
**TOWN AND COUNTRY PLANNING (PLANNING
PROCEDURE AND ADMINISTRATIVE REVIEW)
REGULATIONS 2022**

The Chief Officer makes the following Regulations in exercise of the powers in section 86 of the Town and Country Planning Ordinance 2022(a).

Citation, commencement and delegation

1.—(1) These Regulations may be cited as the Town and Country Planning (Planning Procedure and Administrative Review) Regulations 2022 and come into force on 16 May 2022.

(2) The functions of the Planning Authority in these Regulations are general delegated functions.

Interpretation

2. In these Regulations—

“dangerous substance” and “major accident” have the same meaning as in the Town and Country Planning (Accidents Involving Dangerous Substances) Regulations 2022(b);

“General Development Order” means public instrument 859/2003 of the Republic(c) as applied in the Areas by the Town and Country Planning (Adoption) Order 2022(d);

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

“Streets and Buildings Law” means Cap. 96 of the Republic, Laws of Cyprus 1959 edition, as applied in the Areas by the Building Standards (Adoption) Ordinance 2022(e).

Application for planning permission

3.—(1) An application for a planning permit must be—

(a) in the form published by the Chief Officer (which may be different for different purposes) or the form used in the Republic; and

(b) signed by the owner of the immovable property to be developed or a person legally entitled to act on their behalf.

(2) The Government of the Republic, or any public authority or statutory undertaker of the Republic may apply for planning permission for development relating to the provision of infrastructure whether or not they are the owner of the immovable property to be developed.

(3) If planning permission is granted following an application referred to in paragraph (2), the planning permission has no effect until the consent of the owners of all of the affected immovable property have been obtained for the development.

(a) Ordinance 10/2022.

(b) P.I. 06/2022.

(c) Published in Supplement III(I) of the Republic of Cyprus Gazette No. 3774 of 28 November 2003.

(d) P.I. 08/2022.

(e) Ordinance 11/2022.

(4) For an application referred to in paragraph (1) or (2) to be valid, three copies of the application must be sent to the Planning Authority with—

- (a) any additional copies of the application requested by the Planning Authority for the purposes of consultation (whether requested before or after the application is submitted);
- (b) for an application referred to in paragraph (1) only, the most recent title deed of the immovable property to be developed;
- (c) where there is a mortgage on the immovable property to be developed, a statement by the mortgagee that it does not object to the development applied for;
- (d) a cadastral map from the Department of Lands and Surveys of the Republic that is up to date at the time of the application and in the largest available scale showing—
 - (i) the immovable property to be developed; and
 - (ii) the location of the proposed development;
- (e) the plans, diagrams and other particulars specified in the relevant form referred to in paragraph (1)(a);
- (f) any reports required by any other legislation;
- (g) when regulation 5(1) or (4) applies, the statement and evidence required in accordance with regulation 5(2);
- (h) when regulation 7(3) applies any consultation responses received, and a list of any consultees that did not provide responses within the period referred to in regulation 7(4); and
- (i) any other information or evidence requested by the Planning Authority (whether requested before or after the application is submitted).

(5) An application to amend a planning permit, for approval of a reserved matter or for an approval referred to in section 22(4) of the Planning Ordinance (development orders) must be—

- (a) in the form published by the Chief Officer (which may be different for different purposes) or the form used in the Republic; and
- (b) signed by the owner of the immovable property to be developed or a person legally entitled to act on their behalf.

(6) For an application referred to in paragraph (5) to be valid, three copies of the application must be sent to the Planning Authority, with—

- (a) any additional copies of the application requested by the Planning Authority for consultation purposes (whether requested before or after an application is submitted); and
- (b) any other information or evidence requested by the Planning Authority (whether requested before or after an application is submitted).

(7) The Planning Authority may request further information or evidence when considering an application referred to in this regulation.

Application to determine whether planning permit required

4.—(1) An application under section 44 of the Planning Ordinance (application to determine whether planning permit required) must be—

- (a) in the form published by the Chief Officer (which may be different for different purposes) or the form used in the Republic; and
- (b) signed by the owner of the immovable property to be developed or a person legally entitled to act on their behalf (for example, through a power of attorney).

(2) For an application referred to in paragraph (1) to be valid two copies of it must be sent to the Planning Authority with two copies of—

- (a) a recent cadastral map from the Department of Lands and Surveys of the Republic that is up to date at the time of the application and in the largest available scale showing the immovable property to be developed; and

- (b) any other information or evidence requested by the Planning Authority (whether requested before or after the application is submitted).

