Planning and Mortgages
Town and Country Planning Division

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Town Planner I
INTRODUCTION

Who is Town and Country Planning Division?
“GOOD PLANS SHAPE GOOD DECISIONS. THAT'S WHY GOOD PLANNING HELPS TO MAKE ELUSIVE DREAMS COME TRUE.”

—LESTER ROBERT BITTEL, WRITER
Town and Country Planning Division is the national regulatory agency mandated to fulfil the requirements of the Town and Country Planning Act Chapter 35:01.
The purpose of the Town and Country Planning Division (TCPD) is to ensure the **orderly and progressive development** of land which seeks to create, improve and preserve sustainable use and development of land for future generations.
The expression “development” means the carrying out of building, engineering, mining or other operations in, on, over or under any land, the making of any material change in the use of any buildings or other land, or the subdivision of any land.

- Town and Country Planning Act 1969
WHAT DOES TCPD DO?

Functions of the Town and Country Planning Division
FUNCTIONS OF TCPD
What are we empowered to do by law

1. Facilitate effective coordination between service providers
2. Manage developmental issues
3. Ensure equitable access to space and resources
4. Allocate best use and preserve amenity
5. Promote balance between environmental preservation and development
Developing land use plans and policies

Creating and implementing site development standards

Facilitating development through the approvals process

Managing unauthorized development through enforcement proceedings

Public education and engagement
How Do We Execute our Functions?

Development Planning + Development Control = TCPD System
Development Planning

- Preparation and revision of spatial development plans to guide development of land
- Public education, engagement and consultation
- Implementation of the Division’s projects and programmes
• Evaluate and determine applications for planning permission to develop land.

• Evaluate and determine applications for the display of advertisements

• Enforcement of planning control
Levels of Planning in Trinidad and Tobago

National Framework
Overarching blueprint intended to give a clear strategy of where and how the country is to be developed
- e.g. Vision 2030, National Spatial Development Strategy for Trinidad and Tobago

Regional Development Plans
Progressively detailed instruments for meaningfully disaggregating national development plans
- e.g. Planning Regions Policy Atlas, South West Tobago Development Plan

Local Area Plans
The defined guidance for the actual development of land
- e.g. Port of Spain Land Use Plan, Chaguanas Emerging City, San Fernando Waterfront Development Plan
BEFORE YOU BUY, BUILD, DEVELOP OR RENT

What do you need to know before investing your money or taking a loan
“WE SHAPE OUR BUILDINGS; THEREAFTER THEY SHAPE US.”

—WINSTON CHURCHILL, BRITISH STATESMAN
Why do I need to go to Town and Country Planning Division in the first place?

It is required by law. The TCP Act empowers the Minister to regulate all forms of development* within Trinidad and Tobago. Therefore, almost anything you do on your property requires TCPD Approval.

*“The carrying out of building, engineering, mining or other operations in, on, over or under any land, the making of any material change in the use of any buildings or other land, or the subdivision of any land.” - Chapter 35:01, Section 8
When is Planning Permission Required?

Planning permission must be obtained PRIOR TO commencing any form of development.
When don’t I need to get permission from the TCPD?

When development is not being undertaken, an application is **NOT** required. This includes:

- Any structure or use existing prior to 1972.
- Renovation does not affect the façade, square footage/ cubic content, or use of the structure.
- When a new use falls within the same ‘use– class’ category.
When should I go to the TCPD?

You should go to the TCPD **before** you:

- Purchase a property
- Subdivide (cut up) land
- Build a new house/building
- Renovate an existing house/building
- Make an addition to an existing building
- Change the use of a building/property
- Excavate, mine or extract resources
- Carry out any engineering works
Can I check if a property has Planning Permission before purchasing?

**YES**, members of the public can verify the property they intend to purchase through a Status of Land submission.

A Status of Land Letter is a formal correspondence from the Division for a specified site, stating:

- Confirmation of the permitted land use via the mapped policy
- Confirmation of the bona fide of plot (i.e. the plot was created by a TCPD final planning permission or existed prior to 1972 as evidenced by survey plan and deed).
- Site planning history
- Possible permitted development based on permitted land use and planning history
Q & A

What do I need to bring to the TCPD?

What you bring depends on what you need to do*.

- Status of Land, Stamp Duty, Liquor Licence
- Outline Applications (conditional valid for 1 year)
  - Gives guidelines for how you can develop your land
  - Deed, survey, location sketch
  - TCP III form
- Full/ Final Applications (approvals in perpetuity)
  - Requires floor plans and structural drawings
  - TCP I form

*For more information, you can call or come in to any one of our Regional Offices.
What types of proposals for planning permission do I submit?

1. **New Building**

   Erection of new structures including buildings, walls, fences etc.

