



# NATIONAL ENVIRONMENT & PLANNING AGENCY

10 & 11 Caledonia Avenue, Kingston 5, Jamaica W.I.; Tel: (876) 754-7540/3 Fax: (876) 754-7595-6 Hotline: 1-888-991-5005  
E-mail: [ceo@nepa.gov.jm](mailto:ceo@nepa.gov.jm), Web Site: <http://www.nepa.gov.jm>

Ref: 2013-03017-EP00001

Monday, July 22, 2013

Mr. Robert Francis  
Managing Director  
Frantom Development Company Limited  
19 Red Hills Road  
**Kingston 10**

Dear Mr. Francis:

**Re: Application for Permit under Section 9 of the Natural Resources Conservation Authority (NRCA) Act, 1991, in respect of 2013-03017-EP00001 Subdivision 10/more at Creighton Hall, Bontany Bay, St.Thomas**

Based on a review of the application for the captioned project, the Authority hereby grants the attached permits, #2013-03017-EP00001.

The Permittee is advised to carefully read the entire permit including all conditions outlined. Please note that all terms and conditions must be adhered to, as failure to do so may result in the Authority taking legal action against you.

An appeal of any term or condition may be made to the Minister of Environment in writing, according to Section 35 of the Natural Resources Conservation Authority Act (1991) within twenty- eight (28) days of the date of the permit.

Yours sincerely,  
National Environment & Planning Agency

Robert Collie  
for Chief Executive Officer

RC/sw



# NATIONAL ENVIRONMENT & PLANNING AGENCY

10 & 11 Caledonia Avenue, Kingston 5, Jamaica W.I. Tel: (876) 754-7540/3 Fax: (876) 754-7595-6 Tollfree: 1-888-991-5005  
E-mail: ceo@nepa.gov.jm, Website: http://www.nepa.gov.jm

**THE NATURAL RESOURCES CONSERVATION AUTHORITY ACT**  
**The Natural Resources Conservation (Permits and Licences)**  
**Regulations, 1996**

**Permit to Undertake Enterprise, Construction**  
**Or Development in a Prescribed Area**  
**[Pursuant to Section 9 (2)]**

**Permit No.** 2013-03017-EP00001

**Application Date:** 8 January 2013

**Issue Date:** 29 July 2013

**The Permittee:** Frantom Development Company Limited

---

**Of:** 19 Red Hills Road Kingston 10

---

**Is hereby authorized to undertake:**

Subdivision of ten (10) lots or more

---

**At:** Creighton Hall situate at Botany Bay to be known as Botany Heights, St. Thomas

---

**In accordance with the terms and conditions specified in the Schedule**

**This Permit is granted subject to the Terms and Conditions set forth in the**  
**Schedule below**

## SCHEDULE

The Natural Resources Conservation Authority under its mandate to ensure the proper management, conservation and protection of the physical resources of this island has pursuant to Section 9 of the Natural Resources Conservation Authority Act and the Natural Resources Conservation (Permits and Licences) Regulations 1996 established a system of permits for prescribed activities as mandated by the Natural Resources (Prescribed Areas) (Prohibition of Categories of Enterprise, Construction and Development) Order, 1996). It is an implied condition of every permit that based on the information presented in the Project Information Form, the Application form and where applicable the Environmental Impact Assessment and any addendum or adjustments made thereto, that the Authority is of the view that the activity subject to all the conditions stipulated in this Permit is not likely to be injurious to public health or the environment. Where new regulations are made or existing regulations are amended by the Minister under the Natural Resources Conservation Authority Act 1991 or other statute this permit shall be deemed, upon promulgation of such regulations or statute to automatically be amended to conform with such regulations or statute.

This Permit comprises all five (5) pages of this document, the Permit Application and Project Information Forms, both dated 18 December 2012 and both received and date stamped by the Authority 08 January 2013, document titled, "Project Brief Proposed Subdivision BOTANY HEIGHTS Saint Thomas Volume 1013 Folio 263" dated December 2012, received and date stamped by the Authority 8 January 2013 and drawing titled "Proposed Subdivision of Part of Creighton Hall situate at Botany Bay to be known as Botany Heights Saint Thomas Vol. 1013 Fol. 263 sheet nos. PSL-01A-PSL-06A" dated 30 October 2012, received and date stamped by the Authority 04 June 2013 and all accompanying addenda.

### Description of Permitted Activity

This Permit is for the subdivision of 52,813.80 square metres of land part Creighton Hall situate at Botany Bay to be known as Botany Heights in the parish of St. Thomas to be subdivided into into forty five (45) lots with areas ranging from 750 square metres to 2,290 square metres. Lots 1-41 are to be used for residential purpose, lot 42 is to be used for commercial purpose, lot 43, 44A and 44B are to be used for open space, two (2) reserved roads, sections 1 and 2 are reserved for road widening, three (3) drain easements and a strip of land reserved for a green belt.

Sewage treatment and disposal shall be effected by Septic Digester/Anaerobic Sewage System (individual on lots).

### Definitions

**"Permittee"** means the holder of this permit.

**"Agency"** means the National Environment and Planning Agency established pursuant to S.4 of the Executive Agencies Act.

