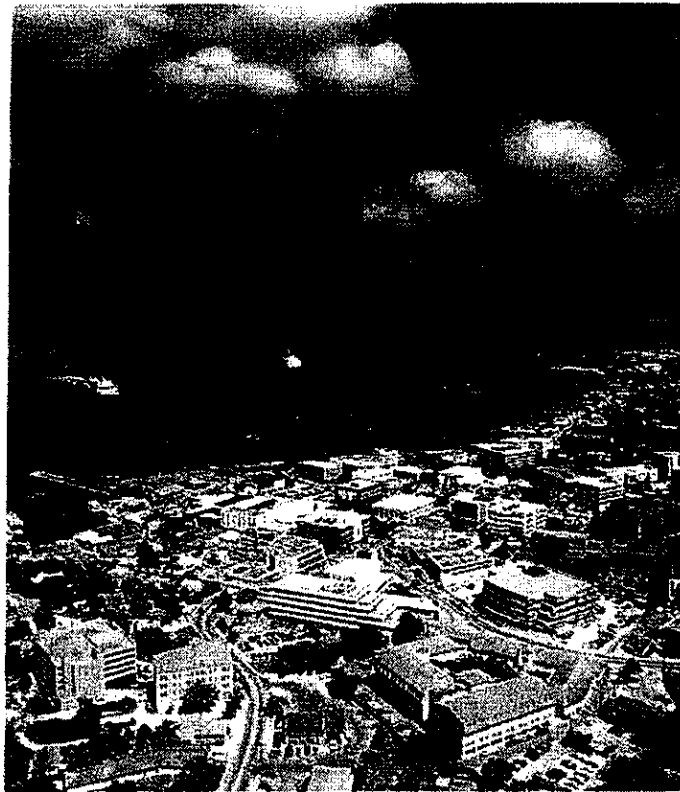


The Development Plan 1997

(Being the Plan for the Zoning and Physical
Development of the Cayman Islands)



Cayman Islands Government

Central Planning Authority

The Development Plan 1997

(Being the Plan for the Zoning and Physical
Development of the Cayman Islands)

In exercise of the powers conferred upon the Central Planning Authority by the Executive Council under Section 7 of the *Development and Planning Law (1995 Revision)*, the following development plan containing alterations and additions to and omissions from the original Development Plan is hereby made further to the studies, surveys and public consultations which have been carried out.

- (1) This document shall be known as the Development Plan 1997 (hereinafter called the "Plan") and amends, supercedes and replaces all previous development plans (with the new 1997 provisions in bold print and the old 1977 unchanged in light print). This Plan has been prepared for the purpose of regulating the development and use of land in the Cayman Islands, and applies to all of the Cayman Islands except -

- (a) The control of development in Cayman Brac described in Regulation 32 (1) and (3) of the Development and Planning Regulations 1995 (Appendix 1 of the Planning Statement for the Cayman Islands 1997 herein enclosed); and
- (b) The control of development in Little Cayman described in Regulation 32 (2) and (3) of the Development and Planning Regulations 1995 (Appendix 2 of the Planning Statement for the Cayman Islands 1997 herein enclosed).

The development guidelines for Cayman Brac and Little Cayman will be reviewed and updated after the commencement day of this plan.

- (2) The Plan consists of -
 - (a) This document which constitutes the written statement as called for by Section 6 (1) (a) (b) (c) of the Law; and
 - (b) The zoning map attached hereto which shall be deposited with the Governor in accordance with the law.
- (3) Subject to Section 8 of the Law -
 - (a) The Planning Statement for the Cayman Islands 1977 is superceded and replaced by the Planning Statement for the Cayman Islands 1997; and
 - (b) The 1977 zoning maps are superceded and replaced by the 1997 zoning maps with zoning overlays.
- (4) As provided for in Regulation 5 (3) of the *Development and Planning Regulations (1995 Revision)*, those regulations are read with and interpreted having regard to the Development Plan provided that where there is a conflict between those regulations and this Planning Statement, the regulations shall prevail.

THE DEVELOPMENT PLAN 1997 FOR THE
CAYMAN ISLANDS

PLANNING STATEMENT

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DEVELOPMENT PLAN FOR THE CAYMAN ISLANDS PLANNING STATEMENT

PART 1 BACKGROUND

1.1 INTRODUCTION

This statement is formulated under the Development and Planning Law, 1971 (1995 Revision).

