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AN EVALUATION OF THE SUBDIVISION APPROVAL PROCESS IN KINGSTON AND

ST. ANDREW, JAMAICA

by

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A Major Research Proposal

Presented to Ryerson University

In partial fulfillment of the requirements for the degree of

Master of Planning

In

Urban Development

Toronto, Ontario, Canada, 2010


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## Author's Declaration

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I hereby declare that I am the sole author of this major research paper.

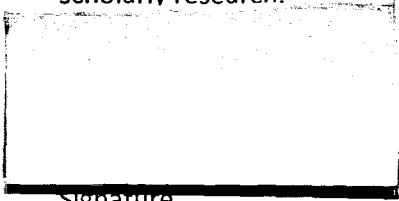
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ABSTRACT

Over the years the development approval process in Jamaica has been criticised by its major stakeholders as being inefficient and costly. It was also seen as a major disincentive in promoting and attracting investment in the Island. In response to the criticisms and investment concerns, successive governments have implemented reforms to improve the process. The purpose of this research is to use the subdivision process in Kingston and St. Andrew as a case study to evaluate the development approval process given these changes, to see if the process has improved. The research uses a mixed method approach to evaluate the process with respect to its effectiveness.

The report concludes that the process has improved but is still not meeting the mandated 90 day timeline. The report finishes by making recommendations on how the system can be improved and reformed to meet these time lines.

key words: Planning; Subdivision; Approval; Process; Jamaica:

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## **Dedication**

I would like to dedicate this research paper to my family especially my sons who had to do without my attention for an extended period of time. I hope you will forgive me for not being there for you all the time.

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## **1.0 INTRODUCTION**

### **1.1 Background**

Over the years successive governments in Jamaica have taken the decision, and have put in place several initiatives to revamp and improve the entire development approval process so as to improve its effectiveness and efficiency. These improvements were aimed at achieving a 90 day turnaround period for the processing of all applications (Government of Jamaica Cabinet Office, 2008). The decision to reorganise the system was based on several factors including;

- Its importance in attracting investment and promoting development (Government of Jamaica Cabinet Office, 2008);
- Criticism from the major stakeholders as to the system being inefficient and costly in terms of the time taken to process the applications (Simpson, 2003).

To date, as a part of the reform process the government has implemented several reform measures including a two tier application processing system, the implementation of a web based tracking system that allows applicants to track their applications online, the merging of various agencies, boards and committees involved in the approval process, the establishment of local subdivision committees, and reducing the set of government technical agencies to which certain types of applications were previously sent. In addition the government has put in place a system to ensure that appeals against refusal, or imposed conditions are heard more quickly.

Considering the importance of the development approval system in attracting investment, promoting development and the criticism from the stakeholders it is therefore imperative that the current system be evaluated. This is important to assess the impact on the development approval process of the

changes implemented, identify existing bottle necks and challenges and to make recommendations to improve the system.

This report will focus on the subdivision approval process between the years 2000 to 2010 within the municipality of Kingston and St. Andrew, the major urban area within Jamaica. The decision to concentrate on the subdivision process is due to the fact that subdivisions comprise the majority of applications within the system and form the basis for all land based developments. In addition the time period of 2000 to 2010 was chosen as it is recent, it is the period in which a lot of changes have been implemented and it gives us a long enough time to allow us to make a proper evaluation of the process.

### Research Questions

How effective has the subdivision approval process been between the years 2000 -2010?

Where are the existing challenges in the system and how can they be effectively dealt with?

### Importance of the Questions

It is important to answer these questions due to the importance of the subdivision approval process in attracting investment and promoting development in Jamaica. If the system is seen as dysfunctional, local and foreign investors may opt not to invest in the country, which will only lead to decreased investment and growth and reinforce the cycle of unemployment and poverty in the country. This is due to the fact that an approved subdivision is a precursor to construction activity which is the largest employer of unskilled labour and a major contributor to Jamaica's gross domestic product. In addition the Government would like to know if its interventions have been successful so that they can correct the course of action before it is too late and to ensure that its limited and scarce resources are not wasted.

## 1.2 Introduction to Jamaica

### Geography

Jamaica is centrally located within the Caribbean region which places it in close proximity to the other Caribbean islands and the continents of North and South America (Town Planning Department, 1989). Jamaica can be described as an archipelago as it consists of several small islands and a large expanse of ocean.

Figure 1

Map of the Caribbean Showing Jamaica 1



Source: [http://www.lonelyplanet.com/maps/caribbean/map\\_of\\_caribbean.jpg](http://www.lonelyplanet.com/maps/caribbean/map_of_caribbean.jpg)

The island's exclusive economic zone is approximately 25 times the size of the landmass f (Government of Jamaica, 2000). The main island itself is 10,991 square kilometres which makes Jamaica the third largest island and the largest English-speaking Island in the Caribbean (daCosta, 2003).

### Geology

Geologically, the island is composed of limestone and consists of varying terrain consisting of mountains (such as the Blue Mountain), plateaux, plains, hills and valleys (Town Planning Department, 1989). The mountains occupy the central area and run from east to west of the island. Adjacent to these mountains on all sides are the hills and plateaux which exhibit the features of a karstified landscape. The plains and valleys are concentrated along the coast and major rivers and is where most of the agricultural and developmental activities take place (Town Planning Department, 1989).

### Demography

In 2001, which represents the last official census in Jamaica, the total population was 2,607,632 persons which represented an increase of 226,965 persons over the 1991 population (Government of Jamaica, 2010). Natural increase contributed approximately 18%, but the overall population growth was reduced to 9% due to an outward migration of 9% (Government of Jamaica, 2010). This high level of migration which consists of many experienced professionals may have serious implications for Jamaica's development in the short and medium run.

In 2009 the estimated population for Jamaica was 2,695,600 individuals which represent an increase of approximately 3.4 % over the 2001 population. This population of 2,695,600 comprised 1,328,100 males and 1,367,500 females (Government of Jamaica, 2010). The greatest number of these individuals representing 667,778 persons or approximately 25% of the total population was living in Kingston and St. Andrew which is our study area and contains the capital of Jamaica (Government of Jamaica, 2010).

### 1.3 Settlement Patterns in Jamaica

The settlement pattern in Jamaica can be said to be dispersed with Kingston and St Andrew being the dominant urban centre (Town Planning Department, 1989, p. 34). This settlement pattern is influenced by several factors including cultural and economic history, land ownership patterns, topographic features and location of natural resources amongst others. Due to the topography of the Island the first settlements were located along the coast, as the mountainous and hilly interior was unattractive compared to the fertile, flat coastlands. Oftentimes the presence of sheltered coves was attractive for settlement purposes (Town and Country Planning Association of Jamaica, 1986, p. 12). Most of these settlements overtime became parish capitals and major urban centres in Jamaica. Of the thirteen parish capitals in Jamaica counting Kingston and St. Andrew as one, only three are not located in close proximity to the shoreline.

The settlement of the interior of the island was influenced by the location of agricultural pursuits on the fertile lands located in numerous valleys and by the location decisions of the newly emancipated slaves in 1838. These newly emancipated slaves went to the interior areas in droves to distance themselves from the plantations they used to work on and to own their own land (Town and Country Planning Association of Jamaica, 1986, p. 12 & 13). Overtime as these settlements grew they were connected to each other by an extensive road network. The inland urban centres were however smaller and fewer than those near the coast. It is important to note that the majority of the urban centres have manufacturing, extractive industries (such as bauxite) or tourism as their economic base (Town Planning Department, 1989, p. 34).

The years 1960 to 2001 saw the percentage of persons in Jamaica living in urban areas rise from a low of 32% in 1943 to 52% in 2001. This change can be misleading however as it was only in the four parishes;

Kingston, St. Andrew, St. Catherine and St. James that the urban population was in excess of 50% of the total population of the parish. The other 10 parishes remained primarily rural in nature.

Over the years the Kingston the capital which is totally urban in nature has continued to have declines in population. For example, 9.3 % between 1960-1970 (Town and Country Planning Association of Jamaica, 1986, p. 14) and 3.6% between 1991-2001 (Government of Jamaica, 2010) St Andrew which forms the other part of the study area had growth rates of its urban areas of 43.7% between 1960-1970 (Town and Country Planning Association of Jamaica, 1986, p. 14) and 3% between 1991-2001 (Government of Jamaica, 2010).

