



FIG Permitted Development Consultation Process

**Environmental Planning Department
Falkland Islands Government**

It is proposed that this process shall apply:

- to any proposal which would be a departure from the Development Plan or carried out on 'white land' within the Stanley Town Plan; and/or
- to any development within Stanley Common (including Cape Pembroke) which is outside the curtilage of an existing road (curtilage being hereby defined as carriage way, plus pavement and drainage ditches); and/or
- to any development which could have a significant impact on the environment.

The report highlighted two concerns in relation to removing the permitted development rights for the Crown – firstly, impact on the workload of departments having to apply for permission (notably the Public Works Department) and secondly, the impact on the workload of the Environmental Planning Department (EPD) to process them. It is therefore important that whatever process is adopted, it requires less resources than applying for planning permission.

The process set out below does not include any appeal mechanism the production of decision notices or the drafting, approving or implementing of conditions (including, for the applicant, the requirement to agree anything post-permission). It also, potentially, gives more flexibility for the applicant to amend the detail of the proposal post-publicity.

| Stage | Action |
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| A | The department proposing the works provides the same level of details as would be required for a planning permission. On the application form in response to the question, "Is this an application for:" the words "Consultation on exercising Crown Permitted Development Rights" is written. The timescales and so deadlines for dealing with submissions is the same as planning applications. |
| B | The development proposal is registered with the EPD (with the suffix 'C' to denote consultation and distinguish it from Building or Planning applications). Proposals which are permitted development but require a Building Permit will thus have the suffix 'CB'. |
| C | The EPD ensure that the proposal is advertised in the Penguin News and neighbours notified. The Chief Fire Officer and Director of Public Works and other officers who may have an interest in the proposal are also consulted. |
| D | The Planning Officer would then prepare a report to the Planning and Building Committee, together with a recommendation. This report will only consider material planning issues. |
| E | As the Planning and Building Committee is not required to make a decision (as the proposal is not an application made under the Planning Ordinance), the Committee would instead be asked to decide whether it supports or does not support the proposal, and whether such support is conditional on certain recommendations for how the proposal should be amended or implemented. Whatever its views the reasoning behind them should be recorded. |
| F | <p>The Planning and Building Committee's views would then be passed to the department within Government that is fronting the application. Depending on the level of public interest (and opposition) and the views of the Planning and Building Committee the next stage could be:</p> <ul style="list-style-type: none"> (i) To proceed with the development. This is the likely outcome when there has been little or no opposition to the project, or (ii) To proceed with an amended proposal. This is the likely outcome when the amendments address concerns or points of detail expressed by the public and/or the Planning and Building Committee that are capable of resolution. (iii) To seek the views of MLAs on how to proceed. This is the likely outcome when there has been significant opposition to the proposal from the public and/or the Planning and Building Committee that are not capable of resolution. The ultimate decision making body would have to be Executive Council although it should be possible to engage other bodies (e.g. the Lands Committee or a service Committee that is driving the development) beforehand. Most decisions would either be to proceed, having noted the degree of opposition or to abandon the proposal due to the degree of opposition. |
| G | Whatever decision is eventually made it is important that reasons are given under the public referral scheme for the decision taken. It would be appropriate for the decision and reasoning to be passed to the Planning and Building Committee and any member of the public who expressed a view on the development so that they can see the extent to which representations made have influenced the eventual decision. |