In May 1991, the review of the Development Plan 1977 commenced pursuant to section 7 (1), Development and Planning Law (1995 Revision). To broaden the scope of public involvement a Development Plan Review Committee and committees for each of Grand Cayman's five (5) electoral districts were formed. The Development Plan Review Committee was the liaison unit between the Central Planning Authority and the District Review Committees.

Between May 1991 and December 1993, the Authority and the District Review Committees held numerous meetings to seek public input for the exercise. To reach as wide an audience as possible, public meetings were held in each of the districts, questionnaires were distributed to the public, and discussions were held with the essential utility providers (Caribbean Utilities Company Limited, Cable & Wireless, Water Authority and Cayman Water Company Ltd.) and Government departments.

As a result of this information sharing exercise the CPA accepted the *Fourth Draft* of the proposed amendments in December 1993 and put a plan on public display for two months, starting in December 1994. This period was extended by another month to allow additional public input. By the end of the three month public comment period, 313 objections and representations were received.

In late March 1995, the CPA started reviewing all the objections and representations as well as rezone applications that were previously refused. Three Tribunals were formed to expedite the process. By October 1995, the CPA had submitted the reports to the Ministry of Education and Planning, for transmission to the Development Plan Tribunals. The Development Plan Tribunals held hearings from January until July 1996, after each person who had made representations was afforded at least 28 days notice of the hearing. The Tribunals submitted their reports between June 1996 and March 1997.

The Tribunals' reports were submitted to the CPA during three meetings in April 1997. After careful consideration and deliberations during these meetings, as well as those in May and June 1997, The Development Plan 1997 was prepared.

The Development Plan 1997 still incorporates some of the guiding principles of the Development Plan 1977 as well as the Development Guidelines for development in Cayman Brac and Little Cayman (Appendices 1 and 2). The Plan is still intended to reflect the heritage and aspirations of the Islands - their self reliance, their seafaring, their

free enterprise and land ownership interests. The Plan is still intended to take the form of practical guidelines to be applied with flexibility, understanding and commonsense by the Authority.

Further Future Amendments

Three new zones (Environmentally Sensitive, Environmentally Protected, and Neighborhood Tourism) recommended by one of the Development Plan Tribunals and the road reserves were not published in the 1994 Draft Plan and the public had no opportunity to make objections and representations on the said three zones in accordance with Section 8 of the *Development and Planning Law (1995 Revision)*. The Executive Council intends, under the provision of the Law, to require the Authority to carry out a fresh survey of the said three zones and the road reserves.

1.2 OBJECTIVES

The general aim of the plan is to maintain and enhance the quality of life in the Cayman Islands by effectively directing development so as to safeguard the economic, cultural, social and general welfare of the people, and subject thereto the environment.

The primary objective of the Development Plan is to maintain and enhance the Cayman Islands and the well-being and prosperity of its people subject thereto its environmental character. It is intended to define and develop a planning strategy for the Islands which is flexible enough in concept and implication to accommodate individual requirements, special circumstances and changing conditions. A secondary objective of the Planning Statement is to provide for and encourage better coordination and co-operation among all interested entities, be they private or public.

1.3 STRATEGY

The policies which collectively are intended to achieve the objectives may be summarized by the following guiding strategies:

- (a) to accommodate the present and future population of the Cayman Islands to the best advantage having regard to the quality of life and the economic well-being of the people and to their individual requirements;
- (b) to maintain and encourage the further development of the tourist and financial industries;
- (c) to encourage and improve the commercial areas of the Island;
- (d) to preserve the natural assets of the Island for their value in protection from the elements and their natural beauty;
- (e) to maintain and improve the internal and external communications systems of the Island;
- (f) to minimize road traffic congestion in the Island by the introduction of prudent transportation planning initiatives;

- (g) to encourage the necessary conservation of existing fresh water supplies and the development of new sources of supply and distribution together with measures for effective drainage and avoidance of pollution;
- (h) to protect areas of environmental significance;
- (i) to encourage the preservation and enhancement of areas and structures of architectural and historical importance and sites of archaeological significance; and,
- (j) to encourage the development of manufacturing industries and to continue agricultural development.

1.4 STRUCTURE OF THE PLAN

The map shall be read in conjunction with the Planning Statement and designates the following categories of development zones:-

- (a) Agricultural/Residential
- (b) Residential
There are three types of residential zones: Low Density, Medium Density, and High Density Residential.
- (c) Beach Resort/Residential
- (d) Hotel/Tourism
- (e) Commercial
There are three types of commercial zones: General Commercial, Neighbourhood Commercial and Marine Commercial.
- (f) Industrial
There are two types of industrial zones: Light Industrial and Heavy Industrial.
- (g) Institutional
- (h) Mangrove Buffer
- (i) Public Open Space
- (j) Historic Overlay
- (k) Scenic Coastline

This Statement sets out the policies which the Authority will apply in each of these zones.

