

*Physical Planning and Development (Environmental Protection Area) (Pitons Management Area) Order*

## SAINT LUCIA

STATUTORY INSTRUMENT, 2024, No. 107

[ 16th July, 2024 ]

In exercise of the power conferred under section 34(2) of the Physical Planning and Development Act, Cap. 5.12, the Minister responsible for planning and development, makes this Order:

### Citation

1. This Order may be cited as the Physical Planning and Development (Environmental Protection Area) (Pitons Management Area) Order, 2024.

### Interpretation

2. In this Order —

“coastal area” includes the bay areas where land and sea merge in the regions of Jalousie, Beausejour, Malgretoute and Anse L’Ivorgene;

“design guide” means the design guide specified in Schedule 1;

“Environmental Protection Area” means the Pitons Management Area declared under section 4 as an environmental protection area;

“landscape”, in relation to the environmental protection area, means —

- (a) the volcanic topography;
- (b) the dense tropical vegetation;
- (c) the surrounding sea;
- (d) slopes around the Pitons;

“Pitons” means Gros Piton and Petit Piton;

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“Pitons Management Area” means the area described in Schedule 2; “Piton Mitan” means the connecting ridge between the Pitons;

“view area” means the scene that is visible within the Environmental Protection Area;

“view point” means the location described in Schedule 3, from which a view area is seen;

“Zone 1” means the Pitons and Piton Mitan as shown in Schedule 2;

“Zone 2” means the Sulphur Springs area as shown in Schedule 2; “Zone 3” means the coastal area as shown in Schedule 2;

“Zone 4” means settled areas and plantations as shown in Schedule 2; “Zone 5” means the marine zone as shown in Schedule 2.

**Purpose**

3. The purpose of this Order is to afford special protection to the Pitons Management Area as an Environmental Protection Area.

**Declaration**

4.—(1) The Pitons Management Area is declared an Environmental Protection Area.

(2) This section is deemed to have come into force on the 8th day of March, 2004.

**Environmental Impact Assessment and Environmental Statement**

5.—(1) A development within the Environmental Protection Area with a combined footprint of more than two thousand square feet may require an environmental impact assessment and environmental statement.

(2) The Head of the Physical Planning and Development Division shall instruct an applicant of the requirements for an environmental impact assessment and environmental statement.

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(3) The Head of the Physical Planning and Development Division shall not approve an application for a development within an Environmental Protection Area if the risk to the Environmental Protection Area is too high and mitigation is not possible.

**Work to be carried out within the Environmental Protection Area**

6.—(1) Subject to subsection (2), mining operations and large scale earth moving or filling operations is prohibited within the Environmental Protection Area.

(2) Subsection (1) mining operations or large scale earth moving or filling operations required to maintain the existing road network and carry out remedial work, such as the clearance of landslides.

**Development in Zone 1**

7.—(1) This section applies to Zone 1 that is within the Environmental Protection Area.

(2) Development is prohibited with the exception of works to improve existing trails on Gros Piton, including minor signage and interpretation.

(3) The existing trails on Petit Piton must be restricted to avoid disturbance to the ecosystem and access may be permitted for research and scientific purposes and a new trail must not be established without the permission of the Head of the Physical Planning and Development Division.

**Development in Zone 2**

8.—(1) This section applies to Zone 2 that is within the Environmental Protection Area.

(2) The existing natural setting of Zone 2 must be preserved and enhanced.

(3) A new development must not be undertaken from the main viewing area of Zone 2 and the surrounding visible ridgelines in Zone 2 must remain free from development.

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**Development in Zone 3**

9.—(1) This section applies to Zone 3 that is within the Environmental Protection Area.

(2) Development in Zone 3 is permitted if it is compliant with the design guide.

(3) A development must not be built on slopes where the average gradient is greater than ratio 1:3.

(4) The maximum area plot coverage for a development within the Environmental Protection Area must be twenty per cent and must allow for canopy cover to maintain the view areas.

(5) Development ridge height must be no higher than the foreground tree canopy within the Environmental Protection Area.

**Development in Zone 4**

10.—(1) This section applies to Zone 4 that is within the Environmental Protection Area.

