



FALKLAND ISLANDS

General Development Order 1991

(S.R. & O. No. 6 OF 1991)

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FALKLAND ISLANDS

General Development Order 1991

[DATE OF COMMENCEMENT: 1ST MARCH 1991]

1 Citation

This Order may be cited as the General Development Order 1991.

2 Interpretation

(1) In this Order, except as specified in subparagraph (2), and except in so far as is inconsistent with the context, words and expressions have the same meaning as they have in the Ordinance.

(2) In this Order, except in so far as is inconsistent with the context-

"building" has the meaning it has under section 3(1) of the Ordinance for the purposes of the Ordinance generally (and does not therefore have the special meaning it has for the purposes of Part V of the Ordinance);

"former Committee" means the Building Committee formerly existing under by-laws made under the Public Health Ordinance;

"land" includes any building or structure on land and land covered by water;

"the Ordinance" means the Planning Ordinance

"outline planning permission" means a planning permission for the erection of a building, which is granted subject to a condition requiring the subsequent approval of the appropriate authority with respect to one or more reserved matters and **"outline application"** has a corresponding meaning;

"the Planning (General) Regulations" means the Planning (General) Regulations 1991;

[Revision w.e.f. 31/07/2017]

"road" has the same meaning as it has under the Road Traffic Ordinance.

3 Use classes

(1) Subject to the provisions of this Order, where a building or other land is used for a purpose of any class specified in Schedule 1, the use of that building or that other land for any other purpose of the same class shall not be taken to involve development of the land.

(2) References in subparagraph (1) to a building include references to land occupied with the building and used for the same purposes.

(3) A use which is included in and ordinarily incidental to any use in a class specified in Schedule 1 is not excluded from the use to which it is incidental merely because it is specified in Schedule 1 as a separate use.

(4) No class specified in Schedule 1 includes uses-

- (a) for the commercial washing and cleaning of clothes or fabrics;
- (b) as a restaurant or cafe;
- (c) for the sale of hot food for consumption off the premises;
- (d) for the sale of fuel for motor vehicles;
- (e) for the sale or display for sale of motor vehicles;
- (f) for a taxi business or business for the hire of motor vehicles;
- (g) as a builder's yard where storage of material is outside a building;
- (h) as a scrapyard, or a yard for the storage or destruction of containers and temporary buildings, or the breaking of motor vehicles;
- (i) as a depot, warehouse or repository for petroleum products or explosive materials;

[S.R. & O. 29/96/w.e.f. 3/9/96.]

- (j) for the deposit of refuse or waste materials of any kind.

[S.R. & O. 29/96/w.e.f. 3/9/96.]

4 Permitted development

(1) Subject to the provisions of this Order, planning permission is hereby granted for the classes of development described in Schedule 2.

(2) Any permission granted by subparagraph (1) is subject to any relevant exception, limitation or condition specified in Schedule 2.

(3) References in the following provisions of this Order to permission granted by Schedule 2 or by any part, class or paragraph of that Schedule is a reference to the permission granted by this paragraph in relation to the development described in that Schedule or that provision of that Schedule.

(4) Nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Parts IV, V, or VI of the Ordinance otherwise than by this Order.

(5) The permission granted by Schedule 2 shall not, except in relation to development permitted by Part 2 of that Schedule, authorize any development which requires or involves the formation, laying out or material widening of a means of access to an existing public road, or creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons.

(6) Schedule 2 does not grant permission for any works of any kind to be carried out to a building to which a designation order applies or a prohibition notice is in force under Part V of the Ordinance.

(7) Schedule 2 does not grant permission for any works of any kind in the territorial sea of the Falkland Islands, other than those works described in Class J of Part 1 and Class I of Part 2.

(8) Subject to the provisions of this Order-

- (a) Part 1 of Schedule 2 applies to all land and territorial sea of the Falkland Islands which-
 - (i) is not further than 10 kilometres from the spire of Christ Church Cathedral, Stanley; or
 - (ii) lies not further than 500 metres from the centre line of any public road; and
- (b) Part 2 of Schedule 2 applies to all land and territorial sea of the Falkland Islands to which Part 1 of that Schedule does not apply.

(9) In subparagraph (8) "land" includes land covered by water and the internal waters of the Falkland Islands.

(10) Schedule 2 below does not, except in so far as the same falls within Class A, E or N of Part 1 or Class A, D or N in Part 2 of that Schedule, grant permission for the use of any land or building for the deposit of refuse or waste materials of any kind or any works associated with any such use.

[S.R. & O. 29/96/w.e.f. 3/9/96.]

