a joint committee of their members or one of their officers.

(3) The delegation of functions to an officer under subsection (2) shall be made to the officer by name.

(4) Delegation of any function under this section does not prevent the exercise of that function by the delegating authority.

PART IV

DEVELOPMENT PLANS

National Planning
Authority to prepare
National Spatial
Development
Strategy

18. (1) In preparing the National Spatial Development Strategy, the National Planning Authority shall ensure that the National Spatial Development Strategy—

- (a) is consistent with the social, economic, regional, environmental, cultural and other development policies of the Government;
- (b) provides the policy framework within which regional and local planning can be undertaken;
- (c) comprehensively draws together and links the functional plans prepared by individual sectoral agencies;
- (d) has as its primary focus—
 - (i) issues of national policy and the coordination of functions;
 - (ii) the identification of problems and opportunities created by demographic change and industrial and other activity; and
 - (iii) the adoption of strategies for sustainable use, resources and opportunities and for the minimizing of environmental land use problems resulting from human activity.

(2) The National Spatial Development Strategy shall come into force upon approval by Parliament and

amendments to it shall come into force upon approval by Parliament.

(3) Where the National Spatial Development Strategy or any amendment thereto is laid in Parliament for its approval, a draft development order giving effect to the National Spatial Development Strategy or the amendment shall also be laid in Parliament.

(4) The National Planning Authority shall ensure that the National Spatial Development Strategy is reviewed as often as necessary and in any event at least once every five years.

(5) In conducting a review of the National Spatial Development Strategy, the National Planning Authority shall conduct public consultations and shall take into account public comments received by the National Planning Authority.

(6) In preparing or reviewing the National Spatial Development Strategy, the National Planning Authority shall take into account any proposals submitted by the Tobago House of Assembly.

19.(1) The Tobago House of Assembly and a municipal planning authority shall, on its own motion or in accordance with directions in writing from the National Planning Authority, prepare, and thereafter review as often as necessary and in any event at least once every five years, such regional, local and other development plans for such regions and areas within their respective jurisdictions and on such subjects as would assist in the efficient and equitable planning and management of land.

a Regional, local and other development plans

(2) The primary focus of any regional or local development plan prepared under subsection (1) shall be the detailing, coordination and implementation of the National Spatial Development Strategy at the regional or local level, as the case may be.

Functions and
content of
development plans

20. (1) A development plan shall contain goals, objectives and policies established primarily to manage and guide change in the social, economic and physical environment of the area for which the development plan is prepared.

(2) A development plan shall be consistent with the National Spatial Development Strategy and shall, where appropriate, include—

- (a) a review of the physical, social, economic and environmental characteristics of the area and the available social services;
- (b) a description of those matters affecting or providing opportunities for the development and use of land;
- (c) a land-use plan showing—
 - (i) areas of land for agricultural, forestry, residential, industrial, institutional, recreational (including national parks), retail (including informal sector activities), office, tourism or commercial uses, or any other class of uses specified in the plan;
 - (ii) conservation areas, environmentally sensitive areas, areas subject to development hazards, and areas of special interest;
 - (iii) buffer zones where development shall be restricted due to vulnerability of the zone to development hazards, whether natural or man-made; and
 - (iv) areas where development may be premature or unacceptable having regard to lack of water or other services or facilities;

- (d) such maps, drawings and other graphic representations, and such data, proposals, descriptive matter and other information, as may be necessary to illustrate, explain and provide a reasoned justification for the policies and proposals of the development plan;
- (e) recommendations for the sequencing or phasing of development within the area covered by the plan;
- (f) in the case of a local or regional development plan, matters pertaining to particular conditions addressed with a greater degree of detail;
- (g) a description of proposed measures and programmes for the attainment of the objectives of the plan and estimates of the resources needed and likely to be available for their implementation;
- (h) an assessment of the quantity and forms of housing required and estimated to be required in the future by various socio-economic groups, or by that part of the population living or expected to live in the area described in the development plan;
- (i) a transportation plan showing the generalized location of proposed major roads and other transportation facilities;
- (j) a utilities plan showing the generalized location of areas which it is proposed to service with water, waste-water, electrical, gas, telecommunications or other services;
- (k) an environmental impact statement incorporating a systematic environmental appraisal of policies and proposals having environmental implications as an appendix to the development plan; and
- (l) such other matters as may be prescribed.

(3) For the purpose of subsection (2)(a), a review of a development plan may include a fresh survey if

required, a report on the survey and recommendations and alterations to the plan.

Conditions governing appointments to prepare development plans

21. (1) Where any development plan is to be prepared under this Part, the Minister may, after consultation with the National Planning Authority, give such directions or impose such conditions, reservations or restrictions as he thinks fit, including directions, conditions, reservations or restrictions in relation to—

- (a) the area for which the development plan is to be prepared;
- (b) the subject matter of the development plan;
- (c) the major alternative development strategies to be considered and the means to be used for evaluating the efficacy of such strategies;
- (d) the stages in the preparation of the plan when interim reports will be provided;
- (e) the time within which the development plan shall be prepared;
- (f) any policies to be taken into account in the preparation of the development plan; and
- (g) the persons and authorities who shall be consulted in the preparation of the development plan.

(2) On giving not less than fourteen days written notice to a planning authority appointed under section 16, the Minister, after consultation with the National Planning Authority, may—

- (a) require that the preparation of the development plan cease for such period as is specified in the notice;
- (b) revoke or vary the powers granted to the planning authority either in whole or in part;

- (c) resume the power to prepare a development plan and continue or recommence the preparation of that development plan following its suspension pursuant to paragraph (a); and
- (d) add to, remove from, or reconstitute the planning authority.

(3) On giving not less than fourteen days written notice to two or more planning authorities, the Minister, after consultation with the National Planning Authority, may require the planning authorities to prepare a joint development plan of a kind specified in the notice.

(4) On giving not less than fourteen days written notice to two or more planning authorities which are preparing a joint development plan pursuant to subsection (3), the Minister, after consultation with the National Planning Authority, may require the planning authorities to cease from doing so.

(5) The Minister shall cause a notice issued under subsection (4) to be published in the *Gazette* and at least two daily newspapers in circulation in Trinidad and Tobago.

22. (1) Any planning authority or any person authorized to act on its behalf shall, at least fourteen days before beginning to prepare a development plan, publish in at least two daily newspapers in circulation in Trinidad and Tobago a notice—

- (a) identifying the area being considered;
- (b) inviting representations from the public; and
- (c) stating that further information may be obtained on an ongoing basis from persons identified in the notice,

and shall, in the course of preparing the development plan—

- (d) collect and analyse relevant data and information;
- (e) set out clearly and fully all policies, proposals and programmes, including alternatives and reasons therefor, which it is proposed to include in the development plan;
- (f) publish a summary of the information referred to in paragraphs (d) and (e) in at least two daily newspapers in circulation in Trinidad and Tobago;
- (g) conduct public consultations;
- (h) consult with key stakeholders and such persons, bodies and authorities that submit representations;
- (i) prepare and publish a report of all consultations; and
- (j) prepare a proposed development plan.

(2) Every agency receiving a request for information or comment in connection with the preparation of a development plan shall, within twenty-one days, provide the information or comment requested and, in the preparation of the development plan, regard shall be given to the information and comments provided.

(3) Where a proposed development plan is prepared for a planning authority, that authority shall consider the proposed development plan and shall, within three months of receiving the proposed development plan, forward the proposed development plan and any comments of the authority on the proposed development plan to the National Planning Authority.

(4) Where the National Planning Authority is of the opinion that any land in a development plan should

be subject to compulsory acquisition, the National Planning Authority shall refer the matter to the Minister.

(5) Where the National Planning Authority is not of the opinion that any land in a development plan should be subject to compulsory acquisition, the National Planning Authority shall, within three months of the receipt of the proposed development plan and the comments of the planning authority, direct that within six months or such lesser time as the National Planning Authority may specify, any or all of the following measures be taken:

- (a) further work of a kind specified in the directions be undertaken on the proposed development plan;
- (b) specific matters be deleted from the proposed development plan;
- (c) specific amendments or additions be made to the proposed development plan; and
- (d) further consultation of a kind specified be undertaken in respect of the proposed development plan.

(6) Where no direction is given under subsection (5) or where the planning authority complies with directions under subsection (5) to the satisfaction of the National Planning Authority, the planning authority may adopt the development plan.

(7) The National Planning Authority may, on application in writing, grant an extension of time for the purposes of subsection (3) or (5).

23. Where a development plan has been adopted by a Development plan of local authority to proceed in accordance with section 25 planning authority under section 22(6), the National Planning Authority shall proceed in accordance with section 25.

Land subject to compulsory acquisition

24. (1) Where, in the opinion of the Minister, any land should be subject to compulsory acquisition for planning purposes, he shall instruct the National Planning Authority to prepare for his provisional agreement a development plan or a modification to a development plan, designating the land as subject to such compulsory acquisition and describing—

- (a) the intended objectives of the development plan;
- (b) the uses to which the designated land will be put;
- (c) the programmes or means to be used after the acquisition of the designated land has taken place in order to achieve the proposed uses; and
- (d) the reasons why compulsory acquisition is necessary to achieve the intended objectives and the proposed uses.

(2) Before the Minister gives provisional agreement to a development plan designating any land as subject to compulsory acquisition for achieving the objectives of the development plan, the Minister shall—

- (a) publish a notice indicating that the land is proposed to be designated as being subject to compulsory acquisition for achieving the objectives of the development plan, and setting out the information mentioned in subsections (1)(a) to (d) in the *Gazette* and at least two daily newspapers in circulation in Trinidad and Tobago and in such other manner as may be intended to bring the plan to the attention of persons likely to be affected by it; and
- (b) give written notice of the proposed designation to the owners and any known mortgagees or other holders of encumbrances of the land.

(3) Any person or entity desiring to make comments, representations or objections in relation to the proposed compulsory acquisition for the objectives of the plan shall do so within two months of the publication referred to in subsection (2)(a) or of the giving of notice referred to in subsection (2)(b), as the case may be.

(4) After receiving any comments, representations or objections pursuant to subsection (3), the Minister may give provisional agreement to such proposed development plan or modification, and the National Planning Authority may thereafter, pursuant to section 25, proceed to certify that the development plan conforms to the National Spatial Development Strategy and that, in its preparation, the requirements of this Act have been satisfied.

(5) Any designated land in an operative development plan may be acquired under the Land Acquisition Act, as if the acquisition is for a public purpose.

(6) Where any designated land has not been compulsorily acquired under the Land Acquisition Act at the expiration of five years from the date on which the plan was approved or was deemed to have been approved by Parliament, any owner of any interest in the designated land may serve notice on the Minister requiring either—

(a) that such interest be acquired; or

(b) that the development plan be amended by rescinding the designation in relation to the affected land,

and if within six months after the service of such notice, such interest has not been so acquired, the development plan shall have effect as if the designated land was not designated as subject to compulsory acquisition.

(7) Nothing in this section prevents—

- (a) acquisition by agreement of any land designated as subject to compulsory acquisition; or
- (b) compulsory acquisition by the State or any authority, under powers contained in any other Act, of any land whether it is designated for compulsory acquisition under this Act or otherwise.

(8) In this section, “designated land” means land that is designated in a development plan as subject to compulsory acquisition.

Certifying of
provisional
development plans

25. (1) Before certifying any provisional development plan, the National Planning Authority shall publish in the *Gazette* and at least two daily newspapers in circulation in Trinidad and Tobago, a notice stating that the National Planning Authority proposes to certify the provisional development plan and that any person desiring to make comments, representations or objections in relation to the plan may do so by written submission delivered to the National Planning Authority.

(2) The notice referred to in subsection (1) shall state the places where copies of the provisional development plan may be obtained or inspected and a date, not less than six weeks after the date of the publication of the notice, by which any comments, representations or objections shall be received.

(3) Where any comments, representations or objections are received in relation to the provisional development plan, the National Planning Authority may provide for a public hearing on the plan and may appoint such person as the National Planning Authority deems suitable as a hearing officer to conduct such public hearing.

(4) The National Planning Authority shall give notice of the hearing to any person submitting

comments, representations or objections and shall publish notice of the hearing in at least two daily newspapers in circulation in Trinidad and Tobago.

(5) The notice referred to in subsection (4) shall state—

- (a) the date, time and place of the public hearing; and
- (b) that any interested person may be heard at the hearing.

(6) After considering any comments, representations or objections, the National Planning Authority shall certify the provisional development plan with or without amendment.

(7) Where the National Planning Authority certifies a provisional development plan, other than a plan designating land as subject to compulsory acquisition, the plan shall come into operation on such date as is fixed by the National Planning Authority by Notification in the *Gazette*.

(8) Where the National Planning Authority certifies a provisional development plan designating land as subject to compulsory acquisition, the National Planning Authority shall—

- (a) publish a notice in the *Gazette* notifying that the National Planning Authority has certified the provisional development plan;
- (b) prepare a summary of—
 - (i) any comments, representations and objections received in relation to the plan; and
 - (ii) the comments and recommendations of the National Planning Authority; and

(c) submit the provisional development plan together with such summary and recommendations to the Minister.

(9) The Minister may, in writing approve a provisional development plan submitted to him under subsection (8) except that where the provisional development plan designates land subject to compulsory acquisition, his approval shall be by Order subject to affirmative resolution of Parliament.

(10) Where the Minister does not accept a recommendation of the National Planning Authority, he shall send a written report of his reasons to the National Planning Authority and shall not proceed to reject the recommendation until he has received and considered any reply from the National Planning Authority which shall be submitted to the Minister not more than one month after receipt of the Minister's written report.

(11) An Order of the Minister approving a development plan shall be published in the *Gazette* and at least two daily newspapers in circulation in Trinidad and Tobago.

Role of approved
development plan

26. Unless the material considerations referred to in section 35(2) indicate otherwise, the policies and proposals of an approved development plan shall be the principal consideration in all decisions taken under this Act by the Minister, the National Planning Authority, any planning authority, and all other authorities having control or jurisdiction over land in respect of any matter in respect of which it is provided that material considerations shall be taken into account.

Minister to publish
policy statements

27. (1) The Minister may publish such statements of policy and other written, graphic or other illustrative material as may, in his opinion, be conducive to the discharge of functions under this Act and may carry out such consultations as he thinks fit in connection with such statements and other material intended to be published.