(3) Where the application referred to in paragraph (1) relates to construction works, in order to be valid it must also be sent with two copies of any further plans or drawings necessary to describe the works.

(4) Where the application referred to in paragraph (1) relates to the change of use of immovable property, in order to be valid it must also be sent with two copies of a description of—

- (a) the current use of the immovable property, or its most recent use if it is not currently in use; and
- (b) the applicant's intended use of the immovable property (or current use if the intended use has already begun).

(5) The Planning Authority may request further information or evidence when considering an application referred to in this regulation.

Notice of application for planning permission

5.—(1) Before applying for planning permission for the types of development referred to in paragraph (3) the applicant must publish a notice in at least two Cypriot daily newspapers circulated in the Areas in the form published by the Chief Officer (which may be different for different purposes) or the form used in the Republic.

(2) When paragraph (1) applies, an application for planning permission is not valid unless it is accompanied by—

- (a) a statement from the applicant that the requirements of paragraph (1) have been complied with; and
- (b) evidence of the publication.

(3) This regulation applies to development of the following categories or for the following uses—

- (a) collecting, processing or disposing of effluence, industrial waste, sludge or animal excrement;
- (b) refuse disposal or segregation, or the crushing or destruction of vehicles, scrap metal or other items;
- (c) the slaughtering of animals, the slaughtering or plucking of birds, or disposing of the by-products of such animals or birds;
- (d) cinemas, theatres, nightclubs, pubs, bars, music halls or clubs, dance halls or clubs, discos, swimming pools, gyms, velodromes, ice skating rinks, skating rinks, steam or foam baths, amusement parks or indoor game premises (unless such development is for the private use of a residence, school or hospital);
- (e) spraying with cellulose dyes, sheet metal bending or any use in categories 9 to 17 of the Second Schedule to the General Development Order unless such development is provided for in the development plan;
- (f) cemeteries, crematoriums or the provision of funeral or embalming services;
- (g) zoos or wild animal parks or any undertaking for the breeding or rearing of animals unless such development is provided for in the development plan;
- (h) car or motorcycle racing;
- (i) petrol stations;
- (j) the generation of renewable energy;
- (k) storing, processing, manufacturing or using dangerous substances which are likely to cause major accidents, or any activity involving such substances; and

(4) The Planning Authority may request that an applicant complies with paragraphs (1) and (2) in relation to any proposed development if it considers it expedient to do so, and such a request may be made before or after an application is submitted.

(5) An application is not valid unless the applicant complies with—

- (a) any request made under paragraph (4); and
- (b) any requirement in any other legislation relating to the publication of the application.

Determination of applications

6.—(1) As soon as reasonably practicable after receipt of an application that complies with the requirements in regulation 3 or 4 the Planning Authority must—

- (a) if it considers the application to be valid, notify the applicant of—
 - (i) the date the application was received by the Planning Authority; and
 - (ii) the date by which the Planning Authority is required to notify the applicant of the outcome of their application; or
- (b) make a request for—
 - (i) additional copies of the application under regulation 3(4)(a);
 - (ii) further information or evidence under regulation 3(4)(i); or
 - (iii) the publication of a notice under regulation 5(4).

(2) If paragraph (1)(b) applies the Planning Authority must, as soon as reasonably practicable, notify the applicant of—

- (a) the date the Planning Authority considers the application to be valid; and
- (b) the date by which the Planning Authority is required to notify the applicant of the outcome of their application.

(3) Within three months of receiving a valid application referred to in paragraph (1) the Planning Authority must either—

- (a) notify the applicant in writing of its decision; or
- (b) notify the applicant that their application has been referred to the Administrator.

(4) The time limit specified in paragraph (3) can be extended by agreement in writing between the Planning Authority and the applicant.

(5) The Planning Authority must notify the relevant competent authority of its decision in relation to an application referred to in paragraph (1).

(6) The notification referred to in paragraph (3)(a) must also state that an applicant may apply to the Administrator to review the Planning Authority's decision if it refuses their application or grants a permit subject to conditions, and the deadline for doing so.

(7) The Planning Authority must inform a person that they can apply to the Administrator for an administrative review of the decision, and the deadline for doing so, when it—

- (a) serves an order of the Chief Officer on them under section 36(10) of the Planning Ordinance (orders revoking or modifying planning permission); or
- (b) serves an enforcement notice on them under section 45 of the Planning Ordinance.