This Statement also sets out policies which the Authority will apply in respect of the above and:-

- (a) land above water lenses,
- (b) natural and community parks;
- (c) roads; and,
- (d) subdivision of land.

irrespective of the zone in which such features may be located.

The designated land use of each zone is not in any way inflexible. Subject as hereinafter provided, the zoning is intended to indicate the primary land use of each zone, and thus other development may be permitted providing that it can be demonstrated that it will not adversely affect the primary use of the zone.

The map shows the precise boundaries of each zone.

The map also identifies some parcels of lands which may be recommended by the Authority for acquisition, subject to Government funding, which are critical to the implementation of this Plan. These subject parcels pertain to the Public Open Space.

The requirements of the Law, Regulations, and this statement will be applied in considering applications to develop land.

PART 2 PLANNING CONSIDERATIONS

Before stating the policy of the Development Plan, it is necessary to refer, albeit briefly, to several of the features of the Cayman Islands which influence the planning policy. They are:-

- (a) population trends;
- (b) land availability;
- (c) the ecology and environmentally fragile areas of the Island;
- (d) fresh water supplies;
- (e) the need for sewerage and for sewage disposal facilities; and,
- (f) other material considerations.

2.1 POPULATION TRENDS

Two elements contribute to the change in the numbers and composition of a community viz:-

- (1) rate of natural increase; and,
- (2) immigration/emigration rate.

The present population of Grand Cayman is concentrated mainly in the western end of the Island. The eastern districts are experiencing very moderate growth with the exception of Bodden Town, the fastest growing district, where growth in the past ten years has averaged about 11% per annum.

2.2 LAND AVAILABILITY

Ownership of land has always been an important part of the way of life in the Cayman Islands, hence a flexible approach to land zoning has been adopted as the policy of this development plan.

The area of Grand Cayman Island is 76.4 square miles but a substantial percentage of this area consists of "wetlands", namely the mangrove swamps. As explained later in this statement, certain areas of mangrove must be retained since they are performing important ecological, biological and storm protection functions but there remains a considerable acreage of land available for development.

2.3 ECOLOGY

This extensive subject has elsewhere been studied in depth in many of its aspects. Subject to paragraph 1.2 of this Plan, it is proposed here only to mention briefly the main features of the ecology of the Cayman Islands which must be regarded in planning land use and development.

- (a) The beauty of the coral reefs and the remarkable clarity of the coastal waters which are a national asset, may be adversely affected by the operation of dredging the sea bed in certain areas to provide fill material for filling land for development and roads.

A careful balance must be struck between what is a valuable natural feature and a desirable development. Areas of particular concern include the wetlands, virgin forests, and beaches.

(b) A comparable situation arises where developments are proposed in the mangrove wetlands. Consideration must be given to the type of mangrove that would be disturbed, to the ecological and biological effects and to whether the storm and hurricane protection of the Islands would be reduced.

New developments proposed in the mangrove areas or wetlands may be subject to the environmental analysis provisions contained in Appendix 3 and other relevant provisions of the Statement in a manner which enables the Authority to be satisfied that-

- (i) the application site is suitable for the use and form of development proposed;
- (ii) the development will not have a detrimental impact on the natural, human and built environments of the area; and
- (iii) the scale, density and design of development take proper account of a site's physical and environmental characteristics.

(c) The beaches of the Cayman Islands are an important national asset in which the rights of the public must be protected. Steps must be taken to prevent the removal of sand from the beach, to preserve the beach ridge and to control the spreading of litter.

The submission of a comprehensive site analysis report may be required by the Authority in cases where the characteristics of the site and the particulars of the proposal, or the potential impact of development, require closer examination prior to the determination of an application.

2.4 FRESH WATER SUPPLIES

The principal method of obtaining water for drinking and domestic purposes in the Cayman Islands is by public water supply and the individual collection and storage of rainwater from the roofs of buildings. Under some parts of the Islands there are water lenses, directly supplied by the abundant (60 inches per year) rainfall, into which wells are sunk. The sort of development which is taking place and is likely to continue, i.e. a high proportion of hotels and apartments, makes for heavier per capita consumption and a lesser supply facility than is the case with individual houses, and this, coupled with the demands of industry and a rising standard of living, make it necessary to examine improved methods of fresh water collection, storage and distribution.

