
**TOWN AND COUNTRY PLANNING ORDINANCE
2022**

An Ordinance to make provision for town and country planning and development

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**TOWN AND COUNTRY PLANNING ORDINANCE
2022**

An Ordinance to make provision for town and country planning and development

R. Thomson
ADMINISTRATOR

11 May 2022

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

PART 1

Preliminary

Short title

1. This Ordinance may be cited as the Town and Country Planning Ordinance 2022.

Commencement

- 2.—(1) Subject to subsection (2), this Ordinance comes into force on 15 May 2022.

(2) The following sections come into force on a day specified by the Chief Officer by an order made as a public instrument—

- (a) section 26(2) to (4); and
- (b) sections 76 to 79.

Interpretation

3. In this Ordinance,—

“2007 Ordinance” means the Delegation of Functions to the Republic Ordinance 2007(a);

“advertisement” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction and, without prejudice to the generality of this definition, includes any hoarding or similar structure used, or adapted for use, for the display of advertisements;

“area plan” means the plan referred to in section 14(1);

“building” includes any structure or erection on immovable property and any part of a building, but, except in section 38, does not include plant or machinery comprised in a building;

“building permit” means a building permit granted under the Streets and Buildings Law;

“building plot” means immovable property which has been converted into a building plot or divided into two or more building plots in accordance with a planning permit;

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

“develop” means to carry out development;

“development” has the meaning given in section 20;

“development plan” means the policy statement, a local plan or an area plan that is, for the time being, in effect in accordance with Part 4 in relation to a particular location;

“development order” means an order made under section 22;

“District Lands Office” means the office of the Republic’s Department of Lands and Surveys for the district in which immovable property is situated and includes any sub-office in the district;

“enforcement notice” means an enforcement notice issued under section 45;

“erection”, in relation to a building, includes extension, alteration and re-erection;

“general commencement date” means the date referred to in section 2(1);

“general delegated function” means a general delegated function within the meaning of section 3 of the 2007 Ordinance;

“immovable property” has the same meaning^b as in the Immovable Property (Tenure, Registration and Valuation) Ordinance(c);

“land register” has the meaning given in section 2 of the Immovable Property (Tenure Registration and Valuation) Ordinance;

“local plan” means the plan referred to in section 11(1);

“military site” is immovable property which is—

(a) Ordinance 17/2007. Section 4 of the Ordinance has been repealed by Ordinance 8/2012.
(b) See section 2 of the Immovable Property (Tenure, Registration and Valuation) Ordinance
(c) 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.

- (a) owned by or on behalf of Her Majesty in right of Her Government in the United Kingdom; or
- (b) is leased, from another person, by or on behalf of the Her Majesty in right of Her Government in the United Kingdom;

“open space” means any immovable property laid out as a garden that is open to the public, otherwise used for the purposes of public recreation or which is a disused burial ground;

“owner”, in relation to immovable property, means a person who is registered or is eligible to be registered in the land register as the owner of the immovable property;

“permit-holder” means the holder of a planning permit;

“Planning Authority” has the meaning given in section 8;

“planning decision” is a decision made under Part 5 of this Ordinance to grant or refuse planning permission, including a decision to grant planning permission subject to conditions or for a limited period of time, and the approval of reserved matters;

“planning permit” means a planning permit granted under this Ordinance;

“planning permission” means permission for a development granted by a planning permit or a development order;

“planning purposes” means the purposes of proper planning and development in the Areas, including ensuring that any development—

- (a) is sustainable and takes place in a controlled and planned manner; and
- (b) is in the public interest (taking into account public health, welfare and the provision of amenities for the public);

“policy statement”, except in section 93, means the policy statement referred to in section 18(1);

“prescribe” means prescribed in regulations or by order made by way of a public instrument;

“preservation order” means an order made under section 38;

“qualified delegated function” means a qualified delegated function within the meaning of section 3 of the 2007 Ordinance;

“reserved matter” means a matter that is not particularised in an application for a planning permit and, on the grant of a planning permit, is subject to a condition requiring the subsequent approval of the Planning Authority or the Administrator;

“road” means any road, whether public or private, and includes—

- (a) any street, square, parade, court, alley, lane, bridge, footway, bridle-path, or highway (whether a thoroughfare or not), and
- (b) pavement, ditch, culvert, subway, fly-over or tunnel and relating to any of the items referred to in (a);

“Streets and Buildings Law” means the Streets and Buildings Law of the Republic^(a) and any public instruments made under it as applied in the Areas by the Building Standards (Adoption) Ordinance 2022^(b);

“temporary planning permission” means planning permission granted only for a specified period of time;

“tree protection order” means an order made under section 39;

“use”, in relation to immovable property, does not include the use of immovable property for the carrying out of any building or works on it;

“value”, in relation to immovable property, means the amount that such property would be expected to realise, if sold in the open market by a willing seller;

“works” includes waste materials, refuse and other matters deposited on land.

(a) Cap. 96, Laws of Cyprus 1959 ed.

(b) Ordinance 11/2022

Delegated functions

4. A general delegated function and a qualified delegated function under this Ordinance or any instrument made under it must be exercised in accordance with the 2007 Ordinance.

Application of Ordinance to the Crown

5. Except for section 65 (power to override easements and other rights), this Ordinance does not apply to the Crown.

Scope of Ordinance

6. In relation to military sites or categories of military sites (including categories defined by reference to the location of military sites), this Ordinance only applies to the extent that the Administrator, by order made by way of a public instrument, so directs.

Orders and directions

7.—(1) Without limit to any other provision in this Ordinance, the Administrator may, by way of a public instrument, make such orders and issue such directions for the purpose of—

- (a) providing that orders or directions made under the Town and Country Planning Law 1972(a) of the Republic (as amended from time to time) have effect as part of the law of the Areas; or
 - (b) making provision equivalent or similar to any such orders or directions, subject to such exceptions, adaptations or modifications as may be specified in the order or directions.
- (2) Any person to whom a direction is issued under subsection (1) must comply with the direction.

PART 2

Planning Authority

Planning Authority

8. For the purposes of this Ordinance, the Planning Authority is the Area Officer for the Area in which immovable property on which, or in relation to which, a development that has been, is being, or is to be, carried out, is situated.

PART 3

This Part is intentionally left blank

Blank section

9. This section is intentionally left blank.

(a) Law 90/1972 of the Republic of Cyprus, published in Supplement I of the Official Gazette No. 977 dated 8 December 1972, as amended from time to time.

PART 4

Development plan

Conflicts within the development plan

10.—(1) Where a local plan is in effect for an area that plan takes precedence over the policy statement.

(2) Where an area plan is in effect for an area that plan takes precedence over the policy statement and any local plan.

Local plans

11.—(1) The Chief Officer may prepare a local plan for any area (a “local plan area”) for the purpose of determining applications for planning permits in accordance with the planning purposes.

(2) A local plan must—

- (a) protect the Crown’s military and security interests;
- (b) establish the general policy and principles for the regulation and control of development in the local plan area;
- (c) provide for the designation of areas in which certain types of development are permitted or prohibited;
- (d) protect areas of environmental, cultural, historical or architectural interest or significance;
- (e) comply with the Crown’s international obligations, including those relating to the environment;
- (f) ensure the necessary road network and other infrastructure is provided for; and
- (g) specify the order in which development is to be carried out in the local plan area.

(3) A local plan may specify the proposed location of, and proposed routes of access to—

- (a) roads;
- (b) particular buildings or other development;
- (c) airports;
- (d) public gardens, recreational areas, nature reserves or other open spaces;
- (e) residential, agricultural, industrial, commercial, tourist or other types of development.

(4) Without prejudice to the generality of subsection (3), a local plan may make provision relating to any of the following—

- (a) the distance between buildings, the distance between buildings and plot boundaries or the distance between buildings and the middle of any road;
- (b) the proportion of a plot that may be covered by buildings;
- (c) the minimum size of building plots;
- (d) the height of buildings;
- (e) the floor area of buildings;
- (f) the amount of land to be used for car parking or the creation of public car parks;
- (g) the creation of new roads;
- (h) the removal of existing roads;
- (i) the population density of an area;
- (j) the land to be used for open spaces.

(5) A local plan must include such maps and other descriptive documents as may be required to assist in understanding the local plan.

- (6) The maps and documents referred to in subsection (5) must in particular—
- (a) identify the local plan area;
 - (b) specify the population of the local plan area the local plan is intended to provide for; and
 - (c) identify the proposed development zones, and the transport requirements of those zones.
- (7) In preparing or amending a local plan, the Chief Officer must have regard to—
- (a) the policy statement; and
 - (b) any representations received in accordance with sections 12 and 13.

Local plan: consultation

12.—(1) When preparing or amending a local plan the Chief Officer must publish a notice in the Gazette inviting representations from any person, including any community or municipal councils in the local plan area.

(2) The notice must state how representations are to be made, and the period within which they may be made.

(3) Any representations received must be recorded in a register that is made available for inspection by members of the public on request.

(4) Details of the number of representations received must be published in the Gazette along with details of where and when the register may be inspected.

Local plan: public hearing

13.—(1) If the Chief Officer receives any representations under section 12, the Chief Officer must decide whether or not to hold a public hearing to consider those representations.

(2) In reaching a decision under subsection (1), the Chief Officer must give special weight to the desirability of holding a public hearing where any representations are received from a community or municipal council.

(3) The Chief Officer may hold a public hearing even if no representations are received under section 12 if the Chief Officer considers it expedient to do so.

(4) Any public hearing must be conducted in accordance with the procedure set out by the Chief Officer ahead of the hearing, which must ensure that the public hearing does not last more than 45 working days from the date it starts.

Area plans

14.—(1) The Chief Officer may prepare a detailed area plan for any area (an “area plan area”).

(2) Sections 11 to 13 apply to area plans as they apply to local plans.

(3) If an area plan area is within a local plan area, the area plan is deemed to be part of the local plan.

Review and amendment of local and area plans

15.—(1) The Chief Officer must—

- (a) keep every local and area plan that is in effect for the time being under review; and
- (b) at least once every five years publish a report on each plan.

(2) The report must set out the Chief Officer’s findings in relation to—

- (a) the achievement of the plan’s objectives;
- (b) the implementation of the plan’s provisions; and
- (c) whether or not any amendments should be made to the plan and any proposed amendments.

(3) The Chief Officer may amend a local or area plan from time to time.

Local and area plans prepared by local councils

- 16.**—(1) A community or municipal council may—
- (a) prepare a local or area plan;
 - (b) submit proposals to the Chief Officer for amendments to existing local or area plans that relate to their areas;
and must do so if required to do so by the Chief Officer.
- (2) A local or area plan prepared under subsection (1)(a) may relate to all or some of a council's area.
- (3) A local or area plan prepared under subsection (1)(a) must be submitted to the Chief Officer who may either—
- (a) adopt it without modifications;
 - (b) adopt it with modifications;
 - (c) decide not to adopt it.
- (4) Any local plan so adopted by the Chief Officer is deemed to have been prepared by the Chief Officer under section 11 and any area plan so adopted by the Chief Officer is deemed to have been prepared by the Chief Officer under section 14.
- (5) The Chief Officer must have regard to any proposals submitted under subsection (1)(b) when exercising the power in section 15(3).

Publication, approval, and entry into force of local and area plans

- 17.**—(1) Where the Chief Officer has finished preparing a local or area plan, or amendments to a local or area plan, the Chief Officer must send a copy of the plan (as amended, if applicable) 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 plan—
- (a) a District Administration Office of the Republic;
 - (b) a district office of the Town Planning and Housing Department of the Republic.
- (2) The Area Officers must ensure that a local or area plan sent to them by the Chief Officer under subsection (2) is available for inspection at the Area Offices during normal working hours.
- (3) Where the Chief Officer has finished preparing a local or area plan, or amendments to a local or area plan, the Chief Officer must issue a notice stating that—
- (a) the local or area plan has been finalised or, as the case may be, amended; and
 - (b) a copy of it is available for inspection at the Area Offices.
- (4) The notice referred to 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 a notice board at each of the Area Offices.
- (5) Where subsections (1) to (4) have been complied with, the Chief Officer must publish a further notice in the Gazette —
- (a) containing the information specified in subsection (4); and
 - (b) inviting reasoned objections to be submitted, in writing, to the Chief Officer within a period (“specified period”) of at least 4 months beginning with the date the local or area plan comes into effect.
- (6) The local or area plan, or the amendments to a local or area plan, come into effect on the day after the notice referred to in subsection (5) is published in the Gazette.
- (7) A person may, within the specified period, submit reasoned objections, in writing, to the Chief Officer.
- (8) As soon as is reasonably practicable after the end of the specified period, the Chief Officer must examine any objections and submit the following to the Administrator—

- (a) the local or area plan;
- (b) any objections submitted to the Chief Officer; and
- (c) the Chief Officer's comments and recommendations.

(9) On receipt of the material listed in subsection (8), the Administrator may—

- (a) determine that no amendments are to be made to the local or area plan; or
- (b) make such amendments as the Administrator considers appropriate.

(10) The Administrator must publish in the Gazette, and in any other way the Administrator considers appropriate, a notice of the decision made under subsection (9).

(11) The Administrator must send written notification of the decision made under subsection (9) to the Area Officers and the office or headquarters of any of the following, whose areas (either wholly or in part) may be affected by a decision made under that subsection—

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

(12) Where the Administrator amends the local or area plan in accordance with subsection (9)(b), the Area Officers must make the plan, as amended, available for inspection at the Area Offices during normal working hours.

(13) Any amendments made to the local or area plan under subsection (9)(b) come into effect on the day after the notice referred to in subsection (10) is published in the Gazette.

(14) Subject to subsection (15), no act, omission, or failure to act that took place or any decision made prior to the date on which any amendments to the local or area plan come into effect under subsection (13) is affected by the coming into effect of the amendments.