5 Directions restricting permitted development

(1) If the Governor is satisfied that it is expedient that development described in any Part, Class or paragraph of Schedule 2, other than Class N in Part 1 or Class N in Part 2 of that Schedule, should not be carried out unless permission is granted for it on application, he may, subject to subparagraph (2), give a direction that the permission granted by paragraph 5 shall not apply to-

- (a) all or any development of the Part, Class or paragraph in question in an area specified in the direction; or
- (b) any particular development, falling within that Part, Class or paragraph, which is specified in the direction.

(2) A direction under subparagraph (1) shall not affect the carrying out of any development in an emergency.

(3) Subject to subparagraph (4), notice of any direction made under subparagraph (1) shall be served by the Planning Officer on the owner and occupier of every part of the land affected as soon as possible after the direction has been made; and a direction shall come into force in respect of any part of the land on the date on which notice is so served on the occupier of that part, or, if there is no occupier, on the owner.

(4) Where the Planning Officer considers that individual service in accordance with subparagraph (3) is impracticable for any of the reasons set out in subparagraph (6) he shall publish a notice in the Gazette of the direction which shall name a place or places where a copy of the direction may be seen at all reasonable hours.

(5) Where notice of a direction has been published in accordance with subparagraph (4), the direction shall come into force on the date on which the notice is first published.

(6) The reasons referred to in subparagraph (4) are that the number of owners and occupiers of the land to which the direction relates makes individual service impracticable, or that it is difficult to identify or locate one or more of them.

(7) The Governor may, by making a subsequent direction, cancel or vary or replace any direction made by him under subparagraph (1).

(8) Subparagraphs (3) to (6) shall apply to any direction made under subparagraph (7).

6 Outline planning applications

(1) An outline application for planning permission may be made, and may only be made, where the applicant desires to obtain approval in principle for the erection of a building.

(2) Where an application for planning permission has been properly made, the Planning Officer, the Committee or the Governor (whichever of them has, in the circumstances, power to do so) may grant outline planning permission, which is planning permission that is subject to one or more conditions specifying matters reserved for subsequent approval ("reserved matters").

[S. 30/Ord. 9/14/w.e.f. 13/11/14.]

(3) In subparagraph (2) "reserved matters" means any of all of the following matters:

- (a) siting;
- (b) design;
- (c) external appearance;
- (d) means of access; and
- (e) the landscaping of the site.

(4) Where the authority who are to determine an application for the outline planning permission are of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, they shall within the period of forty-two days from the receipt of the application notify the applicant that they are unable to determine it unless further details are submitted, specifying the further details they require.

7 Time periods for decisions

(1) Where a valid application under the Planning (General) Regulations has been received by the Secretary of the Planning Committee, the Committee shall within the period prescribed in subparagraph (2) give the applicant notice of the Committee's decision or determination or notice that the application has been referred to the Governor.

(2) The period specified in this subparagraph is the greater of-

- (a) a period of two months beginning with the date when the application was received by the Secretary;
- (b) except where the applicant has already given notice of appeal to the Governor, such extended period as may be agreed in writing between the applicant and the Committee or a person acting on its behalf;

(3) For the purposes of this paragraph and subject to the Planning (General) Regulations, the date when the application was received shall be taken to be the date when each of the following events has occurred:

- (a) the application form or application in writing has been lodged with the Secretary; and
- (b) any certificate or documents required by or under the Ordinance have been lodged with the Secretary.

8 Application made under planning condition

(1) Where an application has been made to the Planning Committee for consent, agreement or approval required by a condition or limitation attached to a grant of planning permission by the Planning Committee (other than an application for approval of reserved matters) the Committee shall give notice to the applicant of its decision on the application within a period of two months from the date when the application was received by its Secretary or such longer period as may be agreed by the applicant and the Committee in writing.

[S. 31(a)/Ord. 9/14/w.e.f. 13/11/14.]

(2) Subparagraph (1) does not apply if the Planning Officer has already-

- (a) given consent, agreement or approval in accordance with regulations made under section 36; and
- (b) notified the applicant accordingly.

[S. 31(b)/Ord. 9/14/w.e.f. 13/11/14.]

9 Written notice of decision or determination relating to a planning permission

When the Committee gives notice of a decision or determination on an application for planning permission or for approval of reserved matters, and permission or approval is granted subject to conditions or the application is refused, the notice must-

- (a) state clearly, precisely and in full the Committee's reasons for the refusal or for any condition imposed;
- (b) where the Governor has given a direction restricting the grant of permission for the development for which the application is made, give details of the direction;
- (c) include a statement to the effect that, if the applicant is aggrieved by the decision, the applicant may appeal to the Governor under section 47 of the Ordinance within 28 days of receipt of the notice or such longer period as the Governor may allow.

[S. 32/Ord. 9/14/w.e.f. 13/11/14.]

