

Caribbean Handbook on Risk Information Management



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Legislation and planning in Saint Lucia

Saint Lucia

Legislation and planning process in Saint Lucia

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Saint Lucia is a windward and volcanic island in the eastern Caribbean Sea. It covers a land area of about 616 Km² and has an estimated population of 169,000. Its climate is tropical, and is warm & humid throughout the year. Saint Lucia, like other eastern Caribbean countries, is vulnerable to a number of natural hazards, including landslides, flooding, hurricanes, storm surge, earthquake, drought, and volcanic activity. The effects of these phenomena are exacerbated by anthropogenic activities, e.g., deforestation, poor building practices, indiscriminate garbage disposal, and squatting (Heholt, 2013). Saint Lucia experienced a number of storm surges and hurricanes in the recent past, which affected the country's economic growth. Losses due to tropical storm Debby in 1994 exceeded EC \$230 million, a tropical wave in 1996 led to damage of EC \$12 million, estimates from tropical storm Lili in 2002 are EC \$54 million, and Hurricane Dean in August 2007 caused damage and losses of about EC \$50.7 million (2.5% of GDP) (Wright et al., 2013). Hurricane Tomas in 2010 was the most severe one and resulted in floods and landslides across the country. The total cost of the damage and losses to the different sectors, from Tomas amounted to EC \$907.7 million (US\$336.2 million), which represents 43.4% of the county's GDP (ECLAC, 2008). Saint Lucia, due to its rugged topography and steep slopes, is prone to landslides. There were widespread landslides following the passage of Hurricane Tomas. The Christmas Eve flooding in December 2013, due to heavy rainfall and storm left heavy damage to infrastructure, causing an estimated loss of \$242.6 million (\$89.2 million) (Wright et al., 2013)

The physical planning process in Saint Lucia

The following are the relevant land management and land use legislation documents in St. Lucia

- Coastal Zone Management Policy;

- National Housing Policy;
- National Energy Policy;
- National Water Policy;
- National Climate Change Policy and Adaptation Plan;
- National Agricultural Policy and Strategy (under development);
- National Biodiversity Strategy and Action Plan (NBSAP);
- National Tourism Policy (to be accepted);
- Shore and Ship Waste Management Policy.

The current legislation that is enforced in St Lucia is the Physical Planning and Development Act of 2001 (Physical Planning and Development Act, 2001), and amendments of 2005. The original Act or parent Act is called the Town and Country Planning Ordinance of 1961. That Act was repealed by the Land Development and Control Act of 1971. Within the physical planning section, there is prescribed the Development Control Authority (DCA). This Authority is responsible for granting permissions for land development in the country. DCA is managed by a board, called the Development Control Board (DCB). There are 13 members of DCB from various government departments who are appointed by the Cabinet. The Physical Planning Section has responsibility for preparing land use planning. The planning Act, under Part II (10), makes the provision of preparing a physical plan for the whole country or any specified part (regional, local level) and guides how such a plan should be developed. The development plan may allocate land for conservation, industrial, commercial, agriculture, residential, recreational, touristic, institutional, or any other purposes. Broadly, the development plan provides a strategic direction for physical development in the country or part of the country.

The Act gives an indication of what should be the contents of a development plan. The plan should include maps, descriptive information, profiles, and other related details necessary to illustrate the proposal. Hazards and risks and various environmental protections have to be incorporated in the plan. In this regard, research may be carried out or available information collected from other agencies such as National Emergency Management Office (NEMO), and the Meteorological Department to get sufficient information to inform the plan. The Head of the planning section is authorised to submit a draft plan to the concerned Minister for review. The Minister may approve the plan with or without modifications or may reject it. Once approved by the Minister, it is then submitted to the House of Assembly for their approval. When a Physical Plan is approved by the House, it becomes a legal document and remains in effect until it is rescinded by the concerned Minister. The plan may be revised at any time needed or at least after 5 years of its formal approval. An approved development plan is then given principal consideration in approving applications for development. For Saint Lucia, no such plan (Development plan) for the country has been prepared as yet and local plans which are prepared for some parts of the Island have not received statutory status for enforcement.