(15) An application for a planning decision or for an approval under a development order must be determined in accordance with the local or area plan in effect at the time the application is determined.

(16) Subsections (1) to (15) also apply where the Chief Officer decides that no amendments are needed to a local or area plan in accordance with section 15(2)(c).

Preparation, approval, and continuing review of policy statement

18.—(1) The Chief Officer may prepare and submit to the Administrator for approval a policy statement for the purpose of determining applications for planning permits in accordance with the planning purposes.

(2) The policy statement must—

- (a) protect the Crown's military and security interests;
- (b) establish the general policy and principles for the regulation and control of development in the Areas;
- (c) provide for the designation of areas in which certain types of development are permitted or prohibited ;
- (d) protect areas of environmental, cultural, historical or architectural interest or significance;
- (e) comply with the Crown's international obligations, including those relating to the environment; and
- (f) designate nature protection areas and areas of natural beauty.

(3) The policy statement must include maps and other descriptive documents as may be required to assist in understanding the policy statement.

(4) The Administrator may—

- (a) approve or reject the policy statement; or
- (b) approve it subject to such amendments as the Administrator considers appropriate.

(5) The Chief Officer must—

- (a) keep the policy statement that, in accordance with section 19, is in effect for the time being under review; and
 - (b) at least once in every five years, submit a report following a review of the policy statement to the Administrator which may contain proposals for amending the policy statement.
- (6) Where the Chief Officer has submitted a report under subsection (5) which includes proposals to amend the policy statement, the Administrator may—
- (a) approve or reject the proposed amendments; or
 - (b) approve them subject to such modifications as the Administrator considers appropriate.

Communication, publication, entry into force and consequential review of policy statement

19.—(1) Where the Administrator has approved a policy statement under section 18(4), whether or not it was approved subject to amendments, or has approved amendments to a policy statement under section 18(6), the Administrator must send a copy of the policy statement (as amended, if applicable) 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 policy statement—

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

(2) The Area Officers must ensure that the policy statement sent to them by the Administrator under subsection (1) is available for inspection at the Area Offices during normal working hours.

(3) Where the Administrator has approved a policy statement or approved amendments to a policy statement under section 18, the Administrator must issue a notice stating that—

- (a) the policy statement has been approved or, as the case may be, amended; and
- (b) a copy of it is available for inspection at the Area Offices.

(4) The notice referred to 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 a notice board at each of the Area Offices.

(5) Where subsections (1) to (4) have been complied with, the Administrator must publish a further notice in the Gazette —

- (a) containing the information specified in subsection (3); and
- (b) inviting reasoned objections, to be submitted, in writing, to the Chief Officer within a period (“specified 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 after the notice referred to in subsection (5) is published in the Gazette.

(7) A person may, within the specified period, submit objections to the Chief Officer, 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 comments and recommendations on the policy statement to the Administrator.

(9) On receipt of the comments and recommendations referred to in subsection (8), the Administrator may—

- (a) determine that no amendments are to be made to the policy statement; or
- (b) make such amendments as the Administrator considers appropriate.

(10) The Administrator must publish in the Gazette, and in any other way the Administrator considers appropriate, a notice of the decision made under subsection (9).

(11) The Administrator must send written notification of the decision made under subsection (9) to the Area Officers and the office or headquarters of any of the following, whose areas (either wholly or in part) may be affected by a decision made under that subsection—

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

(12) Where the Administrator amends the policy statement in accordance with subsection (9)(b), the Area Officers must make the policy statement, as amended, available for inspection at the Area Offices during normal working hours.

(13) Any amendments made to the policy statement under subsection (9)(b) come into effect on the day after the notice referred to in subsection (10) is published in the Gazette.

(14) Subject to subsection (15), no act or omission that took place or any decision made prior to the date on which any amendments to the policy statement come into effect under subsection (13) is affected by the coming into effect of the amendments and for the purposes of this subsection “act” includes an omission or failure to act.

(15) An application for a planning decision or for an approval under a development order must be determined in accordance with the policy statement in effect at the time the application is determined.

- (16) The function of the Chief Officer in subsection (7) is a general delegated function.

PART 5

Development control

Planning permission and planning decisions

Meaning of development

20. For the purposes of this Ordinance, “development” means—

- (a) the carrying out of building, engineering, mining or other works in, under, on or over immovable property including—
 - (i) the demolition of a building;
 - (ii) rebuilding;
 - (iii) a structural alteration of or addition to a building;
 - (iv) the laying out and construction of a road; and
 - (v) any other similar operation normally undertaken by a person carrying on business as a builder; and
- (b) a material change in the use of a building or other immovable property, including—
 - (i) using a building previously used as one residential dwelling as two or more residential dwellings;
 - (ii) increasing the height of a deposit of refuse or other waste material to a height that exceeds that of the adjacent immovable property;
 - (iii) the display of an advertisement on the external wall or other external part of a building which is not normally used for that purpose.

Requirement for planning permission

21.—(1) A person must not carry out any development, or permit any development to be carried out, on immovable property unless planning permission authorising such development has been granted.

(2) Nothing in this section restricts or otherwise affects the development of any immovable property where—

- (a) prior to the commencement date, the development was authorised under a building permit; and

- (b) the building permit was valid on the commencement date and continues to be valid until completion of the development.
- (3) The functions of the Planning Authority under this section are general delegated functions.

Development orders

22.—(1) The Chief Officer may, by order made by way of a public instrument, grant planning permission for a development or category of development as may be specified in the order.

(2) A development order may be made—

- (a) as a general order that applies to all immovable property, subject to any exceptions that may be specified in the order; or
- (b) as a special order that applies to such immovable property or categories of immovable property as specified in the order, including immovable property or categories of immovable property in an area specified in the order.

(3) Planning permission granted under a development order—

- (a) may be subject to such terms and conditions as may be specified in the development order (including conditions relating to the period during which, or the purpose for which, a particular use of immovable property is authorised); and
- (b) permits a person to carry out a development specified in the order, subject to compliance with any such terms and conditions.

(4) A development order relating to the construction, erection, conversion, extension or restoration of a building may provide that it does not apply to any development unless the approval of the Planning Authority is obtained as regards one or more of the following—

- (a) the design of the building;
- (b) the height or façade of the building;
- (c) the intended use of the building;
- (d) parking spaces relating to the use of the building;
- (e) the planting of trees in or in the vicinity of the building;
- (f) the distance of the building from the boundary of a building plot or from the middle of a road or proposed road;
- (g) access to the building.

(5) A development order may provide that it does not apply to any development unless the approval of the Administrator is obtained as regards the impact of the development on the military or security interests of the Crown.

(6) The approvals referred to in subsections (4) and (5) may be granted unconditionally or subject to one or more conditions.

(7) Section 25(2), (3) and (5) applies to conditions imposed under subsection (6) as it applies to conditions imposed on the grant of planning permission or approval of a reserved matter.

(8) The Administrator is not required to give reasons for the determination of an application for approval made in accordance with subsection (5) to the extent that, in the opinion of the Administrator, doing so may have an adverse impact on the military or security interests of the Crown.

(9) Where the Administrator, in connection with a decision under subsection (5) to refuse approval or grant it subject to condition, does not provide reasons for the decision for any of the reasons specified in subsection (8), the Administrator must issue a certificate to the applicant that states, that—

- (a) the approval would have an adverse impact on the military or security interests of the Crown—
 - (i) if it was granted, or

- (ii) where the approval was granted subject to conditions, if it was granted unconditionally;
- (b) the adverse impact on the military or security interests of the Crown, either on its own or in combination with other considerations, means that the approval should be—
 - (i) refused, or
 - (ii) where the approval was granted subject to conditions, granted subject to conditions; and
- (c) to the extent that subsection (8) does not apply, the reasons for the decision.
- (10) A certificate issued under subsection (9) is conclusive evidence of the facts it states.
- (11) The following are exempt activities for the purposes of section 8 of the Courts (Judicial Review) Ordinance 2004^(a)—
 - (a) the decision not to give reasons in accordance with subsection (8);
 - (b) the issuing of a certificate in accordance with subsection (9).
- (12) Where planning permission is granted under a development order for a specific category of development, the development order may give the Planning Authority the power to direct that the planning permission does not apply to any particular area or in relation to any particular development.
- (13) For the purposes of enabling development to be carried out in accordance with planning permission granted under a development order or otherwise for planning purposes, the development order may provide that any legislation, as specified in the order, does not apply or that it applies with modifications as specified in the development order.
- (14) The function of the Planning Authority under subsection (4) is a general delegated function.

Application for planning permits

- 23.**—(1) The Chief Officer, by order made by way of public instrument, make provisions—
- (a) restricting the granting of planning permission for a prescribed period of time in relation to a particular development or a particular category of development;
 - (b) requiring consultation with prescribed persons before granting or refusing to grant planning permission;
 - (c) requiring a person who has made an application for a planning permit to be notified as to the manner in which the application will be dealt with; and
 - (d) about the information which must be provided by the Planning Authority to any prescribed person about applications for planning permits, including the manner in which an application will be dealt with.
- (2) The functions of the Planning Authority under this section are general delegated functions.

Notice of application and representations

- 24.**—(1) The Chief Officer may, by order made by way of a public instrument, require that a notice of an application for a planning permit for a particular development, or a particular category of development (including a category defined by reference to a geographical area)—
- (a) is sent by the Planning Authority to a person or category of persons as may be specified in the order; or
 - (b) is published in a manner as may be so specified.
- (2) A notice sent or published under subsection (1) may specify a period of time within which representations on the application may be made to the Planning Authority.

^(a) Ordinance 10/2004, which has been amended in ways that are not relevant to this Ordinance.

(3) In determining any application to which subsection (1) applies, the Planning Authority must take into account any written representations received within any period specified in the notice under subsection (1) for making representations.

(4) After determining an application to which subsection (1) applies, the Planning Authority must—

- (a) send notice of its decision on the application to any person notified in accordance with an order made under subsection (1)(a), or
 - (b) if the notice of the application to which subsection (1) applies has been published under subsection (1)(b), publish its decision in the same manner as notice of the application was published under that provision.
- (5) The functions of the Planning Authority under this section are general delegated functions.

Determination of applications for planning permission

25.—(1) Subject to section 30 (referral of applications to Administrator), the Planning Authority may, on an application being made to it for planning permission or approval of a reserved matter—

- (a) refuse the application; or
- (b) grant planning permission or approval unconditionally or subject to one or more of the conditions listed in subsection (3).

(2) Where, under this Ordinance, planning permission or approval of a reserved matter is granted subject to a condition—

- (a) the person carrying out the development authorised by the planning permission must ensure that the condition is complied with; and
- (b) any failure, whether in whole or in part, to comply with the condition will have the effect of the development being deemed to have been carried out without planning permission.

(3) Conditions that may be imposed on the grant of planning permission or approval of a reserved matter under this Ordinance are conditions—

- (a) imposed for the purposes of protecting the Crown’s military and security interests;
- (b) regulating the development or use of any immovable property;
- (c) requiring the carrying out of specified works on any immovable property that the Planning Authority considers expedient or necessary for the purposes of the development authorised by the planning permit;
- (d) imposing, at the end of a specified period of time, a requirement to do either or both of the following—
 - (i) to remove any building, works or other development authorised under the planning permit or to discontinue any use of immovable property authorised by it;
 - (ii) to carry out any works that are necessary to reinstate the immovable property to its former state;
- (e) relating to the planting or maintenance of trees;
- (f) that must be complied with before any development permitted under the planning permit may be commenced; or
- (g) that the Administrator prescribes by order made by way of a public instrument.

(4) Where planning permission or approval of a reserved matter is granted subject to a condition that the development must be commenced no later than a specified date and the development is commenced after that date, the development will be deemed to have been carried out without planning permission.

(5) Subject to subsection (7), where subsection (6) applies, the Planning Authority may provide a person (“P”) with one or both of the following—

- (a) a preliminary view on a development proposed by P;

- (b) information about any existing proposals for making or amending a development plan.
- (6) This subsection applies where—
 - (a) P has made a written enquiry to the Planning Authority on a matter falling within subsection (7);
 - (b) the written enquiry is accompanied by sufficient information to enable the Planning Authority to consider it in full; and
 - (c) if requested to do so by the Planning Authority, P has served notices of the P’s enquiry on any person specified by the Planning Authority.
- (7) Where the enquiry made by P under subsection (5) relates to information in a development plan, the Planning Authority must, if it holds or has access to sufficient information to do so, provide the preliminary view or information within the following timescales—
 - (a) unless paragraph (b) applies, no later than one month from the date on which all of the requirements in subsection (7) are satisfied unless paragraph (b) applies; or
 - (b) where the Planning Authority considers that a site visit or enquiries are necessary before a preliminary view can be provided, within three months from the date that all of the requirements in subsection (9) are satisfied unless a longer period of time is agreed, in writing, with P.
- (8) Subject to subsection (9), any preliminary view provided under subsection (8)(a)—
 - (a) does not grant planning permission for any development; but
 - (b) is binding on the Planning Authority to the extent that, in respect of any application for planning permission made by P in the 12 months following the date on which the preliminary view was sent to P, the preliminary view must be observed and followed.
- (9) Subsection (8)(b) does not apply or, if it previously applied, ceases to apply,—
 - (a) if section 30(1) applies to the development, whether or not it would have applied at the time the preliminary view was sent to P; or
 - (b) to the extent that the preliminary view given under subsection (6)(a) is not consistent with a provision of a development plan even if the provision is included in the development plan after the date on which the preliminary view was sent to P.
- (10) Subject to subsection (11), the functions of the Planning Authority under this section are qualified delegated functions.
- (11) The Administrator may specify, by order made as a public instrument, that any of the Planning Authority’s functions under this section are general delegated functions in relation to any type of development.

