

# LAND PLANNING AND DEVELOPMENT CONTROL ORDINANCE, 2013

## LAND PLANNING AND DEVELOPMENT CONTROL (DEVELOPMENT PLANS) REGULATIONS, 2013 (Sections 13 and 70)

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#### **Citation and commencement**

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

#### **Preparation of Development Plan**

2. (1) Except as provided in Regulation 6, the Chief Planning Officer is responsible for the preparation of any Development Plan.

(2) The Chief Planning Officer must keep the Governor in Council informed of the progress with the preparation and the likely general content of a plan which is in the course of preparation.

(3) A Development Plan prepared under section 13 of the Ordinance may, in addition to any matter referred to in section 13(2), include—

- (a) a statement of the general principles and policies which it is considered should govern the regulation, control or management of development in the area

- concerned;
- (b) the allocation of sites for different types of development;
- (c) the designation of any area as being an area which, for environmental, ecological, aircraft safety or other similar reasons should not be developed;
- (d) proposals for the preservation of buildings for architectural, cultural or historical reasons.

### **Publication of draft Development Plan**

**3. (1)** When the Chief Planning Officer has prepared a draft Development Plan he or she must send a copy to the Governor in Council and deposit a copy at the office of the Chief Planning Officer and at any other place or places he or she considers to be most effective for bringing it to the notice of persons who are likely to be affected by the proposals in it.

**(2)** The Chief Planning Officer must give notice in the *Gazette* and in a newspaper circulating on St Helena of the depositing of a draft Development Plan, and of the places where it may be examined, and must give such other publicity to and explanation of the draft Development Plan as, in his or her opinion, is best calculated to inform all persons affected or likely to be affected by the proposals in it and of a person's right to make representations with regard to the proposals in it.

**(3)** Except as provided in regulation 6, any person may, within 8 weeks of the publication in the *Gazette* of the notice referred to in sub-regulation (2), make written representations on the draft Development Plan to the Chief Planning Officer.

**(4)** After the expiration of the period for making representations on a draft Development Plan under sub-regulation (3), the Chief Planning Officer must lay the draft Development Plan, together with all representations made with respect to it, before the Authority.

**(5)** The Authority must, within 4 weeks from the date on which the draft Development Plan was so laid before the Authority, or any longer period the Governor in Council approves, forward to the Governor in Council any recommendations which the Authority wishes to make in relation to such Development Plan.

### **Approval of Development Plan**

**4. (1)** The Governor in Council may, after considering a draft Development Plan which has been submitted under regulation 3 and all representations and recommendations made on it, approve the draft Development Plan with or without modifications, or may reject it, or require revision of, or further consultations on, the draft Development Plan in whole or in part.

**(2)** The Governor in Council must not make a decision under sub-regulation (1) until—

- (a) the recommendations submitted by the Authority under regulation 3(5) have been received; or
- (b) the period of 4 weeks or approved longer period referred to in regulation 3(4) has elapsed,

whichever is the first to occur.

(3) If the Governor in Council decides that before a draft Development Plan is approved, modifications to, or revision of or further consultations are required, the Governor in Council may require the Chief Planning Officer to undertake revision or further consultation as necessary and to give such publicity to the matter as will enable persons likely to be affected or interested to make representations on what is involved.

(4) Unless the Governor in Council otherwise directs, regulations 3 applies to any revision undertaken by the Chief Planning Officer under this regulation and to the re-submission of the draft Development Plan or any modification of it.

### **Deposit of Approved Development Plan**

5. (1) When a Development Plan has been approved by the Governor in Council, in whole or in part, a copy of it must be deposited at the office of the Chief Planning Officer and any other places the Chief Planning Officer considers appropriate, and the substance of the Development Plan must be publicised in any manner the Governor in Council directs.

(2) Notice of the deposit of a Development Plan must be published in the *Gazette* and the Development Plan comes into effect on the date of such publication.

(3) Copies of a Development Plan must be available for inspection or purchase during office hours at the office of the Chief Planning Officer at fee prescribed in regulations under the Ordinance.

### **National Conservation Area Development Management Plans**

6. These Regulations apply in the like manner to the preparation, publication and approval of Development Management Plans for National Conservation Areas designated under the Land Development Control Plan, except that—

- (a) responsibility for preparation of a Development Management Plan under regulation 2(1) may be transferred to the Chief Environmental Officer acting on behalf of the Chief Planning Officer and all other responsibilities and duties of the Chief Planning Officer under these Regulations are then similarly transferred; and
- (b) the period of 8 weeks referred to in regulation 3(3) is reduced to 4 weeks or any longer period the Chief Environmental Officer decides.

### **Modification or revocation of plan**

7. (1) The Governor in Council may require the Chief Planning Officer to review or prepare proposals for modification or revocation of any Development Plan, or any part of it.

(2) Without affecting sub-regulation (1), the Chief Planning Officer must keep under review the operation of any Development Plan in the light of changing circumstances in the area to which it applies, or for any other reason which in his or her opinion requires such review, and if the Chief Planning Officer considers it desirable he or she may prepare

proposals for the modification or revocation of any Development Plan and submit them to the Governor in Council.

(3) The provisions with respect to the preparation, consideration and approval of a Development Plan apply with necessary modifications to the preparation, consideration and approval of the modification or revocation of a Development Plan.

**Transitional provision**

8. The period of 8 weeks referred to in regulation 3(3) applies to any draft Development Plan for which a longer consultation period has commenced but has not been completed at the date on which these Regulations come into force.

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