



Planning Information Note Two

How Planning Applications are Decided



Planning and Building Services
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When a planning application is submitted there are a number of matters that need to be considered before a decision can be made.

Development Plans

The first and main consideration is the Development Plan. Development plans are the planning policy documents that provide the basis for planning decisions. They set out the Government's adopted policies and proposals for how land should be used and developed or protected. Usually they contain maps as well as a written explanation. They aim to balance the desires of individuals and developers with the public interest and the identified needs of an area in order to avoid harm and provide an efficient and effective use of land.

Why are Development Plans Important?

Development plans are intended to provide:

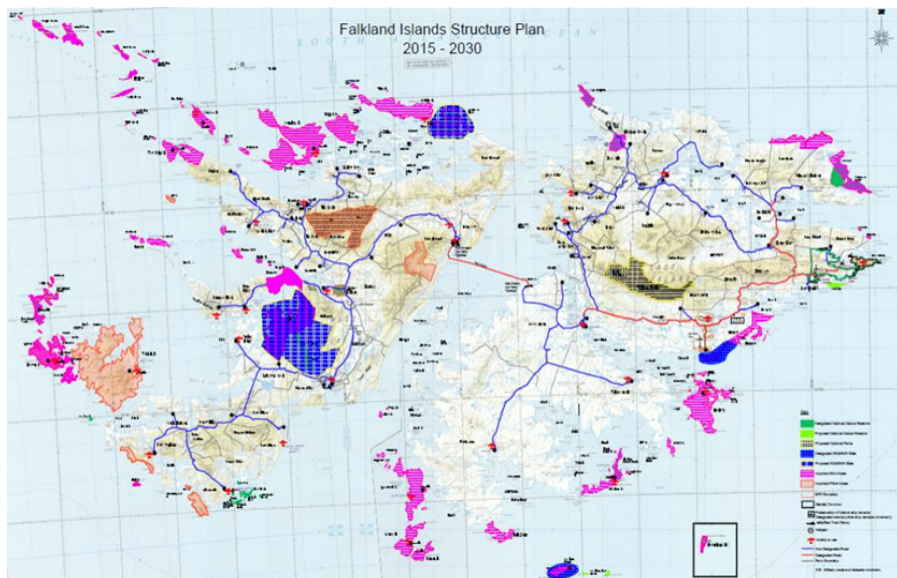
- a consistent basis for deciding planning applications; and
- certainty about where and what kinds of development may or may not be allowed over a number of years.

Planning law requires that the Development Plan policies are generally adhered to in deciding planning applications, although other important circumstances can affect the final decision. Neither the Planning Officer or the Planning and Building Committee can approve an application which is in conflict with the development plan – any such application must be referred to the Governor/Executive Council for a decision.

What are the Development Plans?

The current Development Plan is the Falkland Islands Development Plan adopted in August 2015, setting out development aims until 2030. This consists of two parts:

The Structure Plan - this covers the whole of the Falkland Islands and sets out the high level, strategic framework for all planning decisions. The policies cover SP1: Supporting Development, SP2: Distribution of Development, SP3: Infrastructure, SP4: Sustainable Development Principles, SP5: Historic and Natural Environment, SP6: Oil and Gas, SP7: On-shore Minerals and Landfill and SP8: Rivers, Coastal Areas and Territorial Sea. It includes a map showing different land allocations.



The Falkland Islands Structure Plan Map 2015-2030

The Town Plan – this covers Stanley and provides much more detailed information regarding where different types of development should take place as well as what should be considered when assessing each proposal. The policies cover TP1: Development Zones, TP2: Development of Stanley, TP3: Central Stanley, Mixed Use Projects and Neighbourhood Commercial Areas, TP4: Commercial Allocations, TP5: Port Developments, TP6: Housing, TP7: Mobile Homes, TP8: Temporary Workers Accommodation, TP9: Stanley's Heritage, TP10: Open Space, TP11: Transport Infrastructure and Management and TP12: General Amenity.

