

DEVELOPMENT CONTROL BOARD

MINUTES

Minutes for a meeting of the Development Control Board held on Tuesday, 18th May 2021 at 10:00 AM at the District Administration Conference Room, District Administration Building, Cayman Brac.

6th Meeting of the Year

DCB/06/21

Present:

Capt. Ashton Bodden	-	Chairman
Ms. Jeanne Teresa Bodden	-	Member
Mr. Paul Connolly	-	Member
Mr. Garston Grant	-	Member
Mr. Henry Scott	-	Member
Ms. Andrea Stevens	-	Planning Officer/ Executive Secretary

Apologies for Absence:

Mrs. Zanda McLean	-	Deputy Chairman
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INDIVIDUALS APPEARING BEFORE THE DEVELOPMENT CONTROL BOARD

NAME	REASONS	TIME	ITEM	PAGE
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The Chairman extended sympathy to Ms. Teresa Bodden for the recent loss of her uncle, Mr. Lloyd Scott. The Board observed a moment of silence.

Mr. Henry Scott offered a prayer.

Handwritten signatures:
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1.0 CONFIRMATION OF MINUTES

1.01 Minutes DCB/04/21

A Motion was made by Mr. Paul Connolly and seconded by Mr. Henry Scott to approve the Minutes of DCB/04/21 as submitted. The Minutes of DCB/04/21 were approved.

1.02 Minutes DCB/05/21

A Motion was made by Mr. Henry Scott and seconded by Mr. Paul Connolly to approve the Minutes of DCB/05/21 as submitted. The Minutes of DCB/05/21 were approved.

2.0 ROUTINE MATTER

2.01 LEACOCK BEACH HOUSE, LCE BLOCK 90A PARCEL 20 (LC-F21-0144) (LC-P21-0009)

Application for a house.

Facts:

Location:	Guy Banks Road
Parcel Size:	.9 ac (39,204 sq ft)
Existing Use:	Vacant
Proposed Use:	Residential
Building Size:	2,216 sq ft
Required Parking:	2 spaces
Proposed parking:	4 spaces
Setback requirements:	Typical requirements met.

Agency Requirements:

National Conservation Council:

The application site consists of primary coastal shrubland and the beach of the subject parcel is a turtle nesting beach. All marine turtle species are listed in Part 1 of Schedule 1 to the National Conservation Law, 2013, as being 'protected at all times'. The site is also adjacent to a Marine Protected Area, namely a Line Fishing Zone with a No Diving Overlay Zone.

Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species. Although we have no objections to

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the proposed residence, we encourage the applicant to keep clearing to a minimum. We recommend only the footprint areas of the proposed driveway and house be cleared by heavy machinery and that any other clearing of the site should be done by hand to retain as much mature native vegetation as possible. Native vegetation is best suited for the habitat conditions of the Cayman Islands, resulting in vegetation that requires less maintenance which makes it a very cost-effective choice. Beach vegetation is also thought to play an important role in sea turtle nest site selection, hatch success, hatchling fitness, sex ratio, and sea finding, therefore, vegetation, particularly along the coast of the parcel, is essential.

In addition, artificial lighting on and around turtle nesting beaches is one of the greatest threats to the survival of Cayman's endangered sea turtle nesting populations. Bright lights on the beach can deter female turtles from nesting and cause baby turtles to crawl away from the sea, where they die from dehydration, exhaustion, predators or vehicles. We encourage the applicant to use turtle friendly lighting to minimise the impact of artificial lighting on sea turtles.

Figures 1-3: Properties retrofitted to turtle friendly lighting along Seven Mile Beach, Grand Cayman.

If the Development Control Board (DCB) is minded to grant planning permission, we strongly recommend the inclusion of the following conditions in any grant of planning approval to minimise impacts to nesting and hatchling sea turtles and the Marine Protected Area.