10 Appeals

(1) An applicant who wishes to appeal to the Governor under section 47 of the Ordinance (including section 47 as applied by sections 48 or 61) shall give notice of appeal to the Governor by-

- (a) lodging with the Clerk to the Executive Council, within the time limit specified in subparagraph (2) a form obtained from him, together with such of the documents specified in subparagraph (3) as are relevant to the appeal; and
- (b) serving on the Secretary of the Committee a copy of the form mentioned in subparagraph (a), as soon as reasonably practicable, together with a copy of any relevant documents mentioned in subparagraph (3)(e).

(2) The time limit mentioned in sub-paragraph (1) is 28 days from-

- (a) the date of the notice of the decision or determination giving rise to the appeal;
- (b) the expiry of the period specified in paragraph 8 or as the case may be, paragraph 9; or
- (c) in a case in which the Planning Committee has served a notice on the applicant in accordance with paragraph 6(4) that it requires further information, and he has not provided the information, the date of service of that notice;

or such longer period as the Governor may, at any time, allow.

(3) The documents mentioned in sub-paragraph (1) are:

- (a) the application made to the Planning Committee which has occasioned the appeal;
- (b) all plans, drawings and documents sent to the Secretary to the Committee in connection with the application;
- (c) all correspondence with the Planning Officer or the Committee relating to the application;

- (d) any certificate provided to the Secretary to the Committee under section 32 of the Ordinance;
- (e) any other plans, documents or drawings relating to the application which were not sent to the Secretary to the Committee;
- (f) the notice of the decision or determination, if any;
- (g) if the appeal relates to an application for approval of certain matters in accordance with a condition on a planning permission, the application for that permission, the plans submitted with that application and the planning permission granted.

11 Forms of certificates and notices

Any certificate or notice required to be given by an applicant for planning permission under section 32 of the Ordinance shall be in such form as is supplied by the Planning Officer.

12 Planning register

(1) The Planning Officer shall maintain the planning register required by section 46 of the Ordinance in three parts:

- (a) an index map or maps;
- (b) a sequential file of copies of applications for planning permission, together with a file of copies of plans submitted for planning permission;
- (c) a file of decisions on or determinations of applications for planning permission,

which shall together constitute the planning register.

(2) The index map or maps shall indicate in a convenient manner the site of every application for planning permission and its reference number.

(3) Every application for planning permission shall, on receipt, be allocated a reference number.

13 Register of enforcement and stop notices

(1) Subject to subparagraph (2) of this paragraph, the register under section 88 of the Ordinance shall contain the following information with respect to every enforcement notice issued:

- (a) the address of the land to which the notice relates or a plan by reference to which its situation can be ascertained;
- (b) the date of issue of the notice;
- (c) the date of service of copies of the notice;
- (d) a statement or summary of the breach of planning control alleged and the requirements of the notice, including the period within which any required steps are to be taken;
- (e) the date specified in the notice as the date on which it is to take effect;

- (f) information on any postponement of the date specified as the date on which the notice will take effect by reason of section 81(a) of the Ordinance (appeal to the Governor) and the date of the final determination or withdrawal of any appeal;
- (g) the date of service and, if applicable, of withdrawal of any stop notice referring to the enforcement notice, together with a statement or summary of the activity prohibited by any such stop notice;
- (h) the date, if any, on which the Committee are satisfied that steps required by the notice for a purpose mentioned in section 80(10)(b) of the Ordinance (removal or alleviation of injury to amenity) have been taken.

(2) The entry relating to any enforcement notice or stop notice and everything relating to any such notice shall be removed from the register if the enforcement notice is quashed by the Governor or withdrawn.

14 Certificate of lawfulness

(1) An application to the Committee for a certificate of lawfulness shall be in writing, shall be accompanied by plans identifying clearly the land to which the application relates and shall give-

- (a) the address or location of the land;
- (b) a description of the use in respect of which a certificate is sought (being a use subsisting on the date when the application is made);
- (c) if there is more than one use of the land at the date when the application is made, a full description of all uses of the land at the date and, where appropriate, an indication of the part of the land to which each of the uses relates;
- (d) whether the use referred to in sub-subparagraph (b) was begun before 1st March 1991 and, if not, the date when it was begun;
- (e) if the use referred to in sub-subparagraph (b) was begun on or after 1st March 1991, particulars of the use of the land on the preceding day and all subsequent intervening uses, including the date when each such use began and ended;
- (f) the nature of the applicant's interest in the land;
- (g) a statement of the grounds (as set out in section 91(1) of the Ordinance) upon which a certificate is sought;
- (h) such other information as the applicant considers necessary to substantiate or make good his claim.

[S. 33/Ord. 9/14/w.e.f. 13/11/14.]

