



Subdivision of agricultural land is defined as development under the Town and Country Planning Act Ch.35:01, and requires planning permission. Agricultural subdivisions contribute to the achievement of food security and provide economic benefits while ensuring harmonious integration of the agricultural activities into the wider environment. From a land use planning perspective key objectives are to (i) safeguard fertile lands for productive agricultural uses based on specific soil types and agricultural capabilities and (ii) avoid any potential adverse effects on natural resources and the environment.

The crops and agricultural activity suitable for a site should be consistent with the soil type and agricultural capability of the land, in order to achieve and maintain appropriate levels of productivity, as well as economic viability. There are minimum sizes of agricultural parcels that have been determined to be appropriate for particular agricultural activities.

1. Minimum parcel sizes

The main categories of agricultural activity and the appropriate minimum sizes of agricultural parcels are as follows:

- **A1:** Extensive Livestock Farming - Dairy cattle on minimum parcel size of 8ha
- **A2:** Extensive Agriculture - Tree crops (i.e. coconuts, cocoa, coffee); Livestock (i.e. sheep, goat) on minimum parcel size of 4ha
- **A3:** Mixed Agriculture - Large Farms (i.e. Mixed food crops, Sugarcane, Citrus) on minimum parcel size of 2ha
- **A4:** Mixed Agriculture – Small Farms (i.e. Pig farming, vegetables/mixed food crops, Rice) on minimum parcel size of 1.2ha
- **A5:** Intensive Agriculture – Mixed Vegetable farming on minimum parcel size of 0.5ha

2. Minimum agricultural parcels on State land

Consistent with Cabinet Minute No. 2003 of August 4, 2011, the minimum parcel size for State Agricultural Leases has been reduced from 2ha (five acres) to 1.2ha (three acres).

3. Homesteads

- This is a parcel of minimum size 0.4ha (one acre) which is used primarily by a person / household for residential purposes. It also provides adequate land for agricultural purposes, typically for the use of homesteader and his or her household. Applications for homestead plots are forwarded to the Regional Corporation for approval.

- Homestead parcels (0.4ha) may be permitted on agricultural plots that were typically required to be a minimum of 2ha, within 0.6km (0.4miles) of established villages.

4. Land tenure and ownership

Verification of details relating to the land for development will be required with every application for agricultural subdivision, by the production of an assessment roll history, a relevant tenancy receipt or lease, deed/Certificate of Title, and/or survey plan. If the applicant is not owner or lessee, a notice of owner's consent to the application may be required.

5. Land use policy

Agricultural subdivisions will only be permitted in areas that are zoned for agricultural activities.

6. Permitted development on agricultural land

The use of any land for purposes of agriculture or for forestry is deemed as Permitted Development under the Town and Country Planning Act Ch. 35:01. This provision is subject to such exceptions or limitations as the Minister responsible for town and country planning may prescribe by Order.

- The carrying out on agricultural land having an area greater than 0.4 ha (one acre) of building (i.e. to accommodate livestock) or engineering operations required for the use of the land for such purposes, is considered as Permitted Development. Such buildings however, must maintain a minimum distance of 30m from any dwelling house and 15m (50 feet) from a road reserve.
- The carrying out on land used for the purposes of forestry (including afforestation) of building and other operations required for the use of the land for such purposes, is considered as Permitted Development. Such buildings must maintain a minimum distance of 15m (50 feet) from a road reserve.
- The carrying out on agricultural land having an area greater than 0.4 ha (one acre) or on land for the purposes of forestry, of building or engineering operations for purposes other than agriculture or forestry (i.e. dwelling house), requires planning permission.

7. Submission of a new subdivision layout to replace a previously approved layout for the same site.

A new subdivision once approved, will supersede any previously approved subdivision for the same site.

8. Regularizing of unapproved agricultural subdivisions

If an applicant is seeking to regularize an existing unapproved agricultural subdivision, the subdivision must be located in an area zoned for agriculture, and should satisfy relevant site development standards. Evidence that establishes the length of time that the subdivision existed, should be provided with any application. This would assist in the decision to regularize the parcels. This data may be provided by the applicant or obtained through satellite imagery.

9. Forwarding approved agricultural subdivisions to the relevant Regional Corporation.

Agricultural subdivisions with parcels greater than 0.4ha (one acre) do not require the approval of the Regional Corporations, but are forwarded for the Corporation for its records. However, once relevant infrastructure is required to service the new agricultural parcels, the condition requiring the approval of the Regional Corporation shall be included in the approval letter from the TCPD.

10. Refusing or returning undetermined an application for a proposed subdivision layout.

- When making a decision to refuse an application, **all** relevant reasons for refusal shall be explicitly stated in the initial letter to the applicant. This ensures that when the application is re-submitted, it is not refused for additional reasons which were obviously present in the original submission.
- When returning an application undetermined, the defects and/or omissions shall be clearly and thoroughly stated in the initial letter. This ensures that the applicant is aware of all issues related to the application, so they can be addressed before the application is re-submitted.

Disclaimer: These Spatial Planning Guidelines are intended to guide applicants for planning permission. They do not constitute legal advice. Persons are cautioned to seek professional advice and refer to the relevant planning legislation, where necessary, before taking action in relation to any of the issues addressed above.