(2) Development is permissible in Zone 4 if the development complies with the design guide.

(3) A development in Zone 4 must not be built on slopes where the average gradient is greater than the ratio 1:3.

(4) A development along the Soufriere-Vieux Fort highway that passes through the Environmental Protection Area must be set back from the road and screened by trees to preserve the Environmental Protection Area.

(5) Development ridge height in Zone 4 must be no higher than the foreground tree canopy within the Environmental Protection Area.

(7) Clearance of natural forest in Zone 4 is not permitted within the Environmental Protection Area.

**Development in Zone 5**

11.—(1) Subject to subsection (2), Zone 5 that is within the Environmental Protection Area is protected from built development and infrastructure.

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(2) Subsection (1) does not apply if the development assists in the protection of Zone 5 that is within the Environmental Protection Area including by enhancing navigation, safety, marine research, buoyage and minor signage or interpretation.

**Control of use of land**

**12.** Unless managed by a hotel under a lease, there must be unhindered public access and public use of all the beaches within the Environmental Protection Area.

**Restriction on development with respect to a view area within the Environmental Protection Area**

**13.—(1)** A development may be carried out in a publicly accessible view area if the development causes a barely perceptible change to the view area.

(2) An application for development within a view area must be accompanied by —

- (a) an environmental statement;
- (b) verifiable photomontage or series of photomontage and if the development is likely to appear in more than one view area a photomontage for each view area; and
- (c) other information required by the Head of the Physical Planning and Development Division.

(3) An environmental statement under subsection (2)(a) must include a detailed assessment of the visual impact of a proposed development within the Environmental Protection Area.

(4) In this section, “barely perceptible change” means that the visual change is not readily apparent, the development is not prominent or catch the eye and it is difficult to discern in a variety of light conditions and time of day.

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**SCHEDULE 1**

(Section 2)

**DESIGN GUIDE**

**Integration of development into the forest**

1. Tree cover to be retained as intact as possible to maintain the continuity of the canopy and screening effect.
2. A development must be carefully integrated into the forest or plantation.
3. A development must not result in the loss of primary natural forest, that is, forest that has not been modified by physical human activity.
4. Pockets of primary forest within areas of secondary forest, such as within ravines, must be protected from development.
5. Rare trees, particularly endemics must be retained and preference must be given to retaining large trees and evergreen trees.
6. Trees to be felled and trees to be retained must be marked on a plan and tagged on the site for the Head of Physical Planning and Development Division to assess.
7. Trees to be retained must be identified within planning consent and a condition placed on the developer or owner that the trees are not be felled during construction or during the lifetime of the occupation, unless the tree needs to be felled because it has or is dying of natural causes and has become unsafe.
8. The ridge of the roofline must not protrude above the canopy of the surrounding trees to protect against an adverse visual impact. This is subject to a prior assessment by the Head of the Physical Planning and Development Division to assess.
9. For coastal developments it is important to consider long distance views from out at sea from where developments, which might not be visible close to the shore, become visible. It is still possible to maintain views out from properties by creating windows under the canopy.
10. In areas of the Environmental Protection Area that affords views down onto the land far below it is important that roofs are not too prominent in these views. This can be achieved by retaining trees as close to the building as possible so that the canopy overhangs the

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roof, use of roofing materials and colours which blend into the forest and planting new trees close to the building which will grow above it. Trees must also be retained or planted close to roads, access tracks and parking areas to minimise their visibility.

11. There are many views within the Environmental Protection Area and surrounding area which afford views down to the landscape below. It is important to consider the appearance of a development from above a view. In addition to a suitable roof material which blends in with the surrounding forest, roofs must be screened with tree canopies.

The existing suitable plantation trees must be retained within a site and the buildings built carefully under the plantation trees.

12. If there are gaps within the canopy, new planting of suitable trees species must be carried out, planting trees as close to the building as possible for the canopy to hang over the roof. Trees must be planted close to roads and parking areas so that the road surface is screened from views above.
13. The species of tree chosen must primarily provide leaf cover throughout the year. Trees which lose leaves in the dry season must be avoided. Non-native species and invasive species must be avoided.
14. There must be sufficient space between buildings in which to plant trees, typically a minimum of five metres and not exceeding ten metres to twelve metres.