(2) An application for a certificate of lawfulness shall be accompanied by such supporting evidence as the applicant can provide and, where a certificate is being sought on ground (b) of section 91(1) of the Ordinance (use begun after commencement of the Ordinance under a planning permission granted subject to conditions or limitations which have not been complied with), a copy of the relevant planning permission or, where this cannot be supplied, details of the condition and such other particulars as the applicant can provide.

[S. 33/Ord. 9/14/w.e.f. 13/11/14.]

(3) The Committee may, by notice in writing, require the applicant for a certificate of lawfulness to supply such further information as may be specified, to enable it to deal with the application.

[S. 33/Ord. 9/14/w.e.f. 13/11/14.]

(4) An application for a certificate of lawfulness shall not be entertained by the Committee unless it is accompanied by one of the following certificates signed by or on behalf of the applicant:

- (a) a certificate stating that at the beginning of the period of twenty-one days ending with the date of the application, no person (other than the applicant) was the owner of any of the land to which the application relates;
- (b) a certificate stating that the applicant has given the requisite notice of the application to all the persons (other than the applicant) who, at the beginning of the period of twenty-one days ending with the date of the application, were owners of any of the land to which the application relates, and setting out the names of those persons, the addresses at which notice of the application was given to each of them, and the date of service of each such notice;
- (c) a certificate stating that the applicant is unable to issue a certificate in accordance with either of the preceding sub-subparagraphs, that he has given the requisite notice of the application to one or more of the persons mentioned in sub-subparagraph (b) as are specified in the certificate (setting out their names, the addresses at which notice of the application was given to each of them and the date of service of each notice) that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the remainder of those persons and that he has been unable to do so; or
- (d) a certificate stating that the applicant is unable to issue a certificate in accordance with sub-subparagraph (a), that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the persons mentioned in sub-subparagraph (b) and that he has been unable to do so.

[S. 33/Ord. 9/14/w.e.f. 13/11/14.]

(5) For the purposes of this paragraph a person shall be treated as an owner of the land if-

- (a) in respect of any part of the land, he is entitled to the freehold or a lease, the unexpired term of which at the relevant time is not less than seven years; or
- (b) he is the occupier of any part of the land.

(6)(a) All certificates given pursuant to subparagraph (4) shall contain-

- (i) a statement that none of the land to which the application relates constitutes or forms part of an agricultural holding; or
- (ii) a statement that the applicant has given the requisite notice of the application to every person (other than the applicant) who, at the beginning of the period of twenty-one days ending with the date of the application, was a tenant of any agricultural holding any part of which was comprised in the land to which the

application relates, with the names of each such person, the address at which notice of the application was given to him, and the date of service of that notice.

- (b) a certificate of the kind mentioned in subparagraph (4)(c) or (d) shall also contain a statement that the requisite notice of the application, as set out in the certificate, has, on a date specified in the certificate (being a date not earlier than the beginning of the period mentioned in subparagraph (4)(b)), been published in the Gazette.

(7) Where an application for a certificate of lawfulness is accompanied by such a certificate as is mentioned in subparagraph (4)(b), (c) or (d) or by a certificate containing a statement in accordance with subparagraph (6)(a)(ii) the Committee-

- (a) shall not determine the application before the end of the period of twenty-one days beginning with the date appearing from the certificate to be the latest of the dates of service of notices as mentioned in the certificate, or the date of publication of a notice as therein mentioned, whichever is the later;
- (b) in determining the application, shall take into account any representations made before the end of the period mentioned in sub paragraph (a) by any person who satisfies them that he is an owner of land to which the application relates or that he is the tenant of an agricultural holding the whole or part of which is comprised in that land; and
- (c) shall give notice of their decision to every person who has made representations which they were required to take into account in accordance with sub-subparagraph (b).

[S. 33/Ord. 9/14/w.e.f. 13/11/14.]

(8) The Committee shall give notice to the applicant of their decision (or the reference of the application to the Governor, as the case may be) within a period of two months beginning with the date of receipt of the application, or (except where the applicant has already given notice of appeal to the Governor) such extended period as may be agreed upon in writing between the applicant and the Committee.

(9) Where a certificate of lawfulness is refused, the Committee shall give notice of its decision in writing with a clear and precise statement of the full grounds for its decision and a statement to the effect that if the applicant is aggrieved by the decision he may appeal to the Governor.

[S. 33/Ord. 9/14/w.e.f. 13/11/14.]

