



**MINISTRY OF PLANNING AND DEVELOPMENT
OFFICE OF THE PERMANENT SECRETARY**

Level 14, Eric Williams Financial Building, Independence Square, Port-of-Spain, Trinidad and Tobago, WI
Tel: 612 3000 ext. 2016/1329 Fax: 623 8123.

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March 4th, 2020

Ms. Jacqui Sampson-Meiguel
Clerk of the House
Office of the Parliament
Parliamentary Complex
Cabildo Building
St. Vincent Street
Port of Spain

Dear Ms. Sampson-Meiguel

The Twentieth Report of the Public Administration and Appropriations Committee on the Examination into the approval process for land use in Trinidad and Tobago

Reference is made to your letter Parl.: 5/6/4 dated December 13, 2019 and our telephone conversation on February 04, 2020 on the captioned subject.

Please find attached the Ministry of Planning and Development's responses relating to the recommendations of the Public Administration and Appropriations Committee (PAAC) contained in The Twentieth Report of the PAAC on an Examination into the approval process for land use in Trinidad and Tobago.

I apologize for the delay in responding and regret any inconvenience.

Yours respectfully


**Permanent Secretary
Ministry of Planning and Development**

Enc.

**Ministerial response to recommendations/comments contained in
The Twentieth Report of the Public Administration and Appropriations
Committee on the Examination into the approval process for land use in
Trinidad and Tobago**

SECTION 3: ISSUES, OBSERVATIONS AND RECOMMENDATIONS

ISSUES:

1. Granting of Planning Permission (Page 11)

(i) Recommendation:

The TCPD should submit a status report to Parliament on the approval of the remaining applications for OPP and FPP by February 28, 2020.

Response:

A status report on the approval of applications for the remaining Outline Planning Permission (OPP) and Final Planning Permission (FPP) for the periods October 2017 to September 2018, and October 2018 to March 2019 is attached at **Appendix I**.

The Public Administration and Appropriations Committee (PAAC) is asked to note that regarding OPP on page 10, paragraph two (2) of the Report, an application for FPP can be submitted without the applicant first submitting and receiving OPP, since an application for OPP is not mandatory.

(ii) Recommendation:

The TCPD should submit to Parliament a status update on the implementation of the digitized application system for OPP and FPP by February 28, 2020.

Response:

During December 2019 and January 2020, the TCPD conducted Train the Trainer sessions in preparation for the Pilot. This session was designed as a training strategy where the consultant trained the key personnel identified for the system. These persons will be able to use the system and simultaneously train others. This strategy is not solitary but will encompass continuous

training as necessary in further nationwide implementation. The following lists the groups that have taken part in these Train the Trainer sessions:

- 1) Applicants (Institute of Architects of Trinidad and Tobago, Association of Professional Engineers of Trinidad and Tobago, Institute of Surveyors of Trinidad and Tobago, Trinidad and Tobago Society of Planners)
- 2) Town and Country Planning Division
- 3) Town and Country Planning Division's IT Staff
- 4) Drainage Division of the Ministry of Works and Transport
- 5) Historical Restoration Unit of the Ministry of Works and Transport
- 6) Fire Prevention Administration
- 7) Municipal Corporations (Port of Spain City Corporation, San Juan Laventille Regional Corporation, Diego Martin Regional Corporation and representatives from Ministry of Rural Development and Local Government's Head Office)
- 8) Port of Spain City Corporation Public Health
- 9) County Medical Office of Health (St. George West, St. George Central and St Andrew/ St. David)
- 10) Occupational Safety and Health Administration
- 11) Housing Development Corporation
- 12) Commissioner of State Lands

The Institute of Architects of Trinidad and Tobago has agreed to become a training partner with the Ministry of Planning and Development and has since conducted training sessions with other applicants to ensure that persons are able to utilize the system.

Still to be trained are:

- 1) Highways Division - Workflow to be finalized
- 2) Traffic Management - Workflow to be finalized
- 3) Construction Division

On-going activities comprise:

- 1) Verification of the system

This activity has been designed to test the software functionality based on deliverables, requirements, usability according to the needs of TCPD and its stakeholders. This is a continuous exercise to identify anomalies that would have developed.

