ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER L15

LAND DEVELOPMENT (CONTROL) ACT

Showing the Law as at 15 December 2010

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 13/2008, in force 15 August 2008
Act 6/2010, in force 1 November 2010

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LAND DEVELOPMENT (CONTROL) ACT

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LAND DEVELOPMENT (CONTROL) ACT

Interpretation

1. In this Act—

"building" includes any erection of whatever material and in whatever manner constructed or any part of a building, and where the context so permits, includes the land on, in or under which the building is situated;

"building operations" includes any road works preliminary or incidental to the erection of buildings;

"Committee" means the Land Development Control Committee established in section 2;

"development", in relation to any land, includes any building or rebuilding operations, engineering operations, mining operations (including the removal of sand) in, on, over or under any land, the making of any material change in the use of any building or land, the subdivision of any land, the laying out of roads, the filling of ravines or swamps, or any other preparatory work which indicates an intention thereby to change or alter the existing nature or character of any land and "develop" shall be construed accordingly;

"general scheme of development" means a scheme whereby the environment of a Special Development Area will be protected by requiring any new development in such Special Development Area to conform to the standards set by any other development within that area;

"land" includes land covered with water and also includes incorporeal as well as corporeal hereditaments of every tenure or description, and any interest therein, and also an undivided share in land;

"owner", in relation to any building or land, means a person other than a mortgagee not in possession, who is for the time being entitled to dispose of the right of ownership of the building or land, whether in possession or reversion, and includes also a person holding or entitled to the rents and profits of the building or land under a lease or agreement the unexpired term whereof exceeds 10 years;

"Special Development Area" means an area of land adjacent to or within which area there is, or will be, a duly approved particular development which is of significant importance to the general development of Anguilla and which therefore requires protection of the environment.

Land Development Control Committee

2. (1) There shall be a committee to be called the Land Development Control Committee established for the purposes of determining applications made under this Act for permission to carry out any development and such other functions as are by this Act conferred upon it.

(2) The Committee shall consist of the following—

(a) the Permanent Secretary of the Ministry of Lands;

(b) the Director of Lands;

(c) the Principal Planning Officer;

(d) the Chief Engineer;

(e) the Chief Fire Officer;

(f) the Director of Disaster Management; and

(g) a person not holding public office appointed by the Governor.

(Act 13/2008, s. 1)

(3) The person referred to in paragraph (2)(g) may be appointed for any period not exceeding 2 years and shall be eligible for reappointment.

(Act 13/2008, s. 1)

(4) The Governor shall appoint a Chairman and a secretary from among the members.

(5) The Committee shall meet at such times as may be necessary or expedient or at such times as the Governor may direct and the Chairman may convene a meeting by giving 2 days written notice to the members.

(6) Four members shall form a quorum and all questions for decision by the Committee shall be decided by a majority of the votes of members present and voting, and, in the event of an equality in votes, the Chairman shall have a second or casting vote.

(Act 13/2008, s. 1)

(7) The Committee may act notwithstanding a vacancy in its membership and the Governor may appoint any person as a temporary member of the Committee in the event that the official member is unable to perform his duties due to absence or illness.

(8) The Chairman shall preside at all meetings of the Committee at which he is present and, in the case of his absence, the members present and forming a quorum shall elect one of their number to be chairman for that meeting.

(9) Minutes of all meetings of the Committee shall be recorded and kept by the secretary and copies of the minutes shall be forwarded to the Minister with responsibility for lands and planning matters.

Prohibition of development without permission of Committee

3. Notwithstanding the provisions of any other law to the contrary, no person shall commence or carry out any development, except a permitted development prescribed by regulation made under this Act, of any land in Anguilla without the prior written permission of the Committee.

Application for permission to develop land

4. (1) An application to the Committee for permission to develop land shall be in one of the forms set out in the Schedule, and shall be accompanied by such maps and plans as may be necessary or as may be required by the Committee.

(2) Whenever there is any application to develop land within a Special Development Area, the applicant may be required to comply with a general scheme of development.

Committee may refuse permission to develop land or remit plans for amendment

5. (1) The Committee may, after consideration of the application, refuse permission to develop the land in question or any part thereof.