- 1) Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.*
- 2) The applicant shall prepare and submit a plan for review to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles for all exterior lighting being proposed. Guidance on developing a lighting plan can be found in the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <http://doe.ky/marine/turtles/turtle-friendly-lighting/>.*
- 3) Lighting shall be installed in accordance with the turtle friendly lighting plan which has been reviewed and approved by the DoE. The DoE will inspect the exterior beach lighting for compliance with the approved turtle friendly lighting plan once construction is complete.*
- 4) All construction material shall be stockpiled landward of the 75-foot coastal setback to reduce the possibility of run-off and debris entering the Marine Protected Area.*

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5) *Any sand that is to be excavated during construction should be retained on-site and beach quality sand should be placed along the active beach profile. Sand shall only be placed along the beach during turtle nesting season with the express consent of the DoE, to ensure that turtle nests are not adversely impacted. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand offsite, it should be the subject of a separate consultation with the National Conservation Council.*

We also recommend that the applicant retains a buffer of coastal vegetation along the 75-foot coastal setback. Coastal vegetation typically consists of various salt and wind-tolerant flora which are perfectly adapted to the habitat conditions of the site resulting in landscaping that requires less maintenance, making it a very cost-effective choice. A coastal vegetation buffer can help stabilise the beach and minimises impacts on nesting and hatchling turtles."

Planning Analysis:

The applicant proposes a 2,216 sq ft house. All typical requirements are met.

Decision: It was resolved to grant planning permission subject to the following conditions:

Conditions (1-5) must be completed prior to the start of construction:

- 1) The applicant shall obtain approval of construction details from the Building Control Unit.
- 2) The applicant shall obtain plumbing approval from the Building Control Unit.
- 3) The applicant's Electrician shall obtain electrical approval from the Building Control Unit.
- 4) The applicant shall obtain a liquefied gas permit from the Building Control Unit (if applicable).
- 5) The confirmation of the Planning Office must be obtained, in writing, verifying compliance with the conditions described above prior to the start of construction.

The applicant will be reminded that all inspections shall be conducted and approved prior to occupancy of the building.

The applicant shall comply with recommendations of the National Conservation Council as follows:

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- 1) Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.
- 2) The applicant shall prepare and submit a plan for review to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles for all exterior lighting being proposed. Guidance on developing a lighting plan can be found in the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <http://doe.ky/marine/turtles/turtle-friendly-lighting/>.
- 3) Lighting shall be installed in accordance with the turtle friendly lighting plan which has been reviewed and approved by the DoE. The DoE will inspect the exterior beach lighting for compliance with the approved turtle friendly lighting plan once construction is complete.
- 4) All construction material shall be stockpiled landward of the 75-foot coastal setback to reduce the possibility of run-off and debris entering the Marine Protected Area.

The applicant will be advised that this approval is in effect for five (5) years only and will expire if a building permit is not issued during this time. If the applicant wishes to reinstate the approval after this period, a new application must be submitted to the Planning Department along with required fees.

2.02

ANGELA JOHNSON, CBW BLOCK 96E PARCEL 461 CB-F21-0182) (CB-P21-0023)

Application for a house.

Facts:

Location:	Unnamed VROW directly west of Tibbetts Enterprises
Parcel Size:	.2534 acres (11,038 sq ft sq. ft.)
Existing Use:	Vacant
Proposed Use:	Residential
Building Size:	1,019 sq ft house
Required Parking Spaces:	2 spaces
Proposed Parking Spaces:	2 spaces
Setbacks:	All typical setbacks are met.
Site Coverage:	9%

Agency Comments:

National Conservation Council:

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"The application site for the proposed house is comprised mainly of man-modified habitat with some primary dry shrubland habitat. DOE recommends that existing vegetation on the site should be retained where possible and incorporated into the landscaping scheme; native vegetation is best suited for the habitat conditions of the site, requiring less maintenance and making it a cost-effective and sustainable choice for landscaping."

Planning Analysis:

The applicant proposes a two (2) bedroom, 1,019 sq ft house. All typical requirements are met.

Decision: It was resolved to grant planning permission subject to the following conditions:

Conditions (1-5) must be completed prior to the start of construction:

- 1) The applicant shall obtain approval of construction details from the Building Control Unit.
- 2) The applicant shall obtain plumbing approval from the Building Control Unit.
- 3) The applicant's Electrician shall obtain electrical approval from the Building Control Unit.
- 4) The applicant shall obtain a liquefied gas permit from the Building Control Unit (if applicable).
- 5) The confirmation of the Planning Office must be obtained, in writing, verifying compliance with the conditions described above prior to the start of construction.