Factors to be taken into account when making decisions in relation to developments

- 26.—**(1) A person making a decision under this Ordinance in relation to a development must have regard to—
- (a) the military and security interests of the Crown; and
 - (b) the provisions of any development plan that is, for the time being, in effect.
- (2) The Administrator may grant a planning permit for a development that is inconsistent with the provisions of a development plan but only—
- (a) in exceptional cases, where the Administrator is satisfied that there is a significant public interest in granting the planning permission; or
 - (b) in any other case, as may be prescribed by the Administrator.
- (3) Regulations made by the Administrator by way of public instrument may prescribe the manner in which the power under subsection (2) is to be exercised and, in particular, may provide for—
- (a) the procedure for exercising the power;
 - (b) any terms, conditions, limitations and criteria applying to the exercise of the power;

- (c) the manner in which applications for planning permission are to be considered;
- (d) any compensatory measures required when granting planning permission under subsection (2);
- (e) the application of any compensatory measures in prescribed cases or categories of cases in relation to a development that has been carried out without planning permission.

(4) The Administrator must publish any decision made under subsection (2) to grant planning permission in the Gazette.

(5) The Administrator may grant planning permission for any development that has been commenced or completed without planning permission.

Supplementary provisions relating to temporary planning permission

27.—(1) Any power in this Ordinance to grant planning permission includes the power to grant planning permission for one or both of the following—

- (a) to extend the period of time for which temporary planning permission (“former temporary planning permission”) has been granted to retain a building or works on immovable property or for the use of immovable property;
- (b) to remove the requirement to comply with a condition to which any former temporary planning permission is subject.

(2) Where an application to use the power in subsection (1) is made 3 months or less before the date on which the former temporary planning permission to which that application under this section relates expires, the Planning Authority may not consider the application unless it has first obtained the consent of the Chief Officer to do so.

(3) Nothing in this section permits the Planning Authority to amend or revoke a condition on a planning permit subject to which the Administrator has granted planning permission.

(4) The functions of the Planning Authority under this section are qualified delegated functions.

(5) The functions of the Chief Officer under this section are general delegated functions.

Duration and effect of planning permits

28.—(1) In this section, “period of validity” means the period of time for which a planning permit is valid.

(2) The period of validity—

- (a) is either set by the authority granting the planning permission, or is 3 years, and
- (b) commences from the date that the applicant is notified in writing that the planning permit has been granted.

(3) In deciding under subsection (2)(a) whether to set a period of validity other than 3 years, and the length of that period, the authority granting the planning permit must take into account the size and nature of the proposed development.

(4) Subject to other provisions in this section, the Planning Authority may extend the period of validity and may do so on one or more occasions and for any period of time that the Planning Authority considers appropriate.

(5) The period of validity may be extended only where the development that is the subject of the planning permit is consistent with the development plan, unless—

- (a) the permit-holder makes an application for an extension of the period of validity within the 3-month period prior to the expiry of the period of validity; and
- (b) the Planning Authority is satisfied that the development has reached a stage where it would not be reasonable to require the development to be reversed.

(6) Where a permit-holder has applied for an extension of the period of validity and the Planning Authority fails to make a decision on the application within 3 months of receipt of it, the period of

validity is deemed to have been extended for a period of one calendar year from the date that the planning permit would have otherwise expired.

(7) Where a development authorised under a planning permit has not commenced or is not likely to commence during the period of validity, the Planning Authority may, in the circumstances specified in subsection (8), extend the period of validity if—

- (a) the permit-holder has made an application to the District Lands Office for the boundaries of the building plot or building plots to be demarcated;
- (b) the application was made within 6 months from the date of the grant of the planning permit and the application has not been determined by the District Lands Office or withdrawn; and
- (c) the delay in the demarcation of the boundaries of the building plot or building plots has been caused by the District Lands Office.

(8) For the purposes of subsection (7), the specified circumstances are where a planning permit—

- (a) grants planning permission for—
 - (i) for the laying out, cutting or construction of a road; or
 - (ii) the conversion of immovable property into a building plot or its division into two or more building plots; or
- (b) contains a condition which requires immovable property to be transferred to the Crown.

(9) Except as provided for in subsection (7), where a development for which a planning permit has been granted has not commenced or is not likely to commence during the period of validity, the Planning Authority may extend the period of validity only where the development has not commenced and is not likely to commence before the expiry of the period of validity due to—

- (a) court proceedings relating to the possession of the immovable property on which the development is to be carried out having commenced prior to the expiry of the period of validity; or
- (b) an act or omission on the part of the Planning Authority or any other public authority in relation to an application made by a permit-holder about the commencement of the development, subject to such application having been made within 9 months of the grant of the planning permit and the application not having been withdrawn.

(10) The Planning Authority may, when approving the extension of the period of validity of a planning permit—

- (a) amend or revoke any of the conditions to which the planning permit is subject; or
- (b) impose new conditions but only in relation to any part of the development that has not been completed.

(11) The period of validity of a planning permit, including as extended under this section, for the developments specified in paragraphs (a) to (c) may not extend beyond the following durations—

- (a) in relation to one residential unit, 8 years;
- (b) to relation to a change of use, 8 years;
- (c) in relation to any development consisting of—
 - (i) less than 100 units, 12 years; or
 - (ii) 100 units or more, 18 years.

(12) For the purpose of subsection (11), a unit is—

- (a) a building plot;
- (b) a residential unit;
- (c) a room in a building providing accommodation for tourists;
- (d) a medical care facility or similar facility; or
- (e) in the case of other categories of development, including commercial, leisure or recreational facilities, 60 square metres of the immovable property on which the development is proposed.

(13) The functions of the Planning Authority under this section are general delegated functions.

Register of applications for planning permits and planning decisions

29.—(1) The Planning Authority must keep a register (“the register”), in such form or manner as may be prescribed, of—

- (a) applications for planning permission made to the Planning Authority; and
- (b) planning decisions made by the Planning Authority.

(2) A copy of an entry in the register of a planning decision, which is certified by the Planning Authority as a true copy of the entry, is evidence of the planning decision, including evidence of the type of development for which planning permission has been granted and any conditions attached to it.

(3) The register must be available for inspection by the public during normal office hours and a copy of an entry in the register must be provided to a person, on request.

(4) The functions of the Planning Authority under this section are general delegated functions.

Referral of applications to Administrator

30.—(1) The Planning Authority must refer an application for a planning permit, approval of a reserved matter or an approval referred to in section 22(4) (development orders) to the Administrator where—

- (a) the Planning Authority considers that the application may, if granted, affect or otherwise engage the military or security interests of the Crown; or
- (b) the Administrator has instructed the Planning Authority that the application be referred to the Administrator.

(2) An instruction under subsection (1)(b) may be given—

- (a) at any time; and
- (b) in relation to a particular planning application or a category of planning applications as specified in the instruction.

(3) The Planning Authority may not determine an application that has been referred to the Administrator under this section unless the Administrator confirms, in writing, that the Planning Authority may do so.

(4) At the same time as referring an application to the Administrator, the Planning Authority must send written notification to the person making the planning application that it has been referred to the Administrator.

(5) Where an application has been referred to the Administrator under this section, the Administrator may—

- (a) refuse the application;
- (b) grant the application unconditionally or subject to one or more conditions; or
- (c) direct that the Planning Authority may determine the application.

(6) The Administrator is not required to give reasons for the determination of an application under this section to the extent that, in the opinion of the Administrator, doing so may have an adverse impact on the military or security interests of the Crown.

(7) Where the Administrator, in connection with a decision under subsection (5) to refuse an application, or to grant it subject to conditions, does not provide reasons for the decision for the reasons specified in subsection (6), the Administrator must issue a certificate to the applicant that states that—

- (a) the approval would have an adverse impact on the military or security interests of the Crown—
 - (i) if it was granted, or
 - (ii) where the approval was granted subject to conditions, if it was granted unconditionally;

(b) the adverse impact on the military or security interests of the Crown, either on its own or in combination with other considerations, means that the approval should be—

(i) refused, or

(ii) where the approval was granted subject to condition, granted subject to conditions.

(8) A certificate issued under subsection (7) is conclusive evidence of the facts that it states.

(9) The following are exempt activities for the purposes of section 8 of the Courts (Judicial Review) Ordinance 2004(a)—

(a) the determination of an application in accordance with subsection (5);

(b) the decision not to disclose reasons in accordance with subsection (6); and

(c) the issuing of a certificate in accordance with subsection (7).

(10) Any decision made by the Administrator under subsection (5)(a) or (b) may not be amended or modified by the Planning Authority.

(11) Except in relation to an application for a planning or approval of a reserved matter falling within subsection (1)(a), the functions of the Planning Authority under this section are general delegated functions.

Review of planning decisions

Administrative review of planning decisions of the Planning Authority

31.—(1) A person (“P”) may make an application to the Administrator under this section to review a decision of the Planning Authority where the Planning Authority—

(a) refuses an application made by P for a planning permit or grants such an application subject to conditions;

(b) refuses an application made by P for approval of a reserved matter or an approval required under a development order or grants either such application subject to conditions; or

(c) refuses an application made by P under section 28 to extend the period of time for which a planning permit is valid or grants such an application subject to the imposition of new conditions on the planning permit or the amendment of existing conditions.

(2) An application for a review under this section must be made in writing and accompanied by any fee as may be prescribed.

(3) In determining an application for a review under this section, the Administrator has all powers of the original decision-maker and, in particular, without limit to any powers of the Administrator, when determining a review under this section, the Administrator may do one or both of the following—

(a) reverse or vary the decision that is the subject of the review, including reversing or varying any part of the decision (whether the review relates to that part or not); or

(b) dismiss the application.

(4) In determining an application for a review under this section may be dealt with as if the application to which the review relates had originally been made to the Administrator and, without limit to any powers of the Administrator, when determining a review under this section, the Administrator may do one or both of the following—

(a) impose a condition or further condition on any planning permission granted or, on any approval required under a development order;

(b) vary any existing condition subject to which the planning permission or approval had been granted.

(a) Ordinance 10/2004, which has been amended in ways that are not relevant to this Ordinance.

(5) The Administrator is not required to give reasons for a decision made on a review under this section to the extent that, in the opinion of the Administrator, doing so may have an adverse impact on the military or security interests of the Crown.

(6) Where the Administrator, in connection with a decision under subsection (3) to refuse an application, or to grant it subject to conditions, does not provide reasons for the decision for the reasons specified in subsection (5), the Administrator must issue a certificate to the applicant that states that—

- (a) the approval would have an adverse impact on the military or security interests of the Crown—
 - (i) if it was granted, or
 - (ii) where the approval was granted subject to conditions, if it was granted unconditionally;
- (b) the adverse impact on the military or security interests of the Crown, either on its own or in combination with other considerations, means that the approval should be—
 - (i) refused, or
 - (ii) where the approval was granted subject to condition, granted subject to conditions.
- (c) to the extent that subsection (5) requires the giving of reasons, such reasons.

(7) A certificate issued under subsection (6) is conclusive evidence of the facts it states.

(8) The following are exempt activities for the purposes of section 8 of the Courts (Judicial Review) Ordinance 2004(a)—

- (a) the determination of an application under this section.
- (b) the decision not to give reasons in accordance with subsection (5); and
- (c) the issuing of a certificate in accordance with subsection (6).

Administrative review of failure to make planning decision or notify applicant of referral of application to Administrator

32.—(1) Section 31 applies to a failure by a Planning Authority to notify a person (“P”) by the relevant date of its decision—

- (a) on an application made by P for a planning permit;
- (b) on an application made by P for approval of a reserved matter or an approval required under a development order; or
- (c) that an application made by P has been referred to the Administrator under section 30.

as if that failure was a decision made by the Planning Authority on the relevant date to refuse the application.

(2) For the purposes of this section, the relevant date for—

- (a) an application for a planning permit, is the date by which a decision on the application was required to have been notified to P by the Planning Authority in accordance with regulations made under section 86;
- (b) an application for an approval required under a development order, is the date, by which, under the development order, a decision on the application for approval was required to have been notified to P by the Planning Authority;
- (c) notification of an application having been referred to the Administrator under section 30, is the date on which the application was referred to the Administrator.

(a) Ordinance 10/2004, which has been amended in ways that are not relevant to this Ordinance.

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White zones

White zones

35.—(1) The Chief Officer may, by order made by way of a public instrument, designate an area of immovable property as a white zone.

(2) An order under subsection (1) must set out the principles applicable to, and the objectives of, the control of development in the white zone.

(3) In a white zone—

- (a) no planning permit may authorise a change of use for any immovable property;
- (b) a planning permit may only authorise development that is essential to the needs of the area falling within the white zone, taking into account the existing use of the white zone; and
- (c) the authority determining an application for a planning permit must take account of the principles and objectives referred to in subsection (2).

(4) The Chief Officer may make an order under subsection (1) for one or more of the following purposes—

- (a) protecting the natural beauty or special character of an area; or
- (b) suspending development in an area pending—
 - (i) the implementation of a prospective development plan; or
 - (ii) the revision of a development plan.

(5) An order under subsection (1) must include a map or plan showing the area included in the white zone designated under the order.

Additional controls on development

Orders revoking or modifying planning permission

36.—(1) Where it appears to the Administrator that a development for which a planning permit has been granted has, or may have, an adverse impact on the military or security interests of the Crown, the Administrator may, by order made by way of a public instrument, revoke all or part of the planning permission or modify it as the Administrator considers appropriate.

(2) The Chief Officer may, by order made by way of a public instrument, revoke all or part of any planning permit granted for a development or modify it as the Chief Officer considers appropriate where—

- (a) the Chief Officer is satisfied that the development, or part of the development, is or is likely to be contrary to the planning purposes in the area in which the development is carried out or is to be carried out; and
- (b) the Planning Authority has, in writing, submitted to the Chief Officer a recommendation that an order under this subsection be made together with its reasons for making the recommendation.