(8) When the Chief Officer serves a penalty notice on a person under section 48(3) of the Planning Ordinance the Chief Officer must inform the person that they may apply to the Administrator for an administrative review of the decision to impose the penalty, and the deadline for doing so.

(9) In this regulation the “relevant competent authority” is the competent authority under the Streets and Buildings Law for the area containing the proposed development.

Consultation

7.—(1) Before determining an application for a planning permit in relation to the following types of development, the Planning Authority must consult the following bodies or people—

- (a) in relation to the types of development referred to in regulation 5(3), any local council which may be affected by the development;
- (b) the relevant Republican authorities in relation to the erection of a building within a quarrying or mining area, or any mining or quarrying activities, other than—
 - (i) the conversion, extension or restoration of an existing building; or
 - (ii) the erection of a temporary building;
- (c) the relevant Republican authorities in relation to development consisting of or including—
 - (i) the carrying out of works likely to have a significant impact on an aqueduct, a borehole used for irrigation purposes or a watercourse;
 - (ii) the carrying out of building or other works, or the use of immovable property, for the purpose of the refinement or storing of mineral oils or their derivatives;
 - (iii) the use of immovable property for the disposal and management of waste; or
 - (iv) the collection, processing or disposal of effluence, industrial waste, sludge or animal excrement;
- (d) the relevant Republican authorities in relation to development likely to affect any ancient monuments or antiquities as defined in section 2 of the Antiquities Ordinance^(a);
- (e) the relevant Republican authorities in relation to development that does not relate to agricultural purposes which the Planning Authority considers could lead to the loss of—
 - (i) six hectares or more of land currently or recently used for agricultural purposes; or
 - (ii) less than six hectares of land currently or recently used for agricultural purposes which would be likely to lead to the loss of further agricultural land;
- (f) the relevant Republican authorities where any part of the proposed development would be within a land consolidation area;
- (g) the relevant Republican authorities where the proposed development relates to animal husbandry;
- (h) the relevant Republican authorities where the proposed development relates to the use of land as a cemetery, incineration site for human or animal remains, or for the purposes set out in sub-paragraph (c)(iv);
- (i) the relevant Republican authorities in relation to development—
 - (i) likely to have a significant impact on an existing or planned motorway;
 - (ii) likely to have a significant impact on traffic; or
 - (iii) that requires the construction of bridges or storm water drains;
- (j) the Chief Constable, and the relevant Republican authorities where the proposed development is, or relates to, a petrol station;
- (k) the relevant Republican authorities where the proposed development involves the storage, processing, manufacture, use or any other activity involving dangerous substances which may cause major accidents;
- (l) the relevant Republican authorities where the proposed development concerns any type of infrastructure;
- (m) where the proposed development relates to any immovable property that is, or is to be, used for religious purposes, a representative of the religious group that is using, or is intended to use, it;

(a) Ordinance 12/75; section 2 was amended by Ordinances 7/1981, 3/1998 and 29/2012.

- (n) where the proposed development is—
 - (i) a project within Schedule 1 or Schedule 2 to the Environmental Impact Assessment Ordinance 2010^(a) (the “EIA Ordinance”);
 - (ii) within an area of European environmental interest referred to in section 7 of the Protection and Management of Nature and Wildlife Ordinance 2007^(b);
 - (iii) within a special area of conservation prescribed under section 8 of the Protection and Management of Nature and Wildlife Ordinance 2007;
 - (iv) within a special protection area designated under section 8 of the Game and Wild Birds Ordinance 2008^(c); or
 - (v) likely to have an environmental impact, including through the exploitation of natural resources, as defined in section 2 of the EIA Ordinance,

the head of the environment department of the Administration and, where paragraph (iv) applies, the relevant Republican authorities;

(2) The Planning Authority may conduct any additional consultations it considers expedient when considering an application for a planning permit.

(3) The applicant may carry out any of the consultations referred to in paragraphs (1) and (2) on behalf of the Planning Authority, either before or after submitting the application, if—

- (a) the Planning Authority has consented to them doing so in writing; and
- (b) they do so in accordance with the terms of the Planning Authority’s consent.

(4) The applicant or Planning Authority must, when carrying out any consultations in accordance with this regulation, inform the consultee of the period within which they may make any representations.

(5) The period in paragraph (4) must be at least 21 days, after which the Planning Authority may—

- (a) extend the period; or
- (b) determine the application.

