



FALKLAND ISLANDS

Planning (Delegated Approval of Applications and Related Matters) Regulations 2014

(S.R. & O. No. 14 OF 2014)



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[DATE OF COMMENCEMENT: 13TH NOVEMBER 2014]

1 Title

These Regulations are the Planning (Delegated Approval of Applications and Related Matters) Regulations 2014.

2 Commencement

These Regulations come into force on publication in the Gazette.

3 Determination of applications by Planning Officer

- (1) The Planning Officer may approve applications for planning permission except where-
- (a) within the 10 day period, stipulated by section 30 of the Ordinance, during which an application must be publicised before it is determined, at least one objection has been expressed to the proposed development to which the application relates; or
 - (b) at least one member of the Committee who is a lay person or a Member of the Legislative Assembly requests that the application be considered by the Committee.
- (2) Where the Planning Officer is of the opinion that an application-
- (a) is too significant to be determined by the Planning Officer under paragraph (1);
 - (b) relates to proposed development that would conflict with the development plan; or
 - (c) relates to a designated building,

the Planning Officer must not grant the application but must instead refer it to the Committee for determination.

(3) Where the Planning Officer's opinion on an application accords with paragraph (2)(b), the Planning Officer must act in accordance with regulation 4.

(4) The Planning Officer, in every case and without undue delay, must-

- (a) furnish the applicant with written reasons for the Planning Officer's determination on the application; and
- (b) keep a written record of all the reasons for each determination made in accordance with these Regulations.

(5) The written record referred to in paragraph (4) must be made available at the office of the Planning Officer for inspection by members of the public at convenient times during the normal opening hours of the office.

4 Potential conflict with the development plan

(1) Where the Planning Officer is of the opinion that the development proposed in an application would conflict with the development plan, the Planning Officer must when referring the application to the Committee also send to the Committee written comments in which the Planning Officer must set out-

- (a) details of the manner in which, in the Planning Officer's opinion, the proposed development would conflict with the development plan; and
- (b) the Planning Officer's recommendation as to whether or not planning permission should be granted for the proposed development, and the reasons for this recommendation.

(2) On receipt of a referral, the Committee must act in accordance with subsections (1) and (2) of section 37 of the Ordinance, and in so doing must have particular regard to section 4(2) of the Ordinance.

5 Notice and publicity

(1) Notice or publicity under section 30 of the Ordinance must state that the applicant and members of the public are invited to make written representations to the Planning Officer, and that any such representation will not be accepted any later than 3 days before the date on which the Planning Officer's decision on the application will be made.

(2) On receipt of any written representation in accordance with this regulation, the Planning Officer must act in accordance with section 31B(2)(a) of the Ordinance.

6 Service of notices on applicants

Any notice required by the Ordinance or these Regulations to be served on an applicant for planning permission is sufficiently served if it is-

- (a) delivered personally to the applicant;
- (b) sent to the applicant by post; or
- (c) where the applicant has indicated on the application form that the applicant will accept service by means of electronic mail at an address provided on the application form, by electronic mail sent to that address.

7 Service of notices on occupiers of neighbouring land

Where any notice is to be or will be served on any occupier of any land falling within the parameters set out in section 30(4) of the Ordinance or on the occupier of any other land, such notice is sufficiently served if it is-

- (a) fixed to the main gate to the premises in such place and manner as to make it likely to be seen;
- (b) fixed to the door of what appears to be the main entrance to any building on the land or, if there is more than one building, the building that appears to be used more or most frequently; or
- (c) where neither method of service set out in the preceding subparagraphs is possible or practicable, published in two successive editions of a newspaper in wide circulation within the Falkland Islands.

8 Adequate publicity

In any case where it is required by the Ordinance or these Regulations that any matter be adequately publicised, that requirement is satisfied if at least any two of the following methods of publicity are used-

- (a) publication in an edition of a newspaper in wide circulation within the Falkland Islands;
- (b) at least five announcements on the radio within a period of 14 days, each of the five being on a different day and anytime between the hours of 7:00 and 19:00; or
- (c) fixing to the notice boards at the Secretariat and the post office a document setting out the information required to be publicised, provided that it is ensured that that document remains there for not less than 10 days.

9 Application to these Regulations of paragraph 7 of the General Development Order

(1) Subparagraphs (1) and (2) of paragraph 7 of the General Development Order 1991 apply to these Regulations only insofar as an application is determined by the Committee on referral by the Planning Officer, but do not apply insofar as they suggest that-

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- (a) valid applications received by the Secretary are determined by the Committee as a matter of course and without having to be referred to the Committee by the Planning Officer; and
- (b) there is no possibility for any person or authority other than the Committee to determine applications.

(2) Subparagraph (3) of paragraph 7 of the General Development Order applies to these Regulations.