(10) An applicant who desires to appeal against a decision of the Committee refusing a certificate of lawfulness, or refusing it in part, shall give notice of appeal in writing to the Clerk to the Executive Council within twenty-eight days of the date of notice of the decision or of the expiry of the period allowed under subparagraph (8), as the case may be, or such longer period as the Governor may at any time allow. Such persons shall also provide the Clerk to the Executive Council with copies of each of the following documents:

- (a) the application;
- (b) all relevant plans, drawings, statements and particulars submitted with it (including the certificate given under subparagraph (4) above);
- (c) the notice of the decision, if any;
- (d) all other relevant documents and correspondence with the local planning authority.

[S. 33/Ord. 9/14/w.e.f. 13/11/14.]

(11) The provisions of subparagraphs (3) to (6) shall apply with any necessary modifications in relation to an appeal to the Governor as they apply in relation to an application to the Committee for a certificate of lawfulness.

[S. 33/Ord. 9/14/w.e.f. 13/11/14.]

15 Directions

Any power conferred by this Order to give a direction includes power to cancel or vary the direction by a subsequent direction.

16 Transitional

The provisions of Schedule 4 apply so as to grant deemed planning permission for any development carried out within two years from the date of this Order in respect of which permission consent or approval was granted by the former committee on or after 1st March 1989.

SCHEDULE 1

CLASS 1 SHOPS

Use for all or any of the following purposes:

- (a) for the retail sale of goods and incidental storage;
- (b) as a post office;
- (c) for the sale of tickets or as a travel agency;
- (d) for hairdressing;
- (e) for the direction of funerals;
- (f) for the display of goods for sale;
- (g) for the hiring out of domestic or personal goods or articles;
- (h) for the reception or service of goods to be washed, cleaned or repaired where the sale, display or service is to visiting members of the public.

CLASS 2 OFFICES

Use for all or any of the following purposes:

- (a) as an office;
- (b) as a bank or building society.

CLASS 3 LIGHT INDUSTRY

Use for the carrying on of an industrial process which could be carried out in a residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

CLASS 4
WAREHOUSING AND STORAGE

Use for wholesale warehousing, or the storage or distribution of goods, or as a repository for any purpose other than in connection with the winning and working of minerals.

SCHEDULE 2

PART 1

CLASS A DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

- (1) The enlargement, improvement or other alteration of a dwellinghouse, so long as-
- (a) the cubic content of the original dwellinghouse (as ascertained by external measurement) is not exceeded by more than 70 cubic metres or 15 per cent, whichever is greater, subject to a maximum of 115 cubic metres;
 - (b) the height of the building as so enlarged, altered or improved does not exceed the height of the highest part of the roof of the original dwellinghouse;
 - (c) no part of the building as so enlarged, improved or altered which lies within a distance of 2 metres from any boundary of the curtilage of the dwellinghouse has, as a result of the development, a height exceeding 4 metres;
 - (d) no part of the building as so enlarged, improved or altered is nearer to any boundary of the curtilage with a public road than-
 - (i) the part of the original dwellinghouse nearest to that road; or
 - (ii) 20 metres,whichever is nearer to the public road.
- (2) The erection, construction or placing within the curtilage of a dwellinghouse of any building or enclosure (other than a dwelling, a building providing additional living accommodation, a container or prefabricated building) required for a purpose incidental to the enjoyment of the dwellinghouse as such, including the garaging of vehicles, the storage of peat or other solid fuel, the keeping of poultry or pet animals for the domestic needs or personal enjoyment of the occupants of the dwellinghouse, so long as-
- (a) no part of such building or enclosure lies within a distance of 5 metres from any boundary of the curtilage with a public road;
 - (b) the height does not exceed, in the case of a building with a ridged roof, 4 metres or, in other cases 3 metres;
 - (c) no part of that building or enclosure would be or as altered would be within a distance of 10 metres from any dwelling house not within the same curtilage;

[S.R. & O. 29/96/w.e.f. 3/9/96.]

(d) the floor area (as ascertained by external measurements) of such building or enclosure does not exceed 25 square metres.

[S.R. & O. 29/96/w.e.f. 3/9/96.]

(3) The erection or placing within the curtilage of a dwellinghouse of a tank for the storage of oil for domestic heating so long as-

- (a) the capacity of the tank does not exceed 3,500 litres;
- (b) no part of the tank is more than 3 metres above the level of the ground;
- (c) no part of the tank lies within a distance of 5 metres from any boundary of the curtilage with a public road;

(4) The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse.

(5) The erection, installation or alteration of a satellite antenna so long as:-

- (a) the size does not exceed the prescribed size (as defined below);
- (b) no part of the satellite antenna lies within 5 metres from any boundary of the curtilage with a public road;
- (c) there is no other satellite antenna existing within the same curtilage;
- (d) in the case of a satellite antenna which is to be attached to a dwelling house or other building within the curtilage of a dwelling house, the antenna does not project above the roof of the dwelling house or other building.