(2) If, after consideration of the application and examination of the plans, if any, the Committee considers it desirable so to do, it may refer back the plans to the applicant for amendment thereof.

Committee must give reasons for refusal of permission to develop

6. If the Committee, after due consideration of the application and of the plans, if any, refuses permission to the applicant to develop any land, it shall at the same time give to the applicant in writing its reasons for so refusing.

Applicant may appeal to Executive Council

7. Upon the refusal of the Committee to grant permission for the development of any land, the applicant may, within 30 days after such refusal has been transmitted to him, appeal against such refusal to the Executive Council who may confirm or reverse the decision of the Committee.

Development must be in accordance with plans

8. (1) Whenever any plans have been submitted to the Committee on an application for permission to develop any land, and such permission has been granted, the development in question shall be carried out in accordance with the plans.

(2) If before or during the course of any development of land the successful applicant discovers that it is impracticable or uneconomical to carry out the development in conformity with the plans as approved by the Committee, he may apply to the Committee for permission to amend the plans accordingly and the Committee may grant or refuse permission for such amendment or may refer back the plans to the applicant for further amendment.

(3) If the Committee refuses permission to amend any plans as provided in subsection (2), it shall at the time of such refusal give to the applicant in writing its reasons for so refusing in which case the provisions of section 7 shall apply as in the case of an original application to the Committee.

Offences and penalties

9. (1) Any person who commences or carries out any land development without the written permission of the Committee so to do, or carries out any such development in a manner not in accordance with any plans submitted or re-submitted to and approved by the Committee, is guilty of an offence against this Act.

(2) Any person guilty of an offence against this Act or regulations made under this Act is liable on summary conviction to a fine of $25,000, and, in the case of a continuing offence, to a further penalty of $1,000 for each day during which the offence continues.

(3) If any person is charged with the offence of carrying out any development not in accordance with any plans submitted to and approved by the Committee, such person shall not be convicted therefor if he proves to the satisfaction of the Court that such development has been or is being carried out in a manner which is at least 90% in conformity with such plans as aforesaid.

Owners of land liable for wrongful development

10. If the development of any land is commenced or carried out without the written permission of the Committee or carried out in a manner not in accordance with plans submitted or re-submitted to and approved by the Committee, every owner of such land within the meaning of section 1 is liable therefor and subject to the penalties prescribed by section 9.

Declaration of Special Development Area

11. The Governor in Council may by regulation declare any specified area of land to be a Special Development Area, in which event—

(a) notice of such declaration may be published in such other way as may be considered necessary;

(b) the declaration shall specify with particularity the area concerned and state where a plan of the area may be inspected; and

(c) the exception of a permitted development under section 3 shall not apply and no development will be allowed in the Special Development Area unless such development conforms closely to the general scheme of development within that area.

Power to amend or replace Schedule

12. (1) The Governor in Council may by Order amend or replace any Schedule to this Act.

(2) An Order under subsection (1) is a regulation.

Regulations

13. (1) The Governor in Council may make regulations generally for the purpose of giving effect to the principles and policies of this Act.

(2) Without prejudice to the generality of subsection (1), the Governor in Council may make regulations for the purpose of—

(a) prescribing fees for applications under section 4;

(b) levying charges for inspection and supervision of any development of land and for matters connected or consequential thereto;

(c) ordering the preservation of trees and buildings; and

(d) prescribing any other matter required to be prescribed by this Act.

Citation

14. This Act may be cited as the Land Development (Control) Act, Revised Statutes of Anguilla, Chapter L15.

SCHEDULE
(Section 4)

FORMS

FORM 1

LDC 1

For Official Use

NUMBER ……..