2. **Addition to existing structure**

   Increasing the capacity or size of a facility to serve needs different from, or significantly greater than, those originally intended. Increase in the “footprint” of the structure.
What types of proposals for planning permission do I submit?

3. Alteration

Work done to an existing structure such as replacing the roof which may result in changes to the design of the roof or height of the building. Other types of alterations may include changes to the façade of a building.

4. Subdivision of land

“Subdivision” in relation to land means the division of any land into two or more parts whether the subdivision is for the purpose of sale, gift, lease, or any other purpose.
What types of proposals for planning permission do I submit?

5. Engineering operations

Engineering operations include the building of roads and the laying out of means of access to highways, the construction of drains, the laying down of water mains and sewers and the erection of retaining walls. The cutting of land, bulldozing, removal of topsoil and other earthworks also involve engineering or other operations.
6. Change of use

The Town and Country Planning Act Chapter 35: 01 classifies uses of land and buildings into various categories known as 'Use Classes'. It is generally the case that you will need planning permission to change from one use class to another, although there are exceptions where the legislation does allow some changes between uses. For example, you would like to open a restaurant where alcoholic beverages can be served. The use before was for a retail store. Both uses are Trade/Commercial but you will need planning permission to change from the use of a Store/Shop to a Restaurant.
How is an application evaluated and determined?

Your application decision will be based on the following:

- Bonafide of site
- Land use policy
- Topography
- Infrastructure and services
- Site development standards
- Cross references and planning history
- Impact
Land use is the scientific, aesthetic, and orderly disposition of land, resources, facilities and services with a view to securing the physical, economic and social efficiency, health and well-being of communities. The land use categories utilized are:

- Residential (single family or multi-family)
- Agricultural (forestry, food crops etc.)
- Commercial (office, retail, restaurant etc.)
- Industrial (light or heavy)
- Institutional (community centres, schools, churches etc.)
- Recreational (playgrounds, open spaces)
- Conservation

**What is land use?**

Land use is the scientific, aesthetic, and orderly disposition of land, resources, facilities and services with a view to securing the physical, economic and social efficiency, health and well-being of communities. The land use categories utilized are:

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- Agricultural (forestry, food crops etc.)
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- Conservation
What happens after I submit an application?

**N.B.** This is an approximate processing time for simple applications.
Why does it take so long to process an application?

Your application may require additional information or be referred to other agencies for advice. Some of them include:

- Highways Division
- Chief Designs Engineer
- Environmental Management Authority
- Fire Services Division
- Municipal / City Corporations
- Occupational Safety & Health Authority and Agency
- Drainage Division
- Commissioner of State Lands
Q & A

N.B. The grant of **final** planning permission initiates the building approval process...you must meet the conditions of your approval prior to commencing any work.

**What happen to my application after a decision is made?**

**Approval**

- **Outline:** your letter of approval is valid for one (1) year.
- **Full:** your approved application is forwarded to the relevant Municipal Corporation.
  - Follow up with the Regional Corporation two (2) weeks after receiving the decision
  - You must get a provisional permit from The Corporation prior to starting work.
  - Upon completion of all work, the Corporation does an inspection to ensure work was complete to the approved plans.
  - After a successful inspection, the Corporation will issue a Completion Certificate

N.B. The grant of **final** planning permission initiates the building approval process...you must meet the conditions of your approval prior to commencing any work.
What happen to my application after a decision is made?

Refusal

- Your recourse after being issued a refusal for your proposal is multi-faceted and depends on the reason for refusal. You can come in and discuss the refusal with the planner for clarification.

- You can resubmit plans which conform to the conditions stipulated in the reasons for refusal.

- You can appeal to the Advisory Town Planning Panel (ATPP)
How do I appeal an unfavourable decision or conditions?

- Applicants are afforded a second opportunity to have their applications heard by referring their refusal matter to the Advisory Town Planning panel (ATPP).
- The ATPP conducts site visits and after interviewing all relevant parties, make recommendations to the Minister.
- If a decision is made in favour of the proposal i.e. Ministerial Relief is granted, the applicant will then resubmit the proposal to TCPD along with the Ministerial Letter.
What happens if I have built without planning permission?

Unauthorized development initiates the enforcement process

- Development without planning permission is subject to enforcement action on the owner or occupier within 4 years of the development being carried out.
- Enforcement Notice is served stipulating the offence and restorative measures. Notice may require demolition, alteration or discontinuance of use.
- Owner/occupier can apply to the Minister to retain the building or continue the unauthorized use.
- If and when it is determined in a Court of Law an offence is committed the owner is liable on summary conviction to a fine.
How do I apply to retain an unauthorized building and/or continue an unauthorized use?