2) Stakeholder sensitization meetings

Meetings have been carded in an effort to promote awareness of Pilot Launch of DevelopTT to management teams of the Agencies that are integrated into the system particularly that of the Pilot Agencies. These have included meetings to the Council of the Diego Martin Regional Corporation and to the Mayor of the City of Port of Spain. It will also be conducted for the San Juan/Laventille Corporation

3) Registration drive

To ensure coherence among all participating Agencies as the Pilot Launch draws near, it is imperative that all persons expected to perform approving functions are registered on the system for seamless movement of applications through the process. TCPD's Automation staff has been visiting all Pilot Agencies to ensure personnel are registered by assisting with the attainment of a ttconnectID and well as a TTBizLink account as these are necessary credentials for accessing the platform. This registration drive will also be extended to all Agencies involved in the nation-wide rollout.

4) Pilot readiness assessment

Hardware infrastructure requirements are indispensable as the DevelopTT platform is reliant on a connection to the internet. This assessment is being done to identify the infrastructure needed at Pilot Agencies and the Agencies to be engaged for national roll-out. The IT Department of the Ministry of Planning and Development is currently undergoing this assessment to lend to the procurement activities to follow.

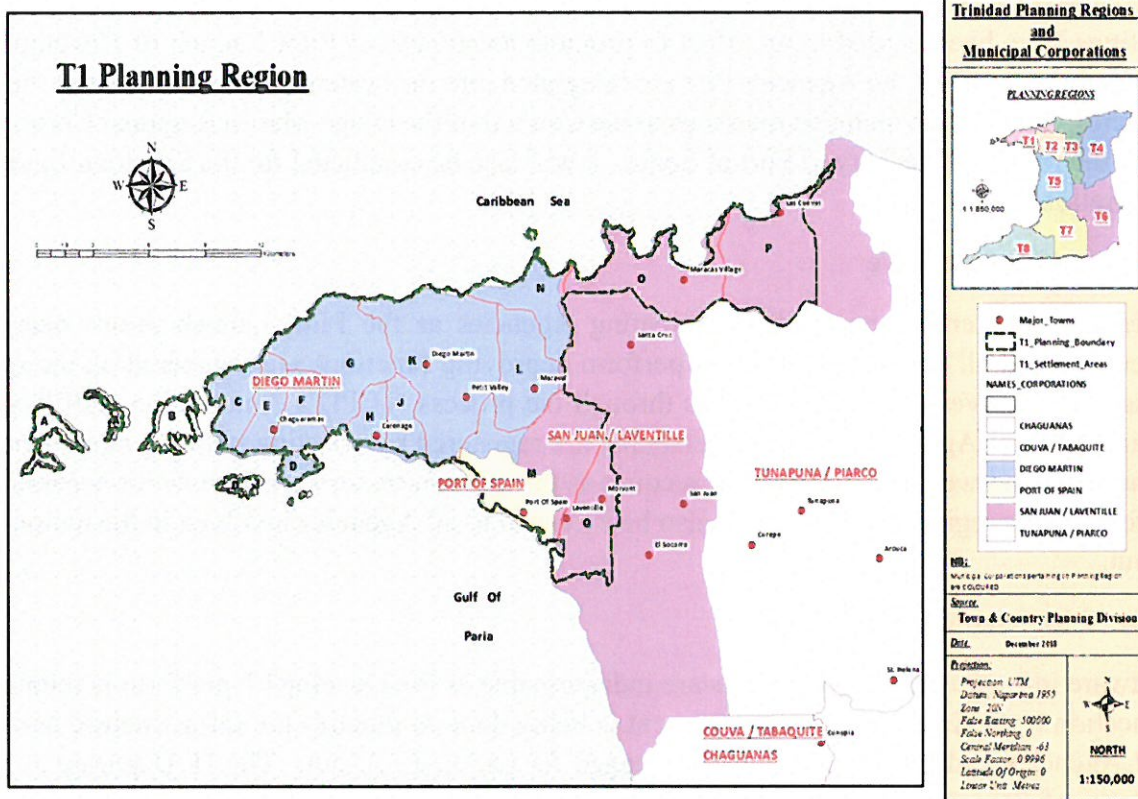
Present Status – January 2020

An outline application was completed within twelve (12) calendar days of submission to the TCPD using DevelopTT, as compared to the current legislated period of eight (8) weeks.