GOVERNMENT OF ANGUILLA
DEPARTMENT OF LANDS AND SURVEYS
LAND DEVELOPMENT (CONTROL) ACT

APPLICATION FOR PLANNING PERMISSION

SECTION A

NOTE: ***Three application forms and four copies of plans to be sent to the Director of Lands and Surveys with appropriate certificate and fee receipt***	To: The Director of Lands and Surveys
Name and address of applicant **Delete where inapplicable*	*I/We ……..…… ……...…...…… ……
State the nature of the proposed development Location of proposed development	hereby make application for permission to ……...… ……..…… at ……..…… ……..…..
Tick (✓) appropriate box	This application is Outline ❑ Full ❑
Cost of project less fees and land costs	Estimated cost of works EC$……
To be verified by Dept. of Lands and Surveys	Fee Payable EC$ …….
May be returned to applicant upon request	Receipt No. ……..…….
**Delete where inapplicable*	Signature of *Applicant/Agent ……..… Date……...

SECTION B

<table>
<tr><td colspan="4">PLEASE USE BLOCK CAPITALS</td></tr>
<tr><td>1.</td><td>NAME, ADDRESS & TEL. NO. (if any) OF APPLICANT

Surname……..

Other Names……...

Address……...

Tel. No. ……..</td><td>2.</td><td>NAME, ADDRESS & TEL.NO. (if any) OF AGENT FOR APPLICANT

Surname ……...……..

Address …….……..

Profession ……..

Tel. No. ……..……</td></tr>
<tr><td>3.</td><td colspan="3">IF BUILDING OPERATIONS ARE PROPOSED:

Please give description of materials to be used for:

(i) Outside walls …….
(ii) Roof covering ……
(iii) Boundary walls or fences ……..</td></tr>
<tr><td>4.</td><td colspan="3">FOR COMMERCIAL, TOURISM OR INDUSTRIAL DEVELOPMENT, PLEASE INDICATE NO. OF EMPLOYEES:
<table>
<tr><td></td><td colspan="2">FULL-TIME</td><td colspan="2">PART-TIME</td><td colspan="2">TOTAL</td></tr>
<tr><td></td><td>MALE</td><td>FEMALE</td><td>MALE</td><td>FEMALE</td><td>MALE</td><td>FEMALE</td></tr>
<tr><td>EXISTING</td><td></td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>PROPOSED</td><td></td><td></td><td></td><td></td><td></td><td></td></tr>
</table></td></tr>
<tr><td>5.</td><td colspan="3">IN THE CASE WHERE A CHANGE OF USE OF LAND OR A BUILDING IS PROPOSED:

(a) State the present use (or uses) of the land or building……..……..
……...
(b) State the proposed new use(or uses) ……...……..
……...</td></tr>
<tr><td>6.</td><td colspan="3">WHERE THE EXTRACTION OF MINERALS OR TIPPING OF WASTE IS PROPOSED PLEASE STATE:

(a) Type of mineral or waste to be extracted or deposited
……...
(b) The estimated quantity to be extracted or deposited annually
……...
(c) The method, rate and direction of working ……</td></tr>
</table>

7.	GENERAL – IN ALL CASES PLEASE ANSWER THE FOLLOWING IF APPROPRIATE:	
	(a) Is vehicular access existing or proposed?	(i) Existing …… (ii) Proposed ……..
	(b) Number of off-street parking spaces	(i) Existing …… (ii) Proposed ……..
	(c) Means of drainage for	(i) Surface water ……..……. (ii) Foul waste ……..

SECTION C

CERTIFICATION OF OWNERSHIP

(The applicant must complete Certificate A or B)

* *Delete where inapplicable*	Certificate A. I hereby certify that *I am /the applicant is the owner of every part of the land to which this application relates. Signed ……..…….……. Date ……..…….……..
* *Delete where inapplicable* *Insert names and addresses of owners and date of certification*	Certificate B. I hereby certify that *I have /the applicant has notified all persons who are owners of land to which this application relates. ……. …….. ……... ……..
Signed ……...	Date …….

(Act 6/2010, s. 41)

FORM 2

LDC 2

GOVERNMENT OF ANGUILLA
DEPARTMENT OF LANDS AND SURVEYS
LAND DEVELOPMENT (CONTROL) ACT

APPLICATION FOR PERMISSION TO DISPLAY ADVERTISEMENT

NOTE:	***Three application forms and three copies of plans to be sent to Director of Lands and Surveys***	APPLICATION No. …….