#### **1.4 Historical factors affecting Ownership, Access and Security of Tenure**

The ownership, access to and security of tenure in regard to land is normally actualized through the provision of a title and is very important to individuals and society alike. The ownership of land provides the basis on which land can be transferred for sale or for the leveraging of capital and borrowing funds for development. It also provides the basis on which the development benefits can be realized. In addition, ownership provides stability and the potential for accumulation of wealth for individuals and communities

Jamaica's land tenure system reflects its socioeconomic, cultural, political, physical and slavery/colonial past (Town Planning Department, 1989, p. 16). Following the conquest of Jamaica by the British the white settlers were granted in 1655 between 2000 to 3000 acres of land (daCosta, 2003, p. 24). Most of these plantations have survived throughout the years even up to today. During slavery the slaves were not allowed to own land but were allowed to farm the hillier and less fertile areas of the plantation lands (daCosta, 2003, p. 24). These plots were used to grow various crops for food and sale and were passed down through the generations. There was however no plan or system in place to allow the slaves



to own them. Following the end of slavery in 1807 and emancipation in 1838, rather than allowing the former slaves to purchase the property they previously occupied the plantation owners through political and other means ensured that the former slaves could not purchase property. This led to a situation where only a few of the now freed slaves owned property with many others paying rent for small and uneconomic units that they could be turned off at short notice (Robotham, 1984, p. 29). This system ensured that the former slaves were tied to the plantations they loathed and ensured continuous cheap labour for the plantation owners (Robotham, 1984, p. 28).

Robotham has argued that one of the factors keeping the emancipated slaves in poverty and a state of demoralisation as stated by Reverend Henry Clarke was due to:

“ the practice which the estates adopted of moving the Negro villages periodically, in order to prevent the labourers from profiting by the breadfruits, cocoa-nuts, and other trees of slow growth, which they plant around their dwellings. Every village of the estates in this district, of five thousand inhabitants, has been moved within the last ten years; and as the people have to pull down and rebuild their cottages at their own expense, they have got into the way of erecting miserable little huts, in which the poor things are compelled to live, like pigs in a sty” (Robotham, 1984, p. 38).

This issue of land ownership even extended into the political sphere as immediately following emancipation the right to vote was tied to land ownership (Robotham, 1984, p. 41).

Following emancipation, the land tenure system in Jamaica saw the Crown and Plantation owners owning the majority of Jamaica's 1,099,100 hectares of land in large holdings with the former slaves owning several plots but in most cases they rented small plots of land from the plantation owners. There were several instances of squatting also as several former slaves' occupied land owned by the crown or plantation without their permission (daCosta, 2003, p. 25).

The mid to late 19<sup>th</sup> century however saw a dramatic rise in the amount of private land ownership as “Small holdings were acquired by grants from landowners, donations of land bought by the churches and distributed to parishioners, squatters and others through land settlement programmes organised by the government ” (daCosta, 2003, p. 25). The 20<sup>th</sup> and 21<sup>st</sup> century saw the continuation of the land settlement programmes along with several land divestment programmes and the construction of government housing schemes (daCosta, 2003, pp. 28-33). These all provided land in many cases to the ordinary Jamaican for agriculture, housing and other purposes.

By 1987 it was estimated that approximately 82 % of the farms comprising 150,633 farms were less than 2.2 hectares but occupied 16.03% of the farm lands. In contrast the large farms comprising lands 220 hectares and over and representing a vestige of the plantation era occupied 44.3% of the entire farm lands, but accounted for only 16% the total number of farms (Town Planning Department, 1989, p. 16).

DaCosta estimates that there are 680,000 parcels of lands listed on the property valuation rolls in Jamaica with only approximately 45% of these parcels having a registered title. In addition she has estimated that a further 320,000 other parcels of land representing illegal subdivisions exists but are not on the valuation rolls (daCosta, 2003, p. 34). Some of these parcels have common law titles such as wills survey diagrams and tax receipts. It has been argued that some of the land owners have not registered their lands due to high survey advertising and legal fees (Government of Jamaica, 1994, p. 9).

To this end the government has put in place several programmes such as the Jamaica Land Titling Project and the Land Administration and Management Programme (LAMP) to assist in tenure clarification, regularisation and provision of registered titles. These programmes when completed are expected to yield over 30,000 registered titles (daCosta, 2003, p. 34). This would definitely increase the

number of registered properties and small land holdings by individuals. However, despite this increase, most of the lands continue to be held by the government and large land owners including the bauxite companies.

## **1.5 Administrative and Planning System**

### Administrative system

The Jamaican parliamentary and administrative system is based on the Westminster Whitehall model of governance imposed from Britain. Edwin Jones has stated that the administrative system that was adapted was done to reinforce the plantation- colonial style bureaucratic system in Jamaica (Jones, 1992). This system according to Jones was based on domination and control with power being concentrated centrally in the hands of the state.

This can be seen in the concentration of administrative and executive power vested in the Prime Minister and his Cabinet comprising Ministers with specific portfolio responsibilities. This has meant a shift in power to the capital Kingston and loss in importance of the Parish Councils (Meditz & Hanratty, 1987). This concentration of power centrally is reflected within the planning system to which we will now turn.

### The Planning System

Jamaica's formal planning system can be said to have its roots in the local government and housing movement and is patterned on the British planning system (McHardy, 2002, p. 29). Over the years however there has been a decline in the regulatory and administrative power of local government as the process became more and more fragmented, dualised and centralised (McHardy, 2002, p. 34). The result of this fragmentation and centralisation has been a separation between *spatial* and *economic* planning

with the creation of a central economic planning unit now called the Planning Institute of Jamaica and a central spatial planning unit now called the National Environment and Planning Agency (Government of Jamaica, 2007). In addition several other government agencies were given regulatory powers with respect to the development approval process (McHardy, 2002).

Another feature of centralisation has been the concentration of planning power through the Town and Country Planning Act in the Minister in Charge of Planning. The Minister who is at present the Prime Minister of Jamaica, the Most Honourable Bruce Golding is the person responsible to appoint under section 3 of the Town and Country Planning Act of 1957, the Town and country Planning Authority. This Authority is the major central planning decision making body and is responsible for making development orders, making planning policies and taking decisions on various planning applications in the state .In addition, the Minister is the one under section 4A of the Town and Country Planning Act entitled to make interim development orders and under section 7 of the same act confirm the final Development Order for an area. The Minister is also responsible for hearing all appeals against planning and local improvement act decisions under section 13 of the act (Government of Jamaica, 2006). Further, all applications for subdivision approval, under section 8 of the local improvement act of 1914 have to be ratified by the Minister (Government of Jamaica, 1914).

#### How the Planning Approval System Works

Developments by certain government agencies such as the Urban Development Corporation and the Ministry of Water and Housing are exempted from the formal approval system. These exemptions only apply provided that the development conforms to the requirements of the Urban Development Act and the Housing Act both of 1968 (McHardy, 2002). In fact these government entities, as a result of their various laws, act as both developers and regulators. They are however restricted somewhat as they have

to obtain environmental approval for all projects that fall within the category of those needing environmental clearance. This gives the National Environment and planning Agency some level of planning control over these applications.

Developments by private and other developers are regulated under the Town and Country Planning Act through the various development orders. However where a development orders does not exist a mixture of building, environmental and or subdivision regulations along with the Manual for Development is used to ensure that the developments conform to appropriate planning standards. It is important to note here that building applications are dealt with exclusively by the local authorities; while environmental applications are submitted and dealt with exclusively at the National Environment and Planning Agency (Government of Jamaica, 2010).