The applicant will be reminded that all inspections shall be conducted and approved prior to occupancy of the building.

Native vegetation should be retained where possible and incorporated into the landscaping scheme.

The applicant will be advised that this approval is in effect for five (5) years only and will expire if a building permit is not issued during this time. If the applicant wishes to reinstate the approval after this period, a new application must be submitted to the Planning Department along with required fees.

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3.0 MATTERS ARISING

4.0 MINOR MATTERS

5.0 SUBDIVISIONS OF LESS THAN TWENTY LOTS

**5.01 ROBERT HURLSTONE, CBC BLOCK 98D PARCEL 31 (CB-F21-0190)
(CB-P21-0024)**

Application for a two (2) lot subdivision.

The Chairman declared his interest and left the room for this agenda item. Ms. Teresa Bodden chaired the meeting for this agenda item.

Facts:

Location:	Foster Road
Parcel Size:	Information not available on Land Register
Proposed Number of Lots:	2 lots
Notices:	No objection

Applicant's Letter:

"Please find attached our Application to Subdivide the above captioned parcel into 2 lots, using the existing public road as the division. 98D 31 is one of the original parcels Registered at Land Adjudication.

Our clients understand that the proposed sea front lot does not meet the usual minimum dimensions or areas as required by the DCB, but request the Board's discretion in this matter, as this lot is being created solely for the Proprietor's cousin and his family for their relaxation and enjoyment and certainly not for further development."

Agency Comments:

National Conservation Council:

NCC comments due by 18th May.

Planning Analysis:

The applicant proposes to subdivide a parcel having a seaside portion and a landside portion at Foster Road. The lot is approximately 50 ft wide at the road.

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The seaside portion is approximately 119 ft deep. Overall lot size would be @ 5950 sq ft. The Board typically requires 10,000 sq ft for new lots. The landside portion varies significantly in width. The licensed surveyor who submitted the application estimates that the parcel will be @.58 of an acre.

If NCC comments are not received prior to the meeting, the application should be adjourned.

Decision: It was resolved to adjourn the application and invite the applicant to the next meeting to discuss the size of the proposed beach lot.

5.02

ROBERT HURLSTONE, CBC BLOCK 99B PARCEL 5 (CB-F21-0191, CB-P21-0025)

Application for a two (2) lot subdivision.

The Chairman declared his interest and left the room for this agenda item. Ms. Teresa Bodden chaired the meeting for this agenda item.

Facts:

Location:	20 ft VROW from Stake Bay Road (west of Kevin Foster's garage)
Parcel Size:	1.52 acres
Proposed Number of Lots:	2 lots
Notices:	No objections

Agency Comments:

National Conservation Council:

The application site consists of a mixture primary coastal shrubland habitat and man-modified areas. The site is not a known turtle or seabird nesting beach nor is it located adjacent to a Marine Protected Area. The Department has no objection to the proposed subdivision. However, any future clearing, filling or development of the resulting parcels should be the subject of a separate consultation with the National Conservation Council.

Planning Analysis:

The applicant proposes two (2) lots that will measure approximately 104.8 ft wide. Lot A will be .75 acres and Lot B will be .77 acres.

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Decision: It was resolved to grant planning permission subject to the following:

- 1) A surveyor's final drawing shall be submitted and approved prior to registration of the lots.
- 2) The surveyor's drawing shall show that a 20 ft VROW extends to both lots.

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NEW APPLICATIONS

6.01

FRANKLIN INVESTMENTS LTD., LCW BLOCK 83A PARCEL 167 (LC-F21-0121) (LC-P21-0008)

Proposed 81 lot subdivision.

The Chairman declared his interest and left the room for this agenda item. Ms. Teresa Bodden chaired the meeting for this agenda item.