2.5 SEWERAGE AND SEWAGE DISPOSAL

The general method of sewage treatment is by means of septic tanks and biological treatment plants, as approved by the Authority. The more densely populated area of Seven Mile Beach has a public sewer system. All developments situated within the area to which the public sewerage system extends shall be connected to it. As further

development takes place, the public sewerage system may have to be extended throughout the Island.

In areas not provided with public sewerage system, properly designed septic tanks approved by the Authority will be satisfactory for smaller developments. Larger developments will be required to treat their waste water to a higher degree in biological waste water treatment plants approved by the Authority. Protection of the water lenses from contamination by sewage is of particular importance.

2.6 OTHER MATERIAL CONSIDERATIONS

The provisions for development setbacks are for achieving the following purposes:

- (a) to provide adequate natural light, ventilation and privacy to all buildings;
- (b) to provide amenity space and to facilitate landscaping around buildings;
- (c) to maintain and enhance the quality and character of development fronting a road;
- (d) to provide a buffer between buildings on neighbouring lots; and,
- (e) to avoid or minimise any negative impact the development or use of one lot may have on the occupants of a neighboring lot.

PART 3 PLANNING POLICY

The Authority shall apply the provisions of the Law and Regulations, and other relevant planning provisions of the Statement in a manner which -

- (a) is consistent with the provisions of the Statement which gives the Authority certain powers of discretion with respect to details of planning; and,
- (b) will achieve and satisfy the provisions and purposes set out in each respective zone.

3.01 RESIDENTIAL DEVELOPMENT ZONES

The map indicates the location of three categories of residential zones, i.e. those intended primarily for low, medium and high density developments, respectively.

In large scale developments, site clearance, earthmoving, parking of workers vehicles on the development, and building operations should be so phased as to ensure that each section of development is completed to a standard acceptable to the Authority before work on a succeeding phase of the development is commenced.

Notwithstanding all other provisions of this statement, no use of land in a residential zone shall be dangerous, obnoxious, toxic or cause offensive odours or noise, or otherwise create a nuisance or annoyance to others.

Planning applications for dwelling units on land zoned for other forms of development will be considered on their merits having regard to the effect they would have on the character of such other area.

3.02 COMMERCIAL DEVELOPMENT ZONES

Commercial development includes banks, offices, businesses, restaurants, shops, supermarkets and gas stations.

There are three types of Commercial Zones:

- (a) **GENERAL COMMERCIAL** - which shall apply to central George Town and permit more flexibility in use because of its maximum site coverage and building height allowance.
- (b) **NEIGHBOURHOOD COMMERCIAL** - which shall apply to commercial nodes outside of central George Town and provide for a less intense commercial use, with limits on building heights and site coverage. Neighbourhood Commercial shall include shops, and businesses that service the needs of the community. Smaller scale professional buildings as well as grocery stores are typical uses. This zone shall also allow a mixed use of commercial and residential.
- (c) **MARINE COMMERCIAL** - which shall apply to waterfront commercial areas dedicated primarily to marine activities, and shall also include the Port Facility, George

Town Barcadere, Jackson's Barcadere in West Bay, and Harbour House Marina in Prospect.

Marine commercial shall include general commercial activities as well as activities associated with ships and shipping, charter boats and dive boats, and water sport operations. Cargo handling and boat repair are two examples of allowable uses.

The Authority will require a standard of design, construction, and landscaping which reflects the local architectural heritage.

3.03 BEACH RESORT/RESIDENTIAL DEVELOPMENT ZONE

The intent of this zone is to provide a transition zone between the Hotels/Tourism Zones and the Low Density Residential Zone. Development within this zone will generally have the appearance of residential development in scale and massing.

The Authority shall apply the Beach Resort/Residential Zone provisions and other relevant provisions of the Statement in a manner best calculated to ensure -

- (a) that decent, safe and sanitary projects are built to appropriate standards;
- (b) that harmonious and compatible land use with adjacent properties and their zones are achieved;
- (c) that sites and areas do not become overly dense by ensuring that the densities established by the zones is respected;
- (d) that aesthetically pleasing development, designed with sensitivity towards heritage results from the grant of the planning permission.

Allowable development in this zone shall include detached and semi-detached houses, beach resorts and in suitable locations, guest houses, apartments, cottage colonies and other tourist related development.