DevelopTT's Pilot Phase

The pilot phase of DevelopTT is anticipated to commence in March 2020 for a period of three (3) months at the TCPD's North Regional Office. In the first month the pilot will include planning permission applications relevant to the boundaries of the Port of Spain City Corporation, known as the TCPD T1M settlement area. In the second month the pilot will be expanded to include the boundaries of the Diego Martin Regional Corporation and a portion of the San Juan/ Laventille Regional Corporation. This undermentioned highlighted area encompasses the TCPD planning boundaries of T1.

Additionally, the pilot of the system will also allow members of the public to submit complaints of unauthorized development through an online portal. No registration is required to submit an online complaint.



2. Staff of TCPD

(i) Recommendation:

The TCPD should submit to Parliament a list of the “hard-to-fill” positions as well as an update on the steps taken to recruit such staff by February 28, 2020.

Response:

A list of the “hard-to-fill” positions in the TCPD and the steps taken to fill these positions are outlined hereunder:

Post	No. of Offices	No. of Vacant Offices	No. of Vacant Offices With Bodies	No. of Vacant Offices Without Bodies	Remarks
Assistant Director, Urban and Regional Planning	2	1	1	0	The Service Commissions Department (SCD) is liaising with the Chief Personnel Officer (CPO) to

Post	No. of Offices	No. of Vacant Offices	No. of Vacant Offices With Bodies	No. of Vacant Offices Without Bodies	Remarks
					obtain clarification re: qualifications for the position.
Designs Planner	2	2	0	2	Recommendations are to be made to the SCD to have these positions filled.
Town Planner II	8	2	1	1	Recommendations were made to the SCD to have these positions filled.
Town Planner I	13	10	0	10	The SCD is liaising with the CPO to obtain clarification re: qualifications for these positions.
Development Control Supervisor	3	1	1	0	Recommendations are to be made to the SCD to have this position filled.
Development Control Inspector II	8	2	1	1	Recommendations were made to the SCD to have these positions filled.
Development Control Inspector I	16	7	1	6	Positions advertised by the SCD.
Town Planning Assistant II	8	4	0	4	Recommendations were made to the SCD to have these positions filled.
Town Planning Assistant I	10	10	0	10	Positions advertised. Screening expected to be completed by mid-March 2020.
Drawing Office Supervisor	1	1	1	0	Recommendations are to be made to the SCD to have this position filled.

Post	No. of Offices	No. of Vacant Offices	No. of Vacant Offices With Bodies	No. of Vacant Offices Without Bodies	Remarks
Draughtsman III	2	1	1	0	SCD liaising with the CPO re: training/qualifications equivalent to the National Certificate in Draughting.
Draughtsman II	3	3	1	2	SCD is liaising with the CPO re: training/qualifications equivalent to the National Certificate in Draughting.
Draughtsman I	8	5	0	5	SCD is liaising with the CPO re: training/qualifications equivalent to the National Certificate in Draughting.
Draughtsman Assistant	4	4	0	4	Two (2) of these positions are expected to be filled by June 30, 2020.
Printing Assistant II	1	1	0	1	Recommendations are to be made to the SCD to have this position filled.

The PAAC is asked to note that discussions are on-going with the Service Commissions Department (SCD), the Human Resource Management Division (HRMD) and the Ministry of Planning and Development (MPD), towards filling all vacant posts on the permanent establishment of the TCPD.

(ii) Recommendation:

The TCPD should develop a succession plan to avoid the interruption of the Division's work after the resignation or retirement of employees.

Response:

The TCPD will work with the Human Resource Department of the MPD to prepare a succession plan. The TCPD is currently conducting in-house training to build staff capacity to prepare them for promotion, as well as, to fill other roles within the Division. However, with the current uncertainty regarding the full proclamation of the Planning and Facilitation of Development (PAFD) Act 2014, and the Local Government Reform Agenda (LGRA), any fruitful succession planning will be challenging for the Division.