Facts:

Location:	30 ft VROW from Guy Banks Road, northwest of Gazebo Lane
Parcel Size:	Unidentified on the Land Register.
Proposed Number of Lots:	81 (79 lots for future development, 1 road lot and 1 LPP lot)
Notices:	No objections

Agency Comments:

National Conservation Council:

"The applicant is seeking permission for an 81 lot residential subdivision, which includes 79 residential lots. In the absence of a Development Plan for the Sister Islands to provide a strategic framework for development, particularly large-scale proposals such as this, the Department strongly recommends that prior to determining this planning application, a review of the 'need' for the development is undertaken. The impact of a further large-scale subdivision on existing infrastructure and the wider environment should be properly considered and evaluated.

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As shown on Figure 1, there are already 1,337 undeveloped parcels under 2 acres in size on Little Cayman. Against this background, the need for a further 79 development lots should be robustly justified.

The site is dry shrubland with some areas of dry forest and seasonally flooded mangrove shrubland. The site is also adjacent to the National Trust's land associated with the Booby Pond Nature Reserve (see Figure 2).

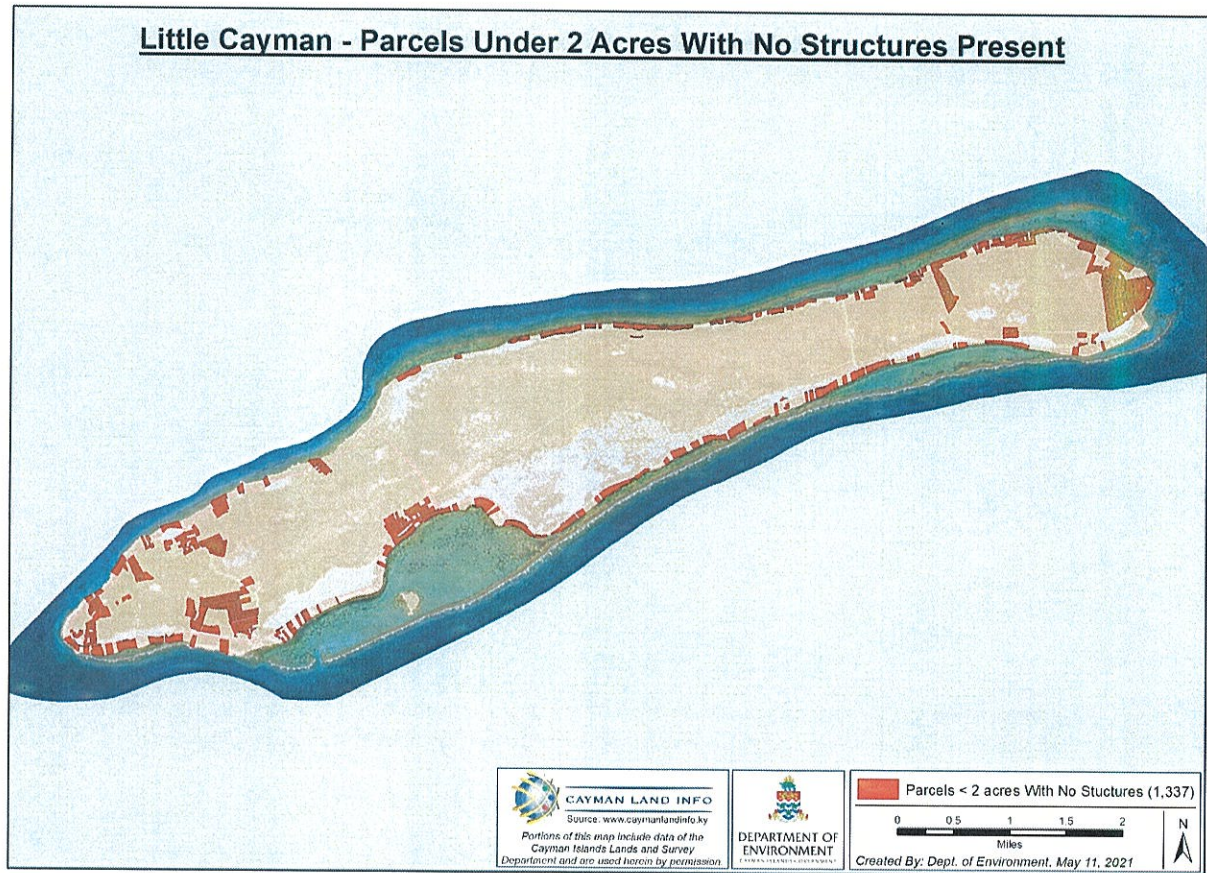


Figure 1: Parcels under 2 acres with no structures present (DoE, 2021)

