



Planning Information Note 2 (PIN2):
Applying for Planning Permission and/or Building Permit
January 2016

Environmental Planning Department
Falkland Islands Government



Planning permission is required for most changes of use, new buildings and engineering works if the site is:

- Within 10km of the Cathedral Spire; or
- Within 500m of designated public road¹

A **building permit** is required for the erection or alteration of any building which is not specifically exempt, within Stanley or in Camp. This includes internal alterations and change of use.

In regard to planning permission, please read PIN3 – Permitted Development before submitting an application for your development as it may not require express planning permission HOWEVER it may still require a building permit so we strongly advise you contact the Building Adviser on 28480 to determine whether your development is building permit exempt or not.

REMEMBER: IF IN DOUBT PLEASE ASK US

How to complete an application form



The application form

<u>Section</u>	<u>Title</u>	<u>Action</u>
1	APPLICANT	Enter your/the applicant's name, address, telephone number and email. Tick whether you are prepared

¹ Designated public roads outside of Stanley under the Road Traffic Ordinance are: Stanley to MPA; Stanley to Goose Green (ends at old cemetery); Stanley to Estancia turn-off; and Stanley to Port Louis gate.

		to receive emails about your application
	AGENT	If you have an agent/are the agent for the applicant, enter name, address, telephone number and email. Tick whether agent is prepared to receive emails about the application
2	APPLICATION TYPE	Tick as required (see below):
	Building Permit	A building permit is required for works that involve the construction of a building or part of a building BUT there are exemptions so please check with the Building Adviser if a building permit is required for your development.
	Planning Permission	Planning permission gives permission for the design, location and use of a development BUT is not authorisation to start construction (unless the development is exempt from Building Permit). See note above table about exemptions from planning permission. There are three types of planning permission:
	<i>Outline planning permission</i>	This gives permission 'in principle' for a development proposal. For this, you are only required to submit the application form and a site plan showing the boundaries of your development. This is a good way to test a development idea without going to the expense and time of preparing full plans.
	<i>Approval of details following grant of outline permission</i>	Following the granting of an outline permission you must then submit a further application providing all the details (floor plans, elevations, design, location within plot and any requirements under condition of the outline permission) of your development for further approval. (Such applications are also referred to as <i>Reserved Matters</i>). Approval of this equates to full planning permission.
	<i>Full planning permission</i>	Should you already have all the required plans and relevant information you can submit an application for full planning permission in the first instance. If approved, no further application is required but the conditions attached to the permission may require you to submit further details.
3	ADDRESS OR LOCATION OF SITE	Enter the address of the site or, where there is no address, a description of its location e.g. north of 10 Kent Road
4.	AREA OF SITE	Provide area in square metres or hectares
5.	WHAT ARE YOU APPLYING TO DO	Describe what your development is e.g. erection of single-storey dwelling, extension to dwelling, change of use from shop to office etc
5a	TEMPORARY	If your application is for a temporary development e.g. siting of container, please give an indication of how long you will need the permission for

6.	CURRENT SITE USE	What is the site currently used for? If vacant, state 'vacant'.
7.	SERVICES	Information on the nearest possible connection for water, electricity and foul water disposal is available through contacting the Design Section at PWD. If you intend to connect to existing provision within the property state 'connect to existing'.
8.	FINISHING	What materials are to be used to roof and clad your development, and in what colours? For an outline planning application, this information is not required.
9.	ACCESS ONTO PUBLIC ROAD	Is there already access from a public road onto the property where it is needed for your development or will you have to put one in? If you need to create one, add this to the description of your proposal in section 5 and make sure it is shown on your site plan.
10.	Only to be completed if your proposal is COMMERCIAL OR INDUSTRIAL in nature	Provide details of methods of disposal of trade refuse and effluent e.g. skip, taken to tip, and provide details about composition of trade effluent e.g. oil, lubricants, dust. Details are also required about staffing levels and nature of goods to be sold (if applicable).
11.	Only to be completed if your application involves planning permission	Tick the relevant box. If the development site is an FIG issued building plot tick 1B. If the site is in different ownership to the applicant tick 1C and complete the section with the owner's name, address and the date they were notified by the applicant/agent that this application was being made. Neighbour Notification slips are available from this office Tick either 2A or 2B as applicable.
	CHECKLIST	Check and tick to confirm that you have done/have provided 1, 2 and 3.
	SIGNATURE & DATE	Either the applicant or the agent, where there is one, can sign and date the form
	FEES CHECKLIST	Refer to the latest schedule to determine which class, and what fees, are applicable. If your development does not fit any of the categories, there is no fee to be paid.