(iii) Recommendation:

The TCPD should make every effort to acquire the full staff complement at the Division including Vault Attendants at the Division's Regional Offices, to increase the Division's capacity to effectively and efficiently manage its day to day operations and report to Parliament by February 28, 2020.

Response:

Discussions are on-going with relevant Officers from the SCD, HRMD and MPD towards filling of the vacant positions at the TCPD. Currently, there are no positions of Vault Attendant on the establishment of the TCPD. The HRMD is aware of the need for this category of staff to service the Regional Offices of the Division and will liaise with the relevant Agencies with respect to creating these or similar positions, on contract, for the TCPD.

(iv) Recommendation:

The TCPD should consider/explore strategies to recruit recent graduates along with the implementation of training programmes with the aim of affording the graduates the opportunity of developing the skills and knowledge required for the specialized profession.

Response:

The TCPD has in the recent past provided opportunities for students from the Urban and Regional Planning Program, administered by the University of the West Indies (UWI), to intern with the TCPD during the "Summer Vacation". This arrangement will continue and will be strengthened through improved/closer collaboration with the UWI. The UWI will also be requested to provide the TCPD with information on its graduates prior to the completion of their studies. The UWI would be advised of any

advertisement for Planners so that graduate Planners may be aware of any employment opportunities at the Division. Additionally, the UWI would be encouraged to facilitate guest lectures by appropriate TCPD's practitioners so that trainee Planners can familiarize themselves with practical aspects of their training and preparation.

(v) Recommendation:

The TCPD should indicate to the Public Services Commission (PSC), the need for additional staff so arrangements can be made for these persons to fill the vacant positions by February 28, 2020.

Response:

Discussions are on-going between the PSC and MPD with a view to the filling of all vacant positions of the TCPD.

4. Unauthorized development activities (Page 18)

(i) Recommendation:

The TCPD should submit to Parliament a status report by February 28, 2020 on how many of the three thousand seven hundred and fifty-one (3,751) matters up to June 2013 remain undetermined or unresolved.

Response:

All of the files relating to the 3,751 matters have been reviewed in accordance with the standard operating procedures. The majority of the matters were recommended for closure by the time the Unit was operationalized (June 2013 - December 2013) since the matters were in the Unit for more than four (4) years. In this regard, of the 3,751 matters, 3,701 were considered 'unresolved' by virtue of either becoming statute barred or recommended for closure as they were minor and not within the Division's purview. Fifty (50) matters were reviewed and forwarded to the Honourable Minister for enforcement action.

(ii) Recommendation:

The TCPD should provide a status update to parliament by February 28, 2020, on the Enforcement Unit's efforts in attending to complaint matters received between the months of September 2018 to January 2019.

Response:

A status report on the efforts of the Enforcement Unit regarding complaint matters from September 2018 to January 2019 are as follows:

- 116 files were received during the period September 2018 to January 2019. Currently these files are at varying stages of assessment which include:

- Site Investigations;
- Investigations of the statutory records of the Division (inclusive of the Regional Office records and the records of the Advisory Town Planning Panel);
- Deed and/or Certificate of Title searches;
- Printing of photographic evidence;
- Preparation of three (3) different reports; and
- Preparation of Minutes to the Advisory Town Planning Panel as needed.

(iii) Recommendation:

The TCPD should collaborate with the relevant Regional Authority to conduct regular site visits at development sites to ensure that there are no unauthorized development activities.

Response:

The TCPD, the Regional Corporations and other Government Agencies and Departments currently work independently in monitoring and enforcing the law against unauthorized development. It has been the practice however, that on occasions when requests are made by any one of these entities, there is collaboration among the Agencies regarding monitoring and enforcing the law against unauthorized development. The TCPD therefore welcomes this recommendation by Parliament, since the Division appreciates the benefits of this collaboration between itself and the relevant Regional Authority. While implementation of this recommendation will be very challenging, the Division will undertake to initiate formal discussions with the Regional Corporations towards achieving this objective. Aspects of a collaborative approach have already been established in the current project titled “Automation of the Construction Permitting System” now referred to as “DevelopTT”.