**"Authority"** means the Natural Resources Conservation Authority established pursuant to Section 3 of the Natural Resources Conservation Authority Act.

**"Representation"** means any information implied or express on which the Authority has relied to grant this Permit and includes all the information contained in the Application Form, the Project Information Form and the Environmental Impact Assessment Report where applicable, addenda and all supplementary documentation and information including but not limited to correspondence.

**The Permittee hereby undertakes to comply with all the following terms and conditions:-**

### General Conditions

1. All works carried out pursuant to this Permit shall be performed under the professional supervision of trained personnel who are qualified and competent to carry out the functions and duties of the Permitted Activity and who are conversant with the accompanying safety requirements and the hazards to workers, the public and the environment.
2. The Permittee shall not assign, transfer or dispense with this Permit or part with any benefit under it except with the prior written consent of the Authority.
3. Any reference to time in this Permit shall be computed as of the date of issue of this Permit.
4. The Authority reserves the right to alter, amend or introduce new conditions to this Permit at any time.



5. The Authority may in its sole discretion revoke or suspend this permit if it is satisfied that a breach of any term or condition, implied or express, subject to which this permit has been granted has been committed.
6. The Permit is granted subject to any existing legal rights of third parties.
7. This Permit does not dispense with the Permittee's obligations under any other law, nor does it authorize a contravention of any statute, regulations, the common law or breach of any agreement.
8. The Authority reserves the right to review this Permit periodically and may initiate administrative and/or judicial action for any violation of any condition by the Permittee, its customers or guests, its agents, employees, servants, contractors or assignees.
9. A copy of this Permit shall at all times be placed in a prominent place at the location of operation (or business as the case may be) and shall be in such characters and in such position as to be conveniently read by the persons having functions and duties which are or may be affected by the matters set forth in this authorization.
10. The company shall maintain and keep in good repair all equipment used in carrying on the process (or operation) as the case may be. Maintenance shall be carried out in accordance with the manufacturers' recommendations or in such better manner or at such greater frequency as operational experience may show to be appropriate.
11. There shall be safe and adequate access to all sampling and monitoring points.
12. The Permittee shall keep all records of the operation including any environmental monitoring results for a period of not less than five (5) years, computed from the date on which the records were made and such records shall be available for inspection at any reasonable time by any authorized member or officer of the Authority.
13. Any amendment to the records shall be made in such a way as to leave the original result legible. Only authorized persons may make amendments to records and every such amendment shall bear the signature of the said authorized person.
14. The failure of the Authority to enforce at any time or for any period any one or more of the terms or the conditions of this Permit shall not be a waiver of its right at any time subsequently to enforce all the terms and conditions of this Permit.
15. Any member of the Authority or any authorized officer of the Authority may at any reasonable time make such periodical inspections and investigations in respect of the activities that are herein permitted for the purpose of ascertaining whether the terms and conditions of this permit are being observed or not and the Permittee shall allow such authorized officer to conduct such inspections.
16. If there is any proposed change in the ownership of the Permittee notification of such change shall be given to the Authority at least one (1) month prior to such change.
17. If the permitted activity does not commence within five years after the date of issue of this Permit, then this Permit is void and the Permittee shall re-apply for a new Permit.

#### **Specific Conditions**

#### **DOCUMENTATION**

1. The Permittee shall comply with all the representations made in the Permit Application and Project Information Forms, both dated 18 December 2012 and both received and date stamped by the Authority 08 January 2013, document titled, "Project Brief Proposed Subdivision BOTANY HEIGHTS Saint Thomas Volume 1013 Folio 263" dated December 2012, received and date stamped by the Authority 8 January 2013 and drawing titled "Proposed Subdivision of Part of Creighton Hall situate at Botany Bay to be known as Botany Heights Saint Thomas Vol. 1013 Fol. 263 sheet nos. PSL-01A-PSL-06A" dated 30 October 2012, received and date stamped by the Authority 04 June 2013 and all accompanying addenda.
2. The Permittee shall ensure that all correspondence, notifications, plans, reports or any other documents being submitted to the Agency and/or Authority pursuant to any General and/or Specific Condition of the Permit are addressed to "Manager, Enforcement Branch, National Environment and Planning Agency, 10 Caledonia Avenue, Kingston 5" or emailed to [EnforcementManager@nepa.gov.jm](mailto:EnforcementManager@nepa.gov.jm).

## SEWAGE TREATMENT

3. The Permittee shall ensure that the on lot sewage treatment and disposal system is to the tertiary level and this shall be endorsed on the titles of the individual lot owners as a covenant.
4. The Permittee shall ensure that the designs of the sewage treatment and disposal system are submitted to the Local Health Authority for approval.

## DRAINAGE

5. The Permittee shall ensure that the storm water drainage plan is implemented based on the design approved by the National Works Agency (NWA) in letter dated 14 June 2013 and subject to the conditions contained therein (see attached *said letter from the NWA*).
6. The Permittee shall not impede the natural drainage.
7. The Permittee shall ensure that surface drainage and storm water run off generated from the development is effectively intercepted and disposed of within the curtilage of the site.

