

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE DEVELOPMENT AND
PLANNING LAW (2015 REVISION) TO MAKE FURTHER PROVISION
IN RESPECT OF THE ENFORCEMENT OF PLANNING CONTROL;
AND TO MAKE PROVISION FOR INCIDENTAL AND CONNECTED
MATTERS**

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 2016

MEMORANDUM OF OBJECTS AND REASONS

This Bill amends the Development and Planning Law (2015 Revision).

Clause 1 of the Bill provides the short title of the legislation.

Clause 2 amends section 13 of the principal Law with a view to ensuring that all walls along road side property boundaries, regardless of height, require planning permission. In this way, setback or truncation requirements may be imposed, if necessary, in order to ensure the safety of pedestrians.

Clause 3 amends section 18 of the principal Law to extend, from three years to five years, the period during which the Director of Planning may issue an enforcement notice in respect of development that has been carried out without the necessary grant of planning permission or without compliance with a condition of planning permission. This extended period would enable the proper investigation and processing of enforcement notices.

Clause 4 contains a consequential amendment to section 19 of the principal Law, where there is an appeal against an enforcement notice.

Clause 5 of the Bill amends section 29A of the principal Law to empower the Central Planning Authority and the Development Control Board to issue maintenance of land notices in respect of dilapidated fences and walls and derelict equipment, in addition to dilapidated buildings.

Clause 6 repeals Part IV of the principal Law which is comprised of provisions dealing with compensation for the refusal, or conditional grant, of planning permission. These provisions have existed for many years, but have never been utilized. Moreover, the implementation of Part IV could have a significant negative impact on the operation of the Central Planning Authority and could result in a significant financial burden on the Government. In addition, section 48 of the principal Law already contains provisions for an applicant to appeal against decisions of the Authority, which can lead to costs being awarded by the Appeals Tribunal.

Clause 7 amends section 40 of the principal Law to provide that, where applications for planning permission require the notification of adjacent landowners, the notices are to be sent by registered mail so that the notification can be documented.

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 2016

ARRANGEMENT OF CLAUSES

1. Short title
2. Amendment of section 13 of the Development and Planning Law (2015 Revision) - provisions for development
3. Amendment of section 18 - enforcement of planning control
4. Amendment of section 19 - appeal against enforcement notice
5. Amendment of section 29A - power to require proper maintenance of land
6. Repeal of Part IV - compensation for the refusal, or conditional grant, of planning permission
7. Amendment of section 40 - service of notices

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ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Development and Planning (Amendment) Law, 2016. Short title

2. The Development and Planning Law (2015 Revision), in this Law referred to as the “principal Law”, is amended in section 13(3), in paragraph (e) of the definition of the word “development”, by inserting after the words “the sea” the words “or road”. Amendment of section 13 of the Development and Planning Law (2015 Revision) - provisions for development

3. The principal Law is amended in section 18(1) by deleting the words “three years” wherever they appear and substituting the words “five years”. Amendment of section 18 - enforcement of planning control

4. The principal Law is amended in section 19(2)(d) by deleting the words “three years” and substituting the words “five years”. Amendment of section 19 - appeal against enforcement notice

5. The principal Law is amended in section 29A by repealing subsection (1) and substituting the following subsection - Amendment of section 29A - power to require proper maintenance of land

“ (1) If it appears to the Authority that the amenity of an area is adversely affected or seriously injured by reason of the ruinous, dilapidated

or other condition of any building, structure, fence or wall, or by the condition of land due to the deposit of refuse, spoil, derelict vehicles or equipment, or the occupation of land or a road for purposes of the repair of vehicles or equipment, it may serve a notice under this section on -

- (a) the owner or occupier of the land or building; or
- (b) the person responsible for causing the condition of the land or building.”.

Repeal of Part IV -
compensation for the
refusal, or conditional
grant, of planning
permission

6. The principal Law is amended by repealing Part IV.

Amendment of section
40 - service of notices

7. The principal Law is amended in section 40(1) as follows -

- (a) by deleting the full stop appearing at the end of paragraph (e) and substituting a semi colon; and
- (b) by inserting below paragraph (e) the following words “but a notice required to be served on any person pursuant to section 15(4) shall be served by sending it in a prepaid registered letter addressed to that person at that person’s address as stated in the Land Register.”.

Passed by the Legislative Assembly the day of , 2016.

Speaker.

Clerk of the Legislative Assembly.