(and for the purposes of this paragraph, "prescribed size" means:-

- (i) in relation to a satellite antenna to or intended to be attached to a dwelling house or other building within the curtilage of a dwelling house, if any dimension of the antenna measured in any direction, excluding any bracket or mounting to which it is attached or to which it is intended to be attached, exceeds or would exceed 1 metres; and
- (ii) in relation to any other satellite antenna, if any dimension, measured in any direction, of the antenna, including as part of the antenna for this purpose anything to which the antenna is attached or intended to be attached and any plinth or base above ground level on which it is mounted or intended to be mounted, exceeds or would exceed 3 metres).

[S.R. & O. 29/96/w.e.f. 3/9/96.]

(6) The erection, installation or alteration of a television aerial (which for this purpose does not include a satellite antenna) so long as-

- (a) no more than two television aerials exist within the same curtilage;
- (b) the aerial does not exceed 1.5 metres in size measured in any direction, excluding any bracket or mounting to which it is attached or to which it is intended to be attached; and

- (c) the aerial is attached to a dwelling house or other building within the curtilage of the dwelling house, and does not project more than 1.5 metres above the roof of the dwelling house or other building to which it is attached.

[S.R. & O. 4/07/w.e.f. 28/2/07.]

(7) The erection, installation or alteration of a radio aerial (which for this purpose does not include a television aerial) so long as-

- (a) no more than two radio aerials exist within the same curtilage;
- (b) in the case of a horizontal aerial (other than a wire aerial)-
 - (i) the aerial does not exceed 1.5 metres in size measured in any direction, excluding any bracket or mounting to which the aerial is attached; and
 - (ii) the aerial is attached to a dwelling house or other building within the curtilage of the dwelling house, and does not project more than 1.5 metres above the roof of the dwelling house or other building to which it is attached;
- (c) in the case of a vertical aerial (other than a wire aerial)-
 - (i) the aerial does not exceed 3 metres in height and 50 millimetres in diameter, excluding any bracket or mounting to which the aerial is attached; and
 - (ii) the aerial is attached to a dwelling house or other building within the curtilage of the dwelling house, and does not project more than 3 metres above the roof of the dwelling house or other building to which it is attached;
- (d) in the case of a wire aerial-
 - (i) the aerial does not exceed 3 millimetres in diameter; and
 - (ii) the aerial runs from the dwelling house, or another building within the curtilage of the dwelling house, to a point within the curtilage of the dwelling house.

[S.R. & O. 4/07/w.e.f. 28/2/07.]

CLASS B MINOR OPERATIONS

(1) The erection or construction of gates, fences, walls or other means of enclosure not exceeding 1 metre above ground level where erected or constructed adjacent to a road used by vehicular traffic or 2 metres in height in any other case, and the maintenance, improvement or alteration of any gates, fences, walls or other means of enclosure; so long as no improvement or alteration increases the height above the height appropriate for a new means of enclosure.

(2) The painting, cladding, or re-roofing of any building or works, and the fitting or replacement of windows and doors to any existing building, so long as-

- (a) these alterations do not result in any material increase in the volume of the building or works;
- (b) in the case of re-roofing, these alterations do not increase the height of the building to a material extent.

CLASS C CHANGES OF USE

Development consisting of a change of use to-

- (a) use as a light industrial building as defined by Schedule 1 from use as an industrial building of a type not defined in that Schedule;
- (b) use as any type of shop other than those listed below from use as-
 - (i) a shop for the sale of hot food for consumption off the premises;
 - (ii) a shop for the sale or display for sale of motor vehicles;
 - (iii) a restaurant or cafe.

CLASS D TEMPORARY BUILDINGS AND USES

(1) The provision on land of buildings (other than residential buildings), movable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being carried out on, in, under or over that land or on land adjoining that land, so long as-

- (a) the operations referred to are not mining operations or waste disposal operations; and
- (b) planning permission has been granted or is deemed to have been granted for those operations.

(2) The use of any land for any purpose for not more than twenty-eight days in total in any calendar year and the provision on the land of any movable structure for the purposes and for the duration of the permitted use, so long as-

- (a) the land in question is not within the curtilage of a building;
- (b) no part of the land in question, if used for motor car or motor-cycle racing, trials or similar uses, lies within 150 metres of any dwelling;
- (c) the use of the land does not involve the use of firearms;
- (d) the use of the land is not for a caravan site.

CLASS E
AGRICULTURAL BUILDINGS, WORKS AND USES

- (1) The carrying out on agricultural land of building or engineering operations requisite for the use of that land for the purposes of agriculture other than the placing on land of prefabricated buildings not designed for those purposes or the erection, extension and alteration of dwellings, so long as no part of any building is erected within 5 metres of the boundary of the site with a public road.
- (2) The winning and working, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use of the land, including the fertilization of the land so used.