(3) The Chief Officer may make an order under subsection (2) only—

- (a) in respect of a development that has not been completed, subject to the order not affecting any part of the development carried out before the date on which the order is made; or
- (b) where the planning permission relates to the change of use of immovable property prior to the change of use taking place.

(4) Prior to the making of an order under this section, the Planning Authority must send written notification of the proposal to make the order to the following persons—

- (a) the owner and, if different, the occupier of any immovable property that may be affected by the order, if made; and
- (b) any other person who, in the opinion of the Planning Authority, may be affected if any such order is made.

(5) The written notification under subsection (5) must specify the period of time within which any person on whom it has been served may make written representations to the Administrator or, as the case may be, the Chief Officer, against the making of an order.

(6) Where an order under subsection (2) is proposed, the Planning Authority must also send details of the recommendation and reasons submitted under subsection (2)(b) with the written notification sent under subsection (4).

(7) The Administrator or, as the case may be, the Chief Officer may, on request by any person wishing to make representations on the proposed order, hear oral representations in place of or in addition to any written representations made in accordance with subsection (5).

(8) The Planning Authority must serve a copy of an order made under this section on each person notified under subsection (4).

(9) A decision of the Administrator to make an order under subsection (1) is an exempt activity for the purposes of section 8 of the Courts (Judicial Review) Ordinance 2004.

(10) The owner or occupier of any immovable property who is adversely affected by an order made by the Chief Officer under subsection (2) may apply to the Administrator for the Chief Officer's decision to make the order to be reviewed.

(11) Section 31 applies to a review under subsection (10) as it applies to the review of a decision referred to in section 31(1).

(12) The functions of the Planning Authority under this section are general delegated functions.

Order for discontinuance of or imposition of conditions on use of immovable property or for removal or alteration of buildings or works

37.—(1) Where subsection (2) or (3) applies, the Administrator may, by order made by way of a public instrument—

- (a) direct that a use of immovable property be discontinued;
- (b) impose conditions on the use of immovable property; or
- (c) direct that a building or works on immovable property be altered or removed.

(2) This subsection applies where it appears to the Administrator there is, or may be, an adverse impact on the military or security interests of the Crown connected with a use of immovable property or any buildings or works on immovable property.

(3) This subsection applies where the Administrator is satisfied that, taking into account any development plan, any existing proposals for amending the development plan and any other material consideration—

- (a) the making of an order under this section is consistent with the planning purposes; and
- (b) the Planning Authority has, in writing, submitted to the Administrator a recommendation that an order under this section be made together with its reasons for making the recommendation.

(4) When making an order under subsection (1), the Administrator must specify in the order the date by which the order must be complied with.

(5) An order made under this section may grant a planning permit for a development on immovable property to which the order relates, subject to any conditions, including conditions requiring—

- (a) the retention of a building constructed, or works carried out, on the immovable property before the date on which the order came into force;

(b) the continued use of immovable property which started before the date on which the order came into force.

(6) Prior to the making of an order under this section, the Planning Authority must send written notification of the proposal to make the order to the following persons

(a) the owner and, if different, the occupier of any immovable property that may be affected by the order, if made; and

(b) any other person who, in the opinion of the Planning Authority, may be affected if any such order is made.

(7) The written notification under subsection (7) must specify the period of time within which any person on whom it has been served may make written representations to the Administrator against the making of an order under this section.

(8) Where an order under this section is proposed for the purposes of subsection (3)(a), the Planning Authority must also send details of the recommendation and reasons submitted under subsection (3)(b) with the written notification sent under subsection (7).

(9) The Administrator may, on request by any person wishing to make representations on the proposed order, hear oral representations in place of or in addition to any written representations made under subsection (8).

(10) The Planning Authority must serve a copy of an order made under this section on each person who was notified under subsection (7).

(11) A decision of the Administrator to make an order under subsection (1) is an exempt activity for the purposes of section 8 of the Courts (Judicial Review) Ordinance 2004.

(12) Without limit to the rights of a person under any other Ordinance, an order made by the Administrator under this section is final.

(13) The Planning Authority must secure reasonable residential accommodation for a person in any part of the island of Cyprus where—

(a) immediately before the date on which the order was made, the person was residing on any immovable property;

(b) compliance with the order results in the person being required to move from such residence; and

(c) other suitable accommodation would not otherwise be not available to the person on reasonable terms.

(14) The functions of the Planning Authority under this section are general delegated functions.

Preservation orders

38.—(1) Where the Chief Officer considers that a building or area is of a particular social, architectural, historical or other interest or has a particular character or aspect of natural beauty that should be preserved, the Chief Officer may, by order made by way of public instrument, make an order—

(a) prohibiting, subject to subsection (2), any alteration, construction, or other activities (collectively referred to in this section as “construction activities”) from being carried out in the building or area in question, or

(b) specifying steps that any person is required to take in order to preserve or otherwise protect the character or aspect of the building or area and/or its architectural, historical or other interest.

(2) No construction activities, other than those required under subsection (1)(b), are permitted in relation to a building or area preserved in an order made under subsection (1) unless—

(a) the written consent of the Chief Officer is obtained under subsection (10); or

(b) the construction activities need to be carried out urgently in accordance with subsection (12).

(3) A preservation order may be subject to any conditions and exceptions that the Chief Officer considers appropriate.

- (4) A preservation order must—
- (a) specify the date on which it comes into force; and
 - (b) specify the particular social, architectural, historical or other interest or particular character or aspect of natural beauty of the building or area by reason of which the order was made.
- (5) A preservation order may provide for one or more of the following—
- (a) the circumstances in which the Chief Officer is prevented from refusing or granting consent to the carrying out of construction activities that are otherwise prohibited by the order;
 - (b) any adjustments to the process for applying for a planning permit for a development on immovable property affected by the order;
- (6) Where a preservation order is made, the Chief Officer must, in such manner as may be prescribed, make arrangements for the order to be published and notified to any person whose interests may be adversely affected by the order.
- (7) A notification referred to in subsection (6) must—
- (a) state that the person notified may make written representations to the Administrator about the order; and
 - (b) specify the manner in which, and the period of time within which, such representations may be made.
- (8) The Administrator must consider any representations made in accordance with subsection (7) and may then, by order may by way of public instrument—
- (a) amend the order; or
 - (b) revoke the order.
- (9) Following the making of a decision under subsection (8), the Administrator must—
- (a) make arrangements for the decision to be notified to any person whose interests may be adversely affected by the order, and
 - (b) send a copy of the decision to the Chief Officer and to the Area Officer for the area in which the building or area mentioned in the order is situated together with particulars of such building or area.
- (10) A person may carry out construction activities that are otherwise prohibited under a preservation order where—
- (a) the person has made an application, in writing, to the Chief Officer for consent to carry out such construction activities;
 - (b) the Chief Officer has given consent, in writing, to the construction activities being carried out; and
 - (c) any fee as may be prescribed has been paid.
- (11) A person to whom consent is given under subsection (10) must comply with any conditions to which the consent is subject.
- (12) Where subsection (13) applies, any construction activities that are otherwise prohibited by a preservation order may be carried out—
- (a) in the interests of health or safety; or
 - (b) for the purposes of preserving or protecting—
 - (i) the building or area of immovable property that is the subject of the preservation order; or
 - (ii) any immovable property adjacent to or in the vicinity of such building or area.
- (13) This subsection applies where the urgency for the construction activities to be carried out under subsection (12) is such that there is insufficient time to obtain the Chief Officer's consent under subsection (10) before carrying out the works.
- (14) The person carrying out the construction activities, or if there is more than one such person, under whose direction and control the construction activities are carried out, must give notice, in

writing, to the Chief Officer of construction activities carried out under subsection (12) as soon as reasonably practicable.

(15) A preservation order may not be made—

- (a) in relation to immovable property that is an ancient monument within the meaning of section 2 of the Antiquities Ordinance 1975(a); or
- (b) so as to affect the functions of any person under that Ordinance.

(16) For the purposes of this section, “building” includes machinery or mechanical installations which are included in a building or which are solidly affixed to the ground.

(17) Section 75 makes further provision about preservation orders.

Tree protection orders

39.—(1) For the purposes of maintaining or enhancing the environment or the appearance or natural beauty of an area, the Chief Officer may, by order (“tree protection order”) made by way of a public instrument, prohibit or impose conditions on any activity in order to preserve or otherwise protect the following—

- (a) a particular tree;
- (b) a species of tree;
- (c) a wood or a forest.

(2) Without limit to the power in subsection (1), the activities that may be prohibited by a tree protection order include—

- (a) any form of cutting, pruning or felling; or
- (b) any other activity that consists of the wilful destruction of protected woodland.

(3) A person must not carry out any activity prohibited under a tree protection order unless—

- (a) written consent to do so has been obtained from the Chief Officer under subsection (11); or
- (b) the activity needs to be carried out urgently in accordance with subsection (14).

(4) A tree protection order may provide for any conditions and exceptions the Chief Officer considers appropriate.

(5) A tree protection order must specify the date on which it comes into force.

(6) A tree protection order may provide for one or more of the following—

- (a) the circumstances in which the Chief Officer is prevented from refusing or granting consent to the carrying out of an activity that is otherwise prohibited by the order;
- (b) any adjustment to the process for applying for a planning permit for a development on immovable property affected by the order;
- (c) an obligation on any person to preserve or otherwise protect the protected woodland specified in the order;
- (d) an obligation to replant a forest area where forestry works are permitted under the order.

(7) Where a tree protection order is made, the Chief Officer must make arrangements for the order to be published or otherwise notified to any person whose interests may be adversely affected by the order.

(8) A notification referred to in subsection (7) must—

- (a) state that the person notified may make written representations to the Administrator about the order; and
- (b) specify the manner in which, and the period of time within which, such representations may be made.

(a) Ordinance 12/1975 as amended by Ordinances 7/1981, 2/1996, 3/1998 and 29/2012.

(9) The Administrator must consider any representations made under subsection (8) and may then by order made by way of a public instrument—

- (a) amend the order; or
- (b) revoke the order.

(10) Where the Administrator makes a decision under subsection (9), the Administrator must send a copy of the decision to the Chief Officer and to the Area Officer for the Area in which the protected woodland that is the subject of the tree protection order is situated together with particulars of the protected woodland.

(11) A person may carry out an activity that is otherwise prohibited under a tree protection order where—

- (a) the person has made an application, in writing, to the Chief Officer for consent to carry out the activity;
- (b) the Chief Officer has given consent, in writing, to the activity being carried out; and
- (c) any fees as may be prescribed has been paid.

(12) A person to whom consent is given under subsection (11) must comply with any conditions to which the consent is subject.

(13) Where subsection (14) applies, an activity that is otherwise prohibited by a tree protection order may be carried out—

- (a) in the interests of health or safety;
- (b) for the purpose of preserving or protecting protected woodland; or
- (c) where the carrying out of the activity is necessary for the abatement or prevention of any nuisance caused by the protected woodland that is the subject of the order.

(14) This subsection applies where the urgency for the activity to be carried out under subsection (13) is such that there is insufficient time to obtain the Chief Officer's consent under subsection (11) before carrying out the activity.

(15) The person carrying out the activity, or if there is more than one such person, under whose direction and control the activity is carried out, must give notice, in writing, to the Chief Officer of activity carried out under subsection (13) as soon as reasonably practicable.

(16) A tree protection order may not be made in relation to—

- (a) any immovable property designated as a state forest under the Forest Ordinance 2014^(a) and which is owned, leased or otherwise under the control or management of the Crown; or
- (b) any activity which is required to be carried out under any legislation other than this Ordinance.

(17) In this section, “protected woodland” means any of the types of woodland listed in paragraphs (1)(a) to (c).

(18) Section 75 makes further provision in relation to tree protection orders.

Advertisements

Control of advertisements

40.—(1) The Chief Officer may make regulations by way of a public instrument to restrict or regulate the display of advertisements where the Chief Officer considers it appropriate to do so—

- (a) for aesthetic reasons; or
- (b) in the interests of public safety.

(2) Without limiting the power in subsection (1), the regulations may—

(a) Ordinance 26/2014.

- (a) prescribe the dimensions, appearance, position and location of advertisements and the manner in which advertisements are displayed or affixed to any structure;
 - (b) make provision for the consent of the Planning Authority to be obtained in relation to the display of any advertisement or in relation to any particular category of advertisement;
 - (c) provide for requirements that may be imposed on certain areas (to be referred to as “special control areas”) which are either—
 - (i) designated for this purpose by a development plan; or
 - (ii) designated, by order made by way of public instrument by the Chief Officer, being of the view that special measures are necessary to protect the aesthetic appearance of the areas in question.
- (3) Where regulations made under this section provide for an order to be made designating a special control area, the regulations must also prescribe—
- (a) the manner in which the notice of the proposal to make the order must be published or otherwise notified to any person;
 - (b) the manner and period of time within which representations about a proposed order may be made; and
 - (c) the manner in which any representations about a proposed order are to be considered by the Chief Officer.
- (4) Where regulations made under subsection (1) apply to an advertisement or site to which this subsection applies under subsection (5), the regulations must provide for the display of such advertisements or the use of such sites or locations to be exempt from the effect of the regulations for a transitional period of time as may be prescribed in the regulations and, for the purposes of this subsection, different periods of time may be prescribed for different purposes.
- (5) Subsection (4) applies to—
- (a) an advertisement displayed immediately before the date the regulations come into force and which continues to be displayed on that date; and
 - (b) any site or location being used immediately before the date the regulations come into force for the display of an advertisement and which continues to be so used on that date.
- (6) Regulations under this section may also provide for—
- (a) provisions of the Display of Advertisements (Control) Ordinance^(a) to be excepted from the repeal of that Ordinance by section;
 - (b) provisions of public instrument made under the Display of Advertisements (Control) Ordinance to be excepted from the revocation of such instruments by section 92;
 - (c) transitional and transitory provisions, savings, and consequential provisions, for purposes relating to such repeal and revocations.