The Authority when considering applications for planning permission in a Beach Resort/Residential Zone shall ensure that development provides a high standard of accommodation, amenities and open space. For developments other than a detached and a semi-detached house and a duplex, outdoor facilities such as swimming pools, gardens, sun decks, patios, terraces, and an abundant degree of lush, tropical landscaping, incorporating sufficient screening to provide privacy from adjacent properties.

The Authority shall determine the setback in accordance with the relevant provisions of the Development and Planning Law and Regulations and shall take into consideration - the elevation of the property and its environs; the geology of the property; the storm and beach ridge; the existence of a protective reef adjacent to the proposed development; the location of the adjacent development; and, any other material consideration which the Authority considers will affect the proposal.

3.04 HOTEL/TOURISM ZONE

Development within these zones will include hotel, cottage colony development, detached and semi-detached houses, and apartments. Development will be carefully

regulated to ensure that the needs of the tourist industry are met and that new buildings will in general be related to the needs of the industry.

The Authority shall apply the Hotel/Tourism Zone provisions and other relevant provisions of this Statement in a manner best calculated to -

- (a) provide for the orderly development, expansion and upgrading of facilities required to maintain a successful tourism industry;
- (b) ensure that all development enhances the quality and character of the Cayman Islands' hotels and cottage colonies;
- (c) prevent the over-development of sites and to ensure that the scale and density of development are compatible with and sensitive to the physical characteristics of the site;
- (d) ensure minimal traffic impacts on surrounding properties and existing public roads;
- (e) ensure that waterfront developments are designed to avoid interference with natural coastal processes; and
- (f) ensure adequate allowance for public access to the sea.

The Authority shall take into consideration the characteristics of the form of tourist accommodation proposed and shall be satisfied that the layout, scale and massing of development are compatible with the ecological, aesthetics, and other physical characteristics of the site; and that a high quality of design and landscaping are used.

3.05 INSTITUTIONAL DEVELOPMENT ZONES

Development within this zone shall include civic and educational buildings, cemeteries, social and recreational facilities. Area requirements such as lot sizes, setbacks and height limitations shall be at the discretion of the Authority.

Religious, social, and educational institutions, including recreational facilities and public and civic buildings, are permissible in any zone where they meet the needs of the community.

3.06 INDUSTRIAL DEVELOPMENT ZONES

Industrial development will be confined to the areas zoned for that purpose on the map and in residential zones shall be subject to section 3.01. Light industrial development is also permissible in the commercial zones at the discretion of the Authority, but will be required to conform to the setback requirements applicable to the category of commercial zone, as well as other requirements applicable to its own particular type of development.

- (1) The **LIGHT INDUSTRIAL** Development Zone shall include -

- (a) industry linked to or based upon agriculture which may alternatively be located convenient to the agricultural activity with which it is associated;
 - (b) industry which is linked to or based upon fishing, boating, sailing and related activities may alternatively be located conveniently to the activity with which it is associated;
 - (c) light industry linked to the needs of local communities may be alternatively located conveniently within a residential area, subject to paragraph 3.01 of this statement;
 - (d) light industrial uses shall include storage and warehousing; bulk wholesale; agricultural processing; and research labs; and
- (2) The intensification of non-conforming forms of development shall be discouraged and strictly controlled in order to reserve industrial land for future industrial purposes.
- (3) The Authority shall require an acceptable standard of layout, design, construction and landscaping.
- (a) Industrial buildings and structures, and areas for storage, waste disposal, parking and loading shall be screened from public roads and adjoining non-industrial properties.
 - (b) The Authority will require an acceptable standard of layout, design and construction and a high order of landscaping to achieve this.
 - (c) The Authority may require reasonable provisions for integration of the development into its surroundings.

3.07 PUBLIC OPEN SPACE ZONE

Public Open Space is land in which Government has acquired, or is proposing to acquire, rights of ownership or use for the benefit of the public. New acquisitions will normally be in accordance with the provisions of the Law or by agreement but, where alternative solutions cannot be found, acquisition by Government may be necessary.

The land shown as public open space on the map includes:

land already owned by Government including playing fields, public beaches, public parks and established public rights of way;

land which it is intended to acquire or in respect of which new negotiations may be carried out;

any other land whether publicly or privately owned to which the public has certain existing rights.

3.08 MANGROVE BUFFER ZONE

The policy for Mangrove Buffer Zones will comprise and be subject to control of development in the following ways: - Red and predominantly red mangroves in the area defined on the map as Mangrove Buffer will be protected from development except in exceptional circumstances.

