



Cayman Islands Chamber of Commerce

Comments on the
proposed amendments to the
Grand Cayman Development Plan 2003



PRELUDE

The review of the Development Plan is an important exercise mandated by law to take place every five years. The process allows for the wider community to comment and raise issues of concern about existing and future plans and policies for the physical and socio-economic development of the country.

Development planning should never be conducted in isolation. It must consider the positive and negative consequences of all aspects of Government decision making and planning to allow for a holistic approach to improving the socio-economic fabric of the society in which we live and conduct business.

The Chamber strongly supports a Development Plan that incorporates the wishes of the community in which it was developed and should include clear policy guidelines for development that are in keeping with existing policies and reports accepted for introduction by the Government. Discretionary or reactionary decision making should be discouraged. The plan should be based on well crafted economic, social and environmental policies that are supported by the majority of the people.

We appreciate that the Development Plan is a reflection of the policy positions taken by the Government of the day under whose tenure the review is conducted. Recent announcements indicate that several new policy directions are imminent for the tourism and financial services sectors. We welcome plans to develop a long term economic plan announced by the Leader of Government Business during the debate of the Throne Speech in the Legislative Assembly this month. We believe the Development Plan must ultimately be linked to the economic plan. A strong sustainable economy with controlled growth should be the ultimate goal for securing the future prosperity of these islands. A vibrant domestic economy less dependent on the outside world must also be a major objective of the plan to ensure the retention of wealth by residents in our community.

In closing, I would like to thank the task force that assisted in the preparation of this report. The Chamber welcomes the opportunity to meet with the Planning Appeals Committee to further explain the recommendations contained herein.

Sincerely,

Conor O'Dea
President

INTRODUCTION

The Chamber of Commerce is the largest business and community-based organization in the Cayman Islands with representation from all industry sectors. The Chamber was established in 1965 with a central objective to promote and protect the trade, business, commerce, agriculture, industries, manufactures and public welfare of, and in, the Cayman Islands. The organization also considers, discusses and takes action on questions directly or indirectly relating to, or affecting, business and the public welfare in the Islands.

Through our membership, the Chamber represents over 600 businesses across the three Islands, including the top 25 companies, over 150 businesses employing between 20-100 people, and nearly 400 enterprises employing less than 20 people. This makes the Chamber the largest and most representative business organization in the Islands.

Mr. Conor O'Dea, President of the Cayman Islands Chamber of Commerce, appointed a task force in early 2003 to review the proposed amendments to the 1997 Grand Cayman Development Plan and to submit a report for consideration by the Chamber Council by early March. Mr. W. Burns Conolly, AIA, Immediate Past President and a qualified architect, was appointed chairman. Mr. Wil Pineau, Chief Executive Officer, served as secretary. Representatives from industry associations and a Past Chamber President with a keen interest in development issues were invited to serve. Task force members were:

- Mr. Dale Crighton, (former President, Cayman Islands Real Estate Brokers Association)
- Mr. Rod McDowall, (President, Cayman Islands Tourism Association)
- Mr. Gilles Langlois, (President, Cayman Contractors Association)
- Mr. William H. Adam, (Past Chamber of Commerce President)

The task force held five meetings to:

1. Review in detail the proposed changes to the 1997 Grand Cayman Development Plan.
2. Discuss and identify economic, environmental and social issues that are likely to impact the effective implementation of the proposed development plan.
3. Suggest changes that could improve the Development Plan and would encourage sustainable economic development.

We would welcome the opportunity to meet with the Planning Appeals Tribunal to further elaborate on our recommendations.

REVIEW OF THE PROPOSED AMENDMENTS

The task force reviewed each section of the Development Plan and submitted the following comments on the sections, which we believe should be reconsidered in the final report to Executive Council.

Part 1	Background
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1.2 Goals & Objectives

The Chamber recommends that the proposed paragraph incorporating the main goal of the plan is amended to read:

"The main goal of the Plan is to effectively direct and manage development so as to safeguard the environment, and as a consequence, the economic, cultural, social and general welfare of the people."

