

PLANNING PERMISSION AND BUILDING PERMIT IN RELATION TO FARMS AND OTHER DEVELOPMENTS IN CAMP

This guidance note indicates whether a building permit or planning permission is required for certain developments in Camp, how you can obtain the necessary permissions and where you can turn to for advice.

The note explains briefly the planning and building requirements in terms of The Planning Ordinance 1991, The General Development Order 1991 and The Building Regulations 1999.

Development is not only assessed in terms of this legislation, but also in the context of the Falkland Islands Structure Plan, which is intended to provide a framework for sustainable growth and the revitalisation and diversification of the Islands and particularly Camp. The Structure Plan is expected to be formally adopted in 2004 and will provide a development framework for up to 10 years.

Building Permit

A building permit is required for the erection or alteration of any building which is not specifically exempt, whether in Stanley or in Camp. This includes internal alterations that are non-structural. A building permit is also required if you propose to change the use of any building.

Certain classes of buildings are exempt from the Building Regulation requirements if they meet specified criteria. These include small garages for private dwellings and small extensions to buildings such as a porch or conservatory.

In the case of buildings which are large or are proposed for public, commercial and industrial use, you should also discuss your plans with the Chief Fire Officer (Tel: 27471) before submitting your application. The Building Regulations 1999 require these buildings to have fire precautions in accordance with the recommendations of the Chief Fire Officer.

Advice on Building Permits etc

Advice on the need for building permits may be obtained from the Building Adviser (Tel: 27390).

Planning Permission

The Falkland Islands are divided into two separate areas as far as the need for planning permission is concerned. The first covers areas in and around Stanley and includes areas in Camp that are relatively close to a public road. The second area covers Camp and includes all the islands and inshore waters.

In Stanley and in areas in Camp that are relatively close to a public road

Planning permission is required for most new building and engineering works. For instance, you would require planning permission to build a new house, to site a Portakabin (or similar prefabricated building), or to site a container.

The use of a dwelling for any trade or business other than agriculture constitutes a change of use requiring planning permission.

Alterations and extensions to buildings may also require planning permission, but small extensions to houses and domestic buildings (garages, peat sheds etc) are often exempt.

Notes:

- 1) This includes all land within 10 kilometres of the spire of Christ Church Cathedral in Stanley and all land within 500 metres of the centre line of any public road in Camp; and
- 2) The following have been designated public roads under the Road Traffic Ordinance:-
 - a) Stanley Airport Road;
 - b) Stanley – Mount Pleasant Airport – Darwin Road
 - c) Stanley – Moody Brook Road;
 - d) all roads on the Cape Pembroke Peninsula
 - e) all roads within the Mount Pleasant complex;
 - f) the road from the Guard Room, Mount Pleasant Airport – the gates to the Naval Port, Mare Harbour;
 - g) the Port Louis Road (from the Mount Kent turn-off – the Port Louis gate).

In Camp, except for areas near a road as noted above

Planning permission is only required for particular developments and changes of use. For instance, you will require planning permission to provide tourist accommodation, to extract minerals, to operate scrap yards and to carry out certain industrial processes.

Most other forms of construction work or change of use do not require planning permission. For instance, planning permission is not required for the erection of agricultural buildings or new houses or for the carrying out of alterations and extensions to existing houses.

The use of a dwelling for any trade or business other than agriculture constitutes a change of use requiring planning permission.

Remember, you may not need planning permission for these works but still need a building permit.

Planning Advice

Always contact the Environmental Planning Office (Tel: 27390) for advice on whether planning permission is required for any development proposed by you and, if necessary, obtain the necessary permission before buying land or materials.

You are also advised to ensure that any agreement to purchase or lease property is subject to planning permission being granted for the development proposed.

Types of Planning Permission

If you do need planning permission, you will have to decide whether to submit an Outline Application or a Full Application for Planning Permission.

An Outline Planning Application is a means of seeking approval in principle for the erection of a building or group of buildings. If successful, an application for the approval of detailed plans must be made at a later date.