(2) Where, in the opinion of the Minister, a proposed statement of policy would affect any operative development plan, the Minister shall publish in the *Gazette* and at least two daily newspapers in circulation in Trinidad and Tobago, notice of the proposed statement of policy stating either—

- (a) the terms or substance of the proposed change; or
- (b) the subject and nature of the proposed change,

and the issues involved and inviting the submission of comments or representations to the National Planning Authority in writing not less than thirty days after the date of publication of the notice.

(3) The National Planning Authority shall submit to the Minister any written comments received as well as its own recommendations respecting the proposed statement of policy, which recommendations shall be laid before Parliament together with the proposed statement of policy by the Minister.

28. Copies of the National Spatial Development Strategy and of all reports, development plans, proposed development plans, provisional development plans and amendments thereto referred to in this Part, shall be made available by the National Planning Authority for inspection and for purchase by the public.

National Planning Authority to make plans and reports available

PART V

DEVELOPMENT CONTROL

29. (1) In this Act, the expression “development” means—

Meaning of “development”

- (a) the act of—
 - (i) carrying out demolition, building, engineering, mining or other

operations in, on, over or under any land, whether or not covered by water, and whether or not used for agriculture, forestry or aquaculture;

(ii) making any material change in the use of any building or other land; and

(iii) subdividing any land; and

(b) when appropriate to the context, the result of activities specified in paragraph (a).

(2) Notwithstanding subsection (1), the following operations or uses of land are, for the purposes of this Act, deemed not to be development of land:

(a) the carrying out of works for the maintenance, improvement or other alteration of any building, if the works affect only the interior of the building, do not materially affect the external appearance of the building, and do not involve a material change of use;

(b) the carrying out of works required for the maintenance or improvement of a road, within the boundaries of the road, by a highway authority, provided that the level of the road remains unchanged;

(c) the carrying out of any work for the purpose of inspecting, repairing or renewing any sewers, pipelines, cables or other apparatus, including breaking open any street or other land for that purpose by the Tobago House of Assembly or any Municipal Corporation or statutory undertakers;

(d) the use of any building or other land within the curtilage of a dwelling-house for any purpose incidental to the enjoyment of the

dwelling-house as such, except where a Development Order has been made restricting such use in an area of special interest;

- (e) the use of any land for the purpose of agriculture, forestry or aquaculture, subject to such exceptions or limitations as the Minister may, by Order, specify; and
- (f) a change in the use of any building or other land from any use within a class defined in a Development Order to another use within the same class.

(3) Nothing in subsection (2)(a) or (d) affects any requirement which is otherwise imposed with respect to prohibiting or controlling any alteration, or requiring preservation of buildings in areas of special interest.

(4) Subject to any regulations made under this Act relating to the control of advertisements, and except for signs used to identify a building and its occupancy, the use of any external part of a building for the display of advertisements shall be deemed to involve a material change in the use of that part of the building.

30. Except as otherwise expressly provided in this Act, ^{Permission required for development of land} permission to develop land is required under this Part for any development of land before such development is commenced.

31. (1) Subject to section 33, the Minister may, by ^{Development Orders} Order, provide for the grant of permission to develop land under this Part, and the Development Order may include provisions with respect to—

- (a) any development specified in the Development Order;
- (b) any class of development specified in the Development Order; or
- (c) any land specified, or such description of

land as is specified, in the Development Order.

(2) The permission referred to in subsection (1) may be granted by—

- (a) the National Planning Authority or a planning authority, upon an application for such permission made to it in accordance with the Development Order where such permission is not to be granted by the Minister; or
- (b) the Minister, where any application provided for in paragraph (a) of this subsection, is referred to the Minister pursuant to the provisions of section 48.

(3) Development allowed by a Development Order may be subject to such conditions and limitations as may be specified in the Development Order.

(4) Without restricting the generality of subsection (2), a Development Order that allows for any development may—

- (a) in case of the erection, extension or alteration of any building, require the approval of the National Planning Authority or a planning authority with respect to the design or external appearance of such building;
- (b) in case of any development of any specified class, exclude development in any particular area or exclude any particular project; or
- (c) impose any condition or requirement provided for in section 37.

Application for
permission to develop
land

32. (1) An application for permission to develop land shall—

- (a) be made to a planning authority in the prescribed manner;

- (b) include such information as is required or as is directed to be provided by the National Planning Authority or a planning authority; and
- (c) be accompanied by the prescribed fee.

(2) A person who applies for permission to develop land shall conspicuously post on the land notice of the application in the prescribed form.

33. (1) The Minister may, in a Development Order, provide in relation to specified categories of applications for permission to develop land—

- (a) that notice of the application may be forwarded to such person or class of persons as may be specified;
- (b) that the notice of the application shall be advertised in at least two daily newspapers in circulation in Trinidad and Tobago or on the land to which the application relates or both in such manner and for such period as may be specified;
- (c) that the applicant shall furnish, at such times and to such persons, such information respecting the application as may be specified;
- (d) that the application shall be determined only after the expiry of the period which may be specified and upon satisfactory proof of compliance with specified conditions respecting publishing of the application; or
- (e) for such other matters as he thinks fit.

(2) A person is entitled to make representations or objections in relation to an application referred to in the Development Order to the National Planning Authority

within twenty-eight days of the date on which notice of the application is advertised.

Registers of applications

34. (1) A planning authority shall keep, in such manner as may be prescribed, a register containing such information as may be prescribed with respect to—

- (a) applications made to the authority for permission to develop land, outline development approval, or other approvals for development required by or under this Act; and
- (b) the manner in which applications referred to in paragraph (a), have been determined.

(2) Regulations made pursuant to subsection (1) may provide for the register to be kept in three or more parts including a part containing maps and such other information pertaining to applications mentioned in subsection (1)(a) as may be prescribed.

(3) Regulations made pursuant to subsection (1) may provide for a specified part of the register to contain copies of applications and of any plans or drawings submitted with them.

(4) A register kept under this section shall be made available for inspection by the public.

Consideration of applications

35. (1) In considering any application for permission to develop land, the National Planning Authority or any planning authority shall take into account—

- (a) an approved development plan or special plan;
- (b) any plans or policies relating to an area of special interest;
- (c) any statement of policy or other material referred to in section 27(1) and which is relevant to the application;
- (d) any disaster mitigation information relevant to the area to which the application relates;

- (e) any written laws, policies and plans relevant to the protection of the environment;
- (f) such of the following as, in the opinion of the National Planning Authority or the planning authority, are relevant to the application:
 - (i) any applicable provisional development plan or special plan;
 - (ii) any representations made by, or the results of a survey of, members of the public; or
 - (iii) the comments received at any public consultation held by the National Planning Authority; and
- (g) any other material consideration.

(2) Without restricting the generality of subsection (1)(g), the following considerations may be regarded as material:

- (a) the use to which the land is being put at the time of the application;
- (b) the pattern of development of the area in which the land is located;
- (c) the likely effect on the environment of the proposed development;
- (d) the availability of alternative sites suitable for the proposed development;
- (e) any economic or social costs or benefits to the community that are likely to be generated by the proposed development;
- (f) the quality of the architectural design and layout of the proposed development;

- (g) the existing infrastructure or required improvement of infrastructure; and
- (h) any representations made by members of the community.

(3) In considering an application which relates to any subdivision of land, the National Planning Authority or the planning authority shall have regard to the health, safety, convenience and welfare of the future inhabitants of the subdivision, and of persons residing in the vicinity of the subdivision.

Consideration of
environmental effects

36. (1) In this section—

“development proposal” means an application for—

- (a) permission to develop land;
- (b) outline development approval; or
- (c) approval of any matter under a development order; and

“significant environmental impact” means having the potential to affect or impact the quality of the environment.

(2) In considering a development proposal which may have significant environmental impacts or require a Certificate of Environmental Clearance, the National Planning Authority shall collaborate with the Environmental Management Authority for the purposes of determining whether significant environmental impacts are adequately avoided or mitigated by the development plan for the area or land development regulations.

(3) Where the National Planning Authority and the Environmental Management Authority agree that significant environmental impacts are adequately avoided or mitigated by the development plan for the area or land development regulations, the National Planning Authority may proceed to act under section 37.

(4) Where the National Planning Authority and Environmental Management Authority do not agree that significant environmental impacts are adequately avoided or mitigated by the development plan for the area or land development regulations, the National Planning Authority and the Environmental Management Authority shall jointly develop the requirements for such additional environmental review and analysis as needed, to determine the application under section 37(1).

37. (1) The National Planning Authority or a planning authority may, after taking into account all material considerations—

- (a) grant permission to develop land unconditionally;
- (b) grant permission to develop land subject to conditions; or
- (c) refuse permission to develop land.

(2) A determination made pursuant to subsection (1) shall be in writing and shall, where subsection (1)(b) or (c) applies, be accompanied by—

- (a) a statement of the reasons for the imposition of any conditions or refusal; and
- (b) information with respect to any right of appeal against the determination available to the applicant.

38. (1) At least one notice of the grant of permission to develop land shall be prominently displayed and maintained in, on, or about the land being developed.

(2) Display of a building permit issued under Part VI shall, in respect of the development permitted by that permit, constitute compliance with this section.

39. (1) Subject to the provisions of section 40, any permission to develop land granted or deemed to have been granted before the commencement of this Act

shall, if development to which such permission relates was not commenced before the commencement of this Act, be deemed to have been granted subject to a condition that development shall be commenced not later than five years after the commencement of this Act.

(2) Subject to the provisions of section 40, all permission to develop land granted on, or after the commencement of this Act shall be granted subject to a condition that development shall be commenced not later than a date specified in the permission, and if no date is specified, then within five years from the date on which such permission is granted.

Extension of period of permission

40. (1) The National Planning Authority or a planning authority may, at the request of an applicant, extend the period within which development is required to commence under section 39.

(2) This section does not apply to—

- (a) an outline development approval;
- (b) permission to develop land granted by a Development Order;
- (c) planning permission granted before the commencement of this Act, where such permission was subject to any condition that the development to which it relates should commence or be completed not later than a specified date or within a specified period;
- (d) permission for a limited period only; or
- (e) outline planning permission granted under the former Act.

(3) For the purposes of this section, “development” shall be deemed to have commenced when any activity falling within the scope of “development of land” as that term is defined in section 29 was commenced, whether or not such activity was continued thereafter.

(4) For the avoidance of doubt, it is hereby declared that the placing of markers, boundary stones, pegs or other similar devices, or the placing of any material in, on, or above the land to demarcate the land or to indicate where development of the land is to take place does not constitute development of land for the purposes of this section.

(5) A grant of permission to develop land that has expired has no force or effect, and development undertaken in reliance on such expired grant constitutes a breach of planning control.

41. (1) An application for outline development approval (hereinafter referred to as an “outline application”) may be made to a planning authority for the purpose of determining whether proposed development comprising the erection of buildings or subdivision of land is of a type and scope as may be permitted under a relevant development plan and existing planning policy.

(2) An outline application shall be made in such form and shall be accompanied by such fees, plans and other information as may be prescribed.

(3) A grant of an outline development approval does not permit commencement of any operations in, on, under or over land to which the grant relates and permission to develop land shall be sought and granted before any development of land is commenced.

(4) Where the National Planning Authority or a planning authority concludes that an outline application should not be considered separately from the details and information required to accompany an application for permission to develop land, the National Planning Authority or a planning authority shall forthwith notify the applicant that outline development approval cannot be granted and require the applicant to submit an application for permission to develop land under section 32 instead.

(5) The National Planning Authority or a planning authority shall, in determining an outline application, in so far as is relevant and practicable, have regard to the considerations referred to in section 35.

Duration of outline
development
approval

42. (1) Wherever outline development approval is granted, it shall, unless the outline development approval provides otherwise, be subject to a condition that application for permission to develop land respecting the development concerned shall be made not later than one year after the granting of such outline development approval.

(2) The National Planning Authority or a planning authority may, at the request of the applicant, extend the duration of an outline development approval before it expires.

Planning agreements

43. (1) Where application is made for permission to develop land under section 32, the National Planning Authority or the planning authority or both may, before granting permission to develop land, enter into an agreement with the owner of the land, and the agreement may contain such terms and conditions as may be beneficial to the owner and the public interest as the National Planning Authority or a planning authority considers appropriate.

(2) Without restricting the generality of subsection (1), an agreement under this section shall be specific to the circumstances of the application and may include—

- (a) conditions affecting any matter in respect of which conditions may be imposed on a grant of permission to develop land pursuant to section 37(1)(b); and
- (b) conditions providing for the furnishing of security by the applicant to ensure due compliance with the terms of the agreement.

(3) An agreement made pursuant to this section with the owner of the land shall be enforceable against the owner and against all subsequent owners and occupiers of the land, and the National Planning Authority and the planning authority shall be entitled to maintain a claim for specific performance, damages or for mandatory or injunctive relief, and may require a respondent in such claim to comply with a covenant, whether positive or negative, notwithstanding the absence of any dominant tenement under such agreement.

(4) A record of every agreement made under this section shall be noted in the register of applications maintained under section 34, and the record shall be deemed to be sufficient notice of the agreement for all purposes connected with the enforcement of the agreement in accordance with subsection (3).

44. Where the National Planning Authority or a planning authority requires security for the performance of any agreement or any condition subject to which permission to develop land is granted, the instrument shall be in such form, contain such conditions and be secured with such sureties (including a charge on the land to which the permission or agreement relates) as the National Planning Authority or the planning authority may, subject to regulations made under this Act, consider proper for ensuring that the instrument is enforceable. Performance bonds

45. (1) Where permission is granted for the development of land under this Part, the grant of permission may specify the purpose for which the land or any buildings to be erected on the land may be used and, if no purpose is specified, the permission shall be construed as permitting use of the land and such buildings for only such purpose as is shown in the application and any supporting material upon which permission was granted. Supplementary provisions as to enforcement

(2) Where permission for a limited period only is granted under this Part, at the end of the period, nothing in this Part shall be construed as requiring permission to be obtained for resumption of use of the land for any purpose for which the land was lawfully used immediately before such permission for a limited period only was granted.

Permission to retain
or continue
unauthorised
development

46. (1) Where a person applies to the National Planning Authority or a planning authority for permission to develop land, the power to grant permission to develop land under this Part includes the power to—

(a) grant permission—

(i) to retain or complete any buildings or works constructed or carried out before the date of the application; and

(ii) to continue any use or operation commenced before that date whether without permission granted under this Part or Part III of the former Act, or in accordance with permission granted for a limited period only,

without conditions or subject to such conditions as the National Planning Authority or a planning authority considers fit;

(b) alter, modify or discharge any condition or limitation subject to which any permission to develop land was granted under subsection (a); and

(c) determine any purpose for which land may be lawfully used, having regard to its past use and to any permission previously granted to develop the land.