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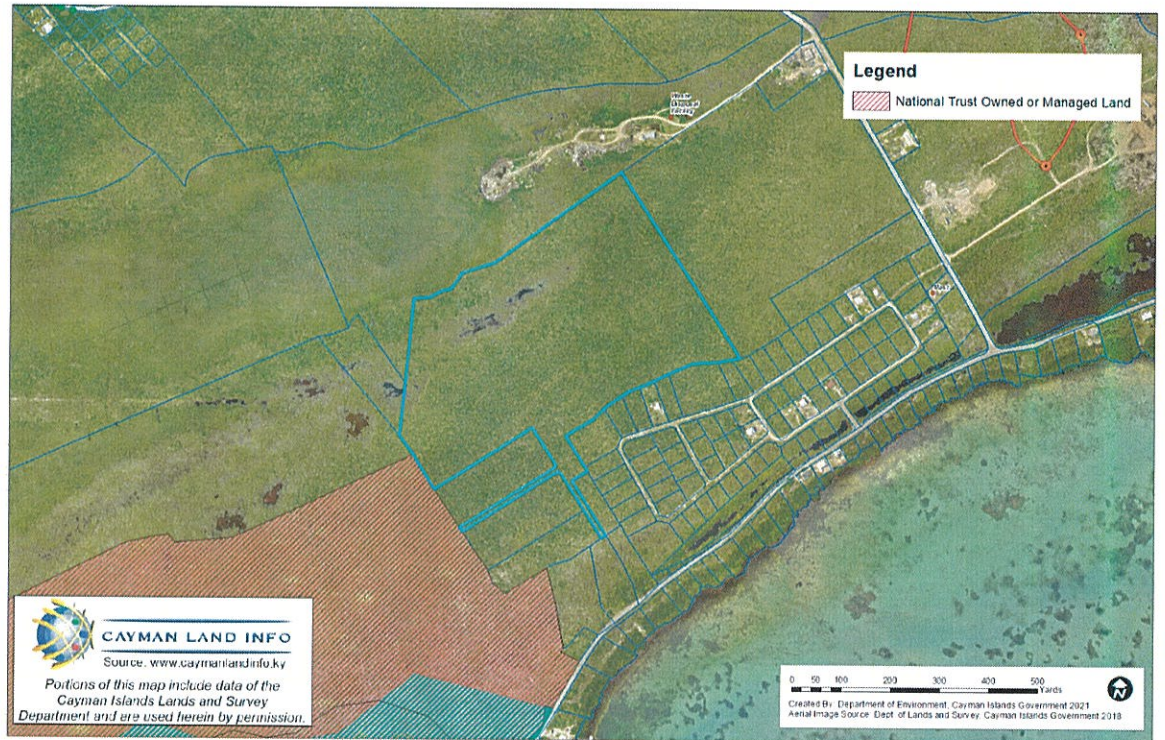


Figure 2. The site (outlined in blue) is adjacent to National Trust-owned land (red).

Dry shrubland is a unique and biodiverse habitat. The 'shrubland' formation develops in response to one or both of two natural environmental stressors. In coastal areas, vegetation growth is limited by exposure to salt spray carried inland by wind. Inland at low levels where the groundwater lies between 1-2 m from the ground surface, there is insufficient depth of unsaturated (aerobic) rock to support rooting of large forest trees, so shrubland predominates. Despite the extreme environmental conditions to which it is subject, dry shrubland supports significant and unique biodiversity, some of which occupies an extremely restricted range. Dry shrubland supports a diversity of resident and migratory birds, and is of special value for migratory warblers, there are several endemic plants and trees unique to Cayman's dry shrubland, for example *Scolanthus roulstonii* and the Century Plant (*Agave caymanensis*).

