TOWN PLANNING (GENERAL PROCEDURES) REGULATIONS 2019

LN.2019/192

Commencement 26.9.2019

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In exercise of the powers conferred on him by sections 33 and 68 of the Town Planning Act 2018 the Minister with responsibility for Town Planning has made the following Regulations-

PART I

Preliminary

Title and commencement.

1. These regulations may be cited as the Town Planning (General Procedures) Regulations 2019 and come into operation on the day of publication.

PART II

Applications

Applications for full planning permission.

2.(1) An application for full planning permission shall—

(a) be made in the form provided by the Town Planner for this purpose;

(b) subject to subregulation (2), be accompanied by the plans, drawings and specifications set out in Schedule 1 hereto; and

(c) be accompanied by the fee prescribed in Schedule 4.

(2) Where the application for permission-

(a) is in relation to a change of use of a building or land; and

(b) does not involve any other works,

the applicant shall only be required to comply with paragraphs (a) and (b) of Schedule 1.

Applications under outline planning permission.

3.(1) An application for outline planning permission shall—

(a) be made in the form provided by the Town Planner for this purpose;

(b) subject to subregulation (2), be accompanied by the plans, drawings and specifications set out in Schedule 2; and
Applications for planning permission: general requirements.

4.(1) The Commission may require an applicant for planning permission to:

(a) furnish such further information and particulars relating to his application as it thinks necessary;

(b) furnish in electronic form such plans, drawings or other documents as the Commission may specify; and

(c) attend before the Commission for the purpose of providing such explanations relating to his application as it thinks necessary.

(2) Any plans or drawings required to be provided by these Regulations shall be drawn to an identified scale, be clearly annotated and shall show the direction of North.

PART III

Notification

Classes of development for purposes of section 23.

5. The following classes of development are designated for the purposes of section 23 of the Act–

(1) the construction of a building to a height of 4 metres or over, where for the purposes of height, 4 metres is measured from the lowest point of construction of the proposed building to its highest part.

(2) the construction of a building or the use of land for the purposes of:

(a) a casino, a funfair or a bingo hall, a theatre, a cinema, a music or concert hall, a dance hall, a skating rink, a sports hall, a swimming pool (other than one
intended for the exclusive use of a single private residence), a gymnasium (not forming part of a school, or college), or a Turkish or other vapour or foam bath;

(b) a hotel, motel, guest or boarding house or other premises providing sleeping accommodation;

(c) a distillery, brewery, inn or bar, restaurant or eating house including fast-foods restaurants and takeaways;

(d) a place of religious worship or religious instructions;

(e) a museum, art gallery, library or exhibition or meeting hall;

(f) an educational establishment or club;

(g) a hospital, nursing home, hospice, health or medical clinic, old peoples home or a home for the boarding and care of children;

(h) a zoo, aquarium or for the business of boarding or breeding cats or dogs;

(i) a crematorium;

(j) a general industrial process or for storage or distribution which would fall under Class B2 or B3 respectively as defined in Schedule 3;

(k) a petrol filling station;

(l) a slaughter-house or for killing or plucking poultry.

(3) the construction of a stadium.

(4) the construction of a building, the use of land or any other operations for-

(a) the disposal of waste materials or the use of land as a scrap yard;

(b) retaining, treating or disposing of sewage, trade waste or sludge (other than the laying of sewers, the construction of pump houses in a line of sewers or the construction of septic tanks and cesspools serving single dwelling houses, single buildings or single caravans in which not more than ten people will normally reside, work or congregate, and works ancillary thereto);

(5) the construction of one or more additional storeys, whether covering the whole or part only of a roof area, to an existing building.
(6) the total or partial demolition of any building except-

(a) in case of emergency;

(b) when such total or partial demolition is required for public safety; or

(c) when the demolition may be considered to be minor by reference to the size and scale of the demolition and the tools and equipment required.

Size of notices.

6.(1) For the purposes of the Act, the size of any site notice as posted shall be-

(a) a minimum size of at least 420mm by 297mm; or

(b) such size as prescribed by the Commission by notice.

(2) The Commission may require more than one site notice to be posted.

Notice of Commission’s decision.

7.(1) If the Commission refuse to grant planning permission or grant it subject to conditions it shall publish notice of its decision in such a form as it may prescribe.

(2) The notice shall-

(a) state clearly and precisely the reasons for the refusal or for any condition imposed;

(b) where the Minister has given a direction restricting the grant of planning permission for the development for which the application was made, give details of the direction; and

(c) include a statement to the effect that, if the applicant is aggrieved by its decision, he may appeal to the Tribunal under section 40 of the Act within 28 days of the receipt thereof or such other longer period as the Tribunal may at any time allow.

Notice of appeal.

8.(1) An applicant who wishes to appeal to the Tribunal under section 40 of the Act shall give notice of appeal by–
(a) serving on the secretary of the Tribunal notice in writing of appeal together with such of the documents specified in sub-regulation (2) as are relevant to the appeal; and

(b) serving on the persons, if any, who made representations a copy of the notice mentioned in sub-regulation (a) as soon as reasonably practicable.