CLASS F
INDUSTRIAL AND WAREHOUSE DEVELOPMENT

- (1) The replacement of existing plant and machinery sited outside a building with plant and machinery of similar type and dimensions.
- (2) The provision, re-arrangement or replacement of a sewer, main, pipe, cable or other apparatus within the boundaries of the undertaking.
- (3) The creation of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned.

CLASS G
SERVICES

- (1) The carrying out of any works by the Crown or its authorized contractor required in connection with the supply of water, including engineering works to watercourses and the erection, extension or siting of plant or buildings required in connection with that function, so long as no building or extension to a building exceeds 30 cubic metres in volume or is sited within 5 metres of a public highway.
- (2) The carrying out of any works by the Crown or their authorized contractor required in connection with the generation and distribution of electricity, including the erection, extension or siting of plant or buildings required in connection with that function, so long as-
 - (a) the works for the generation of electricity are located within the boundaries of existing sites used for that purpose;
 - (b) no building or extension to a building exceeds 30 cubic metres in volume or is sited within 5 metres of a public highway;
 - (c) the works do not include the erection of overhead power cables, other than the replacement of existing cables.

(3) The carrying out by the Crown or its authorized contractor of land drainage works; the provision, improvement, maintenance or replacement of underground drains, sewers, manholes and related works, so long as no works involve the provision of a new foul sewer outfall to the sea.

(4) The carrying out by a telecommunication utility licensed under section 3(2) of the Telecommunications Ordinance 1988 (or a contractor authorised by a telecommunications utility) or their authorized contractor of any works for the provision, inspection, repair or renewal of underground telephone cables or similar equipment.

[S. 34/Ord. 9/14/w.e.f. 13/11/14.]

CLASS H ROADS

(1) The carrying out by the Crown or its authorized contractor on land within the boundaries of an existing public road or on land outside it but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the public road.

(2) The carrying out within the boundaries of a privately-owned road or track of works required for the maintenance or improvement of that road or track.

CLASS I AVIATION DEVELOPMENT

(1) The carrying out within the boundaries of Stanley Airport of works (including the erection of a building) required in connection with the operation of the Airport.

(2) The carrying out of works, within the boundary of Stanley Airport or outside the boundary of the Airport, of works in connection with the navigation of aircraft using the Airport.

CLASS J MARINE WORKS

(1) The carrying out, within the boundaries of a site owned or controlled by the Crown and used as a port undertaking, of development by the Crown or its agent or appointed contractor required for the purposes of shipping.

(2) The carrying out by the Crown or its authorized contractor of works on land or in the territorial sea of the Government of the Falkland Islands of works required in connection with the navigation of shipping, but excluding dredging and similar operations.

CLASS K
MINOR PUBLIC WORKS

(1) The erection or construction and the maintenance, improvement or other alteration by the Crown of lamp standards, posting boxes, public shelters and seats, fire alarms, refuse bins or baskets and similar structures or works.

(2) The carrying out by the Crown or its authorized contractor of works for the maintenance, improvement or landscaping of land owned by it.

**CLASS L
PEAT**

The winning and working of peat for domestic use.

**CLASS M
DEVELOPMENTS AT QUARRIES**

The erection, extension and replacement of buildings, plant and machinery at an existing quarry.

**CLASS N
DEVELOPMENT ON BEHALF OF THE SECRETARY OF STATE FOR DEFENCE**

All development on land owned, occupied or controlled by the Secretary of State for Defence.

PART 2

**CLASS A
RESIDENTIAL DEVELOPMENT**

- (1) The erection of dwellinghouses.
- (2) The enlargement, improvement or other alteration of a dwellinghouse.
- (3) The erection or construction of any building or enclosure required for a purpose incidental to the enjoyment of a dwellinghouse as such.

**CLASS B
MINOR OPERATIONS**

- (1) The erection or construction of gates, fences, walls or other means of enclosure.
- (2) The painting, cladding or re-roofing of any building or works.
- (3) The erection or placing on or under land of tanks for the storage of oil for domestic heating.

CLASS C

CHANGES OF USE

- (1) The change of use of any land or building not involving a change to-
- (a) use for industrial purposes other than light industrial purposes defined by Schedule 1 or industrial purposes solely connected with the use of land for agriculture;
 - (b) uses connected with the winning and working of minerals, including offshore mineral deposits;
 - (c) use as a scrapyard or for the breaking of motor vehicles;
 - (d) uses (other than as a dwellinghouse) in which the principal use is the accommodation of tourists or other persons not engaged in agriculture.

