

CAYMAN ISLANDS



DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 2026

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A BILL FOR AN ACT TO AMEND THE DEVELOPMENT AND PLANNING ACT (2021 REVISION) TO PROVIDE FOR THE DISTINCTION BETWEEN THE APPLICATION OF PLANNING POLICY BY THE CENTRAL PLANNING AUTHORITY AND THE DEVELOPMENT CONTROL BOARD IN RECOGNITION OF THE ABSENCE OF A DEVELOPMENT PLAN FOR THE ISLANDS OF CAYMAN BRAC AND LITTLE CAYMAN AND TO PROVIDE FOR RECOGNITION OF THE PRESUMPTION IN FAVOUR OF PLANNING PERMISSION IN ACCORDANCE WITH SUCH PLANNING POLICY AND FOR THE PROVISION FOR INCIDENTAL AND CONNECTED MATTERS

PUBLISHING DETAILS

Sponsoring Member: Christopher Saunders, MP, Bodden Town West

Memorandum of OBJECTS AND REASONS

This Bill amends the Development and Planning Act (2021 Revision).

Clause 1 repeals section 5 (1) and replaces it with a new subsection (1) so as to recognize that the Central Planning Authority's general approach to planning control is governed by the policies set out in the Development Plan and Planning Statement for the Island of Grand Cayman and that, in the absence of a Development Plan and Planning Statement for the Islands of Cayman Brac and Little Cayman, the Development Control Board must endeavour to secure consistency and continuity in respect of any decisions it makes by developing and following a policy approved by the Cabinet until such time as there is a Development Plan for those Islands.

These new sub-sections also recognize that planning permission should be based on development policy as reflected in the Development Plan and Planning Statement for Grand Cayman and in any comprehensive policy for the Islands of Cayman Brac and Little Cayman and expressly provides for a presumption in favour of planning permission in accordance with such Plan and Statement or policy, as the case may be, unless such permission would result in harm to some material planning interest.

Sub-section (2) recognizes that the Authority and Board shall have exclusive decision-making authority with regard to matters of planning control in Grand Cayman and the Sister Islands, respectively.

Sub-section (3) creates the statutory authority for the implementation by the CPA of planned area development schemes based on an approved master plan and planning statement and makes clear that such approval of planned area development shall take effect as if the same were an amendment to the Development Plan and Planning Statement.

Clause 2 provides for the necessary renumbering of sub-sections (2) through (5).

Clause 3 provides for a new Section 10 (2) for the purpose of the Authority referring any proposed amendment to a development plan to Parliament at any time it decides it is expedient to do so.

Clause 4 provides that the process prescribed by Section 11 does not apply to any amendment of the plan initiated by Cabinet or Parliament.

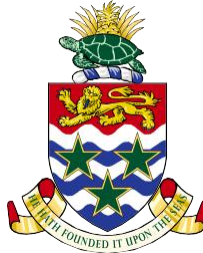
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ENACTED by the Legislature of the Cayman Islands.

Short title and commencement

1. (1) This Act may be cited as the Development and Planning (Amendment) Act, 2026.
- (2) This Act shall come into force on such date as may be appointed by Order made by the Cabinet.

Amendment of section 5 of the Development and Planning Act (2021 Revision) – Duties of Authority

2. *The Development and Planning Act (2021 Revision)* in this Act referred to as the “principal Act” is amended in section 5 as follows -

(a) by repealing subsection (1) and substituting the following subsections -

- (1) It shall be the duty of the Authority and the Board to secure consistency and continuity in accordance with this Act and any regulations made hereunder and to each exercise its functions in accordance with the provisions of the Development Plan made in accordance with Part II of this Act, as amended from time to time. The Authority and Board shall have regard to such relevant provisions of the Development Plan and, subject to any provisions in any regulations made hereunder, shall grant planning permission in accordance therewith, unless such permission will cause harm to some material planning interest.
- (2) Notwithstanding any provision in this or any other Act to consult with any other authority, person or entity, the Authority and Board shall have exclusive authority in accordance with the exercise of their respective functions and duties under this Act and shall, in the exercise of their functions under this Act, not be subject to the direction or order of any other such authority, person or entity, including Cabinet, and shall at all times act in accordance with the Cayman Islands Constitutional Order, 2009.
- (3) The Authority shall have authority to consider and grant permission for the implementation of planned area development zones in accordance with regulations made under this Act, and notwithstanding the provisions of the Development Plan and Planning Statement, such permission shall take effect and be treated as if the same were an amendment to the development plan made pursuant to Part II of this Act in respect of the area comprising the planned area development zones. A register of all planned area development zones shall be kept by the Authority and made available for public inspection upon payment of any prescribed fee and shall be updated from time to time as deemed necessary by the Authority in accordance with its functions hereunder.

(b) by renumbering sub-sections (2) to (5) as sub-sections (4) to (7) accordingly.

Amendment of section 10 - Amendment of development plans

3. The principal Act is amended in section 10 by repealing subsection (2) and substituting the following subsection -

- (2) Notwithstanding subsection (1), the Authority may, whenever it appears expedient, submit to the Cayman Islands Parliament proposals for alterations or additions to any development plan.

Amendment of section 11 - Approval of development plans

4. The principal Act is amended in section 11 by inserting a new section 11A as follows:

- 11A Notwithstanding sections 5(2), 10 and 11, the Authority shall, if at any time so required by either the Cabinet or by a resolution of the Cayman Islands Parliament, submit to the Cayman Islands Parliament a proposal for alterations or additions to the development plan with regard to any public lands and/or private land with the proprietor's consent and any such proposal shall not be subject to Section 11.

Amendment of section 12 - Deposits of development plans

5. The principal Act is amended in section 12 by deleting the word "Cabinet" and inserting the words "the Authority".

Amendment of section 13 - Provisions for development

6. The principal Act is amended in section 13(3) by deleting the word "except" where it appears in the third line and substituting the word "provided".

Amendment of section 15 - Application for planning permissions

7. The principal Act is amended in section 15 as follows -

- (a) in subsection (1) by deleting the words "or permission for planned area developments".
- (b) in subsection (3) by deleting the words "permission is granted for a planned area development or where".

Passed by the Parliament the _____ day of _____, 2026.

Speaker

Clerk of the Parliament