Planning permission for advertisements

41. Where a person displays an advertisement for which a planning permit would otherwise be required, planning permission for the display of the advertisement is deemed to be granted under this section where the advertisement is displayed in accordance with any regulations made under section 40.

(a) Cap 50, 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. 1960/1369). Schedule 2 to the Interpretation Ordinance 2012 (Ord. 8/2012) provides for the interpretation of such legislation.

Further controls on development

Requirement to tidy up, maintain, etc. immovable property

42.—(1) Where the Planning Authority considers that the aesthetic appearance of an area is adversely affected by the appearance, state or other condition of immovable property in the area, it may serve a notice on the owner of the immovable property and, if different, the occupier of the immovable property requiring the owner and, where applicable, the occupier, to take remedial steps.

(2) A notice under subsection (1) must—

- (a) specify the steps that must be taken by the person on whom the notice is served;
- (b) the time period within which such steps must be completed; and
- (c) the date on which the notice takes effect.

(3) A person on whom a notice is served under this section must comply with the notice within the period of time specified in the notice.

(4) The functions of the Planning Authority under this section are general delegated functions.

Agreements regulating development or use of immovable property

43.—(1) The Administrator or the Planning Authority may enter into an agreement with any person (“P”) with an interest in immovable property for the purposes of placing obligations (“development obligations”) on P and any person deriving title to the interest from P in relation to the development or use of the immovable property.

(2) Development obligations may include obligations intended to protect the military and security interests of the Crown.

(3) The agreement may be permanent or for such period of time as provided for in the agreement.

(4) An agreement under this section may include—

- (a) such terms and conditions as the Administrator or, as the case may be, the Planning Authority consider are necessary or appropriate for the purposes of—
 - (i) the development obligations imposed under the agreement; and
 - (ii) enforcing the agreement against P and against any person deriving title from P; and
- (b) terms and conditions that are incidental, supplementary or consequential to the imposition of the development obligations (including terms and conditions of a financial nature).

(5) The parties to an agreement under this section must comply with the agreement.

(6) Any provision of an agreement made under this section is void to the extent that it limits any functions of the Administrator, the Chief Officer or the Planning Authority under this Ordinance, any public instrument made under it or under any other legislation in relation to any immovable property that is the subject of an agreement entered into under this section.

(7) The functions of the Planning Authority under this section are qualified delegated functions.

Supplementary provisions

Application to determine whether planning permit required

44.—(1) A person (“P”) may make an application, in writing, to the Planning Authority for a determination as to whether an application for a planning permit is required—

- (a) for any activity or other operations that P has carried out or wishes to carry out on immovable property; or
- (b) where P has changed or wishes to change the use of immovable property.

(2) Unless P has not provided the Planning Authority with sufficient information to make a decision on the application, the Planning Authority must determine whether or not the activity or

change of use referred to in an application under subsection (1) constitute development in respect of which P must apply for planning permission.

(3) This Ordinance and any public instrument made under it apply to an application under subsection (1) as they would apply to an application for a planning permit authorising the activity or change of use referred to in that application.

(4) The functions of the Planning Authority under this section are qualified delegated functions.

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PART 6

Enforcement

Enforcement notices

Enforcement notices

46.—(1) The Planning Authority may issue an enforcement notice under this section if it appears to it that—

- (a) a development on immovable property has been, or is being, carried out otherwise than in accordance with planning permission, and
- (b) it is expedient and appropriate to issue an enforcement notice to remedy this breach.

(2) An enforcement notice under this section must be served—

- (a) on the owner and, if different, the occupier of the immovable property to which the notice relates; and
- (b) on any other person who has an interest in the immovable property, which, in the opinion of the Planning Authority, is, or may be, materially affected by the enforcement notice.

(3) An enforcement notice must include—

- (a) a description of the development that appears to the Planning Authority to have been carried out without planning permission or in breach of a condition of any such permission;
- (b) details of any failure to comply with a condition imposed on any planning permission granted under this Ordinance in respect of that development;
- (c) the steps, if any, that the Planning Authority requires a person served under subsection (2) to take to remedy the failure to act in accordance with planning permission;
- (d) the date by which such steps must be taken; and
- (e) the date on which the enforcement notice takes effect.

(4) The steps that the Planning Authority may, by way of an enforcement notice, require a person to take include—

- (a) the alteration or removal of any building or works;
- (b) the restoration of the immovable property to which the enforcement notice relates to the condition it was in before the development took place or before any condition was breached occurred;
- (c) the discontinuance of any use of, or cessation of any activities on, in or in relation to, the immovable property;
- (d) compliance with a condition imposed on any planning permission granted; or
- (e) the carrying out of any building or other works on, in or in relation to the immovable property that the Planning Authority considers necessary.

(5) The Planning Authority may at any time—

- (a) withdraw an enforcement notice issued by it; or

- (b) withdraw or amend any requirement specified in an enforcement notice including the date by which any step specified in the notice must be taken and the date on which the notice takes effect.

(6) Where an enforcement notice is withdrawn or any requirement in it is waived or amended under subsection (5), written notice of the withdrawal, waiver or amendment must be given to any person on whom the enforcement notice was served.

(7) The withdrawal of an enforcement notice under this section does not affect the power of the Planning Authority to issue a further enforcement notice in relation to the same development.

(8) Subject to subsection (5)(b) and section 47(5) (date on which an enforcement notice takes effect where an application for review is made), an enforcement notice takes effect on the date specified in the enforcement notice.

- (9) The functions of the Planning Authority under this section are general delegated functions.

Administrative review of decision to issue enforcement notice

47.—(1) Subject to subsection (2), at any time before the date on which an enforcement notice takes effect, the following persons may make an application to the Administrator to review the decision of the Planning Authority to issue an enforcement notice on any of the grounds specified in subsection (3)—

- (a) the person on whom the enforcement notice has been served; and
- (b) any other person who has an interest in the immovable property to which the enforcement notice relates.

(2) Where the enforcement notice is to come into effect 14 days or less from the date on which it is served in accordance with section 46(2), an application for a review under subsection (1) may not be made not later than 14 days after the date on which the enforcement notice was served.

(3) The specified grounds are as follows—

- (a) the development to which the enforcement notice relates is in accordance with planning permission;
- (b) no planning permission is required;
- (c) the activities which the enforcement notice alleges have been or are being carried out without planning permission referred to in the enforcement notice are not development within the meaning of section 20;
- (d) the steps specified in the enforcement notice that are required to be taken (including any activities that are to cease or any uses that are to be discontinued) exceed what is necessary to remedy the breach of this Ordinance;
- (e) that section 46(2) was not complied with.

(4) An application under subsection (1) must be made, in writing, to the Administrator and must—

- (a) include the grounds on which the application is made;
- (b) provide full details of the reasons for making the application, including any supporting evidence or information;
- (c) be accompanied by any prescribed fee.

(5) Except for any requirement in an enforcement notice for any activity on the immovable property to which the enforcement notice relates to cease, where an application for a review under this section is made, the enforcement notice does not take effect until the date on which the application is determined or withdrawn.

(6) In determining an application for review made under subsection (1), the Administrator may—

- (a) instruct the Planning Authority to withdraw the enforcement notice that is the subject of the application;
- (b) amend the enforcement notice to correct any error, defect or irregularity in the enforcement notice; or

- (c) dismiss the application.
- (7) In exercise of the powers under subsection (6)—
 - (a) if acting under subsection (6)(a), the Administrator may only amend a notice to correct any error, defect or irregularity in the enforcement notice if satisfied that any such error, defect or irregularity is not substantial.
 - (b) if acting under subsection (6)(c), the Administrator may dismiss an application relating to an enforcement notice that was not served in accordance with section 46(2) if satisfied that the person on whom the notice was required to be served by that section has not been substantially prejudiced by the failure to do so.
- (8) Where, under subsection (6)(a), the Administrator instructs the Planning Authority to withdraw the enforcement notice, the Administrator may also do one or more of the following—
 - (a) issue instructions to any person to take any step to give effect to the Administrator’s decision under that subsection;
 - (b) grant a planning permit, with or without conditions, for the development that is the subject of the enforcement notice;
 - (c) vary an existing condition on any planning permit relating to the development, or any part of the development.

Offences for non-compliance with enforcement notice

48.—(1) A person (“P”) commits an offence where the conditions in paragraph (a) or (b) are satisfied—

- (a) the conditions in this paragraph are that—
 - (i) an enforcement notice has been served on P;
 - (ii) at the time of service of the enforcement notice, P was the owner of the immovable property to which the notice relates; and
 - (iii) a step required to be taken under the enforcement notice has not been completed by the date (“date for compliance”) specified in the enforcement notice by which the step was to be completed,
 - (b) the conditions in this paragraph are that—
 - (i) P has acquired ownership of immovable property at a time when an enforcement notice was in force in relation to the property;
 - (ii) P was made aware of the existence of the enforcement notice by the previous owner;
 - (iii) a step required to be taken under the enforcement notice has not been completed by the date for compliance specified in the enforcement notice by which the step was to be completed; and
 - (iv) when P became aware of the existence of the enforcement notice there was sufficient time remaining until the date for compliance for P to take the step required by the enforcement notice.
- (2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding €3,417.
- (3) It is a defence for P, when charged with an offence under subsection (1), to show that—
- (a) before the date for compliance, P transferred ownership of the immovable property to another person (the “subsequent owner”);
 - (b) P made the subsequent owner aware of the existence of the enforcement notice prior to or at the time of the transfer of ownership of the immovable property;
 - (c) P took all reasonable steps to ensure compliance with the enforcement notice; and
 - (d) the failure to comply with the enforcement notice is due wholly or partly to the non-compliance of the subsequent owner.

(4) A person who is convicted of an offence under subsection (1) must ensure that any step required by the enforcement notice to which that offence relates is taken as soon as reasonably practicable.

(5) A person who, following conviction for an offence under subsection (1), fails to comply with the enforcement notice to which that offence relates—

- (a) commits an offence; and
- (b) is liable, on conviction, to a fine not exceeding the sum of €341 for each day that the person continues to fail to take any step required by the enforcement notice to which that offence relates, beginning with day following the date on which the person is convicted of an offence under subsection (1) and ending with the day on which all steps required by the enforcement notice are completed.

(6) A person must not—

- (a) use or permit immovable property to be used in a manner that contravenes an enforcement notice; or
- (b) carry out or permit the carrying out of any activity on the immovable property in contravention of any requirement in an enforcement notice.

(7) A person who contravenes subsection (6) commits an offence and, on conviction, is liable to a fine not exceeding €3,417.

(8) A person convicted of an offence under subsection (7) who continues to contravene subsection (6)—

- (a) commits an offence; and
- (b) is liable, on conviction, to a fine not exceeding the sum of €341 for each day that the person continues to commit an offence under subsection (7), beginning with the day following the date on which the person is convicted of an offence under subsection (7).

Administrative penalty for non-compliance with enforcement notice

48A.—(1) The Chief Officer may impose an administrative penalty not exceeding €17,086 on any person (“P”) who contravenes or who otherwise fails to comply with the requirements of an enforcement notice (“relevant enforcement notice”).

(2) An administrative penalty under this section may be imposed irrespective of whether any criminal proceedings regarding non-compliance with the enforcement notice are being taken.

(3) In determining the amount of an administrative penalty to be imposed under this section, the Chief Officer must have regard to the nature, seriousness and duration of the failure to comply with the relevant enforcement notice.

(4) The Chief Officer must serve a written notice of their intention to impose an administrative penalty under this section on P before imposing any such administrative penalty.

(5) The notice referred to in subsection (4) must—

- (a) state the amount of the administrative penalty that the Chief Officer proposes to impose on P; and
- (b) allow P a period of not less than 28 days in which to make representations against the intended penalty.

(6) If, once the period of time referred to in subsection (5)(b) has elapsed, and having considered any representations made, the Chief Officer is satisfied that an administrative penalty under subsection (1) should be imposed, the Chief Officer must serve a further written notice (a “penalty notice”) on P.

(7) An administrative penalty under this section enters into force on the date on which the penalty notice is served on P.

(8) If, after a penalty notice (“former penalty notice”) has been served on P under this section, P continues to fail to comply with a relevant enforcement notice, the Chief Officer may impose a further administrative penalty on P not exceeding the sum €170 for each day, following the date on

which the former penalty notice was served on P, that P continues to fail to comply with the relevant enforcement notice, unless an administrative penalty has already been imposed under this subsection in relation to those days.

(9) No later than 30 days after the date on which any penalty notice under this section is served on P, P may make an application to the Administrator to review the decision to impose the administrative penalty referred to in the penalty notice.

(10) In determining an application for a review made under this section, the Administrator may—

- (a) overturn the decision to impose the administrative penalty;
- (b) dismiss the application; or
- (c) vary the amount of the administrative penalty imposed.

(11) No administrative penalty may be imposed under this section on P for a failure to comply with an enforcement notice in respect of which P has been convicted of a criminal offence.

(12) An administrative penalty must be paid on or before the latest of the following—

- (a) 75 days after the date on which the penalty notice is served on P;
- (b) 75 days after the date on which the notice of the decision to dismiss an application for a review made by P under subsection (10)(b) or (c) is served to P.

(13) An administrative penalty that is not paid within the time limit set by subsection (12) is recoverable as a civil debt.

(14) The functions of the Chief Officer under this section are general delegated functions.

Power of Planning Authority to carry out steps specified in enforcement notice

49.—(1) Where any steps specified in an enforcement notice have not been taken by the date for compliance within the meaning of section 48(1)(c) the Planning Authority may—

- (a) enter immovable property to which the enforcement notice relates; and
- (b) take any of the steps specified in the enforcement notice or make arrangements for the steps to be taken on its behalf.

(2) Any person who was the owner or the occupier of the immovable property at the time of the exercise by the Planning Authority of the powers under subsection (1), is liable to the Planning Authority for any expenses reasonably incurred by the Planning Authority in exercising its powers under subsection (1).

