

THE TOPIC

ARBO

- On February 5, 2015, the Minister of Planning & Sustainable Development, Dr. Bhoendradatt Tewarie, granted conditional approval to Arbor and Rosewood schools to carry out the development of land at #129 Long Circular Road, part of #131 Long Circular Road, and #1 Champs Elysées. The approval was granted under the following conditions:

- To ensure the safety of users/occupiers of the building site.
- To ensure that the requirements of the Water and Sewerage Authority are satisfied.
- To minimize the impact of any additional traffic that may arise.
- To ensure that no nuisance or inconvenience is caused to any adjoining or nearby property owner-occupier or to any user of any nearby road.
- The Municipal Corporations Act (1990) requires this to be done i.e. that the consent of the Local Authority be obtained prior to the commencement of development.
- To monitor the impact of the proposed development.

- The approval was granted for a period of one year.

- Member of Parliament for Diego Martin North East, Mr. Colm Imbert, responded to the question.

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- Member of Parliament for Diego Martin North East, Mr. Colm Imbert, responded to the Approval in Parliament on February 27 as follows:

- "The Highways Division is still of the view, and correctly so, that the location of a school opposite the Assumption Church in Maraval will have a profound and catastrophic effect on traffic in the Maraval area and on the citizens of Maraval and on my constituents. Therefore, what possessed the Minister of Planning and Sustainable Development to ignore these letters written by the Director of Highways, who is the statutory authority for traffic, to ignore them and grant permission for the school?"

- On March 6, Dr. Tewarie responded to Mr. Imbert as follows:

- "The Motion brought by the hon. Member for Diego Martin North/East had to do with the traffic congestion that will result from a decision of the Ministry of Planning and Sustainable Development to approve the use of a building at No. 129 Long Circular Road in Maraval for the operation of the school and that is the Arbor School.

- You would recall, that on August 29, 2014, I was compelled in a way to write to Mr. Phillip Hamel-Smith, one of the directors of the school, to indicate clearly that the Ministry and the Town and Country Planning Division had every intention to deny planning permission for the continuing of work to construct and to complete construction of the school.

- Now, that denial to operate a school was precisely because the owners of the school did not have any permission to proceed with construction of a school, and in the absence of planning permission from Town and Country Planning, their application, although received, was not approved and, on that basis, we asked them to desist.

ARBOR AND ROSEWOOD MARAVAL SITE

ble Now, the Minister of Planning and Sustainable Development is
nal authorized through Part III, section 11(1) of Town and Country
the Planning Act to

131 '...grant planning permission either unconditionally or subject
was to such conditions as he thinks fit, or may refuse permission.'

the So you can grant, you can grant with conditions, you can
refuse.

and 'The decision of the Minister on any application made to him
under this section shall be final.'

nat So that makes discretion a very important thing in the making
of a decision. It makes due and deliberate consideration a very
ed important matter, in exercising that kind of authority. Under
ier section 11(3) of the Town and Country Planning Act, 35:01, it
is the Minister who is empowered to make the final decision.
res He may take advice where necessary, including the advice of
cal stakeholders and interested parties, but it is in the end his
ent responsibility to weigh the inputs and make the final decision.
The fact, therefore, that the Director of Highways advised
against something is only one consideration, and his opinion,
with all due respect, is not binding on the Minister.

ed Having said that, I want to say that although the letter read by
the hon. Member for Diego Martin North/East to support his
case, was from the Director of Highways, there is also in the
Ministry of Works and Infrastructure, a traffic engineer, and
m the Director of Highways is not necessarily a traffic expert. The
ry Traffic Engineer is, in fact, the person whose business it is to
look at the issue of traffic.

Also considered and accepted, was the traffic management plan proposed by EDFAM, which was completed by LF Systems Limited, which report was led by Dr. Rae Furlonge, a transportation expert, who is known to have provided traffic management advice to the Ministry of Works and Infrastructure.

The approved plan includes the following:

- the drop-off and pick-up points will not include entry or exit on the Champs Elysees Road;
- provisions have been made for a driveway that accommodates 30 cars in a waiting pattern, to ensure that no parking or waiting take place on any adjoining public roadway"

An Injunction filed by the Diego Martin Regional Corporation remains in place so that the schools cannot open. EDFAM, operators of the schools, have applied to the Court to have the Injunction lifted.

"I DO NOT AGREE WITH WHAT YOU HAVE TO SAY, BUT I'LL DEFEND TO THE DEATH YOUR RIGHT TO SAY IT."

-VOLTAIRE

"FREE SPEECH IS MEANT TO PROTECT