The Part 1 Schedule 1 Protected Species *Cerion nanus* may be present. The Little Cayman Snail *Cerion nanus* is a small land snail known only from a single patch of dry shrubland in Little Cayman. The area of shrubland known to support living snails measures just a few meters square, potentially making this one of the most restricted snail populations on earth. Empty shells elsewhere on Little Cayman indicate that the present range of the Little Cayman Snail may now be significantly less than previously. *Cerion nanus* is found in close association with

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*the sparsely distributed shrub *Evolvulus squamosus*, to which it attaches, appearing to glean food from the surface of the plant.*

The National Biodiversity Action Plan (NBAP) for the Cayman Islands (2009) identifies “fragmentation” as a key factor affecting forest and woodland in the Cayman Islands. The NBAP states that “Forest and woodland is highly susceptible to fragmentation. Fragmentation interrupts wildlife corridors, introduces invasive species and exposes extensive areas of forest to damaging edge effects, including wind sheer, ingress of light, and modification”.

The NBAP goes further to comment on the impact of speculative clearance on forest environments and notes that the complete clearance of all vegetation from a saleable lot, to demonstrate its extent and topography, is a common practice in the Cayman Islands. This results in immediate and long-term damage to the ecological value of the land. Regardless of whether a sale is forthcoming, invasive species colonise the cleared area, compromising both the cleared site and impacting neighbouring parcels. Speculative clearance removes any option for a prospective buyer to maintaining native vegetation outside of the footprint of any new development. If the proposed subdivision is accompanied by clearing of this property, it will result in the fragmentation of this undisturbed primary forest and woodland.

We do not support this type of development. Little Cayman does not have the infrastructure or the need for this level of development. The clearing of road lots for this development will provide access into these important natural areas for feral cats and dogs, which predate on our native species, and other invasive species. The application for this subdivision should be refused or held in abeyance until there is a Development Plan for Little Cayman.”

Planning Analysis:

The applicant proposes 79 lots for future development, a road lot and an LPP lot. All lots for future development are .47 acres (20,473 sq ft) or larger.

While the Planner appreciates NCC concerns about the “need” for these lots in Little Cayman, a free market should determine whether there is a need. The current application is for subdivision only. Future development of individual parcels will require planning permission.

As in other areas of the Cayman Islands, the level of infrastructure will improve as the lots are developed.

Decision: It was resolved to grant planning permission subject to the following:



Condition 1-3 shall be met prior to registration of the lots.

- 1) A surveyor's drawing shall be submitted to the Planning Office for final approval.
- 2) The roads shall be constructed to NRA & PWD standards.
- 3) All utility poles shall be installed.

6.02

SEA ESTAS VILLAS, LCE BLOCK 87A PARCEL 6 (LC-F21-0082) (LC-P21-0006)

Application for four (4) houses & a pool.

Facts:

Location:	North Coast East Road
Parcel Size:	1.25 acres (54,450 sq ft)
Existing Use:	Vacant
Proposed Use:	Residential
Building Footprint:	5,224 sq ft
Building Size:	7,453 sq ft
Required Parking:	8 spaces
Proposed Spaces:	8 spaces
Site Coverage Allowed:	25% Maximum
Site Coverage Proposed:	9%
Notices:	No objections

Agency Comments:

National Conservation Council:

"The site is occupied by coastal shrubland. It is located on a turtle nesting beach but is not adjacent to a Marine Protected Area.

We recommend that the native vegetation is retained where possible, especially on the coastal side and incorporated into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the site, requiring less maintenance and making it a cost-effective and sustainable choice for landscaping. In addition, it is likely that the excavation for this development will result in a large volume of sand.

Therefore, if the Development Control Board is minded to approve this development, we recommend the inclusion of planning conditions which state:

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- *The applicant shall prepare and submit a plan to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. All lighting shall be installed in accordance with the plan, to be approved by the DoE. Guidance on developing a lighting plan can be found in the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018).*
- *Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.*
- *No construction work, vehicle access, storage of equipment/ materials or other operations should take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.*
- *Construction materials shall be sited as far back from the beach as possible to maximise nesting habitat and any materials on the beach during turtle nesting season (May to November) shall be fully enclosed in fencing embedded at least 2 feet into the sand.*
- *Any sand excavated as part of the construction works shall remain on site and be returned to this beach system. If the volume of sand is deemed too great to retain all sand on site, any removal from site should be the subject of a separate consultation with the Council."*

Department of Environmental Health

"DEH has no objections to the proposed in principle.