(3) Before exercising the power of entry under subsection (1)(a), unless the occupier of the immovable property consents, the Planning Authority must—

- (a) where the immovable property is a building or part of a building used for residential purposes, obtain the permission of the court;
- (b) where the immovable property is a building or part of a building not falling within paragraph (a), give the occupier at least 8 days' notice, in writing, of its intention to exercise the power; or
- (c) with respect to any other type of immovable property, give the occupier of the immovable property, at least one day's notice, in writing, of the intention to exercise the power.

(4) Any sums recoverable under subsection (2) are recoverable as a civil debt.

(5) The Planning Authority's functions under subsection (1) may be exercised whether or not a person has been convicted of an offence under section 48 or an administrative penalty has been imposed on the person under section 48A.

(6) The functions of the Planning Authority under this section are general delegated functions.

Supplementary provisions as to enforcement notices

50. Where the owner or occupier of immovable property to which an enforcement notice relates incurs any expenses for the purpose of compliance with the enforcement notice or has

paid any expenses recoverable by the Planning Authority under section 49(2), the owner or, as the case may be, the occupier may recover from the person who carried out the development, or the part of the development, to which the enforcement notice relates, as a civil debt.

Effect of grant of planning permission on enforcement notice

51.—(1) An enforcement notice ceases to have effect to the extent that any subsequent planning permission authorises any part of the development in relation to which it was issued.

(2) Subsection (1) does not affect any power to prosecute any person for an offence under section 47 (offences for non-compliance with enforcement notice) which was committed prior to an enforcement notice ceasing to have effect in accordance with subsection (1).

Effect of enforcement notice on subsequent development

52.—(1) A person who takes steps to reverse the effect of steps taken in accordance with an enforcement notice is deemed to have failed to take steps required to be taken under that enforcement notice.

(2) Where the Planning Authority intends to exercise the functions in section 49 for the purposes of this section, it must give at least 15 days' notice to the owner and, if different, the occupier of the immovable property that is the subject of the enforcement notice in respect of which the functions are to be exercised.

(3) Where a person who, without planning permission, carries out any development on immovable property by way of reinstating or restoring buildings or works which have, in compliance with an enforcement notice, been removed or altered, the person commits an offence and, on conviction, is liable to a fine not exceeding €3,417.

(4) A person does not commit an offence under section 48(1) for failing to take any steps required to be taken under an enforcement notice to alter or remove any buildings or works that have been reinstated or restored.

(5) The functions of the Planning Authority under this section are general delegated functions.

Enforcement and offences in other circumstances

Offence for non-compliance with notice under section 42 (requirement to maintain, tidy up, etc. immovable property)

53.—(1) A person on whom a notice under section 42 (requirement to maintain, tidy up, etc. immovable property) has been served commits an offence if the person fails to take a step specified in the notice within the period of time specified in the notice under subsection (2)(b).

(2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding €683.

Power of Planning Authority to carry out steps required in notice under section 42

54.—(1) Where the Planning Authority believes that steps specified in a notice under section 42 have not been taken, it may—

- (a) enter immovable property to which a notice served under section 42 relates;
- (b) take any of the steps specified in the notice or make arrangements for the steps to be taken on its behalf; and

(2) Any person who was, at the time of the exercise by the Planning Authority of its powers under subsection (1), the owner or occupier of the immovable property in question, is liable to the Planning Authority for any expenses reasonably incurred by it in exercising those powers.

(3) Before exercising the power of entry under subsection (1)(a), unless the occupier of the immovable property consents, the Planning Authority must—

- (a) where the immovable property is a building or part of a building used for residential purposes, obtain the permission of the court for entry;

- (b) where the immovable property is a building or part of a building not falling within paragraph (a), give the occupier at least 8 days' notice, in writing, of the Planning Authority's intention to exercise the power ; or
 - (c) with respect to any other type of immovable property, give the occupier of the immovable property, at least one day's notice, in writing, of the intention to exercise that power.
- (4) The Planning Authority's powers under subsection (1) may be exercised whether or not any person has been convicted of an offence under section 53(1).
- (5) The functions of the Planning Authority under this section are general delegated functions.

Supplementary provisions as to notices served under section 42

55.—(1) Where the owner or occupier of immovable property to which a notice under section 42 relates incurs any expenses for the purpose of compliance with the that notice or has paid any expenses recoverable by the Planning Authority under section 54(2), the owner or, as the case may be, the occupier may recover from the person who carried out the development, or the part of the development, to which the notice under section 42 relates, as a civil debt.

Offences for contravention of order under section 37 for discontinuance of, or imposition of conditions on, use of immovable property or for removal or alteration of buildings or works

- 56.**—(1) A person commits an offence where—
- (a) an order under section 37 (order for the discontinuance of, or imposition of conditions on, use of immovable property or for removal or alteration of buildings or works) is in force;
 - (b) the person uses immovable property, or causes or permits it to be used, in contravention of the order (including a breach of any condition included in the order); and
 - (c) planning permission has not been granted for such use.
- (2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding €3,417.
- (3) A person who, following a conviction for an offence under subsection (1), continues to use or to cause or permit immovable property to be used in contravention of an order made under section 37—
- (a) commits an offence; and
 - (b) is liable, on conviction, to a fine not exceeding the sum of €341 for each day that the person continues to contravene the order, beginning with date on which the person is convicted of an offence under paragraph (a) and ending with the day on which the use of the immovable property in contravention of the order ceases.
- (4) Where the removal of a building or works has been ordered by an order made under section 37 and that removal has not been completed within the period of time specified in the order, the Planning Authority may—
- (a) enter the immovable property to which the order under section 37 relates; and
 - (b) carry out the removal specified in the order or make arrangements for the removal to be carried out on its behalf.
- (5) Before exercising the power of entry under subsection (4)(a), unless the occupier of the immovable property consents, the Planning Authority must—
- (a) where the immovable property is a building or part of a building used for residential purposes, obtain the permission of the court for entry onto the immovable property;
 - (b) where the immovable property is a building or part of a building not falling within paragraph (a), give the occupier at least 8 days' notice, in writing, of the Planning Authority's intention to exercise the power; or
 - (c) with respect to any other type of immovable property, give the occupier of the relevant immovable property, at least one day's notice, in writing, of the intention to exercise that power.

(6) The Planning Authority's powers under subsection (4) may be exercised whether or not any person has been convicted for an offence under subsection (1).

(7) The Planning Authority's functions under this section are general delegated functions.

Enforcement of tree protection orders and preservation orders

57.—(1) The Chief Officer may impose an administrative penalty not exceeding €5,000 on any person who fails to comply with the requirements of a tree protection order.

(2) Such penalty may be imposed irrespective of whether any criminal proceedings regarding non-compliance with the tree protection order are being taken.

(3) Where the nature of the contravention under subsection (1) is the felling of a tree or group of trees that were the subject of a tree protection order, the Chief Officer may require, by notice given in writing to the person referred to in subsection (1), that that person replants the tree or group of trees under any conditions that the Chief Officer considers appropriate.

(4) A person commits an offence if they fail to comply with the terms of a notice issued under subsection (3), and on conviction is liable to a fine of not more than €10,000.

(5) The Chief Officer may impose an administrative penalty on any persons notified of a preservation order under section 38(6) who have contravened any requirement imposed on them by the order.

(6) The administrative penalty referred to in subsection (5) shall not exceed—

- (a) in respect of a contravention, by the owner of a building, consisting of a failure to use reasonable care that has caused the collapse of the building for any reason other than a natural disaster, €10,000;
- (b) in respect of a contravention to which paragraph (c) does not apply by the owner of a building consisting of the carrying out, or the causing or permitting of the carrying out, of works prohibited under the order, €20,000.
- (c) in respect of a contravention, by the owner of a building, consisting of the demolition, or of the causing or permitting of the demolition, of a building, the value of the building as estimated by the Area Officer for the area in which the building is situated, or €50,000, whichever sum is greater,
- (d) for any violation not listed above, €50,000.

(7) The Planning Authority may—

- (a) where any works have been carried out by the owner of a building or area in contravention of a preservation order made under section 38—
 - (i) require the owner to restore the building or area to which the order applies to the condition it would have been in had the works not been carried out;
 - (ii) restore the building or area to which the order applies to the condition that it would have been in had the works not been carried out and recover the costs in doing so from any person who has carried out or permitted or suffered the carrying out of the works, as a civil debt;

(8) Sections 46 to 52 (enforcement notice provisions) apply, in relation to any works carried out in contravention of the order as if such works consisted of a development carried out in breach of Part 5.

(9) A person who contravenes a preservation order or causes or permits another person to do so commits an offence and, on conviction for the offence, is liable to a fine not exceeding €100,000, or three years' imprisonment, or both.

(10) The Chief Officer must serve a written notice of the intention to impose an administrative penalty under this section on a person ("P") before imposing any such administrative penalty.

(11) The notice referred to in subsection (10) must—

- (a) state the amount of the administrative penalty that the Chief Officer proposes to impose on P; and

(b) allow P a period of not less than 28 days in which to make representations against the intended penalty.

(12) If, once the period of time referred to in subsection (11)(b) has elapsed, and having considered any representations made under subsection (11)(b), the Chief Officer is satisfied that an administrative penalty under this section should be imposed, the Chief Officer must serve a further written notice (a “penalty notice”) on P.

(13) An administrative penalty under this section enters into force on the date on which the penalty notice is served on P.

(14) An administrative penalty under this section is payable on or before 75 days after the date on which the penalty notice is served on P.

(15) No administrative penalty is payable under this section by a P in respect of a contravention of a preservation order for which P has been convicted of a criminal offence.

(16) If, after a penalty notice (“former penalty notice”) has been served on P under this section, P continues to fail to comply with the tree protection order or preservation order to which it relates, the Chief Officer may impose a further administrative penalty on P not exceeding the sum of €200 for each day, following the date on which the former penalty notice was served on P, that P continues to fail to comply with the relevant tree protection order or preservation order, unless an administrative penalty has already been imposed under this subsection in relation to such days.

(17) An administrative penalty levied under this section that becomes payable but is not paid when due is recoverable as a civil debt.

(18) A court may make an order prohibiting the carrying out of any further works in respect of which an administrative penalty has been imposed, or a person convicted, under this section.

(19) A court must revoke an order made under subsection (18) if the conviction or imposition of an administrative penalty is later quashed or declared invalid by a court.

(20) A court may also make an interim order prohibiting the carrying out of any further works in respect of which the Chief Officer has issued a notice of intent to issue an administrative penalty under subsection (10) or criminal proceedings have been brought under this section, pending determination of such proceedings.

(21) The functions of the Chief Officer and the Area Officer under this section are general delegated functions.

Enforcement of control of advertisements

58.—(1) The Planning Authority may require any person—

- (a) to remove an advertisement that is displayed in contravention of regulations made under either section 40 or section 8 of the Display of Advertisements (Control) Ordinance^(a); or
- (b) to discontinue the use of any space to display an advertisement where such use contravenes such regulations.

(2) Sections 46 to 52 (enforcement notice provisions) apply in relation to the display of an advertisement, or the use of any space to display an advertisement that contravenes any provision in the regulations referred to in subsection (1)(a) above, as if such display or use consisted of a development carried out in breach of Part 5.

(3) A person commits an offence if the person contravenes any regulations made under section 40 and is liable, on conviction, to a fine not exceeding €3,417.

(4) A person who, following conviction for an offence under subsection (2), continues to contravene any regulations made under section 40—

- (a) commits an offence; and

(a) Cap 50, 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. 1960/1369). Schedule 2 to the Interpretation Ordinance 2012 (Ord. 8/2012) provides for the interpretation of such legislation.

- (b) is liable, on conviction, to a fine not exceeding the sum of €341 for each day that the person continues to contravene the regulations, beginning with date on which the person is convicted of an offence under subsection (2) and ending with the day on which the contravention of the regulations ceases.

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PART 7

Compulsory acquisition of immovable property, etc.

Compulsory acquisition of immovable property

60.—(1) The Administrator may acquire immovable property compulsorily where—

- (a) the immovable property is required for—
- (i) planning purposes; or
 - (ii) residential purposes;
- (b) a preservation order is in force in relation to a building or area and, in the Administrator’s opinion, reasonable measures are not being taken to preserve the particular social, architectural, historical or other interest or particular character or aspect of natural beauty of the building or area by reason of which the preservation order was made.

(2) The acquisition of immovable property under subsection (1) must be carried out in accordance with the Land Acquisition Ordinance^(a).

(3) Subject to the modifications in sections 61 and 62, the Land Acquisition Ordinance applies to the compulsory acquisition of immovable property under this section and to any immovable property so acquired as it applies to such acquisition and property acquired under that Ordinance for the purposes of any undertaking of public utility.

(4) Immovable property that has been acquired compulsorily under this section may, subject to such terms and conditions as the Administrator may determine, be made available to any other person for the purposes of achieving the purpose for which it was so acquired.

Modification regarding amount of compensation

61.—(1) This section applies where a claim for compensation, in relation to a compulsory acquisition of immovable property under section 60, has been made under the Land Acquisition Ordinance by a person (“claimant”) who has a legal interest in such immovable property.

(2) When assessing the amount of compensation payable under that Ordinance, no account is to be taken of any increase in the value of the claimant’s legal interest where such increase is attributable to—

- (a) a provision in a development plan which—
- (i) relates to a material change of use or the carrying out of works at public expense; and
 - (ii) was published in the 6-month period preceding the publication of the notice required under section 6 of the Land Acquisition Ordinance (notice of acquisition); or
- (b) a proposal to include such a provision in a development plan.

(a) Cap 226, 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. 1960/1369). Schedule 2 to the Interpretation Ordinance 2012 (Ord. 8/2012) provides for the interpretation of such legislation.