CLASS D AGRICULTURAL BUILDINGS AND USES

- (1) The carrying out of building or engineering operations requisite for the purposes of agriculture.
- (2) The winning and working, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use of the land, including the fertilization of the land so used.

CLASS E INDUSTRIAL AND WAREHOUSE DEVELOPMENT

- (1) The erection, alteration, extension and repair of buildings for light industrial purposes defined by Schedule 1, or industrial purposes solely connected with the use of land for agriculture, and the carrying out of any other building and engineering operations in connection with such purposes.
- (2) The erection, alteration, extension and repair of buildings for use as a warehouse or repository for any purpose other than a purpose connected with-
- (a) the winning and working of minerals, including offshore mineral deposits;
 - (b) industrial uses other than light industrial uses defined by Schedule 1 or industrial uses solely connected with the use of land for agriculture,

and the carrying out of any other building and engineering operations in connection with such purposes.

CLASS F SERVICES

The carrying out of any works related to the supply of water, the generation and distribution of electricity, the drainage of land and buildings, and the operation of telephone, radio, television transmission, telecommunications or similar equipment, so long as these works are not required in connection with-

- (a) the winning and working of minerals, including offshore mineral deposits;
- (b) industrial uses other than light industrial uses defined by Schedule 1 or industrial uses solely connected with the use of land for agriculture

CLASS G ROADS

Engineering works, and building works incidental to these works, for the construction, improvement and maintenance of any road or track, other than roads or tracks required in connection with-

- (a) the winning and working of minerals, including offshore mineral deposits;
- (b) industrial uses other than light industrial uses defined by Schedule 1 or industrial uses solely connected with the use of land for agriculture.

CLASS H AVIATION DEVELOPMENT

The construction and maintenance of airstrips or runways and associated buildings, plant and navigation equipment so long as the main use of the airstrip is not connected with-

- (a) the winning and working of minerals, including offshore minerals deposits;
- (b) industrial uses other than light industrial uses defined by Schedule 1 or industrial uses solely connected with the use of land for agriculture.

CLASS I MARINE WORKS

(1) The construction, improvement and maintenance of piers, jetties and associated buildings, plant and hardstandings used primarily for the transportation of agricultural produce or domestic goods or for the recreational use of the resident population.

(2) The carrying out of works on land or in the territorial sea of the Falkland Islands of works required in connection with the navigation of shipping, but excluding dredging and similar operations.

CLASS J
COMMUNITY BUILDINGS

The erection, extension, improvement or maintenance of any building primarily for the recreational or community use by the resident population or for the provision of health or education services to the resident population, and the carrying out of building and engineering operations in connection with such buildings.

CLASS K
MISCELLANEOUS MINOR WORKS

(1) The erection or construction and the maintenance, improvement or other alteration of lamp standards, posting boxes, public shelters and seats, fire alarms, refuse bins or baskets and similar structures or works.

(2) The carrying out of works for the maintenance, improvement or landscaping of land.

CLASS L
PEAT

The winning and working of peat for domestic use.

CLASS M
DEVELOPMENTS AT QUARRIES

The erection, extension and replacement of buildings, plant and machinery at an existing quarry.

CLASS N
DEVELOPMENT ON BEHALF OF THE SECRETARY OF STATE FOR DEFENCE

All development on land owned, occupied or controlled by the Secretary of State for Defence.

SCHEDULE 3 . . .

[S. 35/Ord. 9/14/w.e.f. 13/11/14.]

SCHEDULE 4
TRANSITIONAL PROVISIONS

1. Planning permission shall be deemed to be granted by this Schedule for the carrying out of transitional development.

2. "Transitional development" is either of the following:

- (a) the carrying out of any development, subject to the conditions set out in paragraph 3, the plans for which were approved by the former Committee on or after 1st March 1989; or
- (b) the completion subject, so far as appropriate to the same conditions, of any building or engineering operations begun before 1st March 1991.

3. The conditions referred to in paragraph 2 are:

- (a) the development must be carried out in accordance with the plans approved by the former Committee and any substantial variation from those plans shall, subject to the Ordinance, require the grant of planning permission from the Planning and Building Committee, and any minor variation shall require the consent of the Planning Officer in writing (Building By-law approval may also be required for any variation);
- (b) the development must be substantially completed on or before 28th February 1993 and wholly completed on or before 28th February 1995.

4. In paragraph 3-

"substantially completed" means completed to such an extent as to be reasonably fit for occupation and use for the purpose for which the development was intended; and

"wholly completed" means completed in full accordance with the plans approved by the former Committee or, if appropriate, completed in accordance with those plans as varied in accordance with any planning permission or consent of the kind referred to in that paragraph.

(5) Planning permission deemed to be granted by paragraph 1 above extends to engineering operations which are reasonably incidental to and necessary for the carrying out of the development in question.