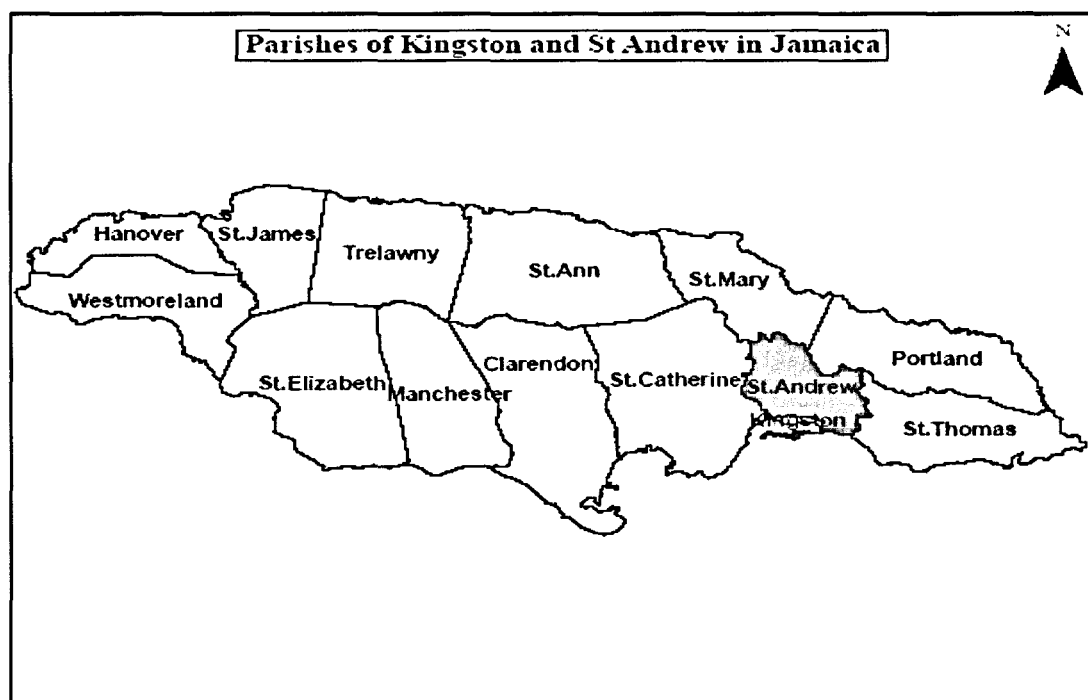
This application approval process begins when the applicant has preliminary discussions with a local or central planning authority with respect to any proposed development. After satisfying any concerns the application is then submitted through the local authority for approval (Government of Jamaica). The application is then vetted to ensure that it meets the required standards for submission. Once accepted the application then goes through the internal process within the local authority and is then sent to the National Environment and Planning Agency where it is also checked for completeness. The application is then circulated to the appropriate government agencies for their recommendations and comments. The application is then reviewed internally and a recommendation sent back to the local authority for a decision or in the case of a “called in” application sent to the Town and country Planning Authority for a decision. However before final approval can be granted for the application an environmental clearance must be obtained. If the application is approved, with conditions or refused, the applicant can appeal to the Minister in charge of planning. During implementation of the development the relevant authorities

have the right to 'enforce' sanctions against the development. This usually occurs if the developer materially deviates from the approved plans.

## 1.6 Introduction to Kingston and St Andrew.

The parishes of Kingston and St Andrew contain the largest urban area in Jamaica and have been managed as one administrative unit from as far back as 1923 (Town Planning Department, 1989).

**Figure 2**  
**Map of Jamaica Showing the Parishes**



Source: Map Registry and Data Management, NEPA

This amalgamation has led to the area being called the Kingston and St Andrew Corporation with Kingston and the urban area of St Andrew being referred to as the Kingston Metropolitan area (KMA)

(Kingston and St Andrew Corporation and Kingston and St. Andrew Parish Development Committee, 2005). Kingston which is the capital of Jamaica is totally urban; meanwhile St. Andrew is partially urban and rural in nature.

The population of Kingston and St. Andrew was 667,778 persons out of a total population in Jamaica of 2,698,810 persons in 2009. This represents approximately 25% of the Island's population.

The area is administered by a local planning authority known as the Kingston and St. Andrew Corporation which is headed by a Mayor who is elected by a simple majority of the elected councillors. The principal legal document guiding the development of is the Town and Country Planning (Kingston) Development Order of 1966 (Government of Jamaica, 1966). This outdated document is not applicable to a large part of the St. Andrew portion of the corporation and therefore these areas, from a planning perspective, have to be regulated through the building, subdivision and environmental laws.

To address this problem the government completed a draft Town and Country Planning (Kingston and Saint Andrew) Provisional Development Order, 2008 (Government of Jamaica, 2008). This document was done using the Kingston and St. Andrew Sustainable Development Plan of 2005-2025. It is expected that this plan will assist in creating a better approval system and help to solve the problems associated with rapid growth.

The information contained in the introductory section of my report highlights the importance of streamlining the subdivision approval process. The size, geology and land ownership pattern of the island, has limited the amount of land that is available for sale and development.

This situation is further exacerbated by a stagnating economy, low incomes and growing population which drive up the demand for affordable land. In a properly functioning land market this demand for land is normally satisfied by an increase in the supply of land. In Jamaica however it has been argued

that the ineffectiveness of the subdivision approval process has served to restrict the supply of land available through the formal approval process.

This it has been argued has led to squatting and the formation of several informal settlements throughout Kingston and St. Andrew. Considering the importance of land ownership to Jamaicans haunted by slavery's past, it is expected that this trend of squatting and the associated problems will continue if steps are not taken to address the subdivision approval process.

It is therefore imperative that the research questions raised be answered so that the ineffectiveness of the subdivision approval process can be corrected. This would ensure that an adequate and timely supply of land would be available through the formal land development system for purchase.



## **2.0 METHODS AND LITERATURE REVIEW**

### **2.1 Methods**

This research applied a process of triangulation by mixing qualitative and quantitative styles of research and data to evaluate the subdivision approval process. To do this it used both qualitative and quantitative data obtained from primary and secondary sources. The primary data was obtained from the review of documents such as the minutes of meetings, letters written to the government by stakeholders complaining and complimenting the process and from electronic and paper data sources. In addition, data on the number of applications submitted and processed and time frames was collected and analyzed. Taken together this data gave us information with respect to the effectiveness of the system processing applications while the qualitative data will also help reveal reasons for delays and complaints by stakeholders.

Another source of primary but qualitative data was obtained through interviews. Those interviewed included land use planners, bankers, developers, politicians, land surveyors and administrators. In all 3 persons were interviewed from each group which gave us a total of 18 persons. The persons to be interviewed were randomly chosen using a list provided by their respective organisations or sourced online.

These interviews offer vital information as to the perception of the system by the key stakeholders, the challenges they face as they try to navigate the system and additional proposals for reform.

Secondary data was collected through a review of literature on the subject both locally and internationally. This data was obtained from past reports from government and independent sources on the evaluation of the subdivision approval process, the various laws and the process itself in Jamaica .In

addition data was also sourced from secondary sources that examined the process in other countries such as the United States of America and Canada.

## **2.2 Literature Review**

In evaluating the subdivision approval process in Kingston and St Andrew Jamaica it is important to review the literature on the subject; to understand the subdivision approval process; establish what other authors have to say about it and; and look at the interventions that have been put in place to address identified problems .We will now look at each in turn.

### **2.21 The Subdivision Approval Process**

Although subdivisions are treated as a part of the planning process for practical purposes, they are not dealt with under The Town and Country Planning Act but under the Local Improvement Act of 1914. Under section (5 )subsection (4) -“For the purposes of this Act a person shall be deemed to lay out or sub-divide land for the purposes of building thereon or of sale, if he sells or offers for sale any part of such land where on a house or other building divide may be erected, or if he shall form the foundations of house or other building thereon in such manner and in such position so that such house or other building will or may become one of two or more houses or other buildings erected on such land” (Government of Jamaica, 1914).

As required by section (5) subsection (1) of the Local Improvement Act the subdivision applications are first submitted to the local municipality which is the Kingston and St Andrew Corporation in our case. In practice however most applicants have pre- application consultation with the Corporation, other relevant government agencies and or the National Environment and Planning Agency with respect to their preliminary subdivision proposals. The plans are then modified in accordance with the recommendations made by these bodies and then submitted at the Corporation along with the

prescribed forms, a water commission certificate and the fire department's approval. This water certificate is important as it indicates the availability of potable water to serve the development and for firefighting purposes. The fire department is concerned with the fire fighting capabilities of the site including availability of water and fire hydrants. The application is then checked by the relevant officer at the Kingston and St Andrew Corporation for completeness before it is accepted. Upon acceptance the application is then circulated internally to the City Engineer (in special cases) and the Director of Planning for their comments and recommendation (Government of Jamaica, p. 238). The City Engineer is concerned with the engineering details of the site including aspects related to drainage, fire fighting (in cases where water is not available) and road design. This assessment overlaps with that of several of the consulted agencies who do a similar assessment. Similar to the City Engineer; the Director of Planning does an inspection of the site along with the preliminary planning appraisal of the subdivision. These assessments by the Director of Planning are similar to those done by the National Environment and Planning Agency and other consulted agencies and represent an area of overlap between the organisations.

After the actions by the City Engineer and the Director of Planning the application is then circulated to the Government Town Planner and the Chief Technical Director located at the National Environment and Planning Agency and the National Works Agency respectively. This circulation is a statutory requirement imposed by the Local Improvement Act, section (14) subsections (1), (2) and (3) which state "(1) Every Council shall submit all maps, specifications, plans, sections and estimates deposited with the Council to the Chief Technical Director and the Chief Technical Director shall give the Council such advice and assistance with respect to the same as may appear to him necessary. (2) Where the Council proposes to reject the advice given or overrule any objections made by the Chief Technical Director the Council shall before making a final decision afford the Chief Technical Director an opportunity to be

heard. (3) For the purposes of this section any reference to the Chief Technical Director shall be deemed to include a reference to the Government Town Planner and the section shall be construed accordingly” (Government of Jamaica, 1914). In addition to the statutory obligations the applications are also circulated to other relevant government agencies depending on the type, size and location of the application.