(6) In this regulation—

“corresponding Republican regulation” means regulation 7(1)(a) to (n) of Public Instrument 62 of 2016 of the Republic^(d), as amended or substituted from time to time; and

“relevant Republican authorities” means the authorities or officers of the Republic that would have to be consulted in accordance with the corresponding Republican regulation if the application was made at the same time in the Republic.

Review of a planning decision

8.—(1) An application to the Administrator under section 31 of the Planning Ordinance (administrative review of planning decisions of the Planning Authority) must be made within 30 days from the date the applicant is notified of the Planning Authority’s decision.

(2) An application to the Administrator under section 32 of the Planning Ordinance (administrative review of failure to make planning decision or notify applicant of referral of application to Administrator) must be made within 30 days of the date on which the Planning Authority was required to notify the applicant in accordance with regulation 6(3) and (4).

(3) An application to the Administrator under section 36(14) of the Planning Ordinance (administrative review of orders revoking or modifying planning permission) must be made within 30 days from the date the applicant was served with a copy of the order.

(a) Ordinance 26/2010 as amended by Ordinance 19/2014.

(b) Ordinance 26/2007 which has been amended in ways not relevant to these Regulations.

(c) Ordinance 21/2008 which has been amended in ways not relevant to these Regulations.

(d) Published in Supplement III(I) of Republic of Cyprus Gazette No. 4931 of 11 March 2016.

- (4) To be valid an application under paragraph (1), (2) or (3) must—
- (a) set out the applicant's grounds for requesting the review; and
 - (b) be copied to the Planning Authority that made, or failed to make, the decision or served the order on the person.
- (5) The Administrator may request further information, orally or in writing, from the applicant or anyone else when carrying out a review.
- (6) Following receipt of a valid application the Administrator must notify the applicant of the outcome of the review as soon as reasonably practicable after reaching a decision.

Review of enforcement action

9.—(1) An application to the Administrator under section 48(5) of the Planning Ordinance (administrative review of administrative penalty) is only valid if it sets out the applicant's grounds for requesting the review.

(2) Paragraphs (3) and (4) apply to the administrative reviews referred to in sections 46 (administrative review of decision to issue enforcement notice) and 48(5) of the Planning Ordinance.

(3) The Administrator may request further information, orally or in writing, from the applicant or anyone else when carrying out a review.

(4) Following receipt of a valid application the Administrator must notify the applicant of the outcome of the review as soon as reasonably practicable after reaching a decision.

Dated this 12th day of May 2022.

Clare Elizabeth Simpson,
Chief Officer,
Sovereign Base Areas.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. This explanatory note relates to the Town and Country Planning (Planning Procedure and Administrative Review) Regulations 2022 (the “Regulations”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Regulations. It does not form part of the Regulations.

2. The Regulations are based on the Republic’s Town and Country Planning (Applications and Administrative Recourse) Regulations 2016^(a). Regulations 3 to 5 set out general provisions about how planning applications are to be made to the Planning Authority.

3. As well as applications for planning permission, these Regulations also apply to applications for a determination as to whether a planning permit is required. They also apply to applications for approval of reserved matters and approvals required under a development order.

4. Under regulation 1(2), the functions of the Planning Authority in the Regulations are general delegated functions. Regulation 5 requires the applicant to publicise certain applications through a notice. The Planning Authority can request that other applications are publicised in the same way if it considers it expedient to do so.

5. Regulation 6 sets out how planning applications are to be considered by the Planning Authority. After receiving a valid application, the Planning Authority must let the applicant know the deadline for the determination of the application. If it does not consider the application to be valid, the Planning Authority must make any further requests and let the applicant know when it considers the application to be valid.

6. Before determining an application for planning permission, the Planning Authority must consult the relevant authorities in accordance with regulation 7. This may involve consulting a mixture of Administration and Republican authorities. The applicant may, with the Planning Authority’s consent, carry out these consultations on the Planning Authority’s behalf.

7. Regulations 8 and 9 set out the procedure for making an application to the Administrator to review a decision. A Planning Authority’s decision to refuse an application or to grant it subject to conditions, or issue an enforcement notice, can be reviewed. The Chief Officer’s decision to revoke or modify planning permission, or impose an administrative penalty, can also be reviewed by the Administrator.

(a) Public instrument 62/2016 of the Republic, published in Supplement III(I) of the Republic of Cyprus Gazette No. 4931 of 11 March 2016.

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