The definition of the word "environment" in the broad goals (a) needs clarification. Does environment relate to physical, natural or both?

(e) Insert the word "land zoned" before prime agricultural.

(i) The problem with this objective is that this will continue to encourage development in existing developed areas only. This approach is contrary to good land use and good zoning

(r) There is a need to define the "appropriate standard of design and landscaping". The standard needs to be established, but needs to be defined in the plan prior to acceptance.

(t) What sites have been identified and what standards have been established to conserve "buildings of architectural and historical importance and sites of archeological and cultural significance." We would recommend that this objective be amended as follows: To introduce a public register of buildings or architectural and historical importance and sites of archeological and cultural significance."

(w) The cost implications to implement Vision 2008 need to be determined before including this as an objective in the plan. We would recommend that this objective be amended as follows: "To consider the implementation of the relevant sections of the National Strategic Plan Vision 2008, the community-based ten-year plan for the Territory."

1.4 Structure of the Plan

The Chamber supports the Cayman Islands maintaining a balance between protecting the environment and encouraging sustainable development. We have noted that four areas entitled, *Land Recommended for Acquisition*, *Special Planning Area*, *Proposed Nature Tourism* and *Environmental Zone*, were removed from the original draft Development Plan. We now note that there is no environmental zone designated on the land mass. We understand the Department of Environment and National Trust recommended these zones in the original plan. This being the case we are concerned over their complete removal after the original plan was issued and before receiving final public input on the proposed development plan.

We agree with the new zones but we believe there should be additional zones. These include:

1. Utilities (Other zones should permit utilities infrastructure. For example, Caribbean Utilities Company substations should be permitted as long as they are compatible with the style of the particular zone.)
2. Bed and Breakfast uses should be included in the tourism and the residential zones to allow tourism cottage industry to become established.
3. Sports Entertainment. There is no reference to developments such as these in the proposals at present.
4. Landfill and Sewage Treatment should be identified as its own zone.

Affordable housing is an economic and not a planning concept. We would recommend that affordable housing is only permitted in high density residential zones.

The amount of flexibility for designated land use needs to be clearly specified within each zone. "Somewhat flexible" allows too much discretion. Consideration should be given to increasing the notification requirements in the vicinity of any planned development.

Part 2	Planning Considerations
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The Chamber recommends deleting the paragraph. It would allow much wider scope for extensive objections and planning appeals from all groups and is contrary to the current Planning Law and Regulations. This paragraph would serve to discourage investment and development in the country.

2.5 Storm Water Management

We recommend the deletion of the penultimate sentence in this paragraph. We recommend that storm water management should be managed on each individual site until Government is in a financial position to build a public storm water management system.

2.7 Solid Waste Management

A zone should be created so that the community knows where solid waste management systems should be located.

3.1 Agriculture Zone

We recommend that this new zone should allow single-family houses that do not require agricultural use. The maximum density should be one house per three acres, currently it is zoned one house per acre.

3.2 Commercial Development Zones

Determining the definition of local architectural heritage is a problem. We would recommend that further research is conducted before making this a requirement in the plan.

3.5 Historic Overlay Zone

Typically in these zones, other countries allow tax incentives for development in these zones to occur. We would not recommend mandating financial contributions to preservation, restoration, and/or studies of historic sites and areas, but duty free concessions for persons developing in these zones. Specific guidelines should be developed to identify what an historic site or area should be. Appendix 4 should be modified based on criteria.

3.13 Tourism Related Development Zones

We recommend that section (a) (viii) is reworded to read:

“ensure significant natural features and stands of large trees are maintained.”

We recommend that section (a) (ix) is deleted.

Under section (x) there is a need to define “adequate allowance for public access to the beaches and the sea”.

We would recommend that the wording of the sentence in the penultimate paragraph of this section is reworded to read:

“Development in this zone **may** include 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.”

3.16 Road Requirements

Interconnectivity between subdivision streets must be through legal right of ways only and, otherwise, should be avoided.