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Further compulsory acquisition of immovable property

64. Where immovable property acquired compulsorily under section 60 is sold or otherwise disposed of in accordance with this Part, such sale or disposal will not prevent any further exercise of the power in section 60 in relation to the immovable property or any part of it.

Power to override easements and other rights

65.—(1) Subject to subsection (3), the construction, erection or carrying out, or maintenance, of any building or works on immovable property which has been acquired compulsorily under section 60 is authorised under this section if it is done in accordance with planning permission, notwithstanding that it involves—

- (a) an interference with an interest or right to which this section applies; or
 - (b) breach of a contractual restriction on the user of the immovable property.
- (2) The interests and rights to which this section applies are any easement, liberty, privilege, right or advantage—

- (a) annexed to immovable property; and
 - (b) which adversely affects any other immovable property, including any natural right to support.
- (3) Nothing in this section authorises an interference with—
- (a) any right of way; or
 - (b) any right to lay down, erect or maintain apparatus on, under or over immovable property where such a right is vested in or is otherwise exercisable by a statutory undertaker for the purposes of carrying on a statutory undertaking.

(4) Where an interference or breach referred to in subsection (1) materially decreases the value of a person's interest in immovable property, compensation must be paid to the person with that interest by the person carrying out the works that have resulted in the decrease in value.

(5) Subject to subsection (6), the Land Acquisition Ordinance, as modified by section 61, applies to compensation payable under subsection (4) as it applies to compensation payable for the acquisition of land under that Ordinance.

(6) Where a person other than the Administrator is liable to pay compensation under subsection (4) but fails to discharge that liability, the Administrator is liable for the compensation.

(7) The person referred to in subsection (6) is liable to reimburse the Administrator for the compensation paid by the Administrator under that subsection.

(8) For the purposes of this section—

“statutory undertaker” means a person carrying out a statutory undertaking; and

“statutory undertaking” means an activity authorised under legislation to provide services and facilities to the public including the carrying out of development and other works

Displacement of persons from immovable property acquired compulsorily

66.—(1) Where subsection (2) applies, the Planning Authority must secure reasonable residential accommodation in any part of the island of Cyprus for the person referred to in that subsection.

(2) This subsection applies where—

- (a) immovable property is acquired compulsorily under section 60;
 - (b) a person resides on or in the immovable property;
 - (c) it is necessary for the person to cease to reside on or in the immovable property in order for development of the immovable property to commence or continue; and
 - (d) other suitable accommodation would not otherwise available to the person on reasonable terms.
- (3) Accommodation offered to a person under this section may be accommodation in the island of Cyprus.
- (4) The function of the Planning Authority in subsection (1) is a general delegated function.

PART 8

Compensation

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Compensation in specified circumstances

Compensation in respect of tree protection orders and preservation orders

75. A tree protection order or a preservation order may make provision for compensation to be payable in respect of any loss, damage or expenses incurred as a consequence of the refusal of any consent required under the order or, where consent is given, the imposition of a condition on such consent.

Compensation for restrictions on advertising

76.—(1) Subject to subsection (2), the Planning Authority is liable to any person for any reasonable expenses incurred by that person for complying with regulations made under section 40 by, before the entry into force of those regulations, doing any of the following—

- (a) removing an advertisement which was being displayed immediately before the date on which the regulations came into force;
 - (b) ceasing to use a site that, immediately before that date, was being used to display an advertisement.
- (2) Subsection (1) only applies if—
- (a) the person makes an application to the Planning Authority under that subsection, and
 - (b) if any provisions governing that application have been made under section 86(2)(b) and (f), that application complies with those provisions.

Compensation for an order under section 37 for discontinuance of, or imposition of conditions on, use of immovable property or for removal or alteration of buildings or works

77.—(1) Subject to subsection (3), the Planning Authority is liable for compensation to any person (“claimant”) where, as a direct consequence of an order made under section 37, the claimant has suffered loss or damage as a result of—

- (a) a material decrease in the value of an interest held by the claimant in the immovable property that is the subject of the order; or
- (b) interference with the claimant’s enjoyment of the immovable property result from the interest referred to in paragraph (a).

(2) Subject to subsection (3), the Planning Authority is liable for compensation to any person where that person has incurred reasonable expenses in carrying out any works for the purposes of complying with an order made under section 37.

- (3) Subsections (1) and (2) only apply if—
- (a) the claimant makes an application to the Planning Authority for compensation under the relevant subsection, and
 - (b) if any provisions governing that application have been made under section 86(2)(b) and (f), that application complies with those provisions.

Compensation for an order under section 36 revoking or modifying planning permission

78.—(1) Subject to subsection (4), the Planning Authority is liable for compensation to any person (“claimant”) where, as a direct consequence of the revocation or modification of planning permission by an order made under section 36, one or both of the following applies—

- (a) the claimant has suffered loss or damage as a result of a material decrease in the value of a legal interest held by the claimant in the immovable property that is the subject of the order;
- (b) subject to subsection (3), the claimant has incurred expenses in carrying out works which have been rendered abortive by the revocation or modification of the planning permission.

(2) The expenses referred to in subsection (1)(b) include any reasonable expenses incurred in preparing plans or other similar preparatory steps for the purposes of the works.

(3) No compensation is payable under subsection (1)(b) for any works carried out prior to the grant of the planning permission that is revoked or modified by an order under section 36.

- (4) Subsection (1) only applies if—
- (a) the claimant makes an application to the Planning Authority for compensation under the subsection, and
 - (b) if any provisions governing that application have been made under section 86(2)(b) and (f), that application complies with those provisions.

Compensation in where planning permission granted by development order is withdrawn

- 79.**—(1) This section applies where—
- (a) planning permission granted by a development order is withdrawn (whether by revocation or amendment of the development order or by the issue of directions under powers conferred by the development order);
 - (b) an application for a planning permit for a development that would have otherwise been permitted under the development order is refused or is granted subject to conditions that would not have otherwise been imposed under the development order; and
 - (c) the application for the planning permit is made before the end of the period of 12 months beginning on the date that the planning permission in the development order is withdrawn.
- (2) Section 78 applies, as if the planning permission granted by the development order—
- (a) had been granted by the Planning Authority in a planning permit under Part 5; and
 - (b) the planning permit had been revoked or modified by an order made under section 36.

PART 9

Fees for increase in value of land

Increase in value of land from publicly funded development

- 80.**—(1) Compensation is payable by the owner of immovable property where—
- (a) there has been an increase in the value of the immovable property; and
 - (b) the increase has arisen as a consequence of any development, or part of a development, carried out at the public expense of either the Areas or the Republic of Cyprus.
- (2) The Chief Officer may make regulations by way of a public instrument generally for the purposes of this section and, without limit to the generality of this power, the regulations may include—
- (a) the person to whom the compensation referred to in subsection (1) must be paid;
 - (b) the date by which the compensation referred to in subsection (1) must be paid;
 - (c) the manner in which the compensation is to be determined;
 - (d) that the amount of the compensation is to be determined by reference to the market value of immovable property, prior to and after the completion of the development, and
 - (e) the manner in which such value is to be assessed.
- (3) The Administrator may, by order made by way of a public instrument, direct that this section does not apply to any area as may be specified in the order.

PART 10

Miscellaneous

Power of entry

- 81.**—(1) Subject to the provisions of this section, the Planning Authority, or any person authorised by the Planning Authority, may, at any reasonable time, enter any immovable property for the purposes of—
- (a) inspecting or surveying the immovable property;
 - (b) assessing its value;
 - (c) taking soil and other samples; or

(d) for the purposes of exercising any functions under this Ordinance.

(2) Before exercising a power of entry under subsection (1), unless the occupier of the immovable property consents, the Planning Authority must—

- (a) where the immovable property is a building or part of a building used for residential purposes, obtain the permission of the court;
- (b) where the immovable property is a building or part of a building not falling within paragraph (a), give the occupier at least 8 days' notice, in writing, of its intention to exercise the power; or
- (c) with respect to any other type of immovable property, give the occupier of the relevant immovable property, at least one day's notice, in writing, of the intention to exercise that power.

(3) As soon as reasonably practicable after exercising the power of entry under subsection (1), the Planning Authority must pay compensation to any person who has suffered any damage that is directly attributable to the exercise of the power under that subsection unless the power was exercised for the purposes of any enforcement action taken under Part 5.

(4) Where the amount of any compensation payable under subsection (3) cannot be agreed, or the Planning Authority considers that no compensation is payable under that subsection, the owner, or where appropriate, the occupier of the immovable property in respect of which the power of entry under subsection (1) was exercised, may apply to the court to determine the amount of any compensation payable.

(5) Except for the function in subsection (3), the functions of the Planning Authority in this section are general delegated functions.

(6) The function of the Planning Authority in subsection (3) is a qualified delegated function.

Agreements restricting use of immovable property

82.—(1) The Planning Authority may enter an agreement with the owner of immovable property for all or part of the immovable property to be used permanently for agricultural or forestry purposes or as a public open space, a playing field or sports ground which the public may enter without payment.

(2) An agreement made under subsection (1)—

- (a) must be notified by the Planning Authority to the District Lands Office with a request that it be recorded in the land register; and
- (b) is binding on all parties and the owner's successors in title of the immovable property.

(3) The function of the Planning Authority—

- (a) under subsection (1) is a qualified delegated function; and
- (b) under subsection (2) is a general delegated function.

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Streets and Buildings Law

85.—(1) So far as it is possible to do so, the Streets and Buildings Law must be read and given effect in a way which is compatible with this Ordinance.

(2) In the case of any conflict between the provisions of this Ordinance and the provisions of the Streets and Buildings Law, the former prevail.

Notification to the owner of immovable property

85A.—(1) Subject to subsection (2), where a planning decision or any other decision or notification made under this Ordinance may materially affect the value of any immovable property, the Planning Authority must notify in writing the owner of the immovable property in question.

(2) This section does not apply where the Planning Authority is under an obligation under any other provision of this Ordinance to notify or inform a person of a decision or notification.

(3) The function of the Planning Authority under this section is a general delegated function.

Regulations

86.—(1) The Administrator or the Chief Officer may make regulations by way of a public instrument—

- (a) for the general purposes, or for any particular purpose, of this Ordinance;
- (b) in consequence of any provision made by this Ordinance;
- (c) for the better implementation of this Ordinance; or
- (d) for giving full effect to this Ordinance or any provision made by or under it.

(2) Without limit to the power in subsection (1), the Administrator or the Chief Officer may make regulations prescribing one or more of the following—

- (a) the form of any application, notice, claim, order, direction, designation, permit, or other document authorised or required under this Ordinance to be made, served, submitted or issued;
- (b) the manner and time period within which any application, notice, representation, claim, order, direction, designation, permit, approval or other decision or document is to be made, served, submitted, publicised or issued under this Ordinance;
- (c) fees or charges payable in relation to any matter falling within this Ordinance, including any fees or charges relating to any applications, approvals, permits or designations;
- (d) the time period within which any application for review under this Ordinance may be made;
- (e) the procedure to be followed in relation to any application for review under this Ordinance;
- (f) the time period within which any compensation payable under this Ordinance may be claimed and the procedure to be followed in determining such an application for compensation.

Offences

87.—(1) A person is guilty of an offence and is liable, on conviction, to a term of imprisonment not exceeding 4 months, to a fine not exceeding €170, or both, if the person—

- (a) intentionally obstructs or interferes with a person carrying out any functions under this Ordinance;
- (b) knowingly makes a false or inaccurate statement in a document made, required or otherwise provided under this Ordinance or for the purposes of a development plan; or
- (c) fails to provide information required under this Ordinance.

(2) A person is guilty of an offence and is liable, on conviction, to a term of imprisonment not exceeding 6 months, to a fine not exceeding €854 or to both such penalties where the person—

- (a) commences any development or permits the carrying out of a development in breach of section 21 of this Ordinance;
- (b) fails to comply, whether through an act or an omission, with any obligation imposed under this Ordinance, including by—
 - (i) failing to comply with any condition in a planning permission, or in a development order, notice or direction under this Ordinance; or

- (ii) failing to carry out any works when required to do so under this Ordinance, any public instrument made under it or any planning permission, notice or direction under this Ordinance.

(3) It is a defence for a person charged with an offence under subsection (1)(c) or subsection (2)(b)(ii) to prove that the failure to provide the information required or to carry out works (as applicable) was not due to a lack of reasonable care.

(4) Where proceedings before a court for an offence under subsection (3) have been commenced, the court may make an order prohibiting the carrying out of any work in relation to a development to which the alleged offence relates until the proceedings for the offence are finally determined.

(5) An application for an order under subsection (4)—

- (a) may be made without notice; and
- (b) is a civil proceeding for the purposes of the Courts (Constitution and Jurisdiction) Ordinance 2007(a), the Civil Procedure Ordinance(b) and any public instrument made under them, as made or amended from time to time.

(6) Where a person has been convicted of an offence under subsection (2), a court may make one or more of the following orders—

- (a) an order that any building or part of a building, in relation to which the criminal offence was committed, is demolished or removed within such period of time as may be specified by the court in the order, unless planning permission is granted in respect of the building before the period of time so specified expires;
- (b) where the offence relates to the use of a building in breach of this Ordinance, an order that the use be discontinued by a date as may be specified by the court in the order (which must be a date within the period of 2 months from the date the order is made), unless planning permission is granted in respect of the use before the period of time so specified expires.

(7) If a person fails to comply with a court order made under subsection (6) within any period of time as may be specified in the order, the Planning Authority may carry out any works or take any steps required to be taken by the person under the order.

(8) The Planning Authority may request assistance from the Police Service(c) in exercising its functions under subsection (7) and the Police Service may provide the assistance requested.

(9) The person against whom an order under subsection (6) is made must pay to the Planning Authority the costs and other expenses incurred by the Planning Authority in exercising its functions under subsection (7).