Like other target countries, development approval is needed from the DCA, prior to commencement of any land development work in the Island. The Act, Part III 16(1) says "Subject to this Act, a person shall not commence or carry out the development of any land in Saint Lucia without the prior written permission of the head of the Physical Planning and Development Division". An application for permission to develop land has to be made on the prescribed application form accompanied by necessary maps, drawings, and related documentation for review. Depending on the nature of the proposed development work and likely negative impact on the environment, an EIA report has to be submitted in order to evaluate the application and make decisions. The EIA has to be undertaken on agreed terms of reference and by a qualified professional. Permission for land development may be granted unconditionally, with specific conditions, or the application may be rejected. The decision on the application has to be made within 90 days of formal submission of complete application. In certain circumstances, the application may also be forwarded to the Cabinet for their review. The client may appeal to the Appeal Tribunal against any decision of the DCA.

Land subdivision process in Saint Lucia

- The developer or his agent presents applications at the Front Desk Counter for submission.
- The application is checked by the Front Desk Clerks or Building Officers to ensure that the developer/agent has submitted all the requirements for the particular type of application being submitted.
- Assuming all the requirements have been submitted, a payment slip is written up and given to the developer or his agent for payment of fees.
- An application is not registered until fees have been paid for the application. Upon payment of the fees, the developer submits the application with the receipts showing proof that the fees have been paid.
- The application is then registered by the Front Desk Clerks or Building Officers by registering all the information applicable to the application being submitted in the register of applications. The application

is given a reference number, which will be the next consecutive number available in the register.

- The information (applicable to the application) written in the register of applications is as follows:
 - Reference Number
 - Date of submission
 - Number of plans submitted
 - Applicant's name
 - Block and Parcel Number
 - Location of development
 - District
 - Approval type (full approval or approval in principle)
 - Application type e.g. commercial, residential, subdivision, etc.
 - Other types of applications not specified under application type, e.g tent, fence.
 - Area of development (building area or area of lots for subdivisions)
 - Number of bedrooms
 - Number of lots
 - Fees
 - Department Circulation dispatched and returned, i.e. receipt numbers
 - Decision
 - Recipient (person who receives application on presentation of registration slip)
 - Subdivision Number
 - Designer
 - Remarks (signature of officer registering application)
- Once all the information relevant to the application (as indicated above) is entered in the registration book, an Acknowledgment Slip is prepared and given to the developer/agent. This slip must be presented when collecting the application. The Acknowledgment Slip also provides information relevant to the application, such as:
 - Applicant's name
 - Address
 - Application Reference Number
 - Development type
 - Date submitted
 - Building Officer Zones
 - Office contacts
- The officer registering the application must sign the Acknowledgment Slip on behalf of the Executive Secretary, Development Control Authority. The Acknowledgment Slip is also stamped with the Authority's date stamp indicating the date the application was submitted.
- The officer registering the application then writes the reference number and stamps the date stamp on the top right hand corner of all the documents and drawings (individual sheets) of the application. The application is then referred to the Development Control Officer or to the Executive Secretary who assigns it to an officer for processing.

Status of hazard and risk information in Saint Lucia

There is no specific organization in the country to produce hazard and risk information. Usually, this has been done on a project basis with the external support. Due to limited technical capacity in-house the planning department has to rely on maps being produced under various externally funded projects. In many such cases, the hazard information produced is too general, and not specific and detailed enough to be included with a level of certainty in development planning. Table 3 provides an overview of different hazard maps available for St. Lucia. There are a number of hazard maps produced mainly for landslides and flooding at various scales. Some large scale maps are also available for the capital city of Castries, where flooding is a problem.