It is important here to note that the processing system makes a distinction between subdivisions that are 9 lots and under and have an area of under 2.2 hectares and those that are over 9 lots with areas over 2.2 hectares (Government of Jamaica). We will look at each in turn

#### Subdivisions of 9 lots and under

For subdivisions that are 9 lots and under and have an area of under 2.2 hectares the application is circulated to the Government Town Planner the Chief Technical Director and other relevant government agencies by the Kingston and St. Andrew Corporation. Upon receipt of key comments and recommendations the application is then processed by the planning section of the Corporation and submitted to a technical subdivision committee for a recommendation. This committee comprises senior and experienced staff members of the technical agencies to which applications are normally circulated and which are empowered to take decisions on the applications. Once a decision is taken by the subdivision committee the application is then submitted to the City Engineer for his sign off and then submitted to the Planning and Building Committee. This committee comprises several political representatives, representatives of key government agencies and professional bodies. Only the political representatives however can vote on the application. The committee can approve the subdivision with conditions, refuse the application or defer it for several reasons. Deferred applications are normally resubmitted for a decision when the concerns of the committee are satisfied. If the application is

refused or approved or approved with conditions the Minister in charge of planning under section (8) subsection (5) “may confirm or disallow the decision of the- Council under subsection (1) or may confirm such decision subject to such modifications as he may think” (Government of Jamaica, 1914).The Minister, however, has to afford the Corporation and applicant an opportunity to be heard if he proposes to change a decision for refusal. The Council then has to modify their decision to accord with that of the Minister. (Government of Jamaica, 1914). This decision is then communicated to the applicant who can now apply for his individual titles provided that his subdivision and precheck plans are approved and the necessary infrastructure are put in place and certified by the City Engineer.

#### Subdivisions of 10 Lots and over.

For subdivisions 10 lots and over the Kingston and St Andrew Corporation circulates the applications to the Government Town Planner and the Chief Technical Director. The Government Town Planner through his or her agents at the National Environment and Planning Agency then circulates the application to the relevant government agencies including the Chief Technical Director of the National Works Agency (Government of Jamaica, 1995). This circulation to the National Works Agency represents a duplication of effort s at the local and national level. Checks are also made to ensure that the applicant has also submitted the required environmental permits as stipulated by the Natural Resources Conservation Act and regulations (Government of Jamaica, 2010). If the necessary environmental applications are not submitted the applicant is advised to do so. This is important as the agency tries to process the environmental permit and subdivision applications together. This is an administrative decision however, as unlike the planning act there is no requirement for an environmental permit be approved before subdivision approval is granted.

After preliminary checks and circulation, the application is preliminarily assessed/processed meanwhile the application awaits the comments and recommendations of the agencies it was circulated to. Upon receipt of the comments and or recommendation of the agencies circulated to or the expiry of an agreed time frame the application is submitted to the subdivision committee for consideration. This committee is similar in composition to the one at the Kingston and St. Andrew Corporation and is chaired by the Government Town Planner or his nominee (Government of Jamaica, 1995). The decision of the committee is then dispatched to the Kingston and St. Andrew Corporation where it is presented to the Planning and Building committee for a decision. The process then proceeds like that for the nine lots and under subdivisions. The applicant however cannot implement the subdivision until environmental clearance is obtained

## 2.22 Criticism of the Subdivision Process

One of the major criticisms of the subdivision approval process is the overlap in laws with respect to the control of subdivision development (Heap, 1972). This overlap between the Local Improvement Act and the Town and Country Act has however has been dismissed somewhat by McHardy who stated that no such overlap existed as the laws and subject matter were different (McHardy, 2002, p. 65). The issue continues however as the Town and Country Planning Act at section 5 subsection 2 defines development as “the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land” (Government of Jamaica, 2006). As a matter of fact the development order for Kingston and St. Andrew in its third schedule contemplates the processing of subdivisions under the Town and Country Planning Act (Government of Jamaica, 1966).

Coiner has argued that the processing of subdivisions has been lengthy due to the “interagency circulation and internal administration” (Coiner, 1987). He states that the minimum acceptable goals for processing subdivision applications are 90 percent approved or refused within 90 days. To achieve this he proposes reducing the numbers of steps the number of applications go through, training of staff and eliminating, replacing or reducing the number of agencies the applications are circulated to.

He also stated that for the process to work, a part of, or the entire system would have to be computerised and drastically revised. These changes he concedes however would be costly and take some time to implement (Coiner, 1987).

Kingsley Thomas like Coiner has argued that the subdivision process is very slow and cumbersome .He states that a study in 1982 – 1986 shows applications in the Town Planning Department taking an average of 6 months to be processed (Thomas, 1989). This slow and cumbersome processing time coupled with high standards and weak enforcement he argues greatly increase the risk and costs for would be developers (Thomas, 1989). He further posited that it would also have negative effects on businesses and job creation and often times leads to illegal and unplanned developments where people live in squalid conditions. An interesting recommendation that Thomas has put forward is the need for the planning system to recognise three planning zones. These zones would either be tightly, less stringent or flexibly controlled (Thomas, 1989). This Thomas states would increase the efficiency of the system as there would be no need to apply for approvals in the flexible zone (Thomas, 1989). This would therefore reduce the number of applications submitted in the system, hence leaving more time and resources to be spent on those areas that would be tightly and less stringently controlled. This concept by Thomas could however lead to unplanned and un- serviced development with people living in unhealthy conditions.

In addition to the implementation of the three zones Thomas has recommended that several other solutions be implemented to streamline the approval process. These solutions include a computer based tracking and management system, the establishment of a one stop service, fast tracking of simple applications, writing and implementing clear and simple standards and promoting the importance of rapid processing (Thomas, 1989). The implementation and success of these recommendations he strongly argues depends on the development of the political will (Thomas, 1989).

Anderson and Rowe in a Coopers and Lybrand study have also identified several concerns within the subdivision process (Anderson & Rowe, 1996). Their major concerns were centred on the quality of the human element, lack of adequate and efficient processes and lack of or inadequate documentation.

Some of these concerns expressed by the authors were lack of proper screening of applications, the process not being user friendly and lack of commitment. In addition they have stated that many of the tasks being done by the agencies do not add value to the process, there is no system for processing applications, the absence of adequate documentation of agency requirements and a need for updated and detailed development plans.

The forty Cooper- Lybrand recommendations are comprehensive and practical and could go a long way in resolving the issues identified. There are however three recommendations made by them that are important to identify. One of these recommendations is the proposal that subdivisions under 10 lots should not be circulated to external agencies. Instead they proposed that the applications should be referred to the subdivision committee at the National Environment and planning Agency where a decision would be made. This decision would then be sent to the Kingston and St Andrew Corporation for Approval. This it is argued would not affect the quality of the decision as the agencies are represented on the committee. Another recommendation put forward is the use of professionals in the



system to assist the process and the parallel processing and fast tracking of applications submitted by certified professionals. These applications would not be scrutinised and should the professionals give false information he or she would be severely sanctioned. The third and what may be the most far reaching is recommendation 31 that states “if the planning authority (Parish Council or Town Planning Department) does not respond within 90 days, with a query or indicating a need for additional requirements, the applicant may assume that the application is approved” (Anderson & Rowe, 1996). It is my opinion that these three recommendations represent an attempt to address frustration with the existing system and identify a real interest by the private sector to have a greater influence over the timing and predictability of system response.

The ARA Consulting Group has also evaluated and made recommendations to improve the subdivision approval process in two reports. Their report, however, as stated by them, “has its origins in the conclusions and recommendations of a 1996 report prepared by Coopers and Lybrand Ltd” (ARA Consulting Group INC, 1998, p. 5). The value they have added to the literature is confined to the detailed approach they have taken towards the implementation and financing of the recommended improvements to the system. Their report also represents the first serious attempt by any author to address the issue of an application fee increase to finance the improvements to the system.

McHardy’s criticism of the subdivision approval process follows that of the others before her (McHardy, 2002, pp. 43-46). She however draws extensively on Kingsley Thomas’s evaluation and recommendations that we have outlined above. McHardy however concludes that “despite the implementation of measures to improve the approval process it is still seen as too slow” (McHardy, 2002). This she points out is a major deterrent to investment and a source of lost revenue to the country. She considers the decentralisation of the subdivision approval process as one of the most important proposals in improving the subdivision approval process, as it would lead to shorter

processing time and reduction in bureaucracy. This decentralisation would include reducing or eliminating the Ministers power to review all subdivision decisions and the statutory circulation to the Government Town Planner and the Chief Technical Director.