(2) In considering whether to grant permission to retain or continue unauthorised development or use of land, the National Planning Authority or a planning authority shall have regard to such of the considerations specified in section 35 as are material to the application.

(3) Any permission referred to in subsection (1) may be granted to take effect from the date when the buildings were constructed, the works were carried out, or the use was instituted, or from the expiration of any permission granted for a limited period only, as the case may be.

(4) Where either an immediate compliance order or development repair order has been issued in respect of any matter in relation to which application is made under this section, the National Planning Authority or a planning authority shall not process the application until the requirements of such order have been met.

47. (1) Where permission to develop land is granted under this Part, except as may otherwise be provided by such permission, the permission inures to the benefit of the land and of all persons for the time being interested in the land, but without prejudice to the provisions of this Part respecting the revocation and modification of permission.

Effect of grant of permission to develop land

(2) Where, pursuant to the provisions of this Act or of a Development Order, an application for permission to develop land is required to be published, any permission granted on such application—

- (a) shall, where no notice of appeal is served within the period specified for bringing any appeal under Part VIII, take effect upon the expiry of such specified period; or
- (b) shall not, where a notice of appeal was served within the period specified for bringing an appeal under Part VIII, take effect before the final determination or abandonment of the appeal to which such notice of appeal relates.

Minister's power in relation to planning applications and decisions

48. (1) Where an application is made to a planning authority for permission to develop land, or for the approval of any matter under a Development Order, and the application—

- (a) involves issues of national security;
- (b) involves issues of more than local importance;
- (c) raises significant architectural or urban design issues giving rise to substantial regional or national controversy;
- (d) may conflict with national policy;
- (e) involves the interest of a foreign government;
- (f) affects the obligations of Trinidad and Tobago under any treaty or international convention; or
- (g) involves such other issues as it thinks fit,

the planning authority shall refer the application to the Minister through the National Planning Authority.

(2) Where a decision is made by a planning authority or the National Planning Authority in breach of subsection (1), the decision shall be subject to review by the Minister.

(3) Subject to subsection (4), where an application for permission to develop land or for outline development approval is referred to the Minister under this section, so far as may be relevant, the provisions of sections 33 to 38 and 41 shall apply as they apply to applications that are to be determined by the National Planning Authority or any planning authority but with the substitution of a reference in those provisions to the National Planning Authority or a planning authority with a reference to the Minister, and any other necessary modifications.

(4) Before determining any application referred to him under this section, the Minister shall afford—

- (a) the applicant;
- (b) the National Planning Authority or any planning authority, and
- (c) such other person as he thinks fits,

an opportunity to submit written representations for that purpose.

49. (1) Subject to subsections (2) to (5), if, in the opinion of the Minister, after consultation with the National Planning Authority and the relevant planning authority having regard to the considerations mentioned in section 35, it is prudent in the public interest that permission to develop land or any outline development approval be revoked or modified, the Minister may, by Order, revoke or modify such permission or outline development approval.

(2) The power conferred on the Minister by this section may be exercised where permission to develop land relates to—

- (a) the carrying out of building or other operations, at any time before such operations have been completed;
- (b) any change in the use of land, at any time before such change has taken place; or
- (c) subdivision of land, at any time before registration of the plan, transfer, deed or other instrument effecting such subdivision under the Real Property Ordinance, the Registration of Deeds Act, or the Registration of Title to Land Act, as the case may be.

(3) Where permission to develop land or outline development approval is revoked or modified by an Order made under this section, and, on a claim made to

Revocation or
modification of
permission to develop
land

Ch. 27. No. 11
(1950 Rev.)
Chap. 19:06
Act No. 16 of 2000

the Minister within six months of the making of the Order, it is shown that any person interested in the land has incurred expenditure in carrying out work authorised by such permission that is rendered valueless, or less valuable, by the revocation or modification, the Minister shall pay to that person reasonable compensation in respect of such expenditure.

(4) For the purposes of this section, where—

- (a) as a consequence of the grant of outline development approval, expense is incurred in the preparation of plans, specifications, studies or reports that are used for the purpose of obtaining permission to develop land; and
- (b) such permission to develop land has been revoked or modified,

that expense shall be deemed to be included in the expenditure incurred in carrying out the work referred to in subsection (3), but no other compensation shall be paid under this section in respect of work carried out, prior to the grant of the permission that was revoked or modified.

(5) Where—

- (a) any permission for the development of land granted by a Development Order has been withdrawn (whether by the revocation or modification of the Development Order or by the issue of directions under the Development Order); and
- (b) pursuant to an application made under this Part relating to such development, permission for the development of land is refused or is granted subject to conditions other than those previously imposed by the Development Order,

the provisions of this section shall apply as if permission granted by the Development Order had been granted

upon application made under this Part and was subsequently revoked or modified by an Order made under this section.

(6) Where, pursuant to this section, compensation is payable or has been paid in respect of expenditure incurred in carrying out any work on land and the State subsequently acquires such land, any compensation payable in respect of the acquisition of the land assessed pursuant to the Land Acquisition Act shall be reduced by an amount equal to the amount of compensation paid or payable in respect of the works by virtue of subsection (3), to the end that the owner shall be paid once only for such works.

(7) A person who is aggrieved by a decision relating to the payment of compensation under this section may appeal to the Environmental Commission against such decision in accordance with the provisions of section 90.

50. (1) Where—

Development
completion notice

- (a) the National Planning Authority or a planning authority is of the opinion that any development is unlikely to be completed within a reasonable period; and
- (b) permission to develop land in respect of that development was granted subject to a condition requiring the development to commence before the expiration of a certain period (whether such condition was imposed by virtue of this Act or otherwise),

the National Planning Authority or a planning authority may, after having taken into consideration such matters as it thinks proper, serve a provisional development completion notice stating that the permission to develop land shall cease to have effect at the end of such further period (not less than one year from the date of the notice) as is specified in the notice.

(2) A provisional development completion notice shall be served on the owner and occupier of the land to which the notice relates and upon any other person known to the National Planning Authority or a planning authority to be a person with an interest in the land.

(3) A person on whom a provisional development completion notice has been served may, within one month of such service, make representations to the National Planning Authority.

(4) The National Planning Authority may, after taking into account any representations made under subsection (3)—

(a) confirm the notice without variation;

(b) confirm the notice with variation by substituting a longer period; or

(c) cancel the notice.

(5) A provisional development completion notice that is confirmed with or without variation shall, from the date of such confirmation, become a development completion notice and shall take effect from the date of the confirmation.

(6) Permission to develop land to which a provisional development completion notice relates shall, at the expiration of the period specified in such notice, cease to have effect.

(7) The National Planning Authority shall consider any representations made by any person on whom the provisional development completion notice was served and may withdraw the provisional development completion notice at any time before the end of the period specified in such notice for completion of the development.

(8) This section does not apply to permission for any development of land that relates solely to the erection or enlargement of a single-family dwelling.

51. (1) In this section, the steps required to be taken in Enforcement of order to prevent or remedy a breach of planning control planning control include—

- (a) applying for permission to develop land;
- (b) discontinuing unauthorized use or development commenced on the land;
- (c) requiring activity on the land to cease, except to the extent specified in a notice referred to in subsection (2);
- (d) restoring (including re-vegetating) land to its state before the use or development that constitutes the breach of planning control occurred;
- (e) making the development comply with the terms or conditions of any permission to develop land granted in respect of the land, including any condition requiring alteration or partial or total demolition of any building or work;
- (f) removing any unauthorised marks of identification in, on, or over the land which have as their purpose the identification of a boundary in any subdivision that constitutes a breach of planning control;
- (g) removing or alleviating any damage to the land or to the amenities of the area caused by the development, including—
 - (i) carrying out on the land any building or other operations to alleviate the effects of the breach of planning control;
 - (ii) removing any waste deposited in breach of planning control and depositing such waste in an authorised place of deposit; and

- (iii) covering and altering the contours of any waste deposited in breach of planning control; and
- (h) preventing or mitigating damage caused or likely to be caused to the environment or to any plants or animals found in, on, under or about the land on which the development was carried out.

(2) Where the National Planning Authority or a planning authority is satisfied that a breach of planning control has occurred, the National Planning Authority or a planning authority may, within four years of the breach and in addition to any other remedy provided under this Act, cause—

- (a) a compliance notice; or
- (b) where the circumstances described in subsection (6) exist, an immediate compliance order,

to be served specifying steps required to be taken in order to prevent or remedy the breach.

(3) A compliance notice may be served on—

- (a) the owner of land in respect of which a breach of planning control exists;
- (b) a person in occupation, possession or control of the land; and
- (c) any other person engaged in any activity on the land, whether or not such person has an interest in the land.

(4) A compliance notice shall specify—

- (a) the matters alleged to constitute breach of planning control;
- (b) the steps required to be taken in order to prevent or remedy the breach;
- (c) a period of not less than twenty-eight days from the date the notice is served within which the steps referred to in paragraph (b)

are to be taken, and different periods may be specified for different steps; and

(d) any opportunities for the person on whom the notice is served to appeal the notice.

(5) Where a compliance notice is served on a person mentioned in subsection (3)(c), the notice shall be deemed to be served on the owner of the land.

(6) An immediate compliance order may be served where the National Planning Authority or a planning authority has reason to believe that, as of the date of the order—

(a) construction, demolition, or any material change to a building, or any material change in the use of any building or land is occurring or has occurred without or contrary to any permission to develop land under this Act or the former Act;

(b) preparation for any activity referred to in paragraph (a) is occurring or has occurred; or

(c) a breach of planning control exists and, notwithstanding the date when such breach began, the National Planning Authority or planning authority reasonably believes that the breach—

(i) if not immediately stopped or rectified, may constitute a danger or a serious risk of danger to the public or to the life or health of any person; or

(ii) is causing substantial degradation of land subject to development control or surrounding areas or may cause serious risk of substantial degradation of land subject to development control or surrounding areas.

(7) The provisions of subsections (3) and (4) apply *mutatis mutandis* to an immediate compliance order as they apply to a compliance notice, except that a minimum period of twenty-eight days need not be allowed for compliance with terms of an immediate compliance order.

(8) A person on whom an immediate compliance order or a compliance notice is served may appeal to the Environmental Commission from such order or notice in accordance with the provisions of section 90.

(9) An appeal to the Environmental Commission referred to in subsection (8) shall not stay the operation of a compliance notice or an immediate compliance order, but the Environmental Commission may grant such interlocutory relief as it thinks fit pending the determination of the appeal.

(10) A compliance notice or immediate compliance order shall be in the prescribed form.

Withdrawal or modification of compliance notice or immediate compliance order

52. The National Planning Authority or a planning authority may at any time withdraw or modify a compliance notice or immediate compliance order but without prejudice to the power of the National Planning Authority or planning authority to issue a further notice or order in respect of the same breach of planning control.

Supplementary provisions as to enforcement

53. (1) If, within the period specified in a compliance notice, an immediate compliance order or a development repair order or within such extended period as the National Planning Authority or a planning authority may allow, any steps required by such notice or order have not been taken, the National Planning Authority or a planning authority may—

- (a) after obtaining a warrant issued by the Environmental Commission, enter on the land and take the required steps, and may, in proceedings before the Environmental Commission, recover as a debt from the

owner of the land and from any other person who is responsible for the breach of planning control or for the actions resulting in the compliance notice, the immediate compliance order or development repair order, any expenses reasonably incurred by the National Planning Authority or a planning authority through such entry and taking of required steps; or

(b) apply *ex parte* to the Environmental Commission for an order to enforce the compliance notice, the immediate compliance order or the development order and the Environmental Commission may make such order as it thinks fit.

(2) No person who is referred to in subsection (1) or whose predecessor in title was entitled to appeal to the Environmental Commission under section 51(8) but failed to do so shall be entitled, in proceedings under subsection (1) to dispute the validity of the action taken by the National Planning Authority or a planning authority upon any ground that could have been raised in any such appeal.

(3) A debt which may be recovered under subsection (1) shall be a charge on the land.

54. Notwithstanding section 53, where a compliance notice or an immediate compliance order has been served on any person and, within the period specified in the compliance notice or immediate compliance order or within such extended period as the National Planning Authority or the planning authority may allow, any steps required by the compliance notice or immediate compliance order to be taken have not been taken, that person commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and six months imprisonment, and in the case of a

Offences against
compliance notices
and immediate
compliance orders

continuing offence, to a further fine of ten thousand dollars for each day after the first day during which such offence continues.

Effect of
unauthorised attempt
to subdivide

55. Notwithstanding any other law, any conveyance, transfer, agreement, vesting order or transfer of land by will, gift, plan of survey, lease for a term of more than three years (including any period contemplated by any option or right of renewal), mortgage, or any other instrument that purports to subdivide land shall not constitute a subdivision of the land unless permission to develop land by so subdividing it is obtained.

Authorised
subdivision may be
continued
notwithstanding
expiry of permission

56. When permission to develop land has been granted for the subdivision of land and a plan of subdivision has been registered in accordance with such permission, land that is shown as the whole of a lot or block on that plan of subdivision may be lawfully conveyed, notwithstanding that the permission to develop land upon which the plan was based has expired.

Development repair
order

57. (1) Notwithstanding any other provision of this Act, where a development hazard exists (and whether or not the National Planning Authority or a planning authority has caused a compliance notice or immediate compliance order to be issued), the National Planning Authority or a planning authority may at any time issue an order (hereinafter referred to as a “development repair order”) directed to any of the following persons:

- (a) the owner of the land;
- (b) a person appearing to be in occupation, possession or control of the land; and
- (c) any other person carrying on activities on the land which, in the opinion of the National Planning Authority or the planning authority, constitute a development hazard, whether or not the person has any interest in the land.

(2) A copy of the development repair order may be provided to any mortgagee or other person having an interest in the land.

