
**TOWN AND COUNTRY PLANNING (ADOPTION)
DIRECTIONS 2022**

The Administrator makes the following Directions in exercise of the powers in section 7 of the Town and Country Planning Ordinance 2022(a).

Citation and commencement

1. These Directions may be cited as the Town and Country Planning (Adoption) Directions 2022 and come into force on 16 May 2022.

Interpretation

2. In these Directions—

“2012 Ordinance” means the Adopted Instruments (Interpretation) Ordinance 2012(b);

“Planning Directions” means the Republican Directions listed in Schedule 1; and

“sensitive areas” means those areas shaded red in the plan in Schedule 2.

Adoption of the Planning Directions

3.—(1) Subject to paragraphs (2), (3) and (4), the Planning Directions have effect as part of the law of the Areas as if they had been made under section 7 of the Town and Country Planning Ordinance 2022.

(2) The Planning Directions have effect subject to—

(a) the modifications set out in these Directions, and

(b) to the extent that it is not contrary to those modifications, the 2012 Ordinance.

(3) Direction 2 of 2020 of the Republic does not apply in the sensitive areas.

(4) Paragraph (1) does not apply to the following provisions of Direction 1 of 2017 of the Republic—

(a) paragraph 1(b);

(b) paragraph 2.2.4.1;

(c) paragraphs 3.3(jd) and 3.3.1;

(d) paragraph 4; and

(e) paragraphs 5.1.1(jc) and 5.8.

Interpretation of the Planning Directions: general

4.—(1) In the Planning Directions a reference to—

(a) the registration of land in the name of the Republic of Cyprus must be construed as a reference to the registration of land in the name of the Administration;

(a) Ordinance 10/2022.

(b) Ordinance 31/2012.

- (b) the State or the Government must be construed as a reference to the Administration;
 - (c) 1 December 1990 must be construed as a reference to the commencement date specified in direction (1);
 - (d) the Fire Brigade must be construed as a reference to the Fire Service within the meaning of the Fire Service Ordinance 2010(a);
 - (e) National Guard installations must be construed as a reference to a military site;
- (2) Where a provision in the Planning Directions contains a reference to—
- (a) a document having effect in the Republic other than legislation—
 - (i) if there is a document whose effects in the Areas (other than under these Directions) are similar, or substantially similar, the reference must be treated as a reference to that document;
 - (ii) if there no such document in the Areas, the document may be taken into account where the provision is interpreted or applied in the Areas;
 - (b) EU legislation or any other EU document, such legislation or document (as the case may be) may be taken into account where the provision is interpreted or applied in the Areas.
- (3) Section 8 of the European Union (Specified Measures) Ordinance 2005(b) applies to the documents referred to in paragraph (3)(b).

References to Republican legislation: standards and requirements

- 5.—(1) This direction applies notwithstanding section 6(4)(b) of the 2012 Ordinance.
- (2) This direction applies where a provision in the Planning Directions contains a reference to legislation of the Republic if—
- (a) there is no corresponding provision in the legislation of the Areas; and
 - (b) such legislation provides that materials or products must—
 - (i) meet certain standards, or
 - (ii) comply with certain requirements.
- (3) Where this direction applies, the standards or requirements referred to in paragraph (2)(b) may be taken into account for the purpose of interpreting and applying the provision in the Areas.

Functions in the Planning Directions

6. Section 8 of the 2012 Ordinance does not apply where the Planning Directions confer a power or impose a duty on the Planning Authority in the Republic, within the meaning of the Town and Country Planning Law 1972 of the Republic(c), in relation to any development to be carried out by or on behalf of the Crown in right of its Government of the United Kingdom.

Effect of amendment and revocation of the Planning Directions

- 7.—(1) Section 9(1) and (2) of the 2012 Ordinance do not apply in relation to the Planning Directions.
- (3) Where any of the Planning Directions are amended after the coming into force of these Directions then, subject to paragraph (4), that amendment takes effect in the Areas 60 days after the date on which it takes effect in the Republic.

(a) Ordinance 4/2010, amended by Ordinance 17/2015. “Fire Service” is defined in section 2 of that Ordinance.
 (b) Ordinance 24/2005.
 (c) Law 92/1972 of the Republic as published in Supplement [1] Official Gazette 12 December 1972.

(4) Where any of the Planning Directions are revoked and replaced then, subject to paragraph (4), references to those Planning Directions are to be read as references to the replacement Directions 60 days after the date on which the replacement Directions take effect in the Republic.