(iv) Recommendation:

The TCPD should consider making amendments to Section 18 of the Town and Country Planning Act 1960 Chapter 35:01 to increase the fines and penalties for failure to comply with certain enforcement notices.

Response:

The TCPD welcomes this recommendation and will engage the Legal Unit of the MPD on this matter.

(v) **Recommendation:**

The TCPD should create a public awareness campaign on the process of applying for Outline Planning Permission and Final Planning Permission to develop land. Furthermore, the public should be reminded of the ramifications of engaging in unauthorized development activities.

Response:

The TCPD welcomes this recommendation and will collaborate with the Communications Unit of the MPD to develop a public awareness campaign.

5. Enforcement (Page 19)

Recommendation:

The TCPD should provide a status update on the automation of the process to lodge complaints by February 28, 2020.

Response:

The DevelopTT's website will allow members of the public to digitally submit complaints for unauthorized development within Trinidad and Tobago. This eservice will be available to all persons as users are not required to be registered as a TTBizlink user to access this service. In this respect, complaints can be submitted anonymously. It is anticipated that the pilot phase of DevelopTT would commence in March 2020 with the Port of Spain City Corporation's planning permission applications relevant to its boundaries.

The process to submit complaints via the website is outlined hereunder:

The screenshot shows a web form titled "Submit an Unauthorised Development Complaint". Below the title is a description: "A complaint against any development of land which appears to have been carried out without the required final planning permission." To the right of the title is a "Details" link with an information icon. Further right is a clock icon with the text "5 MINS to complete". Next to that is a calendar icon with the text "N/A". On the far right is a green "SUBMIT" button.

Upon clicking the submit button:-

- Complete the complaint form;
- Locate the unauthorized site using the “geofence” feature. This feature allows the complainant to use google maps to try and identify the location of the site;
- Upload any supporting documents, for example, pictures of the site;
- The complainant can submit their complaint and a success message will appear with the reference number relevant to their complaint (steps are highlighted below).

Step 1

Complaint Form	
Reference Number *	CMP2020022600352
Date Complaint Received *	
Name of Person making complaint	
Complainant's Address	
Telephone No. (Home)	
	Please enter 7 digit T&T mobile number e.g. 2234567
Telephone No. (Office)	
	Please enter 7 digit T&T mobile number e.g. 2234567
Mobile No.	
	Please enter 7 digit T&T mobile number e.g. 2234567
Email Address	
Name(s) of Offender(s)	

Step 2

Site Location

Tools







Show Guide

My Site Location

Show Plotter's Drawing

Search Radius

Turn on to display site location drawn by plotter

Adjust search radius for searching neighboring applications in meters. The search radius is drawn based on site location drawn by applicant.

0 m

2000 m



Site Location Plotting Guide

Step 3

The screenshot shows a three-step process at the top: 1. Complaint Form, 2. Site Location, and 3. Upload Documents (highlighted in red). Below this is a form titled 'Upload Documents'. It includes a note: 'Note: Max file size = 10MB. Accepted file type = dwg, doc/docx, pdf, jpeg, gif. Number of files: 1 per section.' Below the note is the text 'Add Attachment(s)' followed by three buttons: 'Add files' (green), 'Start upload' (blue), and 'Clear files' (red). A dashed rectangular box contains the text 'Drop files here or click to upload.' At the bottom of the form are three buttons: '< Back', 'Cancel', and 'Submit'.

Step 4

The screenshot shows a confirmation screen titled 'Application Completed'. In the center, a green-bordered box contains a green checkmark icon, the text 'Your application has been successfully submitted.', and the application number 'CMP2020022600353'. Below this box, it says 'Kindly note your application number for ease of reference.' and an 'Ok' button.

Further, an electronic copy of the Public Register (see diagrams below) will also be available for viewing without registering for TTBizlink. The digital Public Register will only include applications that are submitted on the DevelopTT website. Therefore, persons are able to search to ascertain if planning permission was granted and if any other complaints were made on the site. It should be noted that details of the complaints will not be available to the public.