The Jamaican experience is not unique as Rose Hayes has found the Canadian experience to be similar. She described the approval process in Canada as “highly controlled and perhaps overly regulated” (Town and Country Planning Association of Jamaica, 1989). She goes on to say that several individuals “claim the current system stifles innovation and creativity and results in unnecessary costs” (Town and Country Planning Association of Jamaica, 1989). Hayes is not alone in her criticism of the Canadian system as Lyn Peterson in an article on ethical issues in land use planning and development found the approval process stated that “the process is so slow and so arbitrary, it puts pressure on the municipality, individuals and developers to beat the system” (Peterson, 2008). She then goes on to say that the system “makes crooks out of people” and that the planning tools being used are “based on a false assumption of reality and therefore does not therefore, reflect the dynamics of change” (Peterson, 2008).

The Ontario planning process was also criticised in the commission on planning and development reform in Ontario report chaired by John Sewell. The system was criticised as being as having too many delays and red tape. It was felt that it took too long to hear appeals and that the process produced too many unsatisfactory results. (Commission on Planning and Development in Ontario, 1993). The Canadian and Jamaican experience is also not unique to these two countries as a study on subdivision regulations and attitudes in the United States of America has found the subdivision process to be less than satisfactory. The study identified the subdivision approval process to be laden with red tape and lengthy. In the study the developers interviewed reported that it took an average of 17 months to obtain all the required permits

## 2.23 The Interventions

Following the various studies, criticism, proposals for reform and increasing pressure from the various stakeholders the Government implemented several of the recommendations as proposed. We will now look at several in turn.

### The Creation of the National Environment and Planning Agency.

On April 1 2001 the national Environment and Planning Agency was created from the merger of the Town Planning Department, Natural Resources Conservation Authority and the Land Development and Utilisation Commission (Winston McCalla and Associates, 2006).

This merger was contemplated from as far back as the early 1994 by the government of Jamaica in its land policy (Government of Jamaica, 1994, p. 63). This proposal was recommended as it was felt that all of these agencies were intimately involved in the development approval process (Corrine McLarty and Associates, 1997, p. 24). McLarty has argued that this merger would further reduce the time needed to complete the subdivision approval process from 90 days to 60 days provided that the other proposals she identified were implemented.

### Computer Based management and a Universal Tracking System

One of the recommendations, that most of the authors agreed on, was the need for a computer based management and a universal tracking system. This system, it was expected, would allow for the identification and elimination of redundant procedures (Thomas, 1989). It would also allow for the paperless processing of applications and the easy preparation of management reports. In addition, if this system was extended to all the agencies involved in the process the various benefits would accrue to them as well. The universal tracking system which relies on a universal numbering system would allow

all applicants and other agencies the ability to track their application through the system using a computer connection. This is due to the fact that each application would be given a unique number which would be used by each agency involved. Coiner has stated that the use of such a system could reduce processing time for 90 % of the applications to 30 days (Coiner, 1987).

With the promise of these attractive benefits the applications management and data automation (AMANDA) system was adopted by the government at The National Environment And Planning Agency in 2005 and the Kingston and St. Andrew Corporation in 2009 (Government of Jamaica, 2010).

Processing of Subdivisions 9 Lots and Under and less than 2.2 Hectares at the Kingston and St Andrew Corporation.

Several critics including McHardy (McHardy, 2002, pp. 46-47) have proposed that the processing of subdivisions be decentralised. This decentralisation process would include the council taking the final decision on all subdivisions fitting the category above without circulating them to any external agencies unless absolutely necessary. In addition the confirmation by the Minister of Planning of all subdivisions would be discontinued.

In November 2001 a pilot project was launched which would allow the Kingston and St Andrew Corporation to process the category of subdivisions listed in the category above. (Government of Jamaica, 2003). This change however was not accompanied by the required legislative changes and therefore did not conform to that originally envisaged.

This has resulted in minor changes, which saw the implementation of a system where applications are being circulated by the Kingston and St Andrew Corporation to the external agencies instead of by the National Environment and Planning Agency. These changes also included the formation of a technical subdivision committee at the KSAC. This committee which mirrored the one at the National

Environment and Planning Agency is responsible for recommending a decision on the application to the building at planning committee at the Kingston and St Andrew Corporation .

### Quality Control

Customer service and quality control has always been an issue in the subdivision approval process.

There have been complaints about the user friendliness of the process, lack of commitment from some of the agencies and the poor screening of applications. (Anderson & Rowe, 1996). To overcome these constraints the government established help desks and customer service sections staffed by trained personnel at several of the agencies involved in the process. One of the roles of the personnel located in these sections is to consult with applicants, vet and assess the applications before submission. In addition the help desks and customer service sections, the Government has also established a development assistance centre at the National Environment and Planning Agency to provide a one stop shop for developers. At the one stop developers will be able to have consultations on their projects at one central location to ensure that all proposed projects meet the required criteria "resulting in smooth processing and a decision made within 90 days, as specified by the law," (Jamaica Observer, 2010). It was also expected that the AMANDA system and websites discussed before would help in quality control, provide vital information to the public and would assist in this process (Government of Jamaica, 2010).

Despite the implementation of this recommendation along with several others, there continued to be complaints about the system by various stakeholders throughout the decade. These complaints came from elected representatives at all levels (Manning, Parish councils say bureaucracy stifling development, 2007a), public officials (Manning, Approval Process Slow and Tiresome, 2007b) and, developers (Simpson, 2003) amongst others. Some have argued that applications are still taking as long

two years depending on the magnitude of the project (Manning, Approval Process Slow and Tiresome, 2007b).

In the next section of this paper I will examine the subdivision approval process within Kingston and St. Andrew to see how effective it is in meeting its targets. To do this I will use qualitative and quantitative data. The quantitative data will include subdivisions applications processed within 90 days, meanwhile the quantitative data will include information obtained based on interviews held with the various stakeholders in the process within Kingston and St Andrew.

### **3.0 PROBLEM INVESTIGATION**

#### **3.1 Introduction to the Section**

This section of the paper is divided in to two parts. In part one, I will present the quantitative data related to the number of applications processed and those meeting the time frame of 90 days set by the government. In doing this however we have broken up the data into those cases approved/ refused, those confirmed by the Minister, and appeals. We have not attempted to look at data related to monitoring and enforcement for subdivisions as most of the agencies have not focused on the monitoring of subdivisions but on planning and building permissions.

Section two will focus on the presentation of the qualitative data related to the interviews conducted .It should noted however that our analysis of the data will not treat both sections as exclusive of each other but both will be analysed together.

#### **3.2 Quantitative Analysis**

From Table1, below, we can see that between the years 2000 to June 2010 a total of 856 subdivision applications were received in Kingston and St.Andrew. In this period over 47 percent of the applications took over 90 days to be processed with an average processing time of 248 days.

Of the total number of applications received in 2000-2010, 458 (53.5 percent) were received in the period 2000-2004. Of the amount received 49.34 percent took over 90 days to be processed with an average processing time of 365 days. During the period of 2005 – 2010,398 or 46.5 percent of the applications were received of which 46.23 took over 90 days to process. The average processing time for this period, however, declined to 130.41 days and represents a dramatic improvement over the previous period.

After initial examination the data in table 1 were separated based on number of lots received and processed. This allowed to the examination of the length of time it took to process each different category of applications. This information would be useful to us as we could use it to decide, which applications were being processed faster and the type of solution that needed that should be applied to each category. As the information was not available for the time period of 2000-2004 we decided to use that available for 2005-2010 as it would still serve a useful analytical purpose.

**Table 1**

**Subdivision Applications By Year, Type Number Of Applications, %Of Applications Over 90 Days And Average Time Taken To Process Each Application.**

Time Period Of Subdivision Applications	Total Number Of Applications Submitted	Percentage Of Applications Over 90 Days	Average Time In Days Taken To Process Each Application
2000-2004	458	49.34	365
2005-2010	398	46.23	130.41
Total	856	47.90	248

Source: National Environment and Planning Agency

From table 2 below we can see that the 9 lots and under subdivisions took less time to be processed when compared to the 10 lots and over. This despite the fact that the 9 lots and under subdivisions were more numerous. The processing time continues to be high however as the 9 lots and under subdivisions, took an average of over 101 days to be processed, with over 42 percent of the applications processed over 90 days. The processing time for the 10 lots and over subdivisions were even longer than that of



the 9 lots and under as the average processing time for these subdivisions was over 264 days. It should be noted that over 64 percent of these 10 lots and over subdivision applications took over 90 days to be processed at the National Environment and Planning Agency.