We do not understand the purpose of the last paragraph in this section.

3.17 Subdivision of Land

Interconnectivity between subdivision streets as stated above in Section 3.16 must be through legal right of ways only and, otherwise, should be avoided. They have the potential to overload the planned subdivision capacity.

3.19 Planned Unit Development

We strongly support this new section. It brings a level of flexibility to development, which will enable the creative use of land and the creation of holistic developments. Planned Unit Development is needed to accomplish larger proposed development and we would recommend PUD to apply to developments equal or exceeding 20 acres.

3.21 Environmental Assessment

Additional guidelines should be developed and published as to when an environmental assessment should be required and this decision should not be discretionary.

3.22 Affordable Housing

Affordable housing is an economic and not a planning concept. We would recommend that affordable housing is only permitted in high density residential zones.

GENERAL OBSERVATIONS

1. **Fundamental concept of our style of development plan is the prevailing planning system in the world, but it does not encourage holistic communities and is costly.** The current plan considers zones of use connected by arterial roads with limited flexibility of use within each of those zones. Additionally, the planning regulations are applied to individual parcels allowing development to only occur in a “donut” or insular fashion. Generally, this style of planning is one of the costliest because it requires a massive dispersal of infrastructural and utilities resources. The concepts of the “new urbanism style” should be reviewed and considered.
2. **The proposed development plan does not incorporate the “as of right” concept of planning which would lead to less contentious applications and would limit the Central Planning Authority’s workload.** This change would ensure that developers and adjacent landowners would have a detailed understanding of the specific use of each parcel within the zone. This would remove some of the subjective decisions of the Central Planning Authority. In other words, if an applicant meets all of the requirements the approval would be automatic.
3. **An expanded list of definitions for what is permitted within the zone is recommended.** The proposed Development Plan has started to expand certain definitions, but there is much more work that needs to be done.
4. **The Building Code should be introduced as an independent law and the Building Control Department should be separated from the Planning Department.** It would cover all development rather than development that falls under planning permission. The Building Code is actually under the Planning Law and Regulations and therefore only applies to developments that require planning permission. For example, the Building Code currently exempts residential homes under 2,500 square feet.
5. **Licencing of professionals in the building and development industry should be introduced.** At the least, the Central Planning Authority should limit the receipt of applications, particularly large scale commercial, assembly and R1 and R2 residential developments, from properly qualified persons. The Building Code anticipates and requires properly trained professionals (i.e. architects, engineers). However, the Development and Planning Regulations includes a liberal definition and does not require professional registration for these types of developments. In other words, anyone can submit anything to the Central Planning Authority for large scale commercial and multi-residential developments and they will be considered! Several industry sectors would welcome the licencing of professionals. The registration of contractors also needs to be addressed.

6. **All meetings of the Central Planning Authority should be open to the public.** We believe that decisions of the Central Planning Authority should be transparent to allow the public to understand how decisions are reached.
7. **Cayman Brac and Little Cayman should be included under one Development Plan for the Cayman Islands that would take into account their particular set of conditions.** It is not in the best interest of the country to be operating under three separate development plans. One plan should establish fundamental guidelines for the holistic development of the entire Cayman Islands. The plan, however, should take into account the particular conditions of each of the islands.
8. **Economic policy should be linked to development policy.** Recently, the Hon. W. McKeever Bush, OBE, JP, Leader of Government Business in his contribution to the Throne Speech called for the development of a long-term economic plan for the Cayman Islands. We strongly support this approach and recommend that the economic policy is linked to development policy.
9. **The Chamber supports the Cayman Islands maintaining a balance between protecting the environment and encouraging sustainable development.** We have noted that four areas entitled, *Land Recommended for Acquisition*, *Special Planning Area*, *Proposed Nature Tourism* and *Environmental Zone*, were removed from the original draft Development Plan. We now note that there is no environmental zone designated on the land mass. We understand the Department of Environment and National Trust recommended these zones in the original plan. This being the case we are concerned over their complete removal after the original plan was issued and before receiving final public input on the proposed development plan.