(3) Notwithstanding the provisions of any other written law, order, permit, approval or licence, and without prejudice to any power of the National Planning Authority or a planning authority under section 51, the National Planning Authority or a planning authority may in a development repair order require that the person to whom the order is directed, immediately or within a specified period—

(a) comply with the terms of any relevant permission to develop land; and

(b) do everything practicable or take such action as is specified in the order (whether on land subject to development or surrounding areas) in respect of the prevention, elimination or amelioration of the development hazard and restoration of the land or surrounding areas including—

(i) ceasing or causing the cessation of any development or activity or use of the land or any part of it;

(ii) removing any waste deposited without permission and disposing of such waste in an authorised place of disposal; and

(iii) removing any fill or restoring the contours of land that have been altered.

(4) The National Planning Authority or a planning authority may, in writing, amend or revoke a development repair order.

(5) The National Planning Authority or a planning authority is not required to provide opportunity to any person to make representations before making a development repair order.

(6) Where a development repair order is served on a person referred to in subsection (1)(b) or (c), the order shall be deemed to have been served on the owner.

(7) Notwithstanding section 53, where a development repair order has been served on any person and, within the period specified in the development repair order or within such extended period as the National Planning Authority or the planning authority may allow, any steps required by the development repair order to be taken have not been taken, that person commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for six months and in the case of a continuing offence, to a further fine of ten thousand dollars for each day the offence continues.

(8) A person who in good faith and in a reasonable manner, complies or attempts to comply with a development repair order and takes or refrains from taking any action as required by the order shall not be convicted of an offence in respect of the action so undertaken or refrained from.

(9) Any person on whom a development repair order is served may appeal to the Environmental Commission against such order in accordance with the provisions of section 90.

(10) An appeal to the Environmental Commission pursuant to subsection (9) shall not stay the operation of a development repair order, but the Environmental Commission may grant such interlocutory relief as it thinks fit pending the determination of the appeal.

Continuing efficacy of
compliance notice

58. (1) Compliance with a compliance notice, an immediate compliance order, or a development repair order does not discharge such notice or order.

(2) After compliance with a compliance notice or immediate compliance order or development repair order has been achieved, any person who has notice of the notice or order and acts or permits any action contrary to its terms commits an offence and is liable on

summary conviction to a fine of one hundred thousand dollars and to six months imprisonment and, in the case of a continuing offence, to a further fine of ten thousand dollars for each day the offence continues.

59. (1) Where it appears to the National Planning Authority or a planning authority that the use of land should be discontinued, or that any conditions should be imposed on the continuance of any use of land, in the interest of proper planning of an area (including the interest of the environment, public health, safety or the abatement of nuisance) having regard to the development plan and to other material considerations, the National Planning Authority or a planning authority may issue an order (hereinafter referred to as “a discontinuance order”) requiring the discontinuance of such use, or imposing such conditions on its continuance.

(2) A discontinuance order may grant permission for development of the land to which the order relates, subject to any conditions specified in the order, and the provisions of section 49 shall apply in relation to permission granted by a discontinuance order as they apply in relation to permission granted on an application made pursuant to section 32.

(3) A discontinuance order shall take effect only upon confirmation by the Minister without or subject to such modifications as he considers expedient.

(4) When the National Planning Authority or a planning authority submits a discontinuance order to the Minister for confirmation under this section, the National Planning Authority or a planning authority shall serve notice on the owner and occupier of the land to which the order relates, and on any other person who, in their opinion, will be affected by the order; and if within the period specified in the order (not being less than twenty-eight days after service of the order) any person so served requests in writing, the Minister, before confirming the order, shall afford to that person an opportunity of appearing before, and being heard by a person appointed by the Minister for that purpose.

(5) Where a discontinuance order is confirmed by the Minister—

- (a) the National Planning Authority or a planning authority shall serve a copy of the order on the owner and occupier of the land to which the order relates and on any other person who will be affected by the order; and
- (b) the person may, within six months after he was served with the order, submit to the National Planning Authority or the planning authority issuing the order a claim for compensation in respect of—
 - (i) depreciation in the value of his interest in the land;
 - (ii) disturbance of his enjoyment of the land; and
 - (iii) expenses reasonably incurred by him in complying with the order,

insofar as the order relates to discontinuance of any lawful use or activity.

(6) Compensation payable under this section shall, in default of determination by agreement, be determined by the Environmental Commission on an application made by any party and upon proof to the satisfaction of the Environmental Commission that compensation is payable under this section.

(7) Nothing in this section affects the right of the State to compulsorily acquire land under the Land Acquisition Act.

Protection of trees

60. (1) Where—

- (a) the National Planning Authority is of the opinion; or
- (b) a representation has been made to the National Planning Authority by a planning authority or by a body of persons within the meaning of subsection (13),

that a tree or woodland should, in the interests of amenity or the proper development or conservation of land, be preserved, the National Planning Authority may make and serve on the owner and occupier of the land an interim tree preservation order.

(2) An interim tree preservation order shall—

- (a) identify the tree or woodland to which it relates;
- (b) describe the effects of the interim tree preservation order and the date on which it comes into effect; and
- (c) invite the owner, occupier and any other person with an interest in the land on which the tree or woodland is situated to make representations to the National Planning Authority within twenty-one days of the service of the interim tree preservation order.

(3) Where an interim tree preservation order has been made in respect of a tree or woodland, and for so long as it continues in force, no cutting down, topping, lopping, digging up or wilful destruction of the tree or woodland to which the interim tree preservation order applies shall be carried out without the permission of the National Planning Authority.

(4) An interim tree preservation order shall remain in force for a period of forty-two days and, unless renewed, shall expire at the end of that period.

(5) On or before the end of the period of forty-two days referred to in subsection (4), the National Planning Authority may renew an interim tree preservation order for one further period not extending forty-two days.

(6) After considering any representations made under subsection (2)(c), the National Planning Authority may confirm, with or without amendment, or cancel the interim tree preservation order.

(7) An interim tree preservation order shall cease to be in force from the date of cancellation thereof.

(8) An interim tree preservation order shall, from the date of its confirmation, with or without amendment, become a tree preservation order.

(9) A tree preservation order shall be served on the owner and occupier of the land on which the tree or woodland is located, and shall—

- (a) specify the tree or woodland to which it relates;
- (b) state the effects of the order and when it comes into effect; and
- (c) inform the owner and occupier of the opportunities for making an appeal against the order.

(10) Where an appeal is made against a tree preservation order, such order shall remain in full force and effect notwithstanding the making of the appeal.

(11) The provisions of subsection (3) apply to a tree preservation order.

(12) No interim tree preservation order or tree preservation order made under this section applies to the cutting, topping or lopping of trees that are dying or dead or have become dangerous, or the cutting, topping or lopping of any trees in compliance with any obligation imposed by, or under any written law or, so far as may be necessary, for the prevention or abatement of a nuisance.

(13) In subsection (1), “a body of persons” means a body of persons, regardless of whether it is incorporated or not, which in the opinion of the National Planning Authority is knowledgeable about and interested in environmental matters.

PART VI

LAND DEVELOPMENT AND BUILDING CODES AND PERMITS

61. (1) The Minister may make regulations providing ^{Building regulations} for a building code for Trinidad and Tobago consisting of such engineering, design and public health standards applicable to the construction of buildings as appear desirable for the structural and fire safety of buildings and the safety, health and general welfare of persons within or in the vicinity of buildings.

(2) Except as provided in subsection (3)(a), the building regulations shall govern any new construction of buildings and new additions to buildings, but shall not be applied to existing buildings or parts of buildings at the time of renovations or alterations, provided that no such renovation or alteration results in any existing part of an existing building being further out of compliance with the building regulations than was the case before the alteration or renovation was undertaken.

(3) The Minister may make regulations providing for—

- (a) codes of retrofit standards designed to provide acceptable levels of sanitation and safety from the dangers of fire or other hazards for any class of existing building, which standards may require alterations or renovations to be made to such buildings in order to achieve compliance, and may prescribe periods within which buildings of any class are required to be brought into conformity to such standards;
- (b) administrative procedures for securing approvals and timely provision of utility services, and infrastructure in relation to the subdivision of land;
- (c) codes, standards and practices in relation to infrastructure and engineering works specifying acceptable design criteria for the development of land, including—
 - (i) site preparation;

- (ii) building construction; or
- (iii) landscaping and re-vegetation,
with the aim of conserving, maintaining or
establishing soil, vegetation cover and
desirable hydrological regimes; and
- (d) such other codes as may be required for
safety.

(4) Regulations under this section may adopt by reference with necessary changes, any code, standard or practice set by any appropriate association or body.

(5) For the purposes of this Part, “alteration” includes, in relation to a building or structure, a change which may affect its structural or safety properties or its character, or a material change to its external appearance.

Inspectors

62. (1) A planning authority may, with the approval of the National Planning Authority authorise in writing a suitably qualified officer of the planning authority to exercise the functions of an inspector under this Part, with respect to a specified area within the jurisdiction of that planning authority.

(2) The Chief Building Officer shall approve the procedure for issuing and the method for authenticating any permit, notice, or other instrument issued by an inspector.

(3) The exercise of the functions of an inspector under this Part shall be subject to a review by the Chief Building Officer under section 70.

(4) The authority granted under subsection (1) to any inspector shall be revocable in writing by the planning authority and reasons shall be given for the revocation.

(5) Where an inspector is authorised to perform the functions of a planning authority within the jurisdiction, the inspector shall, not later than three days after he has decided on any application for a

building permit, provide a copy of his decision to the planning authority or to such committee of the planning authority as the planning authority, by resolution, appoints.

(6) The decision of any inspector on an application referred to in subsection (5) shall stand automatically confirmed twenty-one days after it was provided to the planning authority unless, prior thereto, the planning authority or its designated committee—

- (a) makes written objection to the inspector's decision stating reasons why the decision does not comply with any building requirements or other applicable law; and
- (b) provides the inspector with a copy of such objection.

(7) Where a planning authority or its designated committee objects in writing to any decision of an inspector, the decision, the objection and reasons for it shall be referred to the Chief Building Officer for review under section 70.

63. (1) No person shall construct, demolish or cause any building to be constructed or demolished, without first obtaining a permit from the relevant planning authority. Building and demolition permits required

(2) No person shall develop land or construct or cause a building to be constructed, except in accordance with the plans, specifications, documents and any other information on the basis of which a permit was issued or any change thereto was authorised.

(3) No person shall make a material change or cause a material change to be made to a plan, specification, document or other information on the basis of which a permit was issued without first filing details of such change and obtaining authorisation for it from a planning authority.

64. (1) On an application to a planning authority for a permit, the permit shall be granted except where— Conditions governing issuance and revocation of permits

- (a) the construction or demolition is not in accordance with the terms and conditions of any permission for the development of land

or the building regulations, or would contravene any other written law;

(b) the application for the permit is incomplete; or

(c) any fees due are unpaid.

(2) Where a planning authority issues a permit, it shall return to the applicant one set of the plans, specifications, surveys and other documents filed with the application for the permit, clearly marked with particulars of the permit issued, and the applicant shall at all times keep copies of all such documents and other prescribed records at the construction or demolition site, as the case may be.

(3) A planning authority may revoke a permit where—

(a) the permit was issued on the basis of materially false or incorrect information;

(b) two years after the issue of any permit, the construction or demolition to which the permit relates has not, in the opinion of the planning authority, begun; or

(c) such construction or demolition is, in the opinion of the planning authority, substantially suspended or discontinued for a period of more than one year.

(4) Nothing in subsection (3) prevents a reapplication and the issue of a new permit following any revocation under subsection (3), if the conditions stated in subsection (1) are satisfied.

Occupancy certificate

65. (1) Upon the completion of any building or other development in substantial compliance with the terms of a permit, and upon payment of any prescribed fee, an inspector shall forthwith issue an occupancy certificate.

(2) No person shall occupy a new building or permit any new building to be occupied unless and until an occupancy certificate has been issued.

(3) Where part of a building undergoing construction can be occupied without endangering public safety, an inspector may issue a temporary certificate of occupancy for such part, before all work authorised by the building permit has been completed.

(4) A temporary certificate of occupancy shall—

- (a) contain such terms and conditions, and be subject to such limitations as the inspector considers appropriate; and
- (b) except where some other period is expressly specified, be valid for ninety days from its date of issue and may be renewed.

(5) It shall be lawful to occupy any part of a building in respect of which a temporary certificate of occupancy has been issued, provided that such occupancy complies with the terms of the temporary certificate of occupancy issued under subsection (4).

66. (1) Where any person has contravened any provision of this Part or of the building regulations, an inspector may issue a written notice to the person requiring compliance with such provision and may require that any work be brought into compliance with such provision forthwith or within such time as the inspector specifies in the notice.

Securing compliance
with the building
regulations

(2) A notice issued under this section shall contain sufficient information to identify the nature of the contravention and its location in the building or in the construction.

(3) Where an inspector issues a notice under this section, a copy thereof may be affixed to the site of the construction or demolition, and the copy shall not be removed except when authorised by the inspector or Chief Building Officer.

(4) Where a notice issued by an inspector under this section is not complied with within any period therein specified, the Chief Building Officer may order that all or any part of the construction or demolition, as the case may be, shall cease, and such order shall be served on the persons contravening the provisions of this Part or the building regulations and such other

persons affected, as the Chief Building Officer specifies, and a copy of the order shall be posted at the site of the construction or demolition and shall not be removed except when authorized by the inspector or the Chief Building Officer.

(5) Where an order to cease construction or demolition is made by the Chief Building Officer under subsection (4), no person shall perform any act in aid of the construction or demolition of the building or other structure, other than such work as is necessary to secure compliance with the notice issued by the inspector under subsection (1).

Order not to cover,
enclose or to uncover

67. (1) An inspector or the Chief Building Officer may issue an order prohibiting the covering or enclosing of any part of a building or other work pending inspection, and where any such order is issued, inspection shall be made within a reasonable time which shall in no event exceed two weeks after the person to whom the order is issued gives notice that the part of the building or other work is ready for inspection.

(2) Where an inspector has reason to believe that any part of a building or other work has not been constructed in compliance with this Part, and such part of the building or other work has been covered or enclosed contrary to an order made by an inspector or the Chief Building Officer under subsection (1), the inspector may order any person responsible for the construction to uncover the work at his own expense for the purpose of inspection.

(3) The provisions of subsections (3), (4) and (5) of section 66 apply with suitable modifications to an order made under this section as they apply to a notice issued under section 66.

Powers respecting
unsafe buildings

68. (1) Subject to section 69, an inspector may, at any time during normal working hours, or while work is in progress, or whenever an imminent threat to safety occurs (whether to human life, property or the environment) enter premises without a warrant for the purpose of inspecting any land, building, work or operation to determine whether such land, building, work or operation is unsafe.