What plans do I need to submit?

All plans must be drawn to scale of either 1:10, 1:20, 1:50, 1:100, 1:200; 1:500; 1:1000, 1:1250 or 1:2500

For Outline Planning Permission

For outline planning permission the minimum you are required to provide is a site plan, showing the boundary of the land involved in the development, outlined in red. Where a proposal is for infill development, the boundary of all the land in the same ownership must be indicated by one colour, and the proposed boundaries for the new plot shown in red.

Where you know the location of the development within the site and have some idea of footprint, you can also plot this on the site plan.

For Full Planning Permission/Reserved Matters

The following plans are required for this type of application:

- A site plan showing the boundary of the development in red and the footprint of the building, plus location of off-street parking and connection to foul and surface water drains;
- A floor plan of the building, showing foul and surface water lines, with each room labelled; and
- Elevations of the building i.e. what it looks like from the outside on all sides;

For Building Permit (either joint with planning permission or separately)

You are required to submit the same plans as per full planning permission above, plus:

- A foundation plan; and
- Construction details – usually in the form of a cross-section through the building, detailing the components of the construction;

What happens to my application once it is submitted?

1. Upon receipt and payment of the fee, your application is assessed for completion i.e. it has all the necessary plans and information. If anything is missing we will either contact you (or your agent) by telephone or email to request the additional information. Your application will not be processed further until this information is received.
2. A complete application is stamped with the received date and given a file number. A paper file is created, as is an electronic file and you are sent an acknowledgement letter. Neighbours to the development are sent a 'neighbour notification' letter and your application is added to the public notice for publication in the Penguin News the following week. A copy of your application is sent to Chief Fire Officer and Director of Public Works for their comments.
3. The list of submitted planning applications is published each week and the public are given two weeks to make any representations to any of the proposals in the list.
4. Upon expiry of those two weeks, it is decided whether your application can be dealt with under 'delegated powers' or if it has to go for decision to the next meeting of the Planning & Building Committee. If any of the following occur, then it has to go to Committee:
 - the Planning Officer feels that the proposal is too significant/controversial to be decided without Committee input;
 - if the Planning Officer is minded to refuse the application;
 - objections to the proposal have been received;
 - a member of the Planning & Building Committee has requested that the application go before the Committee;
 - the proposal is contrary to the Development Plan.