A Full Planning Application is the means of seeking planning permission for all types of development, including the erection of a building, particularly where:-

- 1) you are reasonably certain that there will be no objection in principle to the erection of a building, such as the erection of a house on a serviced housing plot:-

- 2) you are applying for something minor or non-controversial, such as a house extension; or
- 3) you have already had detailed plans of a building prepared.

Forms & Plans

The application forms used by the Falkland Islands Government (FIG) are designed to allow you to make individual applications for outline planning permission, full planning permission or a building permit. You may also use it to make a combined application for full planning permission and building permit but not for a combined application for outline planning permission and a building permit.

If you require both full planning permission and a building permit, you can either apply for them at the same time or, if you prefer, you can apply for planning permission first and a building permit later. Whether you are making an individual or a combined application, you will need to submit three copies of the application form.

To apply for outline planning permission your completed application form should be accompanied by three copies of the site plan showing the location of the proposed development and the boundaries of the site.

To apply for full planning permission your completed application form should be accompanied by three copies of the following:

- 1) a site plan showing the general location of the proposed development;
- 2) a block plan, preferably at a scale of 1:500, showing the precise location of the proposed development, the boundaries of the site and the position of the access, water supply and drainage; and

If you are applying for a building permit only, the requirement for detailed drawings is less onerous where the work is to be carried out in Camp. The aim is to streamline the process of obtaining a building permit for work in Camp. In this case the following information will be required;

- (a) details of the size of the building and its approximate location;
- (b) in relation to a new building or the alteration of or extension to an existing building, a brief specification of the materials intended to be used;
- (c) in relation to the change of use of a building or of part of a building, details of the materials of which it is constructed,

Application forms may be obtained from the Environmental Planning Department and copies of site or block plans from the Design Office, Public Works Department, Ross Road, Stanley.

Preferred Construction Details

In order to provide assistance to people who intend to prepare drawings for submission with applications for Planning Permission and Building Permit this department can supply copies of standard construction details. These detailed drawings show how certain elements of a building should be built. These details may be used in addition to the floor plans and other drawings that are required.

Further advice and drawing assistance is always available. If you would like detailed drawings of any other common building element then please ask.

Land Ownership Certificate

If you are applying for planning permission in connection with land that you do not own, you or your agent must complete the Land Ownership Certificate on the reverse side of the planning application form.

You must obtain the owner's consent in addition to obtaining Planning permission before you carry out development on land that you do not own.

If you do not own all the land which you propose to develop, you must also fill in the Notice to Owners (a small green form) and send it to the owner.

If the land is owned by FIG, you may simply enclose the completed Notice with your application. FIG as the owner will normally require you to arrange a formal written agreement which will be separate from the Planning Permission and you should contact FIG Attorney General's Chambers for further information.

What Happens to my Application?

Once you have made your application it is assessed to determine whether it is satisfactory. It may be necessary to ask you to provide further drawings or other information and if so we will contact you. Your application is also checked by other FIG departments and you may be asked for further information to suit their requirements.

Your application will then be considered either by The Planning and Building Committee or by the Environmental Planning Department. As a general rule applications of a routine nature may be approved by officials of the Department, but more complex applications will be decided by the Committee.

Cautionary Notice:

You are also advised:-

- 1) that you should not start building work or change the use of a building or land until you have received the necessary permissions; and
- 2) that approval of an outline planning application does not allow you to start building works straight away. You must first obtain approval of your detailed plans and, where necessary, a building permit.
- 3) Permission is based on the information that you provide and it is important that you follow the approved plans. The details shown on the approved drawings are important and if you change or omit something then your building may not be acceptable. It is very common to use a different material from that shown on the drawing but the new material may not be adequate. These variations may not always result in problems and may be acceptable, but you should always consult with the Building Adviser or Environmental Planning Officer first, to avoid costly mistakes.
- 4) In some cases changes may be approved without further action, but in others it may be necessary to obtain a new Planning Permission or Building Permit.