(5) The Chief Officer may, by notice published in the Gazette before the expiry of the 60-day period referred to in paragraph (2) or (3) (as the case may be) —

- (a) prevent any amendment or replacement referred to in those paragraphs from taking effect in the Areas;
- (b) provide for any amendment or replacement referred to in those paragraphs to take effect in the Areas on a specified date falling before the expiry of that 60-day period.

Bodies established by the Planning Directions

8.—(1) A provision contained in the Planning Directions which creates any liability or duty in relation to the establishment, functioning or termination of a body (whether incorporated or not) that it permits or requires the establishment of —

- (a) for the purpose of exercising any duties imposed or powers conferred on it by or under the Town and Country Planning Law 1972 of the Republic; or
- (b) for the purpose of providing assistance to any person in connection with any duties or powers conferred or imposed by or under that Law'

does not have effect in the Areas.

(2) Any body that is established in the Republic as a result of a provision of the kind referred to in paragraph (1) is recognised in the Areas as having the same rights and duties as if that body had been established under the provisions of these Directions and has the same powers and duties as those conferred or imposed on that body in the Republic for the purpose of carrying out its objects as specified in that provision in the Republic.

Dated this 11th day of May 2022.

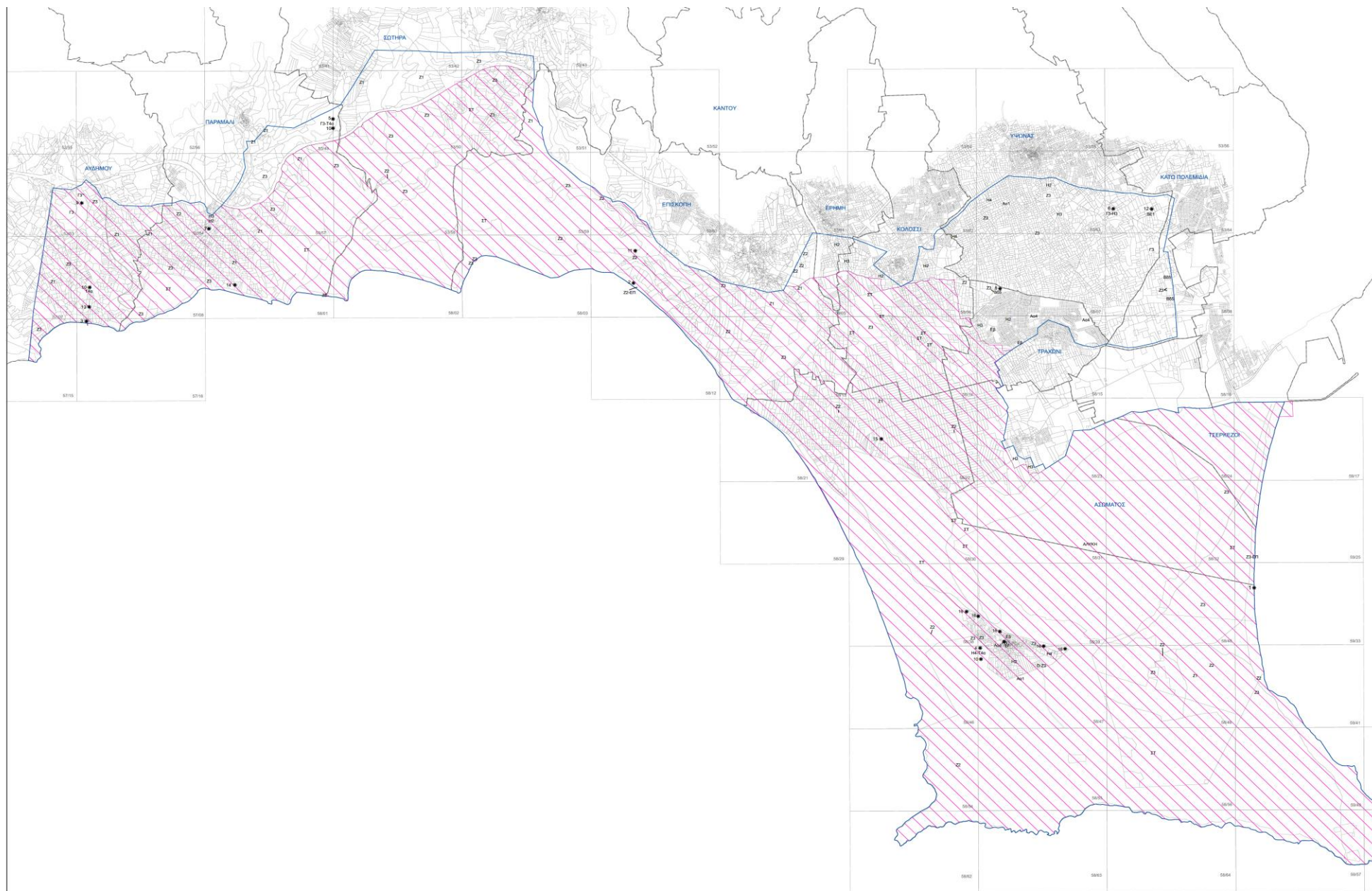
R. Thomson,
Administrator,
Sovereign Base Areas.

