

Ordinance 38 of 2014

Published in Gazette No. 1760 of 17 December 2014

**TOWN AND COUNTRY PLANNING (PREPARATION
OF POLICY) ORDINANCE 2014**

An Ordinance to make provision for a policy statement for planning purposes

**R.J. CRIPWELL
ADMINISTRATOR**

16 December 2014

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

Short title

1. This Ordinance may be cited as the Town and Country Planning (Preparation of Policy) Ordinance 2014.

Commencement

2. This Ordinance comes into force on 1 January 2015.

Interpretation

3. In this Ordinance—

the “Crown” means Her Majesty in right of Her Government in the United Kingdom and in right of Her Administration of the Areas;

“development” has the meaning given in section 4;

“immovable property” has the meaning given in section 2 of the Immoveable Property (Tenure, Registration and Valuation) Ordinance^(a);

“local authority” means a municipal council or a community council;

“military site” is immovable property which is owned or leased by or on behalf of the Crown in right of Her Government in the United Kingdom;

the “Town Planning and Housing Department” means the Town Planning and Housing Department of the Republic.

Definition of development

4.—(1) For the purposes of this Ordinance, “development” means the carrying out of building, engineering, mining or other works in, under, on or over immovable property, or the carrying out of any material change in the use of a building or other immovable property.

(2) For the avoidance of doubt, “development” includes—

- (a) the use as 2 or more residences of any building which was used previously as 1 residence, irrespective of whether or not the change in use requires any building work;
- (b) a deposit of refuse or other waste material on immovable property, including where the immovable property is used for this purpose already, and the surface area or the height of the deposit is extended or increased so as to exceed the height of the adjacent immovable property;
- (c) without prejudice to public instruments made under this Ordinance or to any other legislation relating to the control of advertisements, the display of advertisements on the external wall or other external part of a building which is not normally used for that purpose;
- (d) the conversion or division of immovable property to make 1 or more separate building plots;
- (e) the demolition of a building;
- (f) the laying out or construction of a road.

(3) In this Ordinance, unless the context suggests otherwise, a reference to developing, develop or developed is to be read by reference to the definition of development in this section.

Crown application

5.—(1) Subject to subsection (2), this Ordinance applies to the Crown.

(2) This Ordinance does not apply to military sites.

(3) For the avoidance of doubt, immovable property ceases to be a military site where—

- (a) the Crown owned a military site but the Crown sells or otherwise disposes of the site; or
- (b) the Crown in right of Her Government in the United Kingdom leased a military site but the Crown surrenders the lease or the lease expires and is not renewed.

(4) For the avoidance of doubt, immovable property becomes a military site where—

- (a) the Crown in right of Her Government in the United Kingdom purchases or otherwise acquires the ownership of immovable property;
- (b) immovable property is leased by or on behalf of the Crown in right of Her Government in the United Kingdom.

(5) Where the circumstances in subsection (3) have arisen in relation to part of a military site, then only that part is no longer a military site.

(a) Cap 224, Laws of Cyprus 1959 ed. Legislation of the former colony of Cyprus has effect in the Areas by virtue of article 5 of the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (UK S.I. 1369/1960). Schedule 2 to the Interpretation Ordinance 2012 (Ord. 8/2012) provides for the interpretation of such legislation. Cap 224 has been amended but the amendments are not relevant.

Guidance

6. The Administrator may provide written guidance, as the Administrator considers appropriate, in order to facilitate the purposes of this Ordinance.

Preparation and amendment of policy statement

7.—(1) Where a policy statement is prepared in accordance with which applications for granting planning permission must be examined to enable controlled and methodical development, the statement must take account of the provision of services, healthcare and amenities and the general welfare of members of the public.

(2) The purposes of a policy statement are to—

- (a) establish the general policy in order to control development;
- (b) provide for the designation of areas and the type of development permitted within those areas;
- (c) protect the Crown's military and security interests;
- (d) protect areas of environmental, cultural or archaeological significance;
- (e) fulfil the Crown's international environmental and other international obligations;
- (f) designate nature protection areas and natural beauty areas; and
- (g) establish the general principles that will govern the regulation and control of development for the areas of immovable property within the scope of the policy statement.

(3) A policy statement must be accompanied by maps and other descriptive documents as may be required to assist in explaining the statement.

(4) The Administrator must approve or reject the final proposal for the policy statement prepared under this section, or approve it subject to such modifications as the Administrator considers appropriate.

(5) The Chief Officer must keep the policy statement under review and must submit a report at least every 5 years to the Administrator which may contain proposals for amending the statement.

(6) Having considered the Chief Officer's report, the Administrator must approve or reject the proposed amendments to the policy statement made in the report under subsection (5), or approve them subject to such modifications as the Administrator considers appropriate.

Procedure for approval of policy statement

8.—(1) After the Administrator has approved a policy statement or an amended policy statement in accordance with section 7, the Administrator must submit a copy to the Area Officers and to the office or headquarters of the following whose areas (either wholly or in part) may be affected by the statement—

- (a) a District Office of the Republic;
- (b) a divisional office of the Town Planning and Housing Department.