(10) The costs and expenses incurred by the Planning Authority in exercising the functions under subsection (7) are recoverable as if they were money ordered by a judgment to be paid.

(11) The functions of the Planning Authority in this section are general delegated functions.

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Administrator may exempt the Republic or Republican authorities from this Ordinance

89.—(1) The Administrator may exempt the Government of the Republic, or any public authority or statutory undertaker of the Republic from any or all of the provisions of this Ordinance.

(2) The exemption provided for in subsection (1) may be subject to conditions.

(a) Ordinance 5/2007 as amended by Ordinances 8/2012, 2/2014, 6/2016, 2/2017, 2/2018, 3/2018, 3/2019, 7/2020.

(b) Cap 6, 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. 1960/1369). Schedule 2 to the Interpretation Ordinance 2012 (Ord. 8/2012) provides for the interpretation of such legislation.

(c) Defined in Schedule 1 to Ordinance 8/2012.

(3) The exemption provided for in subsection (1) may be made in relation to—

- (a) any type of development whether in any particular area or generally; or
- (b) any particular development.

(4) The exemption provided for in subsection (1) must be made by a notice published in the Gazette.

(5) A certificate signed by the Administrator that any condition has been complied with is conclusive evidence of that fact.

(6) Before issuing a certificate under subsection (5), the Administrator must consult the person or authority required, under subsection (1), to comply with the conditions.

(7) In this section the term “statutory undertaker” has the same meaning as in section 65.

Special provision regarding application for a planning permit by a co-owner

90.—(1) This section applies where an application for a planning permit is made in respect of immovable property owned by more than one person (“co-owners”) and the application is not made by all the co-owners.

(2) The Planning Authority may not grant a planning permit under this section unless—

- (a) it is clear from any evidence presented with the application, including for example any agreement signed by all the co-owners that the application relates to or affects only the share of the immovable property of the person (“the applicant”) making the application; or
- (b) the application relates to the exercise by the applicant of a right to develop which is registered with the District Lands Office and the consent or approval of any other person, including any co-owner of the immovable property, is not required in order to exercise the right.

(3) The Planning Authority may not grant a planning permit under this section unless it is satisfied that the beneficial and legal interests and the reasonable enjoyment of the immovable property of all the remaining co-owners will not be adversely affected by the grant of any planning permission

(4) It is for the applicant to demonstrate to the satisfaction of the Planning authority the facts referred to in subsection (3).

(5) Subject to subsection (6), the applicant must send a copy of the application to all co-owners of the property who are not signatories to the application.

(6) If it is not reasonably practicable for the applicant to notify other co-owners as required under subsection (5), the applicant must publish a notice of the application in at least two daily newspapers that are widely circulated in the island of Cyprus.

(7) When subsection (2)(a) applies, a co-owner, who considers that their legal, beneficial or other rights, or their reasonable enjoyment of the property, may be adversely affected by the grant of planning permission to another co-owner, may make written representations to the Planning Authority.

(8) The written representations referred to in subsection (7) must be made within 30 days of the date on which—

- (a) the co-owner was notified of the application under subsection (5); or
- (b) as the case may be, the notice under subsection (6) was published.

(9) The Planning Authority may not grant an application under this section before—

- (a) all the co-owners have made representations under subsection (7), or
- (b) the time for making such representations has expired in the case of all co-owners.

(10) The functions of the Chief Officer and the Planning Authority in this section are general delegated functions.

Special provision for application by joint owners for planning permit for conversion of immovable property to building plot, etc.

91.—(1) This section applies where an application has been granted under section 29 (partition of immovable property held in undivided shares) of the Immovable Property (Tenure, Registration and Valuation) Ordinance.

(2) Despite section 90, the Planning Authority may grant a planning permit to convert any part of the immovable property to which the application referred to in subsection (1) relates into a building plot or to divide it into two or more building plots if the application for the planning permit, under section 23,—

- (a) has been made by a person who made the application referred to in subsection (1), and
- (b) the application for the planning permit under section 23 has been made at least thirty days after, but no later than ninety days after, the date on which the decision taken on the application referred to in subsection (1) was communicated to the applicants.

PART 11

Repeal, transitional and savings' provisions

Repeals and revocations, etc.

92.—(1) The following Ordinances are repealed—

- (a) the Protection of the Environment Ordinance 1998**(a)**;
- (b) the Protection of the Environment (Amendment) Ordinance 2008**(b)**;
- (c) the Town and Country Planning (Preparation of Policy) Ordinance 2014**(c)**; and
- (d) the Town and Country (Preparation of Policy) (Amendment) Ordinance 2016**(d)**.

(2) The Display of Advertisements (Control) Ordinance**(e)** is repealed on the date that regulations made under section 40 (control of advertisements) come into force, subject to any provisions to the contrary made by these regulations.

(3) Any public instrument made under the Display of Advertisements (Control) Ordinance is revoked on the date that regulations made under section 40 come into force, subject to any provisions to the contrary made by these regulations.

(4) The Protection of the Environment (Tree Protection Orders) Regulations 2008**(f)** are revoked.

Saving

93. Any policy statement, within the meaning of the Town and Country Planning (Preparation of Policy) Ordinance 2014, prepared, approved or published under that Ordinance, before its repeal under section 92, is to be treated as if it was prepared, approved or published under Part 4.

Building permits determined under previous policy

94. No planning permission is required under this Ordinance for any development authorised by a building permit to which section 22 of the Building Standards (Adoption) Ordinance 2022

(a) Ordinance 9/1998.

(b) Ordinance 19/2008.

(c) Ordinance 38/2014.

(d) Ordinance 1/2016.

(e) Cap 50, 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. 1960/1369). Schedule 2 to the Interpretation Ordinance 2012 (Ord. 8/2012) provides for the interpretation of such legislation.

(f) P.I. 38/2008.

applies, unless the applicant has elected under that section to have their application considered in accordance with the development plan made under this Ordinance.

Consequential amendments

- 95.**—(1) In section 3(1) of the Places of Entertainment Ordinance 1999(**a**)—
- (a) for “before submission to the authority concerned with the issue of building permits under the Streets and Buildings Regulation (Consolidation) Ordinance 1984”, substitute “prior to an application being made for planning permission under the Town and Country Planning Ordinance 2022 or, if no such application is required, prior to an application for a building permit being made under Cap 96 of the Republic(**b**) as applied in the Areas by the Building Standards (Adoption) Ordinance 2022”; and
 - (b) for the proviso, substitute “Provided that approval by the Chief Officer under this subsection does not affect the powers, duties, or fetter the discretion of any person exercising functions under the Ordinances referred to above.”.
- (2) In section 3(1) of the Public Swimming Pools Ordinance 2000(**c**)—
- (a) for “before submission of any application for a building permit under the Streets and Buildings Regulation (Consolidation) Ordinance 1984”, substitute “prior to an application being made for planning permission under the Town and Country Planning Ordinance 2022 or, if no such application is required, prior to an application for a building permit being made under Cap 96 of the Republic(**d**) as applied in the Areas by the Building Standards (Adoption) Ordinance 2022”; and
 - (b) for the proviso, substitute “Provided that approval by the competent authority under this subsection does not affect the powers, duties or fetter the discretion of any person exercising functions under the Ordinances referred to above.”.
- (3) In subsection (1) of section 10 of the Protection and Management of Nature and Wildlife Ordinance 2007(**e**), for “building permit under any Ordinance” substitute “planning permission under the Town and Country Planning Ordinance 2022 or an equivalent under any other Ordinance”.
- (4) In subsection (1) of section 10 of the Game and Wild Birds Ordinance 2008(**f**), for “building permit” substitute “planning permission under the Town and Country Planning Ordinance 2022 or an equivalent under any other Ordinance”.
- (5) In the Environmental Assessment of Plans and Programmes Ordinance 2016(**g**)—
- (a) for the definition of “development plan” in section 2 substitute—
 - ““development plan document” means an area plan, local plan or policy statement referred to in the Town and Country Planning Ordinance 2022.”;
 - (b) in section 7(3) insert “document” after “development plan” on both occasions;
 - (c) in section 7(4)—
 - (i) in the opening text for “development plan” to the em dash substitute “development plan document under the Town and Country Planning Ordinance 2022 (the “2022 Ordinance”)—”;
 - (ii) in paragraph (a) for “development plan” to the end of the paragraph substitute “development plan document (under section 17(5) or 19(5) of the 2022 Ordinance);”;

(a) Ordinance 02/1999 as amended by Ordinances 23/2000 and 8/2010.

(b) Laws of Cyprus 1959 edition.

(c) Ordinance 14/2000.

(d) Laws of Cyprus 1959 edition.

(e) Ordinance 26/2007 as amended by Ordinances 10/2008 and 26/2008. Section 10(1) of the Ordinance was amended by Ordinance 26/2008.

(f) Ordinance 21/2008 as amended by Ordinances 3/2009, 17/2009, 29/2009, 34/2010, 8/2013, 18/2014, 1/2015, 3/2016, 10/2016, 6/2017, 07/2018 and 10/2018.

(g) Ordinance 5/2016. An error in section 7(4)(a) was corrected through a corrigendum published in Gazette No. 1813 dated 4 August 2016.

- (iii) in paragraph (b) for “an existing development plan” substitute “a development plan document”
- (iv) in paragraphs (b) and (d) for “draft development plan” wherever it occurs substitute “development plan document”;
- (v) in paragraph (d) for “Chief Officer” substitute “Administrator” wherever it occurs.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Town and Country Planning Ordinance 20xx (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 and is not intended to be a comprehensive description of the Ordinance. It should be read in conjunction with the Ordinance.

2. The Ordinance seeks to replicate, as far as possible, the Republic of Cyprus’ Town and Country Planning Law 1972 (Law 90/1972 - as amended). Certain provisions in the Republic’s Law, for example those relating to the plan for the island of Cyprus, local development plans, area plans and the delegation of functions to others are not included in the Ordinance as they are not relevant to the Sovereign Base Areas of Akrotiri and Dhekelia (the “SBAs”). Some provisions in the Ordinance, mainly relating to protection of the military and security interests of the Crown have been added to the Ordinance.

3. Many of the functions in the Ordinance have been delegated to officials of the Republic who must exercise the delegated functions in accordance with the Delegation of Functions to the Republic Ordinance 2007. To assist the officials in identifying the correct provision in this Ordinance, some sections are intentionally left blank to ensure that, as far as possible, the numbering of the sections in the Ordinance corresponds with that of the Republic’s Town and Country Planning Law. This has not been possible in all instances.

Parts 1 to 4 of the Ordinance

4. Part 1 of the Ordinance contains introductory provisions including definitions of terms used in the Ordinance. Section 5 states that, except for section 65, the Ordinance does not bind the Crown in any capacity and section 6 makes clear that the Ordinance does not apply to military sites unless the Administrator directs otherwise.

5. Part 2 states that the Planning Authority for the purposes of the Ordinance is the Area Officer for the SBA in which the development is situated. Part 3 is intentionally left blank as the provisions in the corresponding Part 3 of the Republican Law are not relevant to the SBAs.

6. Part 4 relates to the preparation, approval and publication of a development plan for the SBAs. As in the Republic of Cyprus, the development plan is made up of the policy statement for the countryside and rural areas, local plans and area plans. Section 10 sets out the relationship between different components of the development plan.

Part 5 of the Ordinance

7. Part 5 of the Ordinance contains provisions relating to planning permission. Subject to limited exceptions, no person may carry out any development on immovable property unless planning permission for the development has been granted. Subject to a few exceptions, section 21 requires a person who wishes to carry out a development on land in the SBAs to make an application to the Planning Authority for a planning permit.

8. Planning permission may be granted under a development order made under section 22, in which case no application for a planning permit is necessary. A development order can specify that the Planning Authority’s, or Administrator’s, approval is required before development can proceed.

9. Under section 30, certain applications must be referred to the Administrator who may determine such applications or refer them back to the Planning Authority for determination. This includes applications which engage the military or security interests of the Crown. The Administrator’s determination of an application is final, and may be exempted from judicial review where the military or security interests of the Crown are engaged.

10. Part 5 also provides for planning decisions made by the Planning Authority or the Chief Officer to be reviewed by the Administrator. The Administrator’s decision on a review is final,

and may be exempted from judicial review where the military or security interests of the Crown are engaged.

11. Supplementary powers for controlling development are found towards the end of Part 5 of the Ordinance and include the power to make orders revoking or amending planning permission in specified circumstances or requiring an existing use of a building or other land to be discontinued (sections 36 and 37). The making of the orders may be exempted from judicial review where the military or security interests of the Crown are engaged.

12. Part 5 also provides for the making of tree protection orders and preservations orders in relation to buildings and areas where a building or area is of a particular social, architectural, historical or other interest or is of interest from a 'natural beauty' aspect.

13. Further provisions in Part 5 include the control of advertisements (section 40) and agreements to regulate development or the use of land (section 43).

Parts 6 to 11 of the Ordinance

14. Part 6 contains enforcement provisions, including powers conferred on the Planning Authority to issue enforcement notices (section 45) and to carry out steps in enforcement notice where a person fails to do so within a specified period (section 49).

15. Part 7 relates to the compulsory acquisition of land where this is for planning or residential purposes. This Part applies the Land Acquisition Ordinance (subject to certain modifications) to the compulsory purchase of land under Part 7, including how any compensation payable is calculated.

16. Part 8 deals with compensation that is payable in certain circumstances.

17. Part 9 deals with charges that are payable where, as a result of a development carried out at public expense, there has been an increase in the value of immovable property.

18. Part 10 includes miscellaneous provisions, including a power of entry for the exercise of functions under the Ordinance (section 81), general offence provisions (section 87) and regulation-making powers (section 86). Under section 89 the Administrator can exempt Republican authorities from the provisions of the Ordinance.

19. Part 11 contains provisions relating to repeals, revocations and consequential amendments as well as saving and transitional provisions.