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# LAND PLANNING AND DEVELOPMENT CONTROL ORDINANCE, 2013

## LAND PLANNING AND DEVELOPMENT CONTROL (AUTHORITY PROCEDURES) REGULATIONS, 2013

(Sections 6, 63 and 70)

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#### **Citation and commencement**

1. These Regulations may be cited as the Land Planning and Development Control (Authority Procedures) Regulations, 2013, and come into force on 1 February 2014.

#### **Meetings of Authority**

2. (1) The Authority must give notice of any meeting convened under section 6 of the Ordinance by publication in one or more newspapers circulating on St Helena, where practicable at least 7 days before the meeting, and such notice must, subject to sub-regulation (2), inform members of the public that any person may attend the meeting.

(2) The Chair may exclude members of the public from any meeting or part of a meeting where the matter under discussion is of a financial, commercial or personal nature which, in the opinion of the Chair, should properly be considered in private.

(3) Meetings of the Authority may be held by way of electronic media where the members participating in the meeting are not all present in the same place but where all the members participating can hear, and be heard by, all of the other members so participating and by members of the public in attendance.

(4) The minutes of all meetings must, once approved by the Authority, be open to public inspection.

### Meaning of “relevant interest”

3. (1) For the purposes of section 7 of the Ordinance, a member of the Authority has a relevant interest in a matter if the member or any associated person has, to the member’s knowledge, an interest in land which is—

- (a) the subject of any application or discussion to which the matter relates; or
- (b) within 50 metres of any part of the land which is the subject of such application or discussion.

(2) In this Regulation, an “associated person” in relation to a member means—

- (a) his or her grandparents, parents, siblings, spouse or life partner, children, and grandchildren;
- (b) the spouses or life partners of his or her siblings, children and grandchildren;
- (c) any corporate body the activities of which he or she (either alone or in association or combination with any of the persons mentioned in paragraph (a) and (b)) is able to direct; or
- (d) a person for whom he or she, or a person mentioned in paragraphs (a), (b) and (c), has within the past 12 months, acted as a nominee, trustee or attorney.

(3) For the purposes of subsection (1), a person has an interest in land if—

- (a) the person owns the freehold or any lease or any charge by way of security, or any option to acquire any of the foregoing interests over or in respect of such land; or
- (b) the person or any partner of the person or any company of which the person is an employee has in connection with the development of such land—
  - (i) furnished any advice for or in expectation of gain; or
  - (ii) otherwise contributed to the design process.

(4) Notwithstanding sub-regulations (2)(d) and (3), a person is deemed not to have a relevant interest in a matter if the person would have that interest only by reason of—

- (a) being a trustee or nominee of a church or charity;
- (b) furnishing advice in the performance of duties as a public officer; or
- (c) being a member of the Legislative Council and the relevant land being Crown land.

### Reporting by Authority

4. A report by the Authority under section 63 of the Ordinance must contain the following information:

- (a) the number and type of applications for development permission received;
- (b) the number and type of applications for development permission granted;
- (c) the number and type of applications for development permission refused;

- (d) the number and type of applications for development permission granted on appeal under this Ordinance;
  - (e) the number of meetings of the Authority held during the year;
  - (f) any difficulties the Authority has encountered in performing the duties set out in section 5(a), (b) and (c); and
  - (g) any recommendations the Authority wishes to make as to the amendment of the Ordinance or the Regulations then in force or the making of new legislation to assist in the fulfilling of those objectives.
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