## OPEN SPACE

8. The Permittee shall ensure that lots 43 and 44A with areas of 1,953.30 m<sup>2</sup> and 2,290.30 m<sup>2</sup> respectively as shown on drawing titled, "Proposed Subdivision of Part of Creighton Hall Situate at Botany Bay to be Known as Botany Heights Saint Thomas Vol. 1013 Fol. 263 sheet no. PSL-02A" dated 30 October 2012 received and stamped by the Authority 4 June 2013 is retained for Park/Open Space and Open Space respectively and this shall be endorsed as a covenant on the individual lot titles.
9. The Permittee shall ensure that the lot labelled "Green Belt" of area 640.00m<sup>2</sup> as shown on drawing titled, "Proposed Subdivision of Part of Creighton Hall Situate at Botany Bay to be Known as Botany Heights Saint Thomas Vol. 1013 Fol. 263 sheet no. PSL-02A" dated 30 October 2012 received and stamped by the Authority 4 June 2013 is appropriately landscaped and retained for this use.

## FAUNA AND FLORA

10. Trees with a trunk diameter equal to or greater than twenty-five (25) centimetres measured at a height of one (1) metre above the ground shall be clearly marked (flagged using fluorescent tape at three levels on the trunk) and mapped for preservation prior to the clearance of the area slated for development. Any tree located on the road alignment or within the area to be occupied by the buildings may be removed.
11. The Permittee shall notify the Manager, Enforcement Branch of the National Environment and Planning Agency, 10 Caledonia Avenue, Kingston 5 or email: [EnforcementManager@nepa.gov.jm](mailto:EnforcementManager@nepa.gov.jm), in writing of the date of the completion of the tree flagging exercise at least seven (7) days prior to the clearance of the area slated for development.

## DUST CONTROL

12. The Permittee shall cover construction materials during transport to prevent the generation of fugitive dust.
13. The Permittee shall during the construction phase wet road surfaces and stockpiles of soil and marl to prevent the generation of fugitive dust.

## NOISE ABATEMENT

14. The Permittee shall ensure that the noise level during construction does not exceed 70 dB at the boundary of the site.
15. The Permittee shall ensure that work is carried out between the hours of 7:00 a.m. and 6:00 p.m. from Mondays to Fridays and 8:00 a.m. and 6:00 p.m. on Saturdays. There shall be no work on Sundays and Public Holidays. Any work to be done outside of this period will require the permission of the Authority.

## SOLID WASTE DISPOSAL

16. The Permittee shall ensure that there is no burning of waste or any other debris on the site.

17. The Permittee shall ensure that the solid waste generated during the construction phase of the development, inclusive of demolished material, is disposed of at a municipal dumpsite with the approval of the National Solid Waste Management Authority (NSWA). A copy of the approval from the NSWMA must be submitted to the Manager, Enforcement Branch, National Environment and Planning Agency (emailed: [EnforcementManager@nepa.gov.jm](mailto:EnforcementManager@nepa.gov.jm)) 10 Caledonia Avenue, Kingston 5 prior to the commencement of the development.

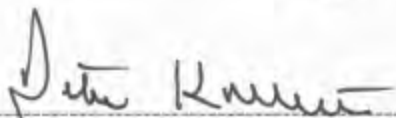
#### **WATER SUPPLY**

18. The Permittee shall construct or cause to be constructed tanks of minimum volume of 4,000 litres for the individual lots. The tanks shall be constructed and fully operational for the supply of potable water before the occupation of any of the lots, and this shall be endorsed as a covenant on the individual titles.
19. The Permittee shall install a network of water pipes throughout the development to allow for the interconnection by individual lot owners when public water supply becomes available.

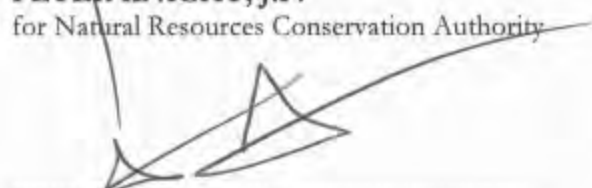
#### **APPROVALS REQUIRED**

20. The Permittee shall apply to the Authority for an Environmental Permit and/or Licence pursuant to sections 9 and 12 of the Natural Resources Conservation Authority Act for any subsequent development on the property in accordance with the Natural Resources Conservation (Permits and Licences) Regulations 1996 and Natural Resources (Prescribed Areas) (Prohibition of Categories of Enterprise, Construction and Development) Order, 1996 prior to the commencement of this development.
21. The granting of this Environmental Permit does not relieve the Permittee from complying with any other statutory obligation or from applying for and obtaining any other, permission, certification, permit or licence. These include but are not limited to Building Permission under the Building Act and Planning Permission under the Town and Country Planning Act.

Dated the *22<sup>nd</sup>* day of *July* 2013



**PETER KNIGHT, J.P.**  
for Natural Resources Conservation Authority



**ROBERT COLLIE, J.P.**  
Secretary  
Natural Resources Conservation Authority