Solid Waste Facility:

1. *This development will require four (4) 33 gallon bins and an enclosure built to the department's requirements.*
 - a. *The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.*
 - b. *The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.*

Cistern:

1. *The applicant must submit details on the disinfection system for the cistern.*

Swimming Pool:

1. *A swimming pool application must be submitted for review and approval prior to constructing the pool.*
 - a. *The swimming pool must conform to Sections 3 and 4 of the International Swimming Pool and Spa Code."*

Water Authority:

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"Please be advised that the Water Authority's requirements for this development are as follows:

Wastewater Treatment:

- The developer shall provide a septic tank with a capacity of at least 2,500 US gallons for the proposed. The septic tank shall be constructed in strict accordance with the Authority's standards.*
- The septic tank effluent shall be discharged, via gravity flow, into a disposal well constructed in strict accordance with the Authority's standards. The invert level of the discharge pipe into the well shall be a minimum of 2 feet above the water level in the well.*

For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:

- 1. If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank).*
- 2. All dimensions and materials shall be provided for any site-built tanks.*
- 3. Manhole extensions are permitted up to a maximum of 24" below finished grade.*
- 4. Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
- 5. A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
- 6. The Water Authorities updated 2020 effluent disposal well specifications.*
- 7. A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

Water Supply:

Please be advised that the proposed development site is outside the area served by public water supply. The developer will be required to utilize an alternate water source (e.g., cistern or well)."

Planning Analysis:

The applicant proposes four (4), three (3) bedroom houses, a seaside pool, a wall and a sign at a 1.25 acre parcel on North Coast East Road. The pool will be located 60 ft from the HWM. The houses closest to the HWM will have a setback of 84 ft 10 in.

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Decision: It was resolved to grant planning permission subject to the following:

Conditions (1-4) must be completed prior to the start of construction:

- 1) The applicant shall obtain approval of construction details from the Building Control Unit.
- 2) The applicant shall obtain plumbing approval from the Building Control Unit.
- 3) The applicant's Electrician shall obtain electrical approval from the Building Control Unit.
- 4) The applicant shall obtain a liquefied gas permit from the Building Control Unit (if applicable).
- 5) The confirmation of the Planning Office must be obtained, in writing, verifying compliance with the conditions described above prior to the start of construction.

The applicant will be reminded that all inspections shall be conducted and approved prior to occupancy of the buildings.

The applicant shall comply with all requirements of the Fire Service, Department of Environmental Health and Water Authority.

The applicant shall comply with recommendations of the National Conservation Council as stated below:

"Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.

No construction work, vehicle access, storage of equipment/ materials or other operations should take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.

Construction materials shall be sited as far back from the beach as possible to maximise nesting habitat and any materials on the beach during turtle nesting season (May to November) shall be fully enclosed in fencing embedded at least 2 feet into the sand."

The applicant will be advised that this approval is in effect for five (5) years only and will expire if a building permit is not issued during this time. If the applicant wishes to reinstate the approval after this period, a new application must be submitted to the Planning Department along with required fees.

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OTHER MATTERS

7.01

MARC POTHIER, LCW BLOCK 79A PARCEL 14 (LC-F21-0034) (LC-P21-0007)

Application for partial clearing.

Facts:

Location:

Sam McCoy's Drive

Parcel Size:

2.01 acres

History:

This application was adjourned at a meeting held on the 13th April 2021 (DCB/04/21) for comments from the National Conservation Council.

It was resolved to approve partition of the parcel into two (2) lots on the 13th April 2021.

Agency Comments:

National Conservation Council:

"Environmental Overview of Site

The application site is of high environmental value as it consists of primary coastal shrubland habitat, it is located immediately adjacent to the Bloody Bay Marine Protected Area, is located on a turtle nesting beach and is adjacent to a communal Sister Islands Rock Iguana (SIRI) nesting site, as shown in Figure 1.