(2) The Area Officers must make the policy statement or the amended policy statement available for inspection at the Area Offices during normal working hours.

(3) The Administrator must produce a notice stating that the policy statement has been prepared or amended and that a copy of it is available for inspection at the Area Offices.

(4) The notice specified in subsection (3) must be published or displayed—

- (a) in at least 2 daily newspapers distributed widely within the island of Cyprus; and
- (b) on notice boards at the Area Offices.

(5) Where the conditions in subsections (1) to (4) are met, the Administrator must publish in the Gazette a further notice—

- (a) containing the information specified in subsection (3); and

(b) inviting reasoned objections specifying the grounds on which they are made to be made, in writing, to the Chief Officer within a period of at least 4 months beginning with the date the policy statement comes into effect.

(6) The policy statement comes into effect on the day the notice referred to in subsection (5) is published in the Gazette.

(7) Within the period specified in subsection (5)(b), a person may submit to the Chief Officer, in writing, reasoned objections specifying the grounds on which the objections are made.

(8) As soon as is reasonably practicable after the end of the specified period, the Chief Officer must examine any objections and submit to the Administrator the policy statement, together with any objections and the Chief Officer's comments and recommendations.

(9) The Administrator may either approve the policy statement again without further amendments, or may make such amendments as the Administrator considers appropriate and approve the amended statement.

(10) The Administrator must submit a copy of the approved policy statement to the Area Officers and to the office or headquarters of the following whose areas (either wholly or in part) may be affected by the statement—

(a) a District Office of the Republic;

(b) a divisional office of the Town Planning and Housing Department.

(11) The Area Officers must make the approved policy statement available for inspection at the Area Offices during normal working hours.

(12) The Administrator must publish in the Gazette, and by any other means as prescribed by an order made as a public instrument, a notice that the policy statement has been approved by the Administrator, either with or without amendments.

(13) Any amendments made to the policy statement under subsection (9) come into effect beginning with the date the notice is published in accordance with subsection (12).

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Town and Country Planning (Preparation of Policy) Ordinance 2014 (“the Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance. The Ordinance reflects, where relevant to the Areas, sections 1 to 20 of the Republic’s Town and Country Planning Law 1972 (90(I)/1972), as amended. This note should be read in conjunction with the Ordinance. It is not, and is not meant to be, a comprehensive description of the Ordinance. So, when a section or part of a section does not seem to require an explanation or comment, none is given.

2. Section 4 defines development. The definition includes the use of immovable property as well as construction.

3. Section 5 provides that the Ordinance applies to the Crown except for those areas of land which fall within the definition of a military site. The definition of military sites encompasses those areas which are owned or leased by the Ministry of Defence.

4. Under section 6, the Administrator may provide guidance to facilitate the implementation of the policy statement.

5. Section 7(1) provides that a policy statement must take into account the provision of services to the public and the public’s general welfare.

6. Sections 7(2) and (3) set out the purposes of the policy statement and provide that it must be accompanied by maps and other documents which assist in explaining the statement.

7. Section 7(4) provides that the Administrator may approve or reject the policy statement, or approve it with modifications.

8. Sections 7(5) and (6) provide that the policy statement must be kept under review; that the Chief Officer must submit a report at least every 5 years which may propose changes to the statement, and that the Administrator must approve or reject the proposed changes or approve the changes subject to modifications.

9. When the Administrator either has approved a policy statement or an amended policy statement, section 8(1) provides that the Administrator must submit copies to the Area Offices and to the District Offices and divisional offices of the Town Planning and Housing Department of the Republic whose areas may be affected by the statement.

10. Sections 8(2) to (4) provide that the Area Officers must make the policy statement available for inspection during normal working hours and that a notice must be published in newspapers and displayed at the Area Offices stating that the policy statement is available for inspection at the Area Offices.

11. Where the specified conditions are met, section 8(5) provides that a further notice must be published in the Gazette inviting objections to be made within a specified period, being at least 4 months from the date of publication, and section 8(6) that the policy statement comes into effect on the date that the notice is published in the Gazette.

12. Section 8(7) permits the public to submit, in writing, reasoned objections on specific grounds to the policy statement within the specified period.

13. At the end of this period, in accordance with sections 8(8) and (9), the Chief Officer must examine any objections and submit them to the Administrator together with comments, and the Administrator must either approve again the statement as published, or amend the statement before approving it.

14. In accordance with sections 8(10) and (11), the Administrator must send copies of the approved statement to the Area Offices, the District Offices and divisional offices of the Town Planning and Housing Department whose areas may be affected by the statement, and the Area Officers must make the approved statement available for inspection.

15. Section 8(12) provides that notification of approval is published in the Gazette.

16. Section 8(13) provides that any changes to the policy statement made by the Administrator come into effect on the date that the notice is published in the Gazette.

(SBA/AG/2/LD/477)