### **Architectural Design**

#### **Long term control of properties**

An owner of property built after the date of adoption of this guide must adhere to this guide in perpetuity to ensure that owners do not undertake later changes without consent, for example change in colour scheme of building envelope and landscaping finishes.

#### **Roofs**

1. Avoid bright colours including blue, red and orange and bright reflective materials. Roofs and shading solutions must be in muted colours, allowing for architecture camouflage, permitting the buildings to become a harmonious extension of their landscape.

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2. Roofing design solutions must not obstruct view areas.
3. Roof pitches at ninety degrees to the angle of view to present a gable end must be used.
4. Glass windows or glass facades must be of non-reflective and non-glare properties.

**Building materials and facades**

1. Materials and external finishes, whether natural or artificial, used in the Environmental Protection Area must blend into the natural environment and be of non-reflective properties.
2. All materials used must be maintained against weathering to ensure that they continue to blend with the natural environment over time.
3. Colour treatments and tones must mimic or adopt shades and textures from the natural environment.
4. Flora used to enhance the Green Architecture Effect must be native to the area or defined or defined protective zone and must not be highly floriferous ornamentals or invasive plants from elsewhere.

**Lighting**

Developments must be designed to minimize light pollution and this can be achieved in the following four main areas —

- (a) artificial lighting must not be in the red to infrared range of the spectrum and the use of dimmable or censored lighting systems must be used to tone down lighting intensity to a minimum hence allowing for continued dormancy development and seasonal adjustments of trees;
- (b) minimizing the strength and direction of the light source;
- (c) minimizing the time that lights are on, for example using timers or motion sensing switches;
- (d) screening the light source with walls, fences or vegetation.

**Development on steep slopes**

1. In visually sensitive areas development on slopes steeper than the ratio 1:3 is not permitted.



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2. A development on steep slopes must undertake slope stabilizing measures.
3. A development must be undertaken on columns which take up the change in level. A development must not be built on slopes greater than the ratio 1:3.
4. All under-storey areas, whether used for storage or not, must blend into the Environmental Protection Area.

**Beaches**

1. Development in and around the Malgretoute and Anse L'Ivrogne beaches must preserve the views of the Pitons that are characterized by the rainforest sweeping down to the sea.
2. Development must be set back in the forest to not be prominent from the shoreline and barely visible from the bay.
3. Artificial replenishment of the natural beach must be avoided. If it is necessary to replenish depleted areas, an application must be made to the Head of the Physical Planning and Development Division.
4. Fixed structures to be located on the beach must be made from natural materials and primarily wood with grass thatched roofs.
5. Fixed umbrella structures must be used and not be multi-coloured or white textile canopies.
6. If boat landing facilities are required, an application must be made to the Head of the Physical Planning and Development Division.

**Agriculture**

1. Changes must not be made to —
  - (a) areas of primary forest by clearing or to establish secondary forest or plantations;
  - (b) large areas of secondary mixed fruit plantations by clearing or to establish a monoculture of crops, such as bananas.
2. Cocoa plantations are acceptable if an upper shade canopy of a variety of tree species is retained.

**Trees and plants**

1. Alien invasive species must not be planted within the Environmental Protection Area.

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2. A cover of mixed plantation is the preferred vegetative cover around developments.
3. Indigenous and particular endemic species must be retained and their spread encouraged.

**Sustainability**

1. Developments must aim to be as sustainable as possible.
2. The location of the development must be considered, for example a development must not be carried out in landslip, watershed or coastal zones where extreme weather events may have a major impact.
3. If possible, developments must have access to an independent water supply, to manage during an emergency, such as in the aftermath of a hurricane. Secondary supplies of water may be provided by rainwater harvesting, if practical and consent provided.
4. Energy efficient systems and measures must be incorporated where ever possible.
5. Developments must be built to the highest environmental standards as adopted by the Government in terms of treatment of effluent, noise pollution and energy efficiency.