(2) When an inspector finds that any land, building, work or operation is unsafe, he may serve upon the owner and any person apparently in possession of the land or building, or in control of the work or operation, a written order specifying reasons why it is unsafe and measures the inspector requires to be taken in order to render it safe, and the order may require that such measures be carried out within such time as the order specifies.

(3) When an order made under subsection (2) is not complied with within the period specified or, if no time is specified, within a reasonable time—

(a) the Chief Building Officer may, by order, prohibit the use or occupancy of the land or building or the continuation of the work or operation and the order shall be served on the owner, every person apparently in possession of the land or building or in control of the work or operation, and such other persons as the Chief Building Officer determines may be affected by the order; and

(b) a copy of an order under paragraph (a) shall be posted on the land or building or be prominently displayed at the site of the work or operation, and the copy shall not be removed except when authorised by the inspector or Chief Building Officer.

(4) Where an order under subsection (2) or (3) is made in relation to a building and the Chief Building Officer considers it necessary for the safety of the public, the Chief Building Officer may cause the building to be renovated, repaired or demolished for the purpose of removing the unsafe condition or may take such other action as he considers necessary for the protection of the public, and the cost of the renovation, repair, demolition or other action may be recovered from the owner of the building and constitutes a charge against the land in priority to any other secured interest, except rates and taxes payable in respect of the land and building.

Powers of inspector

69. (1) For the purposes of an inspection under section 68, an inspector may—

- (a) require that drawings or specifications of any land or building, or work or operation or any part thereof, including any drawings prescribed by regulations, be produced for inspection and may require information from any person concerning any matter relating to land, building, work or operation or part thereof;
- (b) inspect and make copies or extracts of documents relevant to the land, building, work or operation or part thereof;
- (c) be accompanied by any person who has special or expert knowledge of any matter in relation to the building or part thereof;
- (d) alone or in conjunction with a person possessing special or expert knowledge, make such examinations, tests and inquiries or take such samples or photographs as are proper for the purposes of the inspection; or
- (e) order any person responsible for the construction of the building to supply at his own expense such tests and samples as are specified in the order.

(2) Where an inspector takes any sample pursuant to subsection (1)(d), a copy of any report on the sample shall be provided to the owner or any person apparently in possession of the land or building or in control of the work or operation.

(3) An inspector shall not enter any building or part thereof in actual use as a dwelling without the consent of the occupier, except under the authority of a warrant issued under subsection (4).

(4) If a Magistrate is satisfied by information on oath that there is reasonable ground for believing that—

- (a) any building or part thereof referred to in subsection (3) presents an imminent threat to safety; or
- (b) that any work performed or any condition existing in such building or part thereof contravenes the provisions of this Part or the building regulations,

he may issue a warrant to any inspector named therein.

(5) A warrant issued under subsection (4) shall authorise the inspector named therein to enter the building or part thereof at any time of any day within one month from the date thereof, accompanied by a constable and assistants to inspect the building or part thereof, and exercise any of the powers conferred by subsection (1) respecting the building or part thereof.

(6) An inspector authorised under subsection (5) to enter any building or part thereof shall, if so required, produce evidence of his authority before so entering and shall not enter the building or part thereof unless twenty-four hours notice of the intended entry has been given to the occupier.

70. The Chief Building Officer may—

Review by Chief
Building Officer

- (a) review, amend, rescind or confirm any permit, notice, order or decision issued by an inspector; and
- (b) exercise any of the powers and perform any of the duties of an inspector under this Part on such review.

71. (1) Where there is a dispute with respect to the technical requirements of any building regulations, or as to whether there has been sufficient compliance with such requirements between the Chief Building Officer and—

Reviews respecting
building regulations
and permit matters

- (a) any applicant for or holder of a permit; or

- (b) any person to whom an order is issued under sections 66 to 69,

any party to the dispute may apply to the National Planning Authority for its decisions.

(2) The National Planning Authority may determine an application brought under subsection (1) on the basis of written submissions alone, but shall, on the request in writing by any party to the dispute, provide an opportunity for the parties to make oral representations.

Waiver

72. (1) Subject to subsection (2), an application under section 71, or any request to the Chief Building Officer to review any permit, notice, order or decision under section 70, does not affect a requirement to comply with the permit, notice, order or decision, unless the National Planning Authority or the Chief Building Officer waives the requirement.

(2) No waiver shall be granted under subsection (1) if the waiver may, in the opinion of the National Planning Authority or the Chief Building Officer, result in—

- (a) danger to the health or safety of any person;
- (b) injury, damage or serious risk of injury or damage to property or to plant or animal life; or
- (c) impairment or serious risk of impairment of the quality of the environment.

PART VII

LISTING OF PROFESSIONALS

Interpretation of words used in Part VII

73. For purposes of this Part—

“agency” means any Ministry, planning authority, agency or official required to give an approval for, or whose advice may affect the authorisation, commencement, implementation, completion or certification of any development of land;

“approval” means any approval, certificate, permit or licence required to be issued under this Act or under any other written law of general application, without which any development of land that is permitted under Part V, cannot lawfully commence or proceed or be completed or used;

“approval submission” means an application for an approval together with such plans, drawings, surveys, maps, diagrams and other information and such fees as any agency may require in order to issue approval;

“listed professional” means a registered professional named in a list furnished to the National Planning Authority in accordance with section 79;

“mandatory requirement” means the requirement for any approval but does not include matters within the discretion of an agency;

“registered professional” means—

(a) an architect, registered under the Architecture Profession Act, Chap. 90:02 established under the Board of Architecture;

(b) an engineer, registered under the Engineering Profession Act; Chap. 90:01

(c) a land surveyor, registered under the Land Surveyors Act; Chap. 58:04

(d) an urban and regional planner, registered under the Urban and Regional Planning Profession Act; or

- (e) a member of such other profession as may be prescribed;

“professional certificate” means a certificate referred to in section 83(4), whereby a registered professional certifies that he—

- (a) is listed pursuant to section 79 with the National Planning Authority and continues to be qualified for such listing;
- (b) has discharged the obligations imposed by section 78 in respect of the approval submission;
- (c) has personally examined the approval submission; and
- (d) the approval submission complies with all mandatory requirements for approval;

“professional governing body” means in relation to—

- (a) architects, the Board of Architecture established under the Architecture Profession Act;
- (b) engineers, the Board of Engineering established under the Engineering Profession Act;
- (c) land surveyors, the Land Surveyor Board of Trinidad and Tobago established under the Land Surveyor Act;
- (d) urban and regional planners, established under the Urban and Regional Planning Profession Act, or
- (e) any other profession, such regulating body as may be prescribed;

“simple development application” means an application for—

- (a) billboards or advertising signs;
- (b) outline or final planning permission not requiring a Certificate of Environmental Clearance;
- (c) change of use, residential or building developments or any additions thereto where the cumulative floor area with addition(s) (if any), does not exceed a gross floor area of 500m²;
- (d) land subdivisions including engineering operations comprising less than twenty plots, provided that each plot falls within the range of 465m² and 800m² inclusive; and
- (e) engineering operations as are prescribed.

74. (1) Except for simple development applications, all applications for approval submissions shall be— Restrictions on submission of complex applications

- (a) prepared and submitted to the relevant planning authority by a registered professional; and
- (b) stamped with the name and address of the listed or registered professional referred to in paragraph (a) and signed by him.

(2) Documents, designs, calculations and like material submitted in support of approval submissions shall be stamped with the name and address of, and signed by, listed or registered professional responsible for preparing such material.

75. A professional governing body shall establish, in relation to the profession it regulates, minimum levels of professional competence required for the preparation Minimum levels of professional competence to be set

of such categories of approval submissions as may be appropriate, so as to ensure that approval submissions meet such standards as the National Planning Authority may determine.

Fixing quantum of bond for listed professionals

76. The National Planning Authority may, after consulting with any relevant professional organisation, by Order, fix the minimum amount of any performance bond or other financial guarantee required to be provided in respect of professional certification of approval submissions by a listed professional for all or any categories of applications recognized for the purposes of section 75.

Professional organisations to grant certificate of competence

77. (1) A professional governing body shall, upon the application of any member of the profession it regulates, determine whether the applicant satisfies the minimum levels of professional competence established under section 75 and issue or withhold certificates of competence accordingly.

(2) A professional governing body shall give to the National Planning Authority written notice of—

- (a) the name and address of any person to whom a certificate of competence has been issued; and
- (b) particulars of the certificate of competence issued including any limitations or restrictions to which such certificate is subject.

(3) A certificate of competence issued by a professional governing body shall state whether the person to whom it is issued is competent to certify whether any approval submission provided in respect of a proposed development satisfies the mandatory requirement of an agency.

Continuing obligations of listed professionals

78. A listed professional shall—

- (a) file and maintain with the National Planning Authority proof of financial responsibility as evidenced by the posting of

a performance bond, or the provision of other financial guarantees acceptable to the National Planning Authority, in an amount sufficient to satisfy his obligations under this Part or in such amount as may be prescribed;

- (b) keep himself informed, on an ongoing basis and for so long as he is listed, with respect to mandatory requirements; and
- (c) consult with the relevant agency and its staff, and bear in mind the views of the agency in all circumstances where, to the knowledge of the listed professional, any question arises regarding whether the mandatory requirements are satisfied.

79. (1) A professional governing body shall, not later than 1st March in each year, cause an up-to-date list to be prepared showing—

- (a) the name and address of every member of the profession it regulates, who is the holder of a certificate of competence granted by such professional governing body, and certifying that the member is competent to certify whether the approval submission satisfies the mandatory requirements of an agency; and
- (b) the categories of applications for approval to which the certificate applies, and any limitations or restrictions to which the certificate is subject.

(2) The secretary of each professional governing body shall send a copy of the list referred to in subsection (1) to the National Planning Authority and cause the list to be published in the *Gazette* and at least two daily newspapers in circulation in Trinidad and Tobago.

(3) The secretary of each professional governing body shall—

- (a) notify the National Planning Authority of all additions or deletions required to be made to the list referred to in subsection (1) forthwith; and
- (b) cause notice of any addition to, or deletion from the list referred to in subsection (1), to be published in the *Gazette* and at least two daily newspapers in circulation in Trinidad and Tobago, within one month of—
 - (i) the granting of any certificate of competence; or
 - (ii) the noting in any record of the professional governing body of any termination of the status of a listed professional pursuant to section 81.

Register of listed professionals

80. The National Planning Authority shall maintain a comprehensive register of all listed professionals showing the nature and category of applications for which each listed professional was granted a certificate of competence as well as limitations or restrictions to which such certificate is subject.

Termination of listing

81. All rights, privileges or benefits granted a listed professional under this Part are terminated upon—

- (a) the death of the listed professional, or his retirement from the profession, or his ceasing to be a member in good standing or a licensee of the professional governing body which caused his name to be listed with the National Planning Authority;
- (b) a written request from the listed professional to the professional governing body that his name be removed from the list furnished to the National Planning Authority pursuant to section 79;

- (c) a decision of the professional governing body referred to in paragraph (a), after notice and final hearing, that the listed professional has ceased to be qualified to be listed with the National Planning Authority by reason of—
- (i) his lack of knowledge or inability to work with prescribed mandatory requirements; or
 - (ii) his failure to honour any obligation imposed by section 78; or
- (d) the lapse, cancellation or other impairment of any professional liability insurance coverage notified to the National Planning Authority, or other financial guarantee provided pursuant to section 78 for the purpose of guaranteeing due performance of the obligations of the listed professional in accordance with this Part,

and the professional governing body shall immediately notify the National Planning Authority of any such termination.

82. (1) Where—

Removal from list
upon complaint

- (a) a listed professional fails—
- (i) to comply with any prescribed mandatory requirement; or
 - (ii) to honour any obligation imposed by section 78; or
- (b) any other proper cause exists,

and the National Planning Authority considers it appropriate to terminate the approval submission privileges accorded under section 83 to the listed professional, the National Planning Authority shall by

written complaint, copied to the listed professional, request the relevant professional governing body to remove the name of the listed professional from the list mentioned in section 79 or from such part of the list as relates to some specified category of approval submissions.

(2) The professional governing body shall require the listed professional to show cause why his name should not be so removed and may institute appropriate investigations and convene a hearing in accordance with its disciplinary procedures.

(3) If, after hearing, it is determined that the complaint of the National Planning Authority is justified and the listed professional shows no sufficient reason for deciding otherwise, the professional governing body shall direct that the name of the listed professional be removed from the list referred to in section 79.

Expedition of
circulation of
applications

83. (1) The National Planning Authority may permit a listed professional to undertake distribution of the approval submission to concerned agencies.

(2) Where a listed professional assumes responsibility for distribution of any approval submission pursuant to subsection (1), he shall submit all plans and documentation to such agencies, in the manner prescribed in section 74.

(3) Each set of every approval submission submitted to each agency shall have attached thereto a signed professional certificate of the listed professional.

(4) A professional certificate issued pursuant to this Part shall be in the form set out in the Third Schedule.

Third Schedule

(5) The National Planning Authority may—

(a) undertake the circulation of approval submissions referred to in subsection (1) in lieu of permitting the listed professional to

do so;

- (b) require the applicant to submit an approval submission in such electronically readable form as the National Planning Authority may specify; and
- (c) circulate approval submissions by electronic means.

84. The National Planning Authority may rely on the professional certificate of a listed professional and, where all discretionary requirements associated with any approval submission have been satisfied, may, as the National Planning Authority considers proper, issue either preliminary or final approval of the approval submission on the basis of such professional certificate.

Reliance on professional certificate

85. (1) Where permission to develop land or to construct any building has been granted under Part V and, thirty days after submission of all approval submissions, expert technical review of such submissions has not been completed, the National Planning Authority may, in its discretion, issue a building permit in reliance on the professional certificate of a listed professional.

Issuing of building permits in reliance of professional certificate

(2) A building permit issued under subsection (1), shall show that the building permit is issued in reliance on the professional certificate of the listed professional.

86. (1) Nothing in section 85 diminishes the authority of the National Planning Authority to require that plans or specifications submitted on any application conform to mandatory standards, or removes any requirement for final approval of any related work to be evidenced by issuance of an occupancy certificate under section 65 or by such other approval document as may be prescribed.

