



The following guidelines pertain to the preparation of residential subdivisions or layouts for submission for planning permission.

1. Land use policy

Residential subdivisions will only be permitted in areas that are zoned for residential development.

2. Land tenure and ownership

Verification of details relating to the land for development will be required with every application for residential subdivision by the production of a relevant tenancy receipt, assessment roll history, deed/Certificate of Title, and/or survey plan. If applicant is not owner or lessee, a notice of owner's consent to the application may be required.

3. Plots considered as “Established” plots

- Plots which existed before August 1969 (i.e. date of proclamation of the Town and Country Planning Act Chap. 35:01).
- Plots which existed between 1969 and 1972 (i.e. the period historically used at the TCPD, as the grace period following the proclamation of the Act). In this case a deed, survey plan, and/or assessment roll history must be provided as evidence to support the status of the plot.
- Planning permission is required for the creation of all other plots, as stipulated by the said Act.

4. De-facto Subdivisions

A plot that is the result of a de-facto physical subdivision, such as by the cutting of the plot by a roadway or major drainage channel, will normally be accepted. However, it still requires planning permission for its creation.

5. Requirement for planning permission when a Certificate of Title (CT) is submitted.

Notwithstanding the possession of a Certificate of Title, deed, or survey plan related to a parcel of land, planning permission is required for the creation of a plot unless the plot can be determined to be bonafide, consistent with the criteria detailed in item 3 above.

6. Submission of preliminary surveys/subdivision layouts for full planning permission?

Preliminary surveys/subdivision layouts, included those submitted by engineers, will be accepted for submission for full planning permission, subject to the following:

- Layouts must satisfy all requirements as reflected in relevant Outline Planning Permission (OPP) conditions. These include the provision of bearings, distances, markers/iron in relation to the parent parcel, and road construction details for proposed roads.

- If planning permission is granted a condition of the approval would be that the final subdivision layout, prepared by a licensed surveyor, must subsequently be submitted to and ratified by the TCPD. This plan will replace the preliminary layout on the Map Register
- Once the implemented layout is accepted, a memorandum stating such acceptance/ratification by the TCPD, would be attached to the final layout on the Map Register.
- If the final survey with the subdivision layout is significantly different (i.e. number, orientation, and size of plots), a new application must then be submitted for approval, to retain the new subdivision layout.
- Survey plans are to bear the signature of a licensed land surveyor.

7. Rationale for submission of a structure plan for the comprehensive development of a large parcel of land (vacant or occupied).

Scenario 1: The applicant is not the owner of the larger parcel but requires the excision of one or two lots. Consideration would be given based on (but not limited to) the following:

- The land use policy for the area
- The minimum plot size permitted in the area
- The location of the plots along a road
- The extent of built development on the larger parcel
- The level or quality of existing infrastructure
- The provision of relevant survey drawings

Scenario 2: The applicant is the owner of the larger parcel and requires the excision of one or two lots. Consideration would be given based on (but not limited to) the following:

- The land use policy for the area
- The provision of a structure plan for the comprehensive layout of the parent parcel, before any consideration is given to the proposal. This structure plan must show provision for relevant uses as required for any comprehensive residential subdivision.

8. Submission of a new subdivision layout to replace a previously approved layout for the same site.

A new subdivision, once approved, will supersede any previously approved subdivision or “established” layout (i.e. consistent with point 3 above) for the same site.

9. Refusing or returning as “undetermined”, an application for a proposed subdivision layout.

When making a decision to refuse an application, **all** relevant reasons for refusal must be explicitly stated by the staff of the TCPD, in the initial letter to the applicant. This ensures that when the application is re-submitted, it is not refused for additional reasons which were present in the original submission.

When returning an application undetermined, **all** defects and/or omissions must be clearly and thoroughly stated in the initial letter. This ensures that the applicant is aware of all issues related to the application, so they can be addressed before the application is re-submitted.

Disclaimer: These Spatial Planning Guidelines are intended to guide applicants for planning permission. They do not constitute legal advice. Persons are cautioned to seek professional advice and refer to the relevant planning legislation, where necessary, before taking action in relation to any of the issues addressed above.