Table 3. List of various hazard maps produced for Saint Lucia

Type	Purpose/ Description	Coverage	Scale	Date produced	Author/ Consultant	Source of this information
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landslide risk	Mapping landslide	Entire country	1:50,000	Nov 1985	Jerome V.deGraff	(CDERA, 2003a)
landslide risk	Updating of 1985 landslide map	Entire country	1:75,000	1992	Cassandra Rogers	(CDERA, 2003a)
Debris risk severity	Mapping debris flows and slides	Entire country	1:75,000	1992	Cassandra Rogers	(CDERA, 2003a)
Volcanic	Mapping of areas to be affected by volcanic hazards	Entire country	1:25,000	June 2002	Seismic research Unit	(CDERA, 2003a)
Landslide susceptibility map	For the development of hazard mitigation plan for Saint Lucia	Entire country	1:50,000	2006	CIPA	
Landslide susceptibility map	For the development of hazard mitigation plan for Saint Lucia	Castries	1:10,000	October 2006	JECO Caribbean Inc	Saint Lucia and Grenada LandslideHazardMappingFi 28-06
Coastal flooding	Storm hazard assessment for St Lucia and Belize. combined storm surge and wave hazards	Entire Island	1:25,000	Unknown	Kinetic Analysis Corporation	(Kinetic Analysis Corporati
Wind hazard	Storm hazard assessment for St Lucia and Belize	Entire Island	1:25,000	Unknown	Kinetic Analysis Corporation	(Kinetic Analysis Corporati
Coastal flooding	Storm hazard assessment for St Lucia and Belize. combined storm surge and wave hazards	Castries	1:10,000	Unknown	Kinetic Analysis Corporation	(Kinetic Analysis Corporati
Wind hazard	Storm hazard assessment for St Lucia and Belize	Castries	1:10,000	Unknown	Kinetic Analysis Corporation	(Kinetic Analysis Corporati

Landslide inventory map	Christmas Eve storm in Saint Lucia	Entire Island		Unknown		Daniel B. Wright, Cynthia Linero Molina, Maria Carolina Rogelis	(Wright et al., 2013)
Flood hazard map	Development of flood hazard maps for Grenada and St. Lucia	Entire Island	1:25,000	February 2006		Vincent Cooper, Jacob Opadeyi	(Cooper & Opadeyi, 2006b)
Detailed flood hazard map	Development of flood hazard maps for Grenada and St. Lucia	Castries	1:25,000	February 2006		Vincent Cooper, Jacob Opadeyi	(Cooper & Opadeyi, 2006b)
Landslide susceptibility map	Landslide susceptibility and risk in Saint Lucia	Entire Island	unknown	2012		Quinn	(Quinn, 2012)
Flood and landslide maps	Various large scale landslide and flood maps	For different parts of Castries city	unknown	2012		ICF GHK, Kings college London, Grupo Laera	(ICF GHK, 2012)
Flood hazard map	Under the World Bank CHARIM project	Entire country	unknown	February 2015		ITC	ITC

Inclusion of disaster risk management in physical planning policies and development work in St. Lucia

In the planning Act, there is no specific mention of use of hazard information for planning purposes. However, in the course of preparation of a development plan for the country or specific region, the planning unit can seek advice from concerned departments on natural hazards such as the National Emergency Management Office (NEMO), Meteorological Office, and the Water Resource Management Agency.

The planning Act makes the provision of undertaking EIA for specific projects, which may likely effect the environment. In the course of EIA study, there is a possibility of inclusion of considerations of specific hazards. The Ministry of Physical Development, Environment, and Housing, in the government of St. Lucia produced a land policy in 2007. Although it is still in draft and currently under revision, its endorsement by the Assembly, speaks about minimizing potential damage and loss from the impacts of hazards and disasters and further recommended implement related national policies and plans including; national climate change policy and adaption plan, coastal zone management policy, and national hazard mitigation plan. (Ministry of Physical Development, 2007)

The Development Control Authority (DCA) of St Lucia has specified setbacks requirements for coastal area development (See Figure 3 for examples). For example, no construction will be permitted within 25 to 100 feet from high water mark (HWM) depending on the slope of the area, nature of the sub-strata, and prevailing oceanographic conditions (Norville, 2003).

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