5. **Delegated Powers:** - the Planning Officer now has authority to approve applications (subject to the conditions in 4 above) 'in-house' as opposed to going to Committee. Applications dealt with using these powers are assessed by the Planning Officer upon expiry of the two week public consultation period and an assessment report written which includes the decision and conditions (if any). A decision notice is then produced and signed by the Head of Environmental Planning (or the Planning Officer in his/her absence). This is then sent to the applicant or agent, along with stamped 'approved' copies of the plans submitted unless they are to be retained for building permit assessment. The minimum duration of the delegated powers planning application process from submission to approval is 3 weeks.
6. **Planning & Building Committee:** - the Committee is made up of 2 MLAs and 5 lay members, plus officers who attend to advise but do not have a vote. They meet on the first Wednesday of each month. Applications have to be submitted three weeks prior to the next meeting, at the very latest, in order to be able to go to the next available Committee meeting (if any of the conditions in 4 above apply). Each application to be discussed has an assessment report included in the agenda, with a recommendation and conditions where necessary. The Committee are not obliged to agree with the Planning Officer's recommendations. **A copy of the report will be sent to the applicant or their agent, and will be accompanied by an invitation to speak at the meeting, all of which will be sent a few days previous to the meeting date. Objectors to a development are also offered the same opportunity.** Following the meeting, decision notices and stamped plans (approved or refused) are sent back to the applicant or agent, unless the plans are required for building permit approval. The average duration of the Committee planning application process from submission to approval is 6-8 weeks.
7. **Applications for building permit** – these are decided 'in-house' by the Building Adviser and the average duration of this process is 4-8 weeks and is very much dependent upon the amount of information provided initially and the amount of information that is still required. Generally, for applications that are for both planning permission and a building permit i.e. joint, the Building Adviser waits until a decision is made on the planning permission element before he assesses the building permit aspect. This is because there is little point pursuing a building permit if planning permission is refused as the development would not be able to go ahead as proposed.

IMPORTANT TO REMEMBER WHEN YOU RECEIVE YOUR DECISION NOTICE(S):

- You should **not** start building work or change the use of a building or land until you have received the necessary permissions;
- The approval of an **outline** planning permission does **not** allow you to start building works straight away. You must first obtain approval of your detailed plans and, where applicable, a building permit;
- You must **not** change or deviate from the approved drawings after you have obtained permission, unless you have applied for, and been granted, an amendment to the approved plans. This can be done by submitting the amended plan with a covering note/email/letter explaining the changes requested. Small changes such as removal/addition of a window or change in cladding colour can be dealt with through

this channel but large changes such as a completely new design will require the submission of a completely new application.

What if I don't agree with the outcome and/or conditions

1. If you are dissatisfied with the decision of the Committee to refuse permission or to grant it subject to conditions, you have a right to appeal to the Governor (in Executive Council).
2. To appeal, you must fill in a form which you can obtain from the Clerk of the Legislative Assembly, Gilbert House, Stanley. Usually, you must return the completed form within 28 days of the date of the decision notice, but the Governor has power to grant you a longer period of time.
3. You should submit in writing your grounds of appeal and full evidence/case when you return the form of appeal to the Clerk of the Legislative Assembly.
4. The Clerk of the Legislative Assembly will then pass your grounds of appeal and full evidence/case to the Environmental Planning Department (EPD), giving them 28 days (or such longer period as agreed by the Governor) to comment and prepare the case on behalf of the Planning and Building Committee.
5. At the same time, the Clerk of the Legislative Assembly write to the persons who made representations on the original planning application with the grounds of appeal giving 28 days, or such longer period as agreed by the Governor, for those persons to make comments on the appeal.
6. The EPD's evidence is then passed to you, giving you 28 days or such longer period as agreed by the Governor, to make any further comments.
7. At the same time:
 - any third party evidence will be passed to you and the EPD for comment, giving you all 28 days, or such longer period as agreed by the Governor, to make any comments; and
 - all evidence will be submitted to the next Planning and Building Committee for its comments, and any comments will be submitted to the Clerk of Councils within 5 working days of the date of the Committee.
8. The Clerk of Councils then submits the following to Executive Council:-
 - The original planning application file including the application form, plans, decision notice, committee report, committee minutes, objection letters etc.
 - The appellant's grounds for appeal and full evidence/case
 - The EPD's evidence/case
 - Any further representations made by those who originally commented on the planning application
 - Any further comments by the appellant and EPD
 - Any additional comments by the Planning and Building Committee
9. Executive Council will then consider the appeal. If you wish to make oral representations to this meeting, please refer to the separate public speaking guidance notes.

Should you have queries please do not hesitate to contact us:



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www.fig.gov.fk/epd



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