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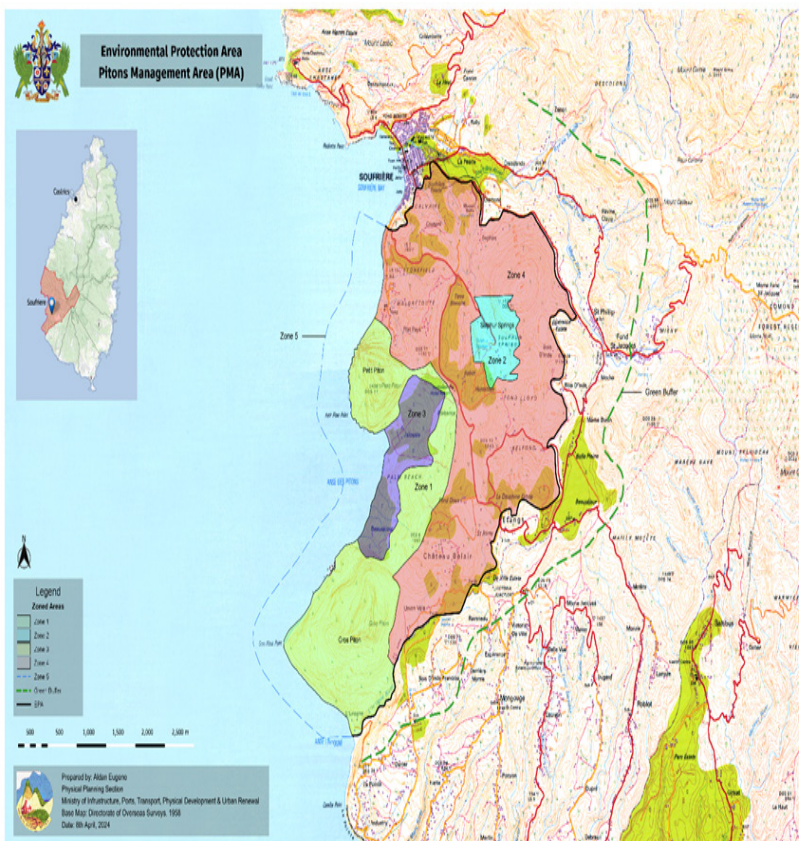
**SCHEDULE 2**

(Section 2)

The Pitons Management Area is approximately 25.40 sq. km. including both Pitons, Piton Mitan, the Sulphur Springs and the coastal area and encompasses all lands bounded as follows:

- North : by Soufriere Estate and Diamond
- South : by the L'Ivrogne River
- West : by the Soufriere Marine Management Area
- East : by main road from Diamond going south along the ridge to Etangs and to the L'Ivrogne River, via the Etangs-Deville Road linking the L'Ivrogne River at the confluence near the old WASCO water intake.

As shown in the map below:



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**SCHEDULE 3**

(Section 2)

**VIEW POINTS**

The view points comprise of the following locations:

<b>Point ID</b>	<b>Point Name</b>	<b>Metric Coordinates</b>	<b>Imperial Coordinates</b>	<b>Description</b>
1	View Point 01	13.86714788, -61.04908031	13° 52' 1.73", -61° 2' 56.69"	From the Beacon restaurant off the main highway to Castries, north of the Environmental Protected Area
2	View Point 02	13.86276149, -61.05188508	13° 51' 45.94", -61° 3' 6.79"	From the Castries highway lower down the slope, close to Soufriere
3	View Point 03	13.85783969, -61.0622743	13° 51' 28.22", -61° 3' 44.19"	From the Soufriere Beach
4	View Point 04	13.85666104, -61.06852305	13° 51' 23.98", -61° 4' 6.68"	From the Rochette Point
5	View Point 05	13.84576788, -61.06006843	13° 50' 44.76", -61° 3' 36.25"	From the World Heritage Viewing
6	View Point 06	13.84693378, -61.06874897	13° 50' 48.96", -61° 4' 7.5"	From the sea off Malgretoute Beach