**Table 2**

**Subdivision Applications By Year, Type Number Of Applications, Number Of Lots, % Of Applications Over 90 Days And Average Time Taken To Process Each Application.**

Type Of Subdivision Applications 2005-2010	Total Number Of Applications Submitted	Percentage Of Applications Over 90 Days	Average Time In Days Taken To Process Each Application
9 lots and under	328	42.37	101.82
10 lots and over	70	64.29	264.39
Total	398	46.23	130.41

Source: National Environment and Planning Agency

Table three below shows that the confirmation of subdivisions between the years 2000 to 2010 by the Minister of Planning took an average of 53 days to complete. Over this time period the average time it took to confirm these subdivisions fell from 61 days in 2000-2004 to 41 days in 2005-2010. Of the 672 applications submitted for confirmation only 4.91 percent took over 90 days to confirm.

**Table 3**

**Subdivision Applications Submitted For Confirmation, By Year, % Over 90 Days and Average Time  
Taken To Process Each Application**

Time Period Of Subdivision Applications Submitted For Confirmation	Total Number Of Applications Submitted For Confirmation	Percentage Of Applications Over 90 Days	Average Time In Days Taken To Process Each Application
2000-2004	377	3.71	61
2005-2010	295	6.44	41
Total	672	4.91	53

Source: Office of the Prime Minister

A breakdown of the applications in number of lots as seen in tables 4 and 5 below, shows that between 2000- 2004 it took longer on average to confirm the 9 lots and under applications. This is rather puzzling as it was expected that the smaller applications would take less time to process. However, this anomaly can be explained by the fact that the applications which are 9 lots and under are greater in number than those of 10 lots and under and both groups were treated similarly in terms of processing on a first in first out basis. In addition, the data revealed that several of the 9 lots and under applications took years to be confirmed which actually pushed up the average confirmation time.

Between 2005 -2010 however there was a shift with 10 lots and over applications taking a longer time to be confirmed. This shift in processing time can be attributed to the changes made in the process to improve it, particularly those geared towards the 9 lots and under applications.

**Table 4**

**Subdivision Applications Submitted For Confirmation, By Year, Number of Lots, % Over 90 Days and  
Average Time Taken To Process Each Application**

Subdivision Applications Submitted For Confirmation 2000- 2004	Total Number Of Applications Submitted	Percentage Of Applications Over 90 Days	Average Time In Days Taken To Process Each Application
9 lots and under	321	4.0984	69 days
10 lots and over	56	1.78571	18 days

Source: Office of the Prime Minister

From the information above and below we can easily see that the application process does not meet the minimum acceptable standard of 90 percent of applications approved or refused within 90 days (Coiner, 1987). As a matter of fact the average time in days between 200-2010 taken to process applications from submission to confirmation is 301 days. This of course does not take in account the appeals process as seen in table 6 below which would add significantly to the time taken.

During 2005-2010 however the average time has improved significantly to 171 days. This time however still does not meet the minimum standard and needs to be reduced significantly. Taking in account the changes already implemented It is my opinion that only a dramatic change in the process can bring about the desired results.

**Table 5**

**Subdivision Applications Submitted For Confirmation, By Year, Number of Lots, % Over 90 Days and  
Average Time Taken To Process Each Application**

Subdivision Applications Submitted For Confirmation 2005- 2010	Total Number Of Applications Submitted	Percentage Of Applications Over 90 Days	Average Time In Days Taken To Process Each Application
9 lots and under	236	3.81356	35
10 lots and over	59	16.94915	66
Total	295	6.44	41

Source: Office of the Prime Minister

**Table 6**

**Subdivision Applications Submitted For Appeal, By Number of Refusal, Year, % Over 90 Days and  
Average Time Taken To Process Each Application**

Time Period	Total Number Of Applications Refused	Total Number Of Appeals Submitted	Percentage Of Applications Over 90 Days	Average Time In Days Taken To Process Each Application
2000- 2010	71	10	80	364

Source: Office of the Prime Minister

With this quantitative data in mind I will now look at the qualitative data obtained from the interviews I conducted. This data will give us the perception of the key stakeholders involved in the process as to the challenges they face and initiatives for reform.

### 3.3 Qualitative Analysis

This section is based on the interviews done with various professionals involved with the subdivision approval process in Kingston and St Andrew. The interview process took place between June and July 2010 and involved a total of 18 individuals. The section is organised and analysis done based on the questions asked and the type of professionals.

**Table 7**  
**Length of Time Working Within Each Profession**

Types of Profession	Experience Measured In Average Number Of Years
Political	14.5
Land Surveyors	28
Financiers	10.5
Developers	27
Administrators	27.25
Planners	18.67
Total	21.92

Source: Interviews Conducted With Stakeholders In The Subdivision Approval Process.

From the interviews conducted and responses received as shown in table 7 it was seen that all the various professionals have on average over 10 years experience in their particular profession. Of these professionals the developers, land surveyors and administrators have had over 20 years of experience in the subdivision approval process. The development financiers and political representatives had the least experience, with averages of 10.5 years and 14.5 years respectively.

**Table 8**

**Changes Observed and Effectiveness of Each Change in the Subdivision Approval Process 2000-2010**

Type of Changes Observed in the Subdivision Approval Process 2000-2010	% of interviewees reporting type of Changes they see that impact the subdivision process the most	% of those interviewed reporting on the type change they consider Most Effective
Administrative	22	44
Technological	0	6
Human	2	11
Combination of 2 or more Changes	50	17
None	17	22
Total	100	100

Source: Interviews Conducted With Stakeholders In The Subdivision Approval Process.

From the data in tables 7 we can see that the majority of those interviewed have an average of over 21 years of experience and are intimately involved in the subdivision approval process. This means that the majority of interviewees have been exposed to the various issues, challenges and changes within the system for our period of study and can be relied on to identify and make recommendations to overcome the challenges in the system.

Table 8 above shows that the majority of interviewees identified a combination of factors as impacting the subdivision approval process between 2000-2010. The other major factor seen as impacting the process was the implementation of several procedural/administrative initiatives. Technological intervention on its own was not seen as creating any impact on the process, but had to be combined with the other initiatives. It is interesting to note that over 17% of those interviewed did not consider any of the changes implemented as causing any impact on the process whatsoever. When asked to identify the most effective initiative that they consider as having an impact on the process, the majority (44%) of those interviewed identified the procedural/administrative changes. The second largest number of respondents numbering 22% felt that the changes were ineffective.

These findings are borne out in table 9 below where the interviewees about their perception of the process following the changes implemented. Of those interviewed 67% saw an improvement in the system meanwhile 22% felt that the system did not improve at all.

These responses show that the majority of those interviewed believed that the process has improved due to the changes implemented. These improvements are attributed to a combination of initiatives with the procedural/administrative interventions considered the most important. What this means for any future intervention strategy is that no single intervention is sufficient. Rather what should be considered is a combination of several targeted initiatives. However more resources, including time,

should be spent on getting the procedural and administrative interventions right .This the interviewees felt would be the greatest factor to enable the process to meet the 90 day timeline.

**Table 9**

**Perception of the Subdivision Approval Process Following the Changes Implemented**

Perception of the Subdivision Approval process	% Of Interviewees Reporting On Their Perception Of The System
Improved	67
Not Sure	5.5
No Improvement	22
No response	5.5
Total	100

Source: Interviews Conducted With Stakeholders In The Subdivision Approval Process.

One of the greatest concerns with the data obtained from tables 8 and 9 however is the significant number of interviewees that have considered that, no change has happened, the change is not effective and that the system has not improved. This means that there is still a need for significant improvements in the system. This number is even more significant when the non response and not sure are added to it and the figures disaggregated. These figures show that most of those saying they saw no improvement in the system are the developers, land surveyors and politicians. The developers and land surveyors are the main clients of the process and those responsible for bringing projects to fruition. If the respondents who are land use planners and administrators, all government workers who may have an inherent



interest to state the system is working, are subtracted from the list of interviewees, then the level of non satisfaction would rise to 50%. This figure would be even worse should we subtract the financiers who are only interested in finished products in terms of financing. Therefore the time frame does not affect them as the other groups. This would now put the non satisfaction level of the politicians and surveyors and developers at 67 %.