Diagram 1

Public Register View for Planning Permission Applications



Notes for Public View Map

1. There are 3 map types (layers). Each layer can be toggled on/off

Diagram 2

Public Register View showing Complaints Reference Number for a Site



Notes for Public View Map

1. There are 3 map types (layers). Each layer can be toggled on/off

6. Challenges faced by the Enforcement Unit of the TCPD (Page 20)

(i) Recommendation:

The TCPD should conduct a review of the staff structure of the Enforcement Unit addressing the deficiencies in the current staff complement.

Response:

The TCPD appreciates this recommendation. The PAAC is asked to note that a review of the staff structure of the Enforcement Unit has already been initiated.

(ii) Recommendation:

The TCPD should liaise with the relevant Agencies to acquire the additional staff needed in order for the Enforcement Unit of the TCPD to function at its full capacity and deal with the volume of complaints of unauthorized development activities. Parliament should be provided with an update by February 28, 2020.

Response:

Joint Enforcement amongst State Agencies has been occurring for some time. The TCPD, the Environmental Management Authority (EMA) and relevant Regional Corporations have participated in joint site visits and have collaborated on action plans to address unauthorized development. The issue is two-fold. Firstly, there are other Agencies who possess the statutory authority to engage in enforcement against illegal activity but appear to be loath to do so. An example is the Highways Division of the Ministry of Works and Transport who can enforce against any inappropriate activity in the road reserve. Secondly, the process of collaboration needs to be formalized as opposed to depending on “collegial” relationships. In an effort to implement the PAAC’s recommendation, the TCPD, through the office of the Permanent Secretary, MPD is prepared to meet with sister Agencies.

Further, collaboration with State Agencies would entail retraining of field staff from all relevant State Agencies to ensure that Officers have the capacity to investigate all planning breaches. Theoretically, this proposal can result in additional staff being made available to the TCPD’s Enforcement Unit to address the volume of complaints of unauthorized development activities in a timely manner. An assumption is that Officers from other State Agencies will have no objection to performing duties outside of their immediate job specifications.

7. The absence of an updated National Development Plan (Page 21)

Parliament is asked to note that the following statement under the above heading on page 21, paragraph one (1), line three (3) “*Although the NPDP has not been updated as required by law as a result of the delay in the full proclamation of the Planning and Facilitation of Development Act 2014.*” is not accurate.

It is important to note that the National Physical Development Plan (NPDP) was updated by means of a very comprehensive and collaborative process which resulted in the formulating of the National Spatial Development Strategy (NSDS). The NSDS was approved by Cabinet in 2013 and laid in the House on January 10, 2014. However, the NSDS was never debated and the NPDP remains the only National Statutory Physical Plan. As such, failure to update the NPDP is not due to the delay in full proclamation of the Planning and Facilitation of Development (PAFD) Act 2014. With the full proclamation of the PAFD Act, the proposed National Planning Authority will be responsible for updating all National Plans, including the current National Spatial Development Strategy (NSDS). It is therefore expected that one of its activities will be ensuring that the NSDS becomes a Statutory Plan, approved by Parliament.

APPENDIX I

Status Report on the Approval of Applications for Outline Planning Permission (OPP) and Final Planning Permission (FPP) for the periods October 2017 to September 2018, and October 2018 to March 2019 by Regional Offices

Period: October 2017 to September 2018

REGIONAL OFFICE	OUTLINE					FINAL				
	Total Received	Total Approved	Total Approved %	Total Pending	Total Pending %	Total Received	Total Approved	Total Approved %	Total Pending	Total Pending %
East	469	299	63.75	12	2.56	1427	1018	71.34	9	0.63
South	667	319	47.83	3	0.45	1961	1003	51.15	4	0.20
North	547	233	42.60	11	2.01	1650	931	56.42	12	0.73
Tobago	105	51	48.57	0	0.00	517	308	59.57	0	0.00
Total	1788	902	50.45	26	1.45	5555	3260	58.69	25	0.45