Effect of permit issued under section 86

(2) Notwithstanding that any work was performed in accordance with the terms of a building permit issued under section 85, the National Planning Authority may take all steps necessary to ensure that—

- (a) plans and specifications filed in connection with the related approval submission are revised or amended so that they conform to prescribed mandatory standards and with any discretionary requirements associated with the approval submission and, thereafter, the National Planning Authority's approval of such plans and specifications shall be signified in writing; and
- (b) any work that was performed in reliance on such building permit and does not comply with any mandatory standard is altered and made to conform to the approved plans at the cost of the listed professional.

Special building
permits issued under
secure arrangements

87. (1) Where permission to develop land has been granted under Part V, and the applicant is unwilling or unable to satisfy any requirement specified in writing and applies to the National Planning Authority, the National Planning Authority may require the applicant to—

- (a) provide a report on the matter in question prepared (at the applicant's expense) by any professional approved by the National Planning Authority; and
- (b) furnish a bond or other financial security satisfactory to the National Planning Authority as assurance that the matter will be resolved to the National Planning Authority's satisfaction,

and, upon such security having been furnished, the National Planning Authority may issue a building permit.

(2) Notwithstanding any other written law, a permit issued under subsection (1), confers full legal authority to carry out the development in accordance

with the plans, specifications and conditions specified in the permit.

Statements
supporting occupancy
certificates

88. For the purpose of issuing an occupancy certificate or other document signifying its approval of any work, the National Planning Authority may rely on the written statement of a listed professional regarding the adequacy of such work and its conformity to the plans and specifications approved for it.

PART VIII

PLANNING AND DEVELOPMENT APPEAL

89. (1) The Environmental Commission shall exercise jurisdiction over appeals from decisions made by the National Planning Authority under this Act and all appeals shall, subject to this Part, be filed, heard and determined in accordance with Part VIII of the Environmental Management Act.

Appeals to the
Environmental
Commission

(2) An appeal to the Environmental Commission shall be instituted by filing with the Registrar of the Environmental Commission a notice of appeal and serving a copy thereof on the person or body that made the order, notice or decision objected to, and such notice shall indicate—

- (a) the portion of the order, notice or decision in respect of which the hearing is requested;
- (b) the specific grounds on which the applicant intends to rely; and
- (c) the facts on which the appeal is based.

(3) Any applicant for permission to develop land or for permission to retain or continue any unauthorised development or use of land or any person entitled, pursuant to the provisions of section 33(1)(a), to be notified of any such application is entitled to appeal, within twenty-eight days of the date on which notice of

the decision objected to was delivered or served, respecting—

- (a) any condition subject to which permission to develop land or to retain or continue unauthorised development or use of land has been granted; or
- (b) any refusal of permission to develop land, or outline development approval, or permission to retain or continue any unauthorised development or use of land,

and the Environmental Commission, in making its decision, shall take into account those matters referred to in section 35.

(4) Any owner or occupier of land, or any other persons with a financial interest in the land is entitled to appeal within twenty-eight days of the date on which the order or notice objected to was delivered or served, respecting—

- (a) any order to revoke or modify any permission to develop land, including the modification of any condition to which such permission is subject; and
- (b) any development completion notice,

on the grounds that the order to revoke or modify the permission to develop land or the development completion notice should not, on planning grounds, have been made, or that the time provided for completion was unreasonable in the circumstances, as the case may be.

(5) The Environmental Commission shall, in respect of every appeal, decide whether objection of an appellant to an order, notice or decision shall be—

- (a) allowed in whole or in part and the decision reversed, varied or withdrawn; or
- (b) rejected and the decision confirmed.

(6) Costs awarded by the Environmental Commission against the National Planning Authority shall be a charge on the Consolidated Fund.

90. (1) Subject to the provisions of this Part, any person who is aggrieved by—

(a) a development repair order, a compliance notice, an immediate compliance order, or a tree preservation order;

(b) any other order made by a planning authority, the Chief Building Officer or an inspector,

may appeal to the Environmental Commission.

(2) An appeal under this section shall be made within twenty-eight days of the service of the order or notice.

(3) Any appeal under subsection (1)(a) may be based on one or more of the following grounds:

(a) that factual matters are not as alleged or implied in the order or notice;

(b) that the matters alleged in the order or notice do not constitute breach of planning control; and

(c) that on planning grounds—

(i) the steps required to be taken by the order or notice exceed what is reasonably required to remedy any breach of planning control; or

(ii) the period specified for effecting compliance with the order or notice falls short of what should reasonably be allowed.

(4) The Environmental Commission shall decide whether the order or notice under appeal should be confirmed, altered or revoked.

(5) An appeal under this section shall not stay the operation of a development repair order, but the Environmental Commission may grant such interlocutory relief as it thinks fit pending the determination of the appeal.

Manner of hearing
appeal

91. (1) The Environmental Commission may extend the period during which a person is permitted to give notice of appeal, where, in the opinion of the Environmental Commission, it is just to do so because service of the order, notice, decision or other determination, as the case may be, on the person (through no fault of the person) did not in the circumstances give the person actual notice of such order, notice, decision or other determination, or on any other ground that appears just.

(2) Any defect, informality or error in any order, notice, decision or other determination may be corrected if the correction can be made without substantial injustice to the appellant, and where an appellant alleges any such defect, informality or error, the Environmental Commission shall note the allegation and determine whether to make such correction.

(3) The procedures of the Environmental Commission may be informal and where an appeal has been made to the Environmental Commission, the Environmental Commission may—

- (a) require the appellant to provide, at the expense of the appellant, notice of the appeal to persons owning or occupying lands in the vicinity of the land to which the appeal relates by publication in at least two daily newspapers in circulation in Trinidad and Tobago or in any other manner;
- (b) allow any person interested in the matter which is the subject of the appeal, including but not limited to any owner or occupier of

neighbouring land, to give evidence before the Environmental Commission makes any decision; and

- (c) inquire into any matter and receive any complaint as the Environmental Commission in its discretion deems appropriate, but nothing in this section shall prevent the Environmental Commission from conducting a hearing on any matter, as it sees fit.

(4) On the hearing of an appeal by the Environmental Commission, except with leave of the Environmental Commission, an appellant is not entitled to challenge any portion of the order, notice, decision or other determination appealed against nor to rely on any ground not stated in the notice of appeal.

(5) The filing of a notice of appeal shall not stay the carrying out of the provisions of a development repair order or immediate compliance order or any requirement specified in any other order, notice, decision or other determination, or any requirement that the development of land cease, but, subject to subsection (8), the Environmental Commission may order a stay upon appropriate terms.

(6) In the case of a stay granted on the grounds set out in section 90(3)(a), the hearing of the appeal may be adjourned until the disposition of an application under section 46 to retain or continue unauthorised development or use of land.

(7) Notwithstanding subsection (6), no stay may be granted by the Environmental Commission in respect of an immediate compliance order or a development repair order, or any other order, notice, decision or other determination if such stay might result in—

- (a) danger to the health or safety of any person;

- (b) impairment or serious risk of impairment to the quality of the environment for any use that can be made of it; or
- (c) injury, damage or serious risk of injury or damage to any property or to plant or animal life.

Compensation for
immediate
compliance order or
compliance notice

92. (1) The Environmental Commission may order the payment of compensation as it thinks fit to any appellant who has been successful or partially successful in an appeal against an immediate compliance order, a compliance notice or a development repair order.

(2) In considering whether compensation ought to be paid, the Environmental Commission shall determine whether—

- (a) any development hazard existed or was reasonably believed to exist at the time that a development repair order was issued;
- (b) the requirements stated in a development repair order exceeded what was reasonably necessary to prevent or limit the development hazard or restore the environment;
- (c) reasonable grounds existed for the issue of the compliance notice or immediate compliance order; or
- (d) the requirements stated in the compliance notice or immediate compliance order were reasonable, having regard to the provisions of this Act prescribing the circumstances in which any such order or notice may be issued.

(3) Where the Environmental Commission determines that—

- (a) no development hazard existed or could reasonably have been believed to exist at the time the development repair order was issued;
- (b) the requirements of the development repair order exceeded what was reasonably necessary to prevent or limit the development hazard or to restore the environment; or
- (c) there were no reasonable grounds for the issue of the compliance notice or immediate compliance order or, having regard for the provisions of this Act prescribing the circumstances in which any such order may be issued and the facts found by the Environmental Commission on the requirements stated therein were unreasonable,

the Environmental Commission may decide whether compensation should be paid to the applicant and the extent of any such compensation.

(4) Notwithstanding subsection (3), compensation shall not be awarded by the Environmental Commission where, in the opinion of the Environmental Commission, the issue of the development repair order or immediate compliance order and the measures required thereby were reasonable on the basis of the information available to the National Planning Authority at the time, regardless of whether subsequent information and events might have led the National Planning Authority to a contrary conclusion.

Costs or benefits
considered in
awarding
compensation to the
appellant

93. In assessing the amount of any compensation, the Environmental Commission shall have regard to—

- (a) the measures and costs that the applicant or the applicant's successors may reasonably be expected to take or incur during the development for the purposes of complying with planning controls or preventing or eliminating any development hazard for future inhabitants of the development or the vicinity of the development; and
- (b) any benefits or savings in costs which may accrue to the applicant or the applicant's successors as a result of any measures actually undertaken, without regard to whether the requirement for such measures is found by the Environmental Commission to have been justified.

National Planning
Authority to report
on trends

94. (1) The National Planning Authority shall, in the context of appeals of planning decisions, take note of any trends or recurring situations, and, at least once a year, the National Planning Authority shall report to the Minister thereon and on the volume and progress of its work, and in such report the National Planning Authority may recommend the review and modification of any development plan or policy, as it sees fit.

(2) The Minister shall lay the report in Parliament as soon as practicable after the receipt of the report from the National Planning Authority under subsection (1).

PART IX

OFFENCES AND PENALTIES

Offences

95. (1) Any person who—

- (a) assaults, molests, resists, obstructs, threatens, intimidates, hinders or

- interferes with any officer or other person acting under the authority of this Act;
- (b) uses obscene, indecent or profane language to the annoyance of any officer or other person acting under the authority of this Act;
- (c) wilfully destroys or defaces—
- (i) any official notice or any notice displayed pursuant to this Act (including any device or structure for the purpose of exhibiting the notice) on, or attached to, any building or other land; or
 - (ii) any document, permit, drawing, plan, survey, map or other record required under this Act to be maintained;
- (d) wilfully and without lawful excuse refuses to produce any document, permit, drawing, plan, survey, map or other record required to be maintained under this Act when required to be produced by any officer or other person acting under the authority of this Act;
- (e) in any application, statement, return of information, or notice submitted pursuant to the provisions of this Act, knowingly supplies false information, or information that is incomplete in any material particular so as to be misleading;
- (f) intentionally or recklessly fails to display or maintain any notice required to be displayed or maintained in accordance with this Act;

- (g) fails to comply with the provisions of any compliance notice or immediate compliance order or causes or permits any contravention of such order or notice to occur or continue;
- (h) fails to comply with the provisions of any development repair order or causes or permits a contravention of the order to occur or continue;
- (i) fails to comply with any order made by the Chief Building Officer or an inspector under Part VI; or
- (j) contravenes any provision of this Act for breach of which no other penalty is prescribed,

commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for six months, and any director or officer of a corporation who knowingly concurs in the commission of the offence by such corporation also commits the offence and is liable to the same penalties.

Bribery

96. (1) Any person who by offer of any gratuity, bribe, promise or other inducement, prevents or influences, or attempts to prevent or influence, the due performance of the duty of any officer or other person acting under the authority of this Act commits an offence and is liable on conviction on indictment to a fine of two hundred and fifty thousand dollars and to imprisonment for five years.

(2) An officer or other person acting under the authority of this Act who corruptly accepts or obtains, or agrees to accept or attempts to obtain, any gratuity, bribe, reward, consideration or advantage as an inducement or reward for doing or forbearing to do anything in respect of the performance of his duties

under this Act commits an offence and is liable on conviction on indictment to a fine of two hundred and fifty thousand dollars and to imprisonment for five years.

(3) Where any offence under this Act is a continuing offence, except as is otherwise specified, any person who commits the offence is liable on conviction to the fine prescribed for that offence for each day or part of a day on which the offence occurs or continues.

97. (1) Any proceedings for a summary offence against this Act shall be commenced not more than one year ^{Commencement of proceedings} after the later of—

- (a) the day on which the offence was committed; or
- (b) the day on which evidence of the offence first came to the attention of the National Planning Authority, any planning authority, the Director of Planning, or the Chief Building Officer.

(2) Nothing in this section prevents the National Planning Authority or any planning authority from proceeding at any time—

- (a) to secure compliance under section 51(6)(c); or
- (b) to remove or abate a development hazard under section 57.

98. In any prosecution for an offence under this Act, a ^{Evidence} copy of any decision, order, direction, notice or other document purporting to have been made under this Act and purporting to have been signed by the person authorised by this Act to issue such decision, order, direction, notice or other document shall be received into evidence without proof of the signature or

authority of the person by whom it is purportedly signed, subject to any evidence to the contrary.

PART X

SUPPLEMENTAL

Powers of entry

99. (1) Any person duly authorised in writing by the Minister or the National Planning Authority, and any inspector or the Chief Building Officer exercising powers under section 67 or 70 may, at any reasonable time, enter upon any land for the purpose of inspecting or surveying such land or estimating its value, in connection with—

- (a) preparation, approval or amendment of a development plan including the preparation of any survey under Part IV;
- (b) application under Part V for any permission, consent or determination to be given or made in relation to that land or any other land to which Part V applies;
- (c) proposal by the Minister, the National Planning Authority, or a planning authority to make or serve any notice or order under Part V;
- (d) any claim for compensation payable under this Act; or
- (e) requirement for acquisition of land under this Act,

and may require any documents relevant to the application to the National Planning Authority or a planning authority.

(2) A person authorized under this section to enter upon any land shall, before so entering, produce evidence of his authority, if required, and shall not demand admission to any land that is occupied unless

forty-eight hours advanced written notice of the intended entry has been given to the occupier.

(3) Any person who wilfully obstructs a person acting in the exercise of the powers conferred by this section is liable on summary conviction to a fine of ten thousand dollars.

(4) Any person who in compliance with the provisions of this section enters a factory, workshop or work place and subsequently discloses to any person any confidential information respecting any manufacturing process or trade secret thereby obtained, commits an offence and is liable on summary conviction to a fine of twenty thousand dollars or to imprisonment for a term of three months, unless the disclosure is made in the course of performing a duty connected with such entry.

