
**TOWN AND COUNTRY PLANNING (ADOPTION OF
DEVELOPMENT ORDERS) ORDER 2022**

The Chief Officer makes the following Order in exercise of the powers in section 22 of the Town and Country Planning Ordinance 2022(a).

Citation and commencement

1. This Order may be cited as the Town and Country Planning (Adoption of Development Orders) Order 2022 and comes into force on 16 May 2022.

Interpretation

2. In this Order—

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

“2022 Ordinance” means the Town and Country Planning Ordinance 2022; and

“Development Orders” means the public instruments of the Republic listed in the Schedule.

Adoption of the Development Orders

3.—(1) Subject to paragraphs (2) and (2), the Development Orders have effect as part of the law of the Areas as if they had been made under section 22 of the 2022 Ordinance.

(2) Paragraph (1) does not apply to the following provisions—

(a) article 5 of public instrument 358 of 1990 of the Republic;

(b) in public instrument 859 of 2003 of the Republic—

(i) article 4,

(ii) paragraphs (2) and (4) of Category VI (Temporary Structures and Uses) of the First Schedule (permitted developments);

(iii) paragraphs (5), (6), (8) and (9) of Category XII (development by contractors authorised by law) of the First Schedule (permitted developments), and

(iv) Category XV (Erection of up to two dwellings on building plots or planned building plots in a self-housing estate) of the First Schedule (permitted developments);

(c) article 5 of public instrument 246 of 2012 of the Republic;

(d) article 5 of public instrument 247 of 2012 of the Republic; and

(e) article 6 of public instrument 604 of 2020 of the Republic.

(3) The Development Orders have effect subject to—

(a) the modifications set out in this Order, and

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

(a) Ordinance 10/2022.

(b) Ordinance 31/2012.

Interpretation of the Development Orders

4.—(1) In public instrument 358 of 1990 of the Republic a reference to a “Governmental Livestock Area” must be construed as a reference to a “livestock farming zone” as specified in the policy statement.

(2) In the Development Orders a reference to any part of the development plan of the Republic must be construed as a reference to the equivalent part of the development plan of the Areas.

(3) Where a provision in the Development Order contains a reference to EU legislation or any other EU document the document may be taken into account when the provision is interpreted or applied in the Areas.

(4) Section 8 of the European Union (Specified Measures) Ordinance 2005(a) applies to the documents referred to in paragraph (3) as it applies to an EU specified measure.

Functions in the Development Orders

5. Section 8 of the 2012 Ordinance does not apply where a Development Order confers a power or imposes a duty on the Planning Authority, within the meaning of within the meaning of the Town and Country Planning Law 1972 of the Republic(b) in relation to any development to be carried out by or on behalf of the Crown in rights of its Government of the United Kingdom.

Direction restricting permitted development

6.—(1) Where the Planning Authority directs that the Development Orders do not grant planning permission for—

- (a) any type of development referred to in a Development Order, whether in any particular area or generally; or
- (b) any particular development.

(2) Any direction made under paragraph (1) must be published in the Gazette, and comes into force on the day such publication.

(3) Before a direction under paragraph (1) is published in the Gazette under paragraph (2), the Planning Authority must send a copy of the direction to the Chief Officer.

(4) The Chief Officer may, within three months of the date of publication of the direction, through a direction published in the Gazette—

- (a) confirm the Planning Authority’s direction without amendment;
- (b) amend the Planning Authority’s direction; or
- (c) revoke the Planning Authority’s direction.

(5) The Chief Officer’s direction under paragraph (4) comes into force on the day after its publication in the Gazette under that paragraph.

(6) If the Chief Officer does not take any action under paragraph (4) the Planning Authority’s direction under paragraph (1) ceases to have effect three months after the day of its publication in the Gazette under paragraph (4).

(7) A direction issued in accordance with this article does not apply to any development that needs to be carried out urgently to reduce the risk of injury or death, or of damage to property.

(8) A direction issued in accordance with this article does not apply to the following works by a public authority of the Areas or of the Republic of Cyprus, or a statutory undertaker unless the direction is expressly said to apply to any such works—

- (a) road maintenance,
- (b) maintenance of docks, ports, jetties, wharves or other similar installations,

(a) Ordinance 24/2005.

(b) Law 92/1972 of the Republic as published in Supplement [1] Official Gazette 12 December 1972.

(c) any development required in relation to the improvement, maintenance or repair of irrigation dykes or other facilities relating to the supply of water, with the exception of water dams, water reservoirs or other storage or improvement works above ground level; or

(d) the construction and maintenance of mechanical devices, including signalling equipment, used for marine navigational purposes.

(9) In paragraph (8) “statutory undertaker” has the same meaning as in section of the 2022 Ordinance.

Dated this 12th day of May 2022.

Clare Elizabeth Simpson,
Chief Officer,
Sovereign Base Areas.

SCHEDULE

Article 2

Development Orders

1. Public instrument 358 of 1990 of the Republic(**a**).
2. Public instrument 859 of 2003 of the Republic(**b**).
3. Public instrument 246 of 2012 of the Republic(**c**).
4. Public instrument 247 of 2012 of the Republic(**d**).
5. Public instrument 604 of 2020 of the Republic(**e**).

(a) Published in Supplement III(I) of Republic of Cyprus Gazette No. 2560 of 1 December 1990.
(b) Published in Supplement III(I) of Republic of Cyprus Gazette No. 3774 of 28 November 2003.
(c) Published in Supplement III(I) of Republic of Cyprus Gazette No. 4578 of 6 July 2012.
(d) Published in Supplement III(I) of Republic of Cyprus Gazette No. 4578 of 6 July 2012.
(e) Published in Supplement III(I) of Republic of Cyprus Gazette No. 5417 of 18 December 2020.

EXPLANATORY NOTE

(This note is not part of the Order)

1. This explanatory note relates to the Town and Country Planning (Adoption of Development Orders) Order 2022 (the “Order”). 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 Order. It is not intended to be a comprehensive description.

2. The Order provides for a range of development to be granted planning permission without the need to make an application to the Planning Authority. It does so by providing for a number of public instruments of the Republic 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. Public instrument 859/2003 of the Republic grants planning permission for a range of minor works and certain changes of use. Public instruments 358/1990 of the Republic grants planning permission for certain livestock development. Public instruments 246/2012 and 247/2012 of the Republic grant planning permission for existing and new greenhouses respectively. Public instrument 604 of 2020 grants planning permission for developments concerned with the husbandry of sheep and goats.

4. The provisions of the Republic’s instruments mentioned above listed in article 3(2) do not have effect in the Areas. Those provisions all provide for the Planning Authority to restrict the application of the Development Orders. This power is replicated in article 6 and not delegated.

5. The Adopted Instruments (Interpretation) Ordinance 2012 makes provision for the application of adopted legislation in the Areas. In addition, Article 4 contains some additional interpretative provisions.

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