



GOVERNMENT OF BERMUDA  
Ministry of the Environment, Planning and Infrastructure Strategy

Department of Planning

## **A Guide to Getting Planning Permission for Development**

Development plans set out guidelines for where, what and how you can develop in Bermuda. They generally consist of a written statement and a set of zoning maps. When you apply for planning permission you will need to refer to a development plan for guidance. Development plans should not be confused with building codes. Building codes give details and specifications for construction methods and standards for the safety and stability of buildings. The Development Plans in use in Bermuda are:

- The Bermuda Plan 2008
- The City of Hamilton Plan 2001

### **When do you need planning permission?**

If you want to carry out work that is development then you need planning permission.

### **Development includes:**

- New buildings, additions to buildings and quarrying or excavation operations;
- Changing the use of land or buildings (including increasing the number of dwelling units);
- Demolishing or making changes to the exterior look of a listed (historic) building;
- Dumping waste materials on land; and,
- Carrying out any activity that would harm an environmentally sensitive area (for example, chopping down trees in a Woodland Reserve area).

### **Do you always need to apply for planning permission?**

No, some work (see guidance note GN102 on Permitted Development Permits and guidance note GN101 on the General Development Order) such as interior renovations and routine maintenance has planning permission by the General Development Order (GDO). Other work, for example a small shed or low wall, is considered permitted development and does not require planning permission. Building work that does not need outright planning permission still requires a building permit.

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- Who grants planning permission?** The Development Applications Board (DAB) consists of members appointed by the Minister of the Environment and Sports to make decisions on applications for planning permission. Technical officers of the Department of Planning assess the applications and conduct site visits. Bearing in mind the guidelines for development as set out in the Bermuda Plan 2008, they then make a recommendation of approval or refusal to the DAB. The DAB may grant planning permission with or without conditions attached, or it may refuse planning permission. Planning permission is valid for a 2 year period.
- How do I apply for planning permission?** An application for planning permission consists of a submission which includes 3 copies of the DAP1 Application form and 5 copies of architectural plans to the Department of Planning. The timeframe depends on the complexity of the project. The Department advertises all applications and interested individuals can review the files during normal office hours.
- Who is qualified to prepare plans?** We strongly recommend that you hire a qualified professional such as a registered architect to prepare your plans. Your architect can also act as your agent or representative as it relates to the application if you wish. If you choose to use a representative that person must also supply the supporting information (for example explanatory letters, design statements, consents, etc.). A registered land surveyor is required to prepare a topographical survey, and a qualified landscape architect or horticulturist is recommended to prepare landscaping plans. Below is a list of the necessary plans.
- Please provide:**
- A location plan that outlines the exact location of the site at a scale of 1:2500;
  - A fully dimensioned site plan drawn to scale ( 1:250 / 1"=20' for sites less than ½ an acre and 1:500 / 1"=40' for sites greater than 1 acre) showing where the building is located on the site;

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Original copy of an up-to-date and accurate topographical survey prepared by a registered land surveyor (not based on the Government's ordnance survey map) which shows the contour of the site at 1 metre increments or less (the survey **must** be used as the base for all plans prepared and submitted for the site)

- Cross-sections through the site, at right angles, from boundary to boundary
- A foundation plan of the building including the water tank
- A plan of each floor with the rooms annotated
- Elevations of all sides of the building showing what it will look like when completed
- A landscaping plan giving details of new plant material and those to be retained or relocated on site

**INCOMPLETE PLANNING APPLICATION PACKAGES WILL NOT BE ACCEPTED AND WILL RESULT IN DELAY.**

### **How can you help?**

You can help by submitting a complete application package from the beginning. Delays occur when we need to ask for additional information. Two items that are often overlooked are identified below:

### **Written grounds in support of an application**

When you want the DAB to approve a reduction of a required standard in the Bermuda Plan 2008, you must give it good reason to do so. You must submit a letter that explains your proposal and why the DAB should approve it. This letter must be part of your application package. In complex applications the justification may have to be substantiated by a registered professional planner, engineer or architect.

### **Neighbour's Letter**

When a development proposal may have an impact on your neighbour's land, we require you to get a neighbour's letter. This is in addition to the advertisement that appears in the newspaper. There are forms in the Department of Planning for this purpose that should be filled in and signed by the neighbour. The letter from the adjacent property owner is an important part of the application and must form part of the application package. Having a neighbour's letter does not result in automatic approval of the application by the DAB. A

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neighbour or other landowner in the vicinity can object to your application. If a neighbour's letter cannot be obtained the DAB has the discretion to consider and approve the application provided it is satisfied that the neighbour is aware of the proposal and that the proposal will have minimal or no impact on the neighbour.

### **Is there more than one type of permission?**

Yes, the DAB may grant 'in principle' or 'final' planning permission. When applying, you must decide which type of planning permission is appropriate.

### **In Principle Approval**

An in principle approval means that the DAB agrees with the concept of the application but still requires additional information and details about the project, for example, building elevations showing the design of the building and details on the proposed building materials.

### **Final Approval**

Final approval indicates that the DAB agrees not only with the concept but also with the details of your project. These details include the floor layout, number of parking spaces, landscaping and the building elevations showing the design of the building and the details on the proposed building materials.

An application for final planning permission involves more detailed architectural plans than an application for in principle permission. Some people choose to apply for in principle permission first because they want to know if the concept can be supported by the DAB prior to having detailed plans prepared.

An in principle planning permission is optional. Final planning permission is always required even if an application received planning permission in principle by the Board.

### **Appeal to the Minister**

After the DAB has made a decision about an application as the applicant you have the ability to appeal that decision to the Minister if you are not satisfied with the decision or any conditions of approval. The Board's decision can also be appealed by a third part. The appeal must be submitted within 21 days of receiving notice of the DAB's decision.

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