(5) Where any land is damaged in the exercise of a power of entry conferred by this section, or in the making of any survey for the purpose of which any such power of entry has been conferred, compensation in respect of that damage may be recovered from the State under the State Liability and Proceedings Act.

Chap. 8:01

(6) Any power to survey land conferred by this section includes the power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals.

(7) No person shall perform any works specified in subsection (6) unless notice of intention to do so was included in the notice required by subsection (2).

100. Subject to this section, any order, notice or other document required or authorised to be served, given or delivered under this Act may be served, given or delivered—

Service of notice

- (a) by personally delivering it to the person on, or to whom it is to be served, given or delivered;
- (b) by leaving it at the usual or last known place of abode of that person, or, in a case in which an address for service has been furnished by that person, at that address;
- (c) by sending it by prepaid registered post addressed to the person at that person's usual or last known place of abode, or, in a case in which an address for service has been furnished by the person, at that address;
- (d) in the case of a body corporate, by delivering it to the secretary or clerk of the body corporate at the registered or principal office of the body corporate, or by sending it by prepaid registered post addressed to the secretary or clerk of the body corporate at that office; or
- (e) by a facsimile transmission or data message that provides confirmation of receipt.

Service of notice
where person cannot
be found

101. (1) Where the order, notice or document is required or authorised to be served on any person having an interest in land or premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the order, notice or document is required or authorised to be served on any person who is an occupier of premises, the order, notice or document shall be deemed to be duly served if—

- (a) it is addressed to the person either by name or by the description “the owner of” or “the occupier of” or “any person having an interest in”, as the case may be, of the land

or premises, which land or premises shall be described, and it is delivered or sent in the manner prescribed by section 100(a), (b) or (c); or

(b) it is addressed to the person as specified in paragraph (a), and it is affixed conspicuously to some object on the land or premises.

(2) In any case where an order has been served, a notice has been given, or any document has been delivered by means other than personal delivery, notwithstanding any other written law, it shall be deemed to have been served, given, or delivered seven days after it was left, mailed or affixed, as the case may be, or if it was sent by facsimile, on the day after it was so sent.

102. Where any person is subject to penalties for failure to do or delay in doing anything specified in any order, notice or document, and the order was served, the notice was given or the document was delivered by means other than personal delivery, in any proceedings to recover the penalty from that person, the person may offer evidence with respect to the date or time when the order, notice or document actually came into his possession or, if it never came into his possession, the time when actual notice of such requirement was received by him is admissible by the Court in such proceedings.

Evidence of the date or time of receipt of order, notice or document

103. (1) For the purpose of making or serving any order, notice or other document authorised or required to be served by this Act, the Minister, the National Planning Authority, or a planning authority may require the occupier of any land or premises or any person who either directly or indirectly receives rent in respect of such premises, to state in writing within fourteen days—

Authority to demand information

(a) the nature of his interest in the land or premises, and the name and address of any

other person known to him as having an interest therein whether as owner of freehold interest, mortgagee, lessee or otherwise; and

- (b) the nature of any activities conducted on the land or premises, the date when the activities commenced, and whether permission to develop land was granted in respect of such activities.

(2) Any person who, having been required under this section to give any information, fails, without lawful excuse, to give such information, or gives information which he knows or ought reasonably to know is false, commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Inspection of documents

104. (1) For the purpose of carrying out any functions required or permitted to be performed under this Act, the Minister, the National Planning Authority, or a planning authority may, at any reasonable time subject to subsection (2), inspect any document, plan or other record relating to any land (including adjacent and contiguous land) and make copies of such document, plan or other record.

(2) The Minister, the National Planning Authority or a planning authority shall give not less than seven days notice in writing to the person in possession of the document, plan or other record, of the intended inspection and shall, so far as practicable, specify in the notice the nature and purpose of the inspection.

(3) Any person who was given notice pursuant to subsection (2), and, without reasonable cause, fails to produce for inspection any document, plan or other record specified in the notice, commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

105. (1) The Minister may make grants to any local organization or body that appears to him to be actively engaged in encouraging citizens of Trinidad and Tobago to understand and value, or to take active steps to protect and conserve the built and natural environment, for the purpose of assisting such organization or body in its work or in the provision of programmes referred to in subclause (3)(e) of the Second Schedule.

(2) The Minister shall, as a condition of making any grant under subsection (1), require the organization or body which is to receive the grant to—

- (a) prepare a proposal and a budget to show how the organization or body intends to spend the grant; and
- (b) submit accounts at the end of the year in which the grant was made and annually thereafter, showing how the grant was spent.

(3) Where an organization or body in receipt of a grant subject to the conditions specified in subsection (2) fails to comply with those conditions, the Minister may require the organization or body to repay the grant in whole or in part.

106. (1) A planning authority shall establish and maintain a register of all compliance notices, immediate compliance orders, development repair orders, discontinuance orders and tree preservation orders issued by it and shall forward a copy of any such notice or order to the National Planning Authority.

(2) The National Planning Authority shall establish and maintain a register of all compliance notices, immediate compliance orders, development repair orders, discontinuance orders and tree preservation orders issued under this Act.

Power to make
regulations

107. (1) The Minister may make regulations for any purpose for which regulations are authorised or required to be made under this Act and, in particular with respect to—

- (a) the form, size and contents of any notice, order or other documents authorised or required by this Act to be made, issued, served or displayed;
- (b) the preparation and content of development plans;
- (c) the making of applications for permission to develop land and outline applications, including the materials to be submitted with such applications and the fees payable in relation thereto;
- (d) activities that may be carried on in areas of special interest;
- (e) the subdivision and reparation of land;
- (f) outdoor advertising;
- (g) payment of a fee and prescribing the amount of the fee with respect to any action required or authorised under this Act;
- (h) the facts and circumstances which constitute a material change of use within the meaning of section 35(2);
- (i) immediate compliance orders, compliance notices and development repair orders;
- (j) activities which can constitute engineering operations;
- (k) any document, permit, drawing, plan, survey, map or other record used for any

purpose under this Act to be maintained by any person in possession thereof for such period as may be specified;

- (l) procedures to be followed for the development control committee;
- (m) prescribing the time-frame for determining applications for the development of land;
- (n) a coastal zone policy, a national spatial data infrastructure and a land information system;
- (o) the hearing of any representations or objections under this Act; and
- (p) any other matter required to be prescribed under this Act.

(2) Any Regulation made under this Act may provide for the imposition of a fine of up to one million dollars for the contravention of the provision of the Regulations.

(3) Regulations made under this Act shall be subject to negative resolution of Parliament.

108. (1) Where the circumstances set out in section 51(6) exist or the National Planning Authority or any planning authority is of the opinion that it is appropriate in lieu of, or in addition to issuing an immediate compliance order, the National Planning Authority or planning authority, as the case may be, may, on application to the Environmental Commission, obtain an *ex parte* restraining order or other temporary or permanent injunctive or equitable relief to remedy or prevent any breach or further breach of planning control.

(2) Where a development hazard exists or may occur, or the National Planning Authority is of the

opinion that it is proper, in addition to, or instead of issuing a development repair order, the National Planning Authority may, on application to the Environmental Commission, obtain an *ex parte* restraining order or other temporary or permanent injunctive or other equitable relief to prevent any activity by any person in order to avert or ameliorate any development hazard or restore the environment.

Application of Act to land regulated by written laws

109. For the removal of doubt, it is hereby declared that this Act and any restrictions or powers hereby imposed or conferred in relation to land, apply and may be exercised in relation to any land notwithstanding that provision for authorising or regulating any development of the land is made by any written law in force at the time this Act comes into operation.

Consequential amendments Fourth Schedule

110. The written laws mentioned in the First Column of the Fourth Schedule are amended in the manner indicated in the Second Column thereof.

Savings re: applications for certain approvals

111. Where outline planning permission was granted or is deemed to have been granted under the former Act, it shall, unless such outline planning permission provides otherwise, be deemed to have been granted subject to the condition that application for approval of any matter reserved for subsequent approval shall be made not later than the end of one year from the commencement of this Act.

Repeal and savings Chap. 35:01

112. (1) The Town and Country Planning Act is hereby repealed.

(2) Notwithstanding subsection (1), on the coming into force of this section, the Town and Country Planning (Chaguaramas) Development Order made under the former Act shall, *mutatis mutandis*, continue in force and may be amended or repealed under section 31.

(3) Notwithstanding subsection (1), on the commencement of this section, legal proceedings instituted by, or against the State under the former Act shall be continued and concluded by the State as if this Act had not come into force.

113. This Act binds the State.

Act to bind the State

FIRST SCHEDULE

(Section 6)

THE NATIONAL PLANNING AUTHORITY

1. (1) The National Planning Authority shall consist of the following members appointed by the President:

Membership of
National Planning
Authority

- (a) a Chairman, who shall have at least ten years' experience in any built environment profession; and
- (b) ten other members selected from designated disciplines, groups or bodies as follows:
 - (i) one person representing non-governmental, not-for-profit community-based organizations;
 - (ii) one person representing design-related professional interests and the development industry;
 - (iii) one person nominated by the Trinidad and Tobago Society of Planners;
 - (iv) one person representing the professional discipline of socio-economic planning;
 - (v) two persons representing sectoral interests, such as manufacturing, tourism, transportation, energy or agriculture;
 - (vi) one person representing the natural environment;
 - (vii) one person representing the built heritage;

(viii) one person representing the Tobago House of Assembly; and

(ix) one Attorney-at-law of at least five years' standing and with experience in land law.

(2) The following persons shall be *ex officio* members of the National Planning Authority:

(a) the Commissioner of State Lands;

(b) the Director of Planning;

(c) the Director of Highways in the Ministry with responsibility for works;

(d) the Conservator of Forests in the Ministry with responsibility for forests;

(e) a representative of the Ministry with responsibility for local government; and

(f) the Chief Executive Officer of the Environmental Management Authority.

(3) The President shall appoint a member of the National Planning Authority not being an *ex officio* member to be Vice-Chairman.

(4) Subject to the provisions of this Act, a member of the National Planning Authority shall be appointed for a term not exceeding three years and shall be eligible for reappointment.

Alternate members

2. (1) The President may appoint, in respect of each member of the National Planning Authority, an alternate who shall be qualified for appointment in the same manner as the member to whom he is alternate; and a person so appointed as an alternate, while acting in the absence of the member, shall be deemed to be a member of the National Planning Authority and shall enjoy all the powers, rights and privileges and be subject to the duties of the member to whom he is alternate.

(2) In the event of the absence or inability to act of both the Chairman and Vice-Chairman, or both another member and his alternate, the President may appoint any person to act in the place of the Chairman or other member as long as such absence or inability continues.

3. (1) Whenever the National Planning Authority has under Temporary members consideration a local area plan or scheme wholly or partly within the area of a municipal planning authority, the National Planning Authority shall notify the planning authority of the date of the meeting at which such scheme will be considered by the National Planning Authority and thereupon, the municipal planning authority shall have the right to delegate two of their members to attend that meeting for the purpose of considering such scheme and, to that extent, such delegates shall be members of the National Planning Authority with the right of deliberating and voting in the same manner as any other member, but such delegates shall not count to form a quorum.

(2) The National Planning Authority may co-opt one or more persons to attend any particular meeting of the National Planning Authority to assist or advise the National Planning Authority, but no such co-opted person shall have any right to vote.

4. (1) Any member of the National Planning Authority, an Termination of membership *ex officio* member may at any time resign his office by instrument in writing, addressed to the secretary of the National Planning Authority, who shall forthwith forward the same to the Minister and, from the date of the receipt by the secretary of such instrument, such member shall cease to be a member of the National Planning Authority and the vacancy caused by such resignation shall be filled by the President by the appointment of another person.

(2) The President may remove a member of the National Planning Authority, other than an *ex officio* member, from office where that member—

- (a) behaves in such a way as is likely to bring the National Planning Authority into disrepute;
- (b) fails, without reasonable excuse, to carry out any of his duties in a responsible or timely manner;
- (c) is unable by reason of physical or mental incapacity to perform his duties or is otherwise unable or unfit to perform his duties; or
- (d) becomes bankrupt or compounds with his creditors.

(3) The appointment, removal or resignation of any member of the National Planning Authority shall be published in the *Gazette*.

Execution and service
of documents

5. (1) The seal of the National Planning Authority may be affixed in the presence of its Chairman or, in the absence of the Chairman, may be affixed before the Vice-Chairman and Corporate Secretary.

(2) All documents (other than those required by law to be made under seal) may be made by, and all decisions of the National Planning Authority may be signified under the hand of the Chairman or, in the absence of the Chairman, the Vice-Chairman and Corporate Secretary.

(3) Service upon the National Planning Authority of any notice, order or other document shall be effected by delivering the same, or by sending it by registered post addressed to the Corporate Secretary at the office of the National Planning Authority.

Meetings and
procedure

6. (1) The National Planning Authority shall meet at least once a month and as often as may be necessary or expedient for the transaction of its business and at such times and places as the National Planning Authority may determine.

(2) A member of the National Planning Authority shall be given at least one week's notice of a meeting under subclause (1).

(3) An extraordinary meeting shall be summoned by the secretary of the National Planning Authority within fourteen days of a requisition for that purpose addressed to him by any three members of the National Planning Authority.

(4) A requisition under subclause (3) shall be in writing and no business other than that specified in the requisition shall be transacted at the extraordinary meeting except by leave of the National Planning Authority.

(5) The Chairman shall preside at all meetings of the National Planning Authority at which he is present, and in his absence, the Vice-Chairman shall preside.

(6) In case of the temporary absence of both the Chairman and Vice-Chairman, the members present and constituting a quorum shall elect a chairman of the meeting from among their number.

(7) The Chairman, Vice-Chairman and other members of the National Planning Authority shall be paid such remuneration and allowances as the President may determine.

(8) At any meeting of the National Planning Authority, seven members including at least three members who are not *ex officio* members shall form a quorum for the transaction of business.

(9) Any member of the National Planning Authority who has a direct or indirect interest in any matter that is being considered at a meeting of the National Planning Authority, shall declare his interest and be disqualified from taking part in any deliberation or decision with respect to that matter.

(10) Where any member of the National Planning Authority is disqualified from taking part in any deliberation or decision of the National Planning Authority with respect to any matter, the member shall be disregarded for the purpose of constituting the quorum for deliberating on or deciding that matter.