Useful Contact Addresses

- 1) Environmental Planning Officer, Malvina House Gardens, PO Box 611, Stanley (Tel: 27390) Email: dgiudicelli.planning@taxation.gov.fk
- 2) Building Adviser, Malvina House Gardens, PO Box 611, Stanley (Tel: 27390) Email: ba.planning@taxation.gov.fk
- 3) Chief Fire Officer, Fire Station, St Mary's Walk, Stanley (Tel: 27471 Fax: 27472) Email: Gfiddes.fire@sec.gov.fk

The following extract from Schedule 2 of the General Development Order 1991 is a schedule of those works that may be carried out in Camp as noted above without the need to obtain Planning Permission. Conversely, any works that are outwith these will require Planning Permission. In addition, if these works are near to a public road in Camp then Planning Permission will be required.

PART 2

CLASS A. Residential Developments

1. The erection of dwelling houses
2. The enlargement, improvement or other alteration of a dwelling house.
3. The erection or construction of any building or enclosure required for a purpose incidental to the enjoyment of a dwelling house as such.

CLASS B. Minor Operations

1. The erection or construction of gates, fences, walls, or other means of enclosure.
2. The painting, cladding or re-roofing of any building or works.
3. The erection or placing on or under land of tanks for the storage of oil for domestic heating.

CLASS C. Changes of Use

The change of use of any land or building not involving a change to –

1. use for industrial purposes other than light industrial purposes defined by schedule 1 or industrial purposes solely connected with the use of land for agriculture;
2. uses connected with the winning and working of minerals, including offshore mineral deposits;
3. use as a scrapyards or for the breaking of motor vehicles;
4. uses (other than as a dwelling house) in which the principal use is the accommodation of tourists or other persons not engaged in agriculture.

CLASS E. Agricultural Buildings, Works & Uses

1. The carrying out of building or engineering operations requisite for the purposes of agriculture.
2. The winning and working, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use of the land, including fertilisation of the land so used.

CLASS E. Industrial & Warehouse Development

- (1) The erection, alteration, extension and repair of buildings for light industrial purposes defined by Schedule 1, or industrial purposes solely connected with the use of land for agriculture, and the carrying out of any other building and engineering operations in connection with such purposes.
- (2) The erection, alteration, extension and repair of buildings for use as a warehouse or repository for any purpose other than a purpose connected with –
 - (a) the winning and working of minerals, including offshore mineral deposits;
 - (b) industrial uses other than light industrial uses defined in Schedule 1 or industrial uses solely connected with the use of land for agriculture.

and the carrying out of any other building and engineering operations in connection with such purposes.

CLASS F. Services

The carrying out of any works related to the supply of water, the generation and distribution of electricity, the drainage of land and buildings, and the operation of telephone, radio, television transmission, telecommunications or similar equipment, so long as these works are not required in connection with –

- (a) the winning and working of minerals, including offshore mineral deposits;
- (b) industrial uses other than light industrial uses defined by Schedule 1 or industrial uses solely connected with the use of land for agriculture.

CLASS G. Roads

Engineering works, and building works incidental to these works, for the construction, improvement and maintenance of any road or track, other than roads or tracks required in connection with –

- (a) the winning and working of minerals, including offshore mineral deposits;
- (b) industrial uses other than light industrial uses defined by Schedule 1 or industrial uses solely connected with the use of land for agriculture.

CLASS H. Aviation Development

The construction and maintenance of airstrips or runways and associated buildings, plant and navigation equipment so long as the main use of the airstrip is not connected with –

- (a) the winning and working of minerals, including offshore mineral deposits; industrial uses other than light industrial uses defined by Schedule 1 or industrial uses solely connected with the use of land for agriculture.

CLASS I. Marine Works

- (1) The construction, improvement and maintenance of piers, jetties and associated buildings, plant and hardstandings used primarily for the transportation of agricultural produce or domestic goods or for the recreational use of the resident population.
- (2) The carrying out of works on land or in the territorial sea of the Falkland Islands of works required in connection with the navigation of shipping, but excluding dredging and similar operations.

CLASS J. Community Buildings

The erection, extension, improvement or maintenance of any building primarily for the recreational or community use by the resident population or for the provision of health or education services to the resident population, and the carrying out of building and engineering operations in connection with such buildings.

Remember, works may not require Planning Permission but may still need a Building Permit, even in Camp.