From table 10 below we can see that there are still major challenges existing in the system. Of those persons interviewed 56 % perceived that there were still issues related to administration of the process. 22% of the individuals felt that the challenge was a combination of factors, with a further 22% perceiving the human element as the major challenge. None of the respondents perceived that technology by itself could resolve the problems or that there was any major challenge affecting the technological elements of the existing process. It is not surprising therefore that the solutions offered to overcome these existing challenges were based on administrative change, improving the human element and a mixed approach. This means as stated before that the system needs to be improved with the major focus being on administrative interventions that include policy and procedural initiatives.

In response to questions 8 which asked;

Can you recount any particular situation with your area of the subdivision application process that offers an example of either an improvement of a continuing challenge?

The majority of those interviewed related experiences that had to do with actual subdivision applications. Most of the private sector stakeholders relate situations where specific applications were “held up” in the system due to what were described as bureaucratic delays and rigid standards.

The public sector stakeholders on the other hand recount in most cases these same subdivisions but state that the developers were trying to circumvent the system and did not want to abide by the set

standards and policies. An interesting twist to the scenario is that taken by two of the political representatives who saw the system as unfair and time wasting in most instances.

**Table 10**  
**Existing Challenges in the Subdivision Approval Process**

Existing Challenges in the Subdivision Approval Process 2000-2010	% Of Interviewees Reporting On The Type Of Challenges That Still Exist In The Subdivision Process	% Of Interviewees Reporting What Can Be Done To Overcome Challenges
Administrative	56	56
Technological	0	0
Human	22	22
Combination of 2 or more	22	22
None	0	0
Total	100	100

Source: Interviews Conducted With Stakeholders In The Subdivision Approval Process.

In response to question 9 which asked;

Are there other areas that we have not covered that you think are important?

The majority of interviewees answered no or repeated things they or other respondents had said earlier.

Of interest though is the response by several of the interviewees who felt that corruption was a problem

in the development process in Jamaica and needed to be eliminated. They felt that this contributed to Jamaica ranking being high on the world corruption index.

Another important point raised in reference to this question was the need for minor and existing subdivisions should be designed and submitted for titles by a licensed land surveyor without going through the formal subdivision approval system. It was felt that that this would help to speed up the approval process and any professional that presented any plan that misrepresented the facts should be liable for severe sanctions including losing their practising licence and criminal charges brought against them.

### **3.4 Summary Problem Investigation**

An analysis of the quantitative and qualitative data reveals that although the subdivision approval process has improved somewhat is not meeting its stated objectives of processing all applications within 90 days of their receipt. This is despite the fact that there have been several interventions made to improve it. The process therefore continues to be a source of frustration for several of the stakeholders.

I will now draw my conclusions and make my recommendations to improve the process in the following chapter.



## 4.0 CONCLUSIONS AND RECOMMENDATIONS

### 4.1 Conclusion

As said in our summary despite the changes introduced in the subdivision approval system 2000-2010, the target for the processing of applications within 90 days has continued to be elusive. There has however been some positive from these changes as both qualitative and quantitative data points to an improvement in the processing time. This has led me to ask 2 questions;

- (1) Is the target of 90 days realistic and achievable?
- (2) Are the solutions proposed comprehensive and properly implemented?

The answer to question one is debateable as several critics of the 90 day timeline have said it is unrealistic and unachievable. These critics could be right as the time frame for the processing of straightforward subdivision applications in Ontario Canada is 180 days (Ministry of Municipal Affairs and Housing, 1992). This time frame in Canada is not unique, as a report done by Eran Ben-Joseph in the United States of America shows an average processing time of 17 months for subdivision applications (Ben-Joseph, 2003).

The 90 day time does not seem to be a problem in Jamaica however, if we are to rely on the studies done on the system. One such study has shown that 90% percent of all subdivision received can be processed done in 90 days (Coiner, 1987). This figure Coiner states can be changed to 90% of application in 30 days if a computer augmented circulation system is put in place. This 90 day processing figure has also been reported as attainable by several consultants including the ARA Consulting Group (ARA Consulting Group INC, 1998). The major stakeholders based on the literature review and interviews have all stated that they believe that the 90 day time line is achievable. Should we admit that the 90 day time line is achievable then we have no choice but to accept the fact that the cause for delays must be in the solutions proposed and or their implementation.

Based on the review of literature the solutions proposed however seem comprehensive and achievable. The solutions are not all unique however, as studies of the Canadian (Ministry of Municipal Affairs and Housing, 1992), (Commission on Planning and Development in Ontario, 1993) and American planning system (Ben-Joseph, 2003) have shown that these countries experienced similar problems to Jamaica and have come up with similar solutions. In addition the professionals that I had interviewed also proposed solutions that were in line with the solutions proposed.

I am therefore convinced that the source of our problems lies not in the solutions that have been crafted but in their implementation. It is my opinion that the piecemeal implementation of the solutions has led to their reduced effectiveness. This is evident in the partial implementation of the AMANDA system, the computerisation of the various departments, and the slow pace of training of personnel. In addition proposals such as the one stop shop, the changing of laws to facilitate new processes, the removal of the political directorate from the process and the promulgation of a new development plan and standards for the area have not been implemented.

We will now look at several recommendations that must be done if we are to achieve the 90 day processing period.

## **4.2 Recommendations**

The recommendations listed below for improving the subdivision approval process system are based on the interviews conducted by myself, information obtained during my literature review and from my own experience as a planner.

I recognise that the recommendations cannot all be implemented at once and that there may need to be discussed further so as to reach a consensus. There may also be the need for the drafting of legislation which normally can be quite lengthy. Furthermore I am also cognisant of the budgetary, recessionary, foreign exchange and other numerous problems facing the government that will certainly affect the implementation of the recommendations.

It is however important that the government act quickly on these recommendations so as to improve the timeliness, predictability and reliability of the subdivision approval process. It should be noted that

the order the recommendations are presented does not necessarily represents the order they should be implemented in.

#### Recommendation 1

**It is recommended that the government move quickly to promulgate the Development plan for Kingston and St. Andrew that has been drafted but languishing for some time now.**

This is very important as the present development order for Kingston and St Andrew is over 30 years old and cannot be relied on to guide development in the capital city. Furthermore this document is limited in its scope as it did not apply to a large portion of St. Andrew. This recommendation was recognised as necessary by the ARA Consulting Group in their report on the development approval process (ARA Consulting Group INC, 1998) and also by several of the interviewees. This recommendation addresses the challenges related to administrative issues as it will allow for the zoning and provision of specific policies and procedures for dealing with subdivisions within the area. It would also reduce the human element through the need for consultation as there would be more certainty as to design guidelines and possibility of approvals .The Minister's ability to grant approval based upon appeals would also be curtailed as specific policies would exist that he would be guided by. It would also lead to better design and faster processing of subdivision applications.

#### Recommendation2

**It is recommended that as put forward by Kingsley Thomas (Thomas, 1989) that the zoning and other relevant laws be modified to recognise three zones of control in Kingston and St Andrew.**

These zones would be tightly, moderately or less regulated areas. The tightly regulated areas would comprise the more environmentally sensitive areas such as the St Andrew hills. The moderately regulated areas would comprise the transitional areas such as Cross Roads, Halfway Tree and other similar areas. The less regulated area would comprise the major urban centre of down town Kingston. This proposal however hinge on the immediate or short term availability of central sewerage facilities,

potable water and other amenities such as fire fighting capabilities and adequate road reservations within the less regulated area. This recommendation would address the administrative issues as less plans being submitted in the formal approval system which would speed up the processing time. It would also allow for the processing and approval of subdivisions outside the formal system which would lead to faster processing times.

### Recommendation 3

**It is recommended that that Jamaica adopts a two tier administrative system of lot creation comprising the subdivision approval process and a consent system. This consent system would allow for subdivisions of up to 5 lots to be created without going through the formal approval process.**

This system would allow for titles to be generated for any land in Kingston and St Andrew .The applicant would however have to inform the general public and his immediate neighbours of his intentions. To do this she would first serve notice of her intention to her neighbours and then advertise her intention to apply for titles in a locally circulating newspaper for a fixed period. If there are no objections she would then submit her application for titles. This application would be accompanied with a certificate stating that the plans conform to the development plan, along with a precheck diagram signed by a certified land surveyor. There is no doubt in my mind that this recommendation which represents a policy and procedural change would address the administrative and human challenges facing the system and lead to faster processing times.

### Recommendation 4

**It is recommended that the powers to approve and confirm subdivisions be delegated by the political directorate to specific accountable officers within the various government agencies.**

This would reduce the amount of time taken to process these applications and reduce the level of political interference in the system. This change reduces the process by one step and addresses particular aspects of the administrative challenges that were seen as a major issue.