Figure 1: DOE's Habitat Map (2013) Extract showing Application Site (Outlined in Blue)

The applicant is seeking permission for the clearing of the site, although there is no planning permission for development on the land. The Department has consistently recommended against speculative clearing without an application for development as there may be varying recommendations for appropriate mitigation, including the retention of vegetation, depending on the form and nature of the development being proposed. Clearing and removing native vegetation before development is imminent prematurely removes the ecosystem services and functions that the habitat provides, including the provision of a home for local. In addition, once vegetation has been cleared, it often results in wind-borne erosion of the land and general coastal erosion.

Importance of Primary Coastal Shrubland

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Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species. Coastal shrubland incorporates a variety of salt and wind tolerant flora and is important for stabilizing the shoreline and mitigating against coastal erosion. As this is a turtle nesting beach, coastal vegetation is also important for the integrity of the beach to ensure there is an appropriate nesting habitat for sea turtles. Sea turtles also use coastal vegetation as a visual cue when nesting. Therefore, we strongly recommend retaining the vegetation until future development is imminent, with the necessary permissions in place, and only clear the development footprint retaining the seaside vegetation with allowing a path access to the beach. Mature vegetation should be retained and incorporated into the landscaping scheme

Turtle Nesting Beach

All marine turtle species are listed in Part 1 of Schedule 1 of the National Conservation Law, 2013 as being "protected at all times". Based on over 20 years of monitoring undertaken by the DoE, the beach in this location has been identified as being turtle nesting habitat, thus any development will have the potential to impact nesting habitat along with nesting females and their hatchlings. Removal of vegetation would remove nesting cues. Therefore we would not recommend the clearing of the site without development being imminent and planning permission granted for such development.

Sister Island Rock Iguana

*The Sister Island Rock Iguana (*Cyclura nubila caymanensis*) is listed in Part 1 Schedule 1 of National Conservation Law, 2013 as being protected at all times. The application site is adjacent to a communal nesting ground, therefore it is highly possible that the iguanas are utilizing this site for foraging. Given that the iguanas prefer bare glades for nesting, clearing of the land without development will likely attract iguanas to use the site for nesting and could potentially creating issues for when the applicant actually decides to build on the site. Therefore, we would not recommend the clearing of the site without development being imminent and the appropriate planning permission in place for development.*

Conclusion

Given the site's ecological value we do not support any clearing of vegetation until planning approval has been granted for the development of the site, as this will help to ensure that this ecologically important habitat can continue to provide ecosystem services such as providing habitat for native flora and fauna. Retention of the vegetation will also assist with stabilization of the beach providing nesting habitat and cues for nesting marine turtles. Clearing without development can attract the nesting iguanas to use the site especially given the close proximity of a communal nesting ground. For these reasons we do not

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support this application for approval and strongly recommend that no clearing should occur until development is imminent on the site and, at that time to only clear only the building footprint and retain as much native vegetation as possible and incorporate it into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the site, requiring less maintenance and making it a very cost-effective choice.

If the DCB is minded to disregard this advice and grant planning permission then the following conditions should be included to minimize disturbance and impacts to sea turtles.

1. *Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.*
2. *No clearing work, vehicle access, storage of equipment/ materials or other operations shall take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE."*

Planning Analysis:

The owners propose clearing of two areas of the parcel for future home sites.

Decision: It was resolved to grant planning permission subject to the following:

- 1) Only areas indicated on the approved site plan may be cleared. The remainder of the parcel shall be left undisturbed.

8.0 ENFORCEMENT

9.0 MATTERS FROM THE PLANNING DEPARTMENT

10.0 DCB MEMBERS INFORMATION /DISCUSSION

10.01 Land for Public Purposes Policy

Section 28 (1) of the Development and Planning Regulations (2021 Revision), states that according to the size of a subdivision, the Authority may require the applicant to set aside land not exceeding five percent of the gross area of the land

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being developed, for public purposes, including active and passive recreation and public rights of way.

Section 35 (3) of the Development and Planning Regulations (2021 Revision) states that subject to paragraph (c) of regulation 6(2), regulations 1 to 34 shall not apply in relation to land in Cayman Brac and Little Cayman.

The Board resolved that Land for Public Purposes will not be required in subdivisions unless due to special circumstances.

A handwritten signature in black ink, appearing to be "A. B. ...", with a stylized, cursive script.A handwritten signature in blue ink, reading "Andrea Stevens", in a cursive script.