The Town Plan includes a **Policies and Proposals Map** setting out zones for different development types as well as providing some detailed information such as the location of designated (listed) historic buildings and the boundary of the Stanley Conservation Area. The written policies relate to the different allocations on this map. Some policies restrict different types of development in certain areas or circumstances whereas others give detailed criteria, which should be met if planning permission is to be granted. This is an extract of the map:



The Stanley Town Plan 'Zone 1' Extract 2015-2030

Other Documents

As well as the Development Plan there are other documents which may need to be considered. These include the **Islands Plan**, which sets out the vision of the Members of the Legislative Assembly for their term in office. There are also some specific area and subject based guidance documents. The **Stanley Conservation Area Character Appraisal 2015** sets out details of the special qualities of the Conservation Area and includes guidelines for development within it. The **Stanley Waterfront Development Plan 2012** is an area-based Masterplan for the central waterfront area.

Material Considerations

There are various ‘material considerations’, which should be considered when deciding a planning application. The relevant Development Plan policies are looked at first but other detailed matters must also be considered. This includes matters such as amenity (this means the impact on the ‘pleasantness’ of a place), privacy, loss of light, design and appearance, noise and disturbance, parking, traffic and road safety, the effect on designated (listed) buildings and Conservation Areas and the impact on nature and landscapes.

Any previous planning decisions on a site including appeal decisions are also relevant, as are any comments made by the public or any relevant specialists. However, just because a letter of support or an objection is received it does not mean that an application will be approved or refused in line with the comments received.

The comments will then need to be considered and then balanced against all of the other material considerations in order to reach a decision.

Some matters **cannot be considered** when deciding a planning application. These include loss of view, devaluation of a property, business competition and private matters between neighbours (such as boundary disputes, rights of access and covenants). Personal circumstances are very rarely considered.

Planning Conditions

When a planning permission is granted there are likely to be a number of conditions on the approval. These are important as they can make the difference between whether or not an application is acceptable. For example, it is common for a planning permission for a new house to include a condition to require the provision of on-site parking. If on-site parking was not to be provided the application would have been likely to be refused, so a condition can make the difference between an approval or a refusal. All conditions of planning permission must be complied with although it is possible to make a planning application to change or remove a condition, which may be approved or refused, depending on the circumstances.

Pre-Application Advice

We provide a free pre-application advice service, please contact us if you have any queries.

Example

Many applications are made for new dwellings and extensions to residential properties in Stanley. Policy TP6 of the Town Plan says (in part) that these applications will normally be supported but only where:

- 1. proposals within the Conservation Area are orientated North/South or East/West and respect existing building lines (and will need to comply with policy TP9: Stanley's Heritage);*
- 2. proposals for infill development ensure that the houses occupy no more than 25% of their respective plots;*
- 3. the proposal makes appropriate provision for outside space;*
- 4. the overall height of the development is appropriate, and the height of exposed foundations (between ground level and the ground-floor level) is not excessive;*
- 5. the proposal is generally well designed, including respecting neighbouring properties' access to sunlight, avoiding overlooking and allowing for future maintenance; &*
- 6. no new houses are built to the North of Ross Road/Moody Brook Road.*

Policy TP11 also says that proposals will only normally be supported where they meet the parking standards given in the Town Plan, including the provision of 2 off-street spaces for each dwelling (spaces to be a minimum of 2.5m by 5m).

Any application for new dwellings will therefore be assessed with regard to this planning policy advice, including consideration of the impact of the development on the character and appearance of the area, on the living conditions of neighbours and on parking and road safety.

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Falkland Islands Government Planning and Building Services Information Notes

Note 1: Applying for Planning Permission and Building Permits provides information on how to apply and what happens when you do.

Note 2: How Planning Applications are Decided provides information on what will be taken in to account when a decision is made on a planning application.

Note 3: Permitted Development: Residential provides information on permitted development rights (development which does not require a planning application) for residential properties in Stanley and in Camp.

Note 4: Listed Buildings and Structures provides a list of designated (listed) buildings with associated advice.

Note 5: Listed Buildings and Structures: An Owner's Guide provides more detailed advice for owners of designated (listed) buildings.

Note 6: Stanley Conservation Area: A Guide to Development provides advice on what is taken in to account and is likely to be acceptable in the Conservation Area.

Note 7: Application Fees sets out the fees for different application types.

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Forms and guidance are also available on the Falkland Islands Government Planning and Building Services [Facebook](#) page