3.09 AGRICULTURAL/RESIDENTIAL ZONE

These lands are designated on the map and shall be preserved primarily for agricultural and residential uses, and shall include the following:

- (1) Agricultural and single family residential uses shall be allowed in this zone.
- (2) Multi-family, commercial, or industrial uses shall not be permitted unless they are agriculturally dependent.
- (3) Land in its natural state may also be included in the Agricultural/Residential zone because of its correlation contribution to water and soil quality and rustic ambiance.
- (4) Institutional development may also be permitted in this zone. Other uses may be allowed if they are concomitant to the primary use.

3.10 SCENIC COASTLINE ZONE

Certain lengths of the coastline which have been identified as being of high landscape or scenic value forming a particularly attractive feature of the Island are designated as Scenic Coastline and will be subject to the following provisions:-

- (1) the land will be conserved basically in its natural state,
- (2) the ownership of the land will not be affected,
- (3) development which is consistent with the policies of this Statement will be permitted.

It will be the duty of the Authority to ensure that the open character of scenic coastline land is preserved, in particular, that of the beaches, and also to safeguard the public's right to use the beaches and to gain access to them through public rights of way. The panoramic views and vistas provided by these coastlines are natural assets which are to be safeguarded for present and future generations.

3.11 HISTORIC OVERLAY ZONE

The purpose of the Historic Overlay Zone is to promote and encourage the perpetuation of historic buildings and structures with the underlying zone remaining in effect. Development will be strictly controlled to conserve the Cayman Islands historical and architectural heritage.

Subject to the Development and Planning Law and Regulations, the Authority shall apply the Historic Overlay Zone provisions and other relevant provisions of the Statement in a manner best calculated to -

- (a) preserve and protect the established historical, architectural or cultural character of the area;
- (b) preserve any significant aspect, appearance or view of the area; and
- (c) preserve and protect any prospect or view, being an environmentally important prospect or view, from any public area.

3.12 LAND ABOVE WATER LENSES

The policy in respect of proposals for development on land above water lenses will be that:-

- (1) residential development will in general be permitted over a water lens,
- (2) agricultural development will in general be permitted over a water lens,
- (3) an industrial development will be permitted over a water lens only in the following circumstances:
 - (a) if the development is a small industrial land use and,
 - (b) if it requires a supply of water readily available and,
 - (c) if it can be demonstrated that this facility cannot be provided elsewhere on the Island.

Strict conditions will be imposed to ensure that the water in the lens will not be contaminated by the development or by the effluent therefrom, and that the quantity of water used will not deplete the lens to the disadvantage of existing or future users.

3.13 NATIONAL AND COMMUNITY PARKS

National and community parks will be identified on the map. It is recommended that some of these be developed by joint public / private partnerships.

3.14 ROAD REQUIREMENTS

The existing network of public roads for which Government is responsible for maintaining will continue. Subject to the availability of funds, government will consider constructing a number of collector and arterial roads to relieve the more populated areas where the needs of through traffic are in conflict with those of local residents. The lines of proposed new public roads and the extension of private roads are shown in diagrammatic form on the map.

In making decisions on planning applications, the likely requirements of land for new public roads and road improvements shall be taken into account.

Government will consider assuming responsibility of private roads when they have been constructed and maintained to an acceptable standard or where there is evidence of common use by the general public.

Applicants shall be encouraged to utilize and share existing roads in a subdivision in order to avoid the duplication of roads and to promote a more efficient use of land, and in this regard, the Authority may require an applicant to fully investigate such options and to report back to the Authority prior to the determination of an application for a new road in a subdivision.

3.15 SUBDIVISION OF LAND

The Authority shall apply the subdivision of land provisions and other relevant provisions of the Statement in a manner best calculated to -

- (1) ensure that the layout and design of subdivision proposals are sensitive to a site's physical and environmental characteristics;
- (2) make the most efficient use of land designated for the intended purposes; and
- (3) prevent the unnecessary fragmentation of large tracts of open land.

In considering a draft plan or an application for a subdivision, the Authority shall have regard, among other matters, to the health, safety, convenience and welfare of the future inhabitants

Normally land shall not be subdivided unless it is suited to the purpose for which the subdivision is intended.

The subdivision of land encompassing important or prime agricultural land shall not, except in exceptional circumstances, be permitted where it may -

- (a) fragment into separate lots neighbouring fields which function as a farm unit or agricultural holding; or
- (b) result in good quality arable land being taken out of production.