SCHEDULE 1

Direction 2

Planning Directions

- 1.** Direction 1 of 1994 under the Town and Country Planning Law 1972 relating to adequate access.
- 2.** Direction 1 of 2003 under the Town and Country Planning Law 1972 relating to student dormitories.
- 3.** Direction 1 of 2005 under the Town and Country Planning Law 1972 relating to prefabricated buildings.
- 4.** Direction 2 of 2005 under the Town and Country Planning Law 1972 relating to the record of applications.
- 5.** Direction 1 of 2006 under the Town and Country Planning Law 1972 relating to medium and high voltage substations.
- 6.** Direction 2 of 2006 under the Town and Country Planning Law 1972 relating to planning for plants producing electricity from renewable energy sources.
- 7.** Direction 2 of 2008 under the Town and Country Planning Law 1972 relating to the special committee for aesthetic inspections.
- 8.** Direction 1 of 2015 under the Town and Country Planning Law 1972 relating to the purchase of the requirement to create a public area.
- 9.** Direction 1 of 2016 under the Town and Country Planning Law 1972 relating to the provision of parking spaces.
- 10.** Direction 2 of 2016 under the Town and Country Planning Law 1972 relating to the purchase of the requirement to provide parking spaces.
- 11.** Direction 3 of 2016 under the Town and Country Planning Law 1972 relating to the purchase of the requirement to construct coastal walkways or cycle paths.
- 12.** Direction 1 of 2017 under the Town and Country Planning Law 1972 relating to the calculation of building coefficient, coverage ratio, number of floors and height of buildings.
- 13.** Direction 1 of 2020 under the Town and Country Planning Law 1972 relating to incentives to use renewable energy.
- 14.** Direction 2 of 2020 under the Town and Country planning law relating to building plots for residential development.



EXPLANATORY NOTE

(This note is not part of the Directions)

1. This explanatory note relates to the Town and Country Planning (Adoption) Directions 2022 (the “Directions”). It has been prepared by the Office of the Attorney General and Legal Adviser to assist the reader of the Directions. It does not form part of the Directions. It is not intended to be a comprehensive description.

2. The Directions make detailed provision relating to various aspects of the planning system. They do so by providing for various Republican Directions, as detailed in Schedule 1, to have effect as part of the law of the Areas as if they were made under the Town and Country Planning Ordinance 2022.

3. The Adopted Instruments (Interpretation) Ordinance 2012 (the “2012 Ordinance”) makes provision for the application of adopted legislation in the Areas. The Directions depart from that Ordinance in the following respects.

4. Direction 3 provides that Direction 2 of 2020 of the Republic does not apply in the sensitive areas, and that certain provisions of Direction 1 of 2017 do not apply.

5. Direction 4 contains some general additional interpretative provisions to those contained in the 2012 Ordinance.

6. Direction 5 makes special provision for where the Republican Directions refer to other Republican legislation containing standards for materials or products.

7. Under direction 6, powers or duties deemed to be conferred or imposed on the Chief Officer are not generally delegated functions where those powers or duties relate to developments carried out by or on behalf of British Forces Cyprus or the Administration.

8. Direction 7 provides for amendments of, or substitutions to, the Republican Directions to take effect in the Areas 60 days after they take effect in the Republic. The Chief Officer can prevent the amendment or substitution from taking effect in the Areas, so long as they do so before the expiry of that 60-day period; alternatively, the Chief Officer may provide for such amendment or substitution to take effect before the expiry of that same period.

9. Direction 8 relates to bodies established under the Republican Directions. Those bodies can exercise the same functions in the Areas as they do in the Republic.

SBA/AG/2/LD/477/24