An application for retention is required when a structure/building/use exists without planning approvals.

- TCPD will review the as built drawings and determine whether use can be approved in the context of the Land Use Policy AND conformance to site development standards.
- The usual procedure of forwarding the approved plans to the relevant Regional Corporation and any other relevant agencies for approval will persist.
- There is no guarantee approval will be granted retroactively by the relevant authorities.
Is it a problem to purchase land without Town & Country final approval?

**YES**, land subdivided without Town and Country Planning Division’s final planning permission is considered unauthorized development.

- All TCPD final planning permissions are conditional on the consent of the Municipal Corporation in keeping with the Municipal Corporations Act of 1990 (25:04).

- Under the Public Health Ordinance of 1940 (12:04), Sections 36 to 38, it is unlawful for land to be laid out into building lots and for building to be constructed without first obtaining written permission from the Corporation; it is unlawful for any person to lay out into building lots except done in accordance with the plan that has been approved and signed by the Corporation; it is unlawful for building lots to be sold, rented, or used until the streets abutting same have been cleared, formed, round ridges and drained by the owner.
What happens if I have purchased property in an unauthorized subdivision?

A buyer is at their own risk when they negligently purchase property/land without ensuring the vendor has adhered to all the necessary requirements of the law: a grant of final planning permission AND final approvals from the Municipal Corporation (Tobago House of Assembly for Tobago).
What happens if my building varies from the approved planning permission?

You have nullified your planning permission and must submit a new application for planning permission.

It is vital to exercise due diligence in overseeing the implementation of granted development as per the approved plans and conditions of your planning permission.
What if I need help figuring out what to do?

Please free to come into our offices any Wednesday between 8:30am and 3:30am.

We offer pre-application discussion and support prior to your submission.

All services of the Town and Country Planning Division are FREE of charge.
4

TAKE AWAYS

What you should remember from this session
“BEFORE BEGINNING, PLAN CAREFULLY.”

—MARCUS TULIUS CICERO, ROMAN STATESMAN
Financial institutions will not mortgage properties that do not have planning permission.

It is illegal to assist persons breaking the law through the funding of activities that permit unauthorized development.

Almost all development types require planning permission.

Avoid breaking the law by asking us if you are unsure.

Planning permission regulates land use, not ownership.

Land ownership is registered at the Ministry of Legal Affairs under the Real Property Ordinance (RPO) – Certificates of Title or Common Law – Deeds and Leases.

Land development by law is regulated by the Minister of Planning and the TCPD.
“MAKE NO LITTLE PLANS; THEY HAVE NO MAGIC TO STIR MEN'S BLOOD AND PROBABLY THEMSELVES WILL NOT BE REALIZED. MAKE BIG PLANS; **AIM HIGH IN HOPE AND WORK**, REMEMBERING THAT A NOBLE, LOGICAL DIAGRAM ONCE RECORDED WILL NEVER DIE, BUT LONG AFTER WE ARE GONE WILL BE A LIVING THING, ASSERTING ITSELF WITH EVER-GROWING INSISTENCY.”

——DANIEL H. BURNHAM, ARCHITECT
We make more progress and achieve better financial outcomes when we plan.

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<thead>
<tr>
<th>To meet expected change</th>
<th>To produce desired change</th>
<th>To prevent undesirable change</th>
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<tbody>
<tr>
<td>Adding additional rooms for your children</td>
<td>Renovating your house to be more energy efficient</td>
<td>Mitigating flooding by maintaining permanent grassed areas</td>
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<tr>
<td>Creating a suite for an aging parent</td>
<td>Better infrastructure for more integrated communities</td>
<td>Allay nuisance due to incompatible uses by enforcing land use policy</td>
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<tr>
<td>Renting space for a business</td>
<td>Preserving agricultural lands for food security</td>
<td>Preserve public safety and public good through adherence to the law</td>
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CONTACT US

Where are we located
Town and Country Planning Division

Ministry of Planning and Development

www.planning.gov.tt

South Regional Office
Palm's Club, Point-a-Pierre Road, San Fernando
Tel: 653-8666

East Regional Office
Level 2, Tunapuna Administrative Complex
Eastern Main Road, Tunapuna
Tel: 663-2726

Head Office and North Regional Office
Eric Williams Finance Building, Independence Square, Port of Spain
Tel: 612-3000

Tobago Regional Office
Works Building, Castries Street
Scarborough
Tel: 639-2663
A HUNDRED YEARS AFTER WE ARE GONE AND FORGOTTEN, THOSE WHO NEVER HEARD OF US WILL BE LIVING WITH THE RESULTS OF OUR ACTIONS.

—OLIVER WENDELL HOMES, U.S. SUPREME COURT JUSTICE
PRESENTATION CREDITS

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