(2) The documents mentioned in sub-regulation (1) are–

(a) the application made to the Commission which has occasioned the appeal;

(b) all plans, drawings and documents sent to the Commission in connection with the application;

(c) all correspondence with the Commission relating to the application;

(d) any notice provided to the Commission in accordance with section 23 of the Act;

(e) any certificate provided to the Commission under section 22 of the Act;

(f) any notices or notifications provided to the Commission under section 25 of the Act;

(g) the notice of the decision or determination, if any.

PART IV

Register

Register of applications and decisions.

9.(1) The register of applications for planning permission required to be kept by the Commission under section 53 of the Act shall be kept in two parts.

(2) Part I of the register shall contain–

(a) a copy (which may be photographic) of the application and of plans and drawings submitted in relation thereto;

(b) a copy of the direction (if any) given under the Act in respect of the application;

(3) Part II of the register shall contain, in respect of every application for planning permission–
(a) particulars of the application, including the name and address of the applicant, the date of the application and brief particulars of the proposal forming the subject of the application;

(b) any representations received in respect of the application;

(c) the decision (if any) of the Commission in respect of the application, including details of any conditions subject to which permission was granted, and the date of such decision.

(4) Every entry in the register shall be made within 14 days of the date of validation under section 24 or of the giving or makings of the relevant direction, decision or approval as the case may be.

(5) The register shall be kept at the office of the Secretary of the Commission.

PART V

Directions and Consultations

Directions by the Minister.

10.(1) The Minister may give directions restricting the grant of permission by the Commission, either indefinitely or during such a period as may be specified in the directions, in respect of any development or in respect of development of any class so specified.

(2) The Commission shall deal with applications for planning permission for development to which a direction given under this regulation applies, in such manner as to give effect to the direction.

Development not in accordance with the Planning Scheme.

11. The Commission may, subject to such conditions as may be prescribed by directions given by the Minister under regulation 10(1), grant planning permission for a development which does not accord with the provisions of the planning scheme.

Consultations before the grant of planning permission.

12.(1) Before granting planning permission for development, which in its opinion is likely to impact on the safe operation of the Gibraltar Airport, the Commission shall consult with the Director of Civil Aviation.
(2) Subject to sub-regulation (1), the Commission shall before granting planning permission consult with any person or body as appears to the Commission appropriate as having special knowledge or interest in relation to the development to which the application relates.

(3) The Minister may give directions to the Commission requiring it to consult with any person or body named in the directions, in relation to any development specified in the directions.

(4) Where the Commission consults any person or body (“the consultee”) before granting planning permission, it shall–

(a) unless an applicant has served a copy of an application for planning permission on the consultee, give notice of the application to the consultee; and

(b) not determine the application until at least 14 days after the date on which notice is given under paragraph (a) above or if earlier, 14 days after the date of service of a copy of the application on the consultee by the applicant.

(5) The Commission shall, in determining the application, take into account any representations received from a consultee.

PART VI

Change of Use

Use classes.

13.(1) Where a building or other land is used for a purpose of any class specified in Schedule 3, the use of that building or that other land for any other purpose of the same class shall not be taken to involve development of the land.

(2) References in paragraph (1) to a building include references to land occupied with the building and used for the same purposes.

(3) A use which is included in and ordinarily incidental to any use in a class specified in Schedule 3, is not excluded from the use to which it is incidental merely because it is specified in the said Schedule as a separate use.

(4) No class specified in Schedule 3, includes use–

(a) as a theatre;

(b) as an amusement arcade or centre, or a funfair;
(c) as a launderette;

(d) for the sale of fuel for motor vehicles;

(e) for the sale or display for sale of motor vehicles;

(f) as a taxi business or for the hire of motor vehicles;

(g) as a scrapyard, as a yard for the storage or distribution of minerals or as a yard for the breaking of motor vehicles;

(h) as a hostel;

(i) as a waste disposal installation for the incineration, chemical treatment (as defined in Annex IIA to Directive 75/442/EEC under heading D9), or landfill of waste to which Directive 91/689/EEC applies;

(j) as a night-club or casino.

Change of use of part of building or land.