(11) All questions coming or arising before the National Planning Authority, shall be decided by the majority of such members of the National Planning Authority as are present and form a quorum.

(12) In case of an equality of votes, the Chairman of the meeting shall have a second or casting vote.

(13) Minutes of all meetings shall be recorded and kept by the Corporate Secretary and copies of such minutes duly confirmed at a subsequent meeting shall, as soon as practicable thereafter, be forwarded to the Minister.

(14) Subject to the provisions of this Schedule, the National Planning Authority shall have power to regulate its own proceedings.

7. The funds and resources of the National Planning Authority are—
Funds and resources
of the National
Planning Authority

- (a) such sums of money as may from time to time be appropriated by Parliament for the use of the National Planning Authority;

(b) sums borrowed by the National Planning Authority for the purpose of meeting any of its obligations or discharging any of its functions; and

(c) dues, charges and fees collectable by the National Planning Authority in accordance with this Act and the Regulations.

Borrowing powers

8. (1) Subject to subclause (2), the National Planning Authority may borrow money required for the efficient exercise of its functions and for meeting its obligations.

(2) Borrowing may be effected only with the approval of the Minister of Finance as to the amount, the sources of borrowing and the terms and conditions of the loan.

(3) Approval of the Minister of Finance under subclause (2), may be either general or limited to a particular transaction and may be either unconditional or subject to conditions.

Investments

9. Funds of the National Planning Authority which are not immediately required to be expended in meeting any obligations or commitments may be invested in such manner as the Minister of Finance may approve.

Accounts and records of National Planning Authority

10. (1) The National Planning Authority shall cause proper accounts and records of its transactions and affairs to be kept and shall ensure that all payment out of its funds are properly authorised and correctly made and that adequate control is maintained over the incurring of expenditure.

(2) Accounts of the National Planning Authority shall be kept in accordance with accounting standards established by the Institute of Chartered Accountants of Trinidad and Tobago.

Accounts and audit

11. The accounts of the National Planning Authority shall be public accounts for the purposes of section 116 of the Constitution.

Annual Report

12. (1) The National Planning Authority shall, not later than ninety days after the end of a financial year, submit to the Minister a report of their operations during that financial year.

(2) The report under subclause (1) shall give particulars of any directions of the Minister given to the National Planning Authority with respect to the exercise of their functions.

(3) As soon as practicable after the report of the National Planning Authority is received by him, the Minister shall cause it to be laid before Parliament.

13. (1) The National Planning Authority shall, not later than the deadline date stipulated by the Minister of Finance in each year, prepare and submit to the Minister the estimates of revenue and expenditure of the National Planning Authority for the next financial year.

Submission of
estimate date before
deadline

(2) Estimates shall be prepared in such form as the Minister may direct.

14. (1) This clause applies to an officer who, on the coming into force of this clause—

Options available to
public officers

- (a) holds a permanent appointment to; or
- (b) holds a temporary appointment to, and has served at least two continuous years in,

a public office specified in the Fifth Schedule.

(2) A person to whom this clause applies may, within three months of the date of the coming into force of this clause, exercise one of the following options:

- (a) voluntarily retire from the Public Service on terms and conditions agreed between him or his appropriate recognised association and the Chief Personnel Officer;
- (b) transfer to the National Planning Authority with the approval of the Public Service Commission on terms and conditions no less favourable than those enjoyed by him in the Public Service; or
- (c) remain in the Public Service provided that an office commensurate with the office held by him in the Public Service prior to the date of the assent of this Act, is available.

15. (1) The National Planning Authority shall, within five years of the coming into force of clause 14, establish a pension fund plan.

Establishment of
pension fund plan

(2) All employees of the National Planning Authority shall be members of the pension fund plan.

Preservation and
accrual of
superannuation
benefits

16. The superannuation benefits which have accrued to a person who exercises the option under clause 14(2)(b) shall be preserved at the date of his employment by the National Planning Authority, and such person shall continue to accrue superannuation benefits under the Pensions Act up to the date of the establishment of the pension fund plan on the basis of salary applicable to the office which he held immediately prior to his employment by the National Planning Authority under clause 14.

Payment of
superannuation
benefits by the
National Planning
Authority prior to the
establishment of the
pension fund plan

17. (1) Where an employee of the National Planning Authority who exercises the option referred to in clause 14(2)(b), dies or retires prior to the establishment of the pension fund plan, and at the date of death or retirement was in receipt of a salary higher than that referred to in clause 18, the superannuation benefits payable to his estate or him shall be based on the higher salary.

(2) The difference between the superannuation benefits payable on the basis of the higher salary and those payable under the Pensions Act on the basis of the salary referred to in clause 16, shall be paid by the National Planning Authority.

Payment of
superannuation
benefits by pension
fund plan

18. (1) Where an employee of the National Planning Authority who exercises the option referred to in clause 14(2)(b) retires or dies and is a member of the pension fund plan, he shall be paid superannuation benefits by the pension fund plan at the amount which when combined with the superannuation benefits payable under clause 16 is the equivalent to the benefits based on his pensionable service in the Public Service combined with his service in the National Planning Authority and calculated at the pensionable salary applicable to him on the date of his retirement or death.

(2) For the purposes of subclause (1), "pensionable salary" has the meaning given to it by the pension fund plan.

Continuation of
association
representation

19. Subject to clause 20 and any other written law, employees of the National Planning Authority who exercised the option referred to in clause 14(2)(b) shall, for the purpose of collective bargaining, continue to be represented by the relevant representative association that formerly represented them.

Right of employees to
form or join associa-
tions or trade unions

20. Employees of the National Planning Authority may form an association which may be registered as a trade union or may join a trade union.

SECOND SCHEDULE

PART A

(Section 7)

1. For the purposes of section 7(1)(b), the expression “advising on the framing of development policies” includes—

- (a) advising the Minister on the preparation of periodic Land Policy Statements to be laid in Parliament;
- (b) providing advice and assistance to the Minister on policy proposals and legislation affecting the development and utilization of land and land-based resources;
- (c) advising the Minister on the harmonization of policies and the co-ordination of functions of sectoral agencies insofar as those policies or functions may affect land management or land development;
- (d) advising the Minister on the devolution of development control functions to local authorities and assisting in developing the capability of local authorities for the exercise of such functions; and
- (e) advising the Minister on the appointment of planning authorities for the preparation of regional plans, urban plans, and local area plans.

PART B

2. For the purposes of section 7(1)(b), the expression “ensure consistency and continuity in the implementation of policies” includes—

- (a) working with and advising planning authorities and sectoral agencies on development programmes and planning efforts underway in Trinidad and Tobago; and
- (b) coordinating and integrating the functional planning, approval, and plan implementation functions of sectoral agencies exercising authority with respect to physical development, transportation, maintenance of infrastructure and land-resource management and utilization, and developing the information necessary to undertake such sectoral planning.

PART C

3. For the purposes of section 7(1)(f), the expression “ensure compliance of all development with the requirements of the National Spatial Development Strategy, the regulations, standards and practices” includes—

- (a) assisting with the preparation of, or where necessary, preparing such regional and local plans as may be requisite;
- (b) assessing the planning needs of planning authorities and local authorities, providing assistance to meet such needs, and ensuring reasonable coordination between plans adopted in their respective areas;
- (c) consulting with relevant professional associations and, subject to the approval of the Minister and in conjunction with those associations, developing programmes on issues related to education, continued professional training and human resource development for implementing the provisions and achieving the purposes of this Act;
- (d) monitoring the operation of the overall development approval process and reporting thereon to the Minister, analyzing data and publishing findings with respect to the development approval process and making recommendations to the Minister for improving the working of such process;
- (e) establishing and managing programmes of public education and information about the objects and purposes of physical planning and the provisions of this Act and, to that end, publishing information in such manner as appears to the National Planning Authority to be most conducive to meet the purposes of public education and the dissemination of information concerning physical planning and land use and development issues; and
- (f) publishing details of the progress of the National Spatial Development Strategy and any other related information in the print and electronic media and any such publication may be directed to the public at large or to persons particularly interested in planning, development and building in Trinidad and Tobago.

THIRD SCHEDULE

(Section 83)

CERTIFICATE

(Given pursuant to section 83 of the Planning and Facilitation of
Development Act, 2014)

Professional Registration No

Board or Organization

Firm

Address.....

Telephone No.

Project

Location

I hereby certify that the plans and specifications appended here-
to have been prepared by me and/or under my guidance and
supervision and that they are based on nationally accepted practice
and are in accordance with the relevant standards and guidelines
established for the disciplines involved and comply with the
regulations/guidelines of

Codes of Trinidad and Tobago.

I have obtained all required input/advice from such other
professionals, insofar as I consider it necessary for this Project, in
order to complete the drawings and to ensure that all applicable
regulations/building codes and engineering standards have been
adhered to.

I also declare that to the best of my knowledge and belief, there
is no known fact or matter in connection with this Project and the
plans and specifications which could cause final approvals from any
relevant Authority to be withheld/delayed for any reason.

I hereby undertake to submit to the National Physical Planning
Authority all required documentation not later than
thirty (30) days before the commencement of any particular
construction activity and to actively pursue obtaining all final
approvals.

I am answerable and take responsibility for the plans and specifications, and the declaration, and undertakings given above to enable the relevant Approving Agencies to expedite the approval process and to induce any lender to grant to the developer or owner the financing required to facilitate commencement of construction.

In witness whereof, I have hereunder set my hand and seal this
 day of, 20.....

(SEAL)

.....
Signature

FOURTH SCHEDULE

(Section 110)

FIRST COLUMN	SECOND COLUMN
<i>Law to be amended</i>	<i>Amendments to be made</i>
Public Health Ordinance Ch. 12. No. 4	Repeal Parts III and IV except sections 50A to 50D
The Integrity in Public Life Act, Chap 22:01	Insert after item 10 in the Schedule, the following item: “11. The Director of Planning, the Chief Building Officer and the Chief Enforcement Officer of the National Planning Authority.”
The Land Tribunal Act, No. 15 of 2000 The Schedule	Delete items 2 and 4 in the Schedule
The Tobago House of Assembly Act, Chap. 25:03	In item 15 in the Fifth Schedule, delete the words “Town and Country Planning” and substitute the words “Planning and Facilitation of Development.”

FOURTH SCHEDULE—CONTINUED

FIRST COLUMN

Law to be amended

SECOND COLUMN

Amendments to be made

The Municipal
Corporations Act,
Chap. 25:04

- A. In section 149, delete the words “Town and Country Planning” and substitute the words “Planning and Facilitation of Development”.
- B. In section 150(3), delete the words “any Regulations made under section 21 of the Town and Country Planning” and substitute the words “the Planning and Facilitation of Development”.
- C. In section 153(2), delete the words “any applicable Regulations made under section 21 of the Town and Country Planning” and substitute the words “the Planning and Facilitation of Development”.
- D. Repeal sections 158 to 165 and 167.
- E. Repeal section 168 and substitute the following section:
 - “Offence 168. Any person who, in any Municipality contravenes any of the provisions of this Part or of any Regulations made hereunder commits an offence and is, if no penalty is elsewhere prescribed, liable on summary conviction to a fine of one thousand dollars and, in the case of a continuing offence, to a further fine of one hundred dollars for every day during which such offence continues after notice thereof from the Council”.

FOURTH SCHEDULE—CONTINUED

FIRST COLUMN	SECOND COLUMN
<i>Law to be amended</i>	<i>Amendments to be made</i>
The Environmental Management Act, Chap. 35:05	<p>F. Repeal sections 170, 171, 172, 173(2), 175 to 182, 184, 185 and 186.</p> <p>G. Delete the Eighth Schedule.</p> <p>H. In the Ninth Schedule, delete Form B.</p> <p>A. In section 38(1)—</p> <p style="padding-left: 2em;">(a) delete the words “Town and Country Planning” and substitute the words “Planning and Facilitation of Development”;</p> <p style="padding-left: 2em;">(b) delete the words “town and country planning” and substitute the words “urban and regional planning”; and</p> <p style="padding-left: 2em;">(c) delete the words “and any environmental impact assessment which may be required”.</p> <p>B. In section 81, insert after subsection (3), the following subsection:</p> <p style="padding-left: 4em;">“ (3A) Costs awarded by the Commission in respect of matters under this Act or any other written law shall be determined in accordance with the Civil Proceedings Rules, 1998.”.</p> <p>C. In section 82(3), insert after the word “engineering”, the words “urban and regional planning,”.</p>

FIFTH SCHEDULE

[Clause 14(1), First Schedule]

OFFICES IN THE PUBLIC SERVICE ON THE
ESTABLISHMENT OF THE URBAN AND REGIONAL
PLANNING DIVISION**Technical Class**

1. Director, Urban and Regional Planning
2. Assistant Director, Urban and Regional Planning
3. Designs/Planner
4. Town Planner II
5. Town Planner I
6. Town Planning Assistant II
7. Town Planning Assistant I
8. Development Control Supervisor
9. Development Control Supervisor II
10. Development Control Inspector I
11. Illustrator
12. Drawing Office Supervisor
13. Draughtsman III
14. Draughtsman II
15. Draughtsman I
16. Draughtsman Assistant
17. Printing Assistant II
18. Vari-Typist

Professional Class

1. Research Officer II
2. Research Officer I

FIFTH SCHEDULE—CONTINUED

OFFICES IN THE PUBLIC SERVICE ON THE
ESTABLISHMENT OF THE URBAN AND REGIONAL
PLANNING DIVISION**Administrative Class**

1. Administrative Officer II

Clerical Class

1. Clerk IV
2. Clerk III
3. Clerk II
4. Clerk I

Secretarial Class

1. Clerk Stenographer III
2. Clerk Stenographer II
3. Clerk Typist I

Manipulative Class

1. Estate Constable
2. Chauffeur/Messenger
3. Motor Vehicle Driver
4. Messenger I
5. Cleaner I
6. Maid I
7. Office Attendant
8. Vault Attendant

Passed in the Senate this 24th day of June, 2014.

N. ATIBA-DILCHAN

Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say, by the votes of 29 Senators.

N. ATIBA-DILCHAN

Clerk of the Senate

Passed in the House of Representatives this 28th day of July, 2014.

J. SAMPSON-MEIGUEL

Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say, by the votes of 26 members of the House.

J. SAMPSON-MEIGUEL

Clerk of the House