



GOVERNMENT OF BERMUDA  
Ministry of Home Affairs

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**Department of Planning**

## **Guide to Planning Conditions**

Under Paragraph 18 of the Development and Planning Act 1974 the Board/Director may impose conditions of approval on the grant of planning permission to regulate development and/or use of the land.

When used properly, conditions can enhance developments and protect/improve upon the quality of the natural environment. They should be applied to regulate specific requirements relevant to the development application, rather than standardized or used to impose unnecessary controls.

The General Duties of the Board include granting permission, 'either unconditionally or subject to such conditions as it thinks fit.' contained within Chapter 4 of the Draft Bermuda Plan 2018.

Planning conditions should be kept to a minimum and only used where they satisfy the following tests:

1. Necessary
2. Relevant to our planning and building processes
3. Relevant to the development to be permitted
4. Enforceable
5. Precise
6. Reasonable in all other respects

### **Condition Example**

#### Parking and Roads

- **Highways- Sightlines:** In order to provide for the safe flow of traffic, access details shall conform to the requirements of Policy TPT.11 Chapter 12 of the Draft Bermuda Plan 2018 Planning Statement and shall ensure that, at the point of access onto the public road, sight lines for a minimum distance of 120 feet can be achieved in either direction from a point 8 feet back from the edge of a carriageway. The said measures shall be implemented prior to the issuance of a Certificate of Completion and Occupancy.

As a new access is proposed onto a public road, the condition above ensures that sight lines are met to ensure road safety for users of the new access and of the public roadway. Further, it is relevant to the planning processes and the development given the provisions require this to be met for new access points onto public roads. It is enforceable as the approved plans show how the new access will meet required sight lines and it is clear and precise. The final certificate is being used for leverage as a trigger point to ensure it is implemented on site as per the approved plans.

Important to note:

1. Planning conditions are sometimes negotiated directly with agent/applicant to take into account unique site specific circumstances.
2. If an agent/application is not happy with a condition(s) attached to a planning permission, they can appeal it to the Minister responsible for Planning.
3. When Building Control receives the Building Permit application, they check the Development Applications Board's decision letter to see which conditions must be fulfilled with the application submission and which must be fulfilled by project completion. Building Permit applications will not proceed if a condition of approval specifies submission with the Building Permit application.
4. When a Certificate of Completion and Occupancy is applied for, there will be a final check to ensure all conditions have been satisfied before signing off.

**It is the responsibility of both the applicant and developer to comply with all conditions of approval. Otherwise, both the applicant and developer risk enforcement action.**