#### Recommendation 5

**It is recommended that the Local Improvement Act of 1914 be rescinded and that subdivisions be dealt with under the Town and Country Planning Act.**

A draft bill doing just this exists, although it has been abandoned. It is recommended that this bill be revived and updated and attempts made for it to become law. This cannot be done however without the updating of the development orders to ensure that the act applies to the entire Island. This issue that affects both policy and procedural aspects would help to alleviate the administrative challenge.

#### Recommendation 6

**It is recommended that a one stop shop be set up to process all subdivisions of 10 lots and over. This one stop shop would be staffed by all the relevant technical experts.**

There would therefore be no need to circulate the applications to external agencies. All applications would be submitted and approved within the same facility. The companion to this proposal is the processing of all 9 lots and under applications by the Kingston and St Andrew Corporation. This issue that affects both policy and procedural aspects would help to alleviate the administrative challenge especially that related to circulation.

#### Recommendation 7

**It is recommended that the AMANDA system be extended to all government agencies that are involved in the subdivision approval process.**

In addition the general public should have access to the system from any web portal. This will ensure transparency and accountability and will help to improve processing time. This proposal will also allow applicants to submit their applications electronically online and facilitate the processing of these applications online. This recommendation addresses the challenges related to administrative, human and technological issues and is expected to significantly reduce the time taken to process each

application. This it does by reducing need for human contact with clients and applications and making drastic changes in all the procedures for the processing of applications.

#### Recommendation 8

**It is recommended that the government grants approval agency status to several privately owned firms that meet an agreed standard.**

These firms would now be able to accept and approve plans from applicants. It is also envisaged that such firms would engage in monitoring and enforcement services on behalf of the government. This recommendation addresses the administrative challenges a great deal through the diversifying of the approval process. It also reduces the need for circulation to external agencies and will have the effect of improving the processing time overall.

#### Recommendation 9

**It is recommended that a training gap analysis be done of all staff members involved in the subdivision approval process.** This will then be followed up by the training of those individuals identified for training. Where a staff member cannot attain the acceptable standard he will be rotated to another section within the same organisation or elsewhere. Where necessary the government should hire or retain certain skill professionals on short term contracts. This recommendation will address the issues related to the human element identified as a challenge. This will also address the administrative and technological issue by providing better trained staff to man the system.

## 5.0 LIMITATIONS

This research had several limitations which are however inherent in any research of this nature. Of these limitations three are of the greatest concern. First the use of the interview format that encouraged discussions meant that it was possible that some information was lost during the interview. The different interviewees also gave different degrees of detail in answers that made comparisons very difficult.

Secondly there was the possibility of interview bias which I cannot verify in any way. These biases could occur as errors by the respondents or by me the interviewer. Errors by the respondents could include forgetting, misunderstanding or deliberately misleading me as an interviewer.

Thirdly the sample of only six professional groups with 3 members of each group could be a cause for concern. This is due to the fact that several other professional groups exist that have an interest in the subdivision approval process. The sample size chosen from each group could also be a cause of concern as most of the groups surveyed had a relatively larger proportion of membership.

It is my opinion that these limitations did not affect the validity of the research but may have reduced its predictive powers albeit insignificantly.



## 6.0 APPENDICES

### Appendix 1



#### Consent Form for Interviews

The evaluation of the subdivision approval process in Kingston and St. Andrew, Jamaica

Name of Organisation -----

Address -----

Date -----

#### Background information

This research is being done as a part of my MRP In partial fulfillment of the requirements for the degree of Master of Planning in Urban Development at Ryerson University.

Over the years various stakeholders in the development approval process have complained about the development approval process of which the subdivision process is a major part. In response to these complaints successive governments have implemented reforms to improve the process .These reforms included the implementation of an application management and data automation system (AMANDA), changes in the application process and in the membership and structure several of boards with oversight responsibilities.

The purpose of this research is to evaluate the subdivision approval process in Kingston and St.Andrew Jamaica given these changes so as to see if the process has improved. The information you give us along with the other data collected will give us information with respect to the efficiency of system of processing applications and also help reveal reasons for delays and complaints by stakeholders.

Free expression of your opinion is encouraged and every attempt will be made to ensure that your individual views are heard and respected.

**Consent Form:**

This focus study has been approved by Ryerson University Research Ethics Board and is in accordance with all rules and norms governing participant protection and privacy. To that extent, participation in this session is voluntary and will not take more than two hours. The primary researcher for this project is Dr. Joseph Springer and any additional concerns can be addressed to him at: [springer@ryerson.ca](mailto:springer@ryerson.ca) or 416-979-5000, ext. 6766

All information provided will be considered confidential for the purpose of the entire project. The data will be stored in an encrypted file with access only to the researcher. In reporting the results the report will not identify individuals and all data will be presented in an aggregate form. In addition the information will not be shared and will be destroyed upon completion and acceptance of the research. The destruction of this data will be supervised by Professor Joseph Springer.

For further questions about your rights as participants you can contact: the Office of Research Services at Ryerson University, 350 Victoria Street, Toronto, M5B 2K3, or by phone: 416-979-5000 ext 7112

Sincerely,

Leonard A .Francis

**Agreement to Participate:**

I agree to participate in the interview session being conducted by Ryerson University. I have made this decision based on the background information. I have had the opportunity to ask the facilitator any questions related to this interview and the entire project. I am aware that I may withdraw from the session without penalty at any time by advising the interviewer of this decision.

Participant Name:

Participant Signature:

Witness Name:

Witness Signature:

## Appendix 2

LEONARD AHIJAH FRANCIS

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C/O 18 Serpens Way  
Kingston 19  
Phone (1876) 3735418  
Email leonard.francis@ryerson.ca

August-13-2010

Mr. Peter Knight

Chief Executive Officer

The National Environment and Planning Agency

10 Caledonia Avenue

Kingston 5

Dear Mr. Knight,

My name is Leonard Francis and I am proposing to conduct a research in Jamaica on the

Subdivision approval process within the Municipality of Kingston and St. Andrew. This research is

being done for my MRP in partial fulfillment of the requirements for the degree of Master of Planning in

Urban Development at Ryerson University and is supervised by professor Joseph Springer of the

university. It is expected that the interviews will give me information related to the challenges that the

process faces and proposals for reform. I would like to start conducting this research on May 15 and the intention is to interview a land use planner and an administrator within your organisation.

I am therefore seeking your permission to interview two staff members within your organisation that are involved in the subdivision approval process. Thanks in advance for your kind consideration and cooperation

Sincerely,

Leonard Francis



### Appendix 3

LEONARD AHIJAH FRANCIS

---

C/O 18 Serpens Way  
Kingston 19  
Phone (1876) 3735418  
Email leonard.francis@ryerson.ca

August-13-2010

Planner

Kingston and St.Andrew Corporation

24 Church Street

Kingston

Dear Planner,

My name is Leonard Francis and I am proposing to conduct a research in Jamaica on the subdivision approval process within the Municipality of Kingston and St.Andrew. This research is being done for my MRP In partial fulfillment of the requirements for the degree of Master of Planning in Urban Development at Ryerson University and is supervised by Professor Joseph Springer of the university. It is expected that the interviews will give me information related to the challenges that the process faces and proposals for reform. I would like to start conducting this research on May 15 and the intention is to interview several professionals involved in the process.

As an individual who is experienced and knowledgeable about the process I would like to interview you, so as to get your opinion on the process.

I will therefore be contacting you on or after May 15 so as to obtain a convenient date and time on which I can conduct the interview with you. Please find attached a copy of the consent form containing the relevant information for your perusal.

Thanks in advance for your kind consideration and cooperation

Sincerely,

Leonard Francis

## Appendix 4

Interview Questions to Be Used In Conjunction with the Consent Form.

The evaluation of the subdivision approval process in Kingston and St. Andrew, Jamaica

Type of Professional -----

Name of Organisation -----

Address -----

Date -----

Question 1: How long have you been working within your particular profession?

Question 2: Can you describe the ways in which you have been involved with the subdivision approval system?

Question 3

What changes have you seen in the last 10 that have impacted the development and in particular the subdivision approval process within Kingston and St. Andrew?

Question 4

Which of these changes do you consider the most effective?

Can you describe the issue that the change you speak of addressed and why you consider it effective?

Question 5

What was your perception of the process following the changes implemented?

Question 6

What and where do you think challenges in the subdivision approval process continue to exist?

Question 7

What do you think can be done to overcome these existing challenges?

Question 8

Can you recount any particular situation with your area of the subdivision application process that offers an example of either an improvement of a continuing challenge?

Question 9:

Are there other areas that we have not covered that you think are important?

Thank you for your help

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