I /We hereby apply for permission to display the advertisement described in this application

Name and address of applicant (IN BLOCK LETTERS)

……...

……

Telephone No. ……

Name and address of agent (IN BLOCK LETTERS)
(If submitted by agent on behalf of the applicant)

……...

……

Profession. ……..……

Telephone No. ……

Signature of *Agent /Applicant *(*Delete where necessary)*

……..

1. (i) Address or location of site where advertisement is to be displayed

……

(ii) Block or Parcel Number ……..

2. Details of proposed advertisement

(i) Materials of construction……

(ii) Method of display (free standing, fixed to building, poster, hoarding, strips to P.W.D. frame etc.) …….

(iii) Illuminated? YES ❑ NO ❑

(iv) Flashing? YES ❑ NO ❑

(v) Colour(s) of advertisement ……..…….

(vi) Maximum height above ground ……..……..

(vii) Minimum height above ground ……...……...……..

(viii) Dimensions ……..……..……..……..

	(ix) Further information ……..…….…… ……..……. ……..……..
3.	(i) Particulars of the applicant's interest in the land (e.g. owner, lessee, prospective purchaser, etc.) …….. (ii) Is the advertisement to be located on Crown land? YES ❑ NO ❑ (iii) If applicant is not the owner, state name and address of owner …….. ……..……

I hereby certify that I am aware that this application is being made.

Signed: ….…….
Owner/Occupier

PLANS TO BE ATTACHED

(1)	LOCATION PLAN:	A plan normally drawn to the scale of 1:2500 to identify the site.
(2)	SITE PLAN:	A plan to a scale of 1:500 or 1:250 showing position of advertisement in relation to existing buildings, roads, fences and other features.
(3)	DETAILED PLANS:	Detailed drawings of proposed advertisement showing design, wording and method of fixing. Where signs are to be fixed to a building, the elevation of the building incorporating the sign should be submitted.

FORM 3

LDC 3

GOVERNMENT OF ANGUILLA
DEPARTMENT OF LANDS AND SURVEYS
LAND DEVELOPMENT (CONTROL) ACT

APPLICATION TO SUBDIVIDE LAND

NOTE:	***Three application forms and three copies of plans to be sent to Director of Lands and Surveys***	APPLICATION No: ……..

I/We hereby apply for permission to subdivide the land, of which particulars are furnished hereunder.

Name and address of applicant (IN BLOCK LETTERS)

……...

……

Telephone No. ……

Name and address of agent (IN BLOCK LETTERS)
(If submitted by agent on behalf of the applicant)

……...

……

Profession. ……..……

Telephone No. ……

Signature of *Agent /Applicant *(*Delete where necessary)*

……..

1.	(i) Address or location of land to be subdivided …… (ii) Block or Parcel Number …….. (iii) Area of site (in acres/sq. ft.) …….. (iv) Present use of land ……...
2.	Description of proposed subdivision including number and use of proposed plots ……..…… …….
3.	Does the subdivision involve: (i) new roads? YES ❑ NO ❑ (ii) the joining of any such roads to a public road? YES ❑ NO ❑
4.	State provisions of land for public purposes…….. ……

5.	(i) Particulars of applicant's interest in land (e.g. owner, lessee, prospective purchaser, etc.) ……..…….. …….... (ii) If not owner, state name and address of owner ……..…….. …….... (Except in the case of Crown land, a letter from the owner /occupier must be attached to this application stating that he/she/they is/are aware that the application is being made. Alternatively, applicant may submit a signed Application for Partition (Registered Land Rules Form 16) duly notarised.)	
PLANS TO BE ATTACHED		
(i)	LOCATION PLAN	A plan normally drawn to a scale of 1:2500 to identify the site.
(ii)	SITE SUBDIVISION	A plan normally drawn to a scale of 1:500, 1:250 or 1:2500 showing: (i) particulars of all adjacent roads and properties sufficient to identify site on ground; (ii) the position, number and lot sizes of the proposed subdivision; (iii) all buildings existing or proposed; (iv) the positions and details of easements, rights of way, etc.; (v) proposed method of access to all lots and details of all roads including widths; (vi) north point.