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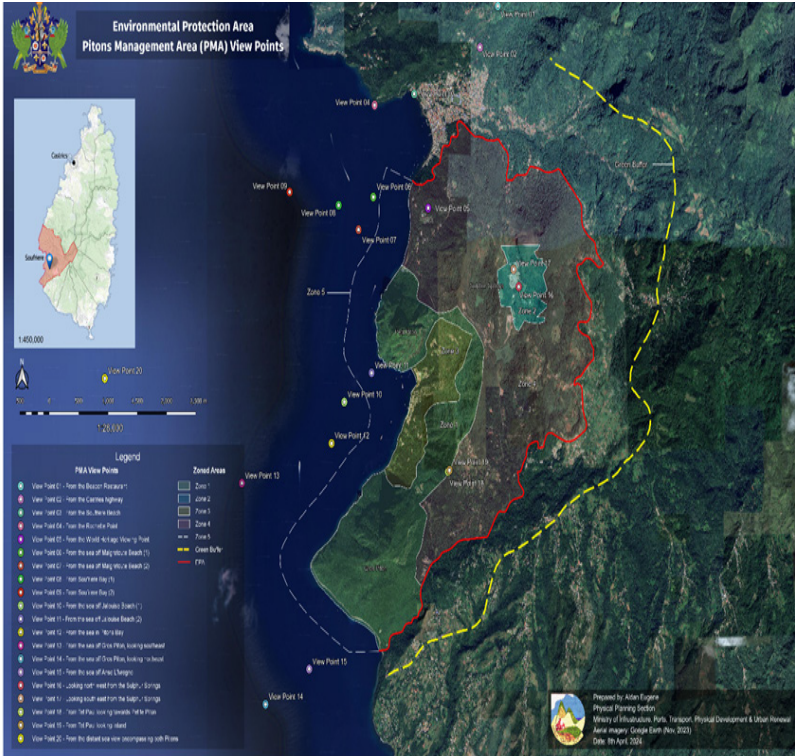
7	View Point 07	13.84348265, -61.07105742	13° 50' 36.54", -61° 4' 15.81"	From the sea off Malgretoute Beach
8	View Point 08	13.84607039, -61.07420041	13° 50' 45.85", -61° 4' 27.12"	From Soufriere Bay
9	View Point 09	13.84746348, -61.08194411	13° 50' 50.87", -61° 4' 55"	From Soufriere Bay
10	View Point 10	13.82525233, -61.07331926	13° 49' 30.91", -61° 4' 23.95"	From the sea off Jalouise Beach
11	View Point 11	13.82833897, -61.06900671	13° 49' 42.02", -61° 4' 8.42"	From the sea off Jalouise Beach
12	View Point 12	13.82089286, -61.07533034	13° 49' 15.21", -61° 4' 31.19"	From the sea in Pitons Bay
13	View Point 13	13.81667444, -61.08948758	13° 49' 0.03", -61° 5' 22.16"	From the sea off Gros Piton, looking southeast
14	View Point 14	13.79328665, -61.08574622	13° 47' 35.83", -61° 5' 8.69"	From the sea off Gros Piton, looking northeast
15	View Point 15	13.79700218, -61.07884931	13° 47' 49.21", -61° 4' 43.86"	From the sea off Anse l'Ivrogne
16	View Point 16	13.83745351, -61.04577788	13° 50' 14.83", -61° 2' 44.8"	Looking north west from the Sulphur Springs

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17	View Point 17	13.8392837, -61.04661637	13° 50' 21.42", -61° 2' 47.82"	Looking south east from the Sulphur Springs
18	View Point 18	13.81789664, -61.05694607	13° 49' 4.43", -61° 3' 25.01"	From Tet Paul looking towards Petite Piton
19	View Point 19	13.81804423, -61.05670109	13° 49' 4.96", -61° 3' 24.12"	From Tet Paul looking inland
20	View Point 20	13.82775384, -61.11112548	13° 49' 39.91", -61° 6' 40.05"	From the distant sea view encompassing both Pitons

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As shown on the map below:



Made this 8<sup>th</sup> day of July, 2024.

**STEPHENSON KING,**  
*Minister responsible for labour.*

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