14. In the case of a building used for a purpose within class C3 (dwelling houses) in Schedule 3, the use-

(a) as a separate dwelling house of any part of the building; or

(b) of any land occupied with and used for the same purposes as the building;

shall be taken to involve development.
SCHEDULE 1

Regulation 2

Plans drawings and specifications required for full planning permission-

(a) a location plan at typically 1:1250 outlining the application site;

(b) an existing site plan typically at 1:200 showing-

(i) the whole property including all buildings, open spaces, car parking, existing trees and other natural features; and

(ii) all adjoining sites, buildings and public highways;

(c) proposed site layout at typically 1:200 showing-

(i) the siting of any new building or extension;

(ii) vehicular and pedestrian access;

(iii) changes in levels; and

(iv) landscape proposals including trees to be removed, new or altered boundary walls and new hard surfaced open spaces;

(d) appropriately scaled drawings showing-

(i) elevations, floor plans and, if relevant, roof plans, showing the building as existing and proposed and in the context of surrounding buildings and area; and

(ii) architectural features including but not limited to details of doors windows roofs, chimneys, boundary walls and gates;

(e) appropriately scaled cross-sections;

(f) details of proposed materials and colour schemes;

(g) where relevant, details including maps indicating the area of any important flora and fauna within the application site or likely to be affected by the proposed development;

(h) where appropriate-
(i) a design statement explaining the design principles and concept and how the design relates to its wider context; and

(ii) a statement on energy efficiency measures proposed;

(i) where relevant, a statement containing-

(i) a summary of the main elements of the proposed works;

(ii) background information that explains the need for the proposed development;

(iii) planning history;

(iv) summary of vehicular and pedestrian access arrangements, including where appropriate, proposed access arrangements for servicing the proposed development.
SCHEDULE 2

Regulation 3

Plans drawings and specifications required for outline planning permission:

(a) a location plan at typically 1:1250 outlining the application site;

(b) an existing site plan typically at 1:200 showing the site in the context of surrounding sites and buildings;

(c) proposed site layout at typically 1:200 showing-
   (i) the siting of any new building or extension;
   (ii) vehicular and pedestrian access; and
   (iii) landscape proposals;

(d) appropriately scaled drawings showing typical elevations, floor plans and, if relevant, roof plans, showing the building as existing and proposed and in the context of surrounding buildings and area;

(e) typical materials and colour schemes;

(f) where appropriate-
   (i) a design statement explaining the design principles and concept and how the design relates to its wider context; and
   (ii) a statement on energy efficiency measures proposed.

(g) where relevant, a statement containing-
   (i) a summary of the main elements of the proposed works;
   (ii) background information that explains the need for the proposed development;
   (iii) planning history;
   (iv) summary of vehicular and pedestrian access arrangements, including where appropriate, proposed access arrangements for servicing the proposed development.
Class A1. Shops

Use for all or any of the following purposes—

(a) for the retail sale of goods other than hot food;
(b) as a post office;
(c) for the sale of tickets or as a travel agency;
(d) for the sale of sandwiches or other cold food for consumption off the premises;
(e) for hairdressing;
(f) for the direction of funerals;
(g) for the display of goods for sale;
(h) for the hiring out of domestic, or personal goods or articles;
(i) for the reception of goods to be washed, cleaned or repaired;
(j) for the washing or cleaning of clothes or fabrics on the premises;
(k) as an internet cafe where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet;

where the sale, display or service is to visiting members of the public.

Class A2. Financial and professional services

Use for the provision of—

(a) financial services;
(b) professional services (other than health or medical services); or
(c) any other services (including use as a betting office) which it is appropriate to provide in a shopping area;
where the services are provided principally to visiting members of the public.

Class A3. Food and drink

Use-

(a) for the sale of food or drink for consumption on the premises;

(b) as a public house, wine-bar or other drinking establishment; or

(c) for the sale of hot food and drink for consumption off the premises.

PART B

Class B1. Business

Use for all or any of the following purposes—

(a) as an office other than a use within class A2;

(b) for research and development of products or processes; or

(c) for any industrial process;

being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B2. General industrial

Use for carrying on an industrial process other than one falling within Class B1.

Class B3. Storage or distribution

Use for storage or as a distribution centre.

PART C

Class C1. Hotels

Use as a hotel, boarding or guest house where, in each case, no significant element of care is provided.

Class C2. Residential Institutions
Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

**Class C3. Dwelling houses**

Use as a dwelling house (whether or not as a sole or main residence)—

(a) by a single person or by people to be regarded as forming a single household; or

(b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).

**PART D**

**Class D1. Non-residential institutions**

Any use not including a residential use—

(a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner;

(b) as a crèche, day nursery or day centre;

(c) for the provision of education;

(d) for the display or works of art (otherwise than for sale or hire);

(e) as a museum;

(f) as a public library or public reading room;

(g) as a public hall or exhibition hall; or

(h) for, or in connection with, public worship or religious instruction.

**Class D2. Assembly and leisure**

Use as—
(a) a cinema;

(b) a concert hall;

(c) a bingo hall;

(d) a dance hall; or

(e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.
Fees.

The Minister may in his discretion by notice authorise the total or partial exemption of fees chargeable on any planning application prescribed in such notice, being-

(a) applications made by, and for the sole benefit of, a registered charity; or

(b) applications relating exclusively to works to be carried out to benefit a person with disability where the works are to:

(i) existing dwellings where the person with disability is or will be a permanent resident; or

(ii) existing buildings to which members of the public are admitted,

provided that no exemption may apply to the construction of a new building.

For the purposes of this Schedule-

“disability” means a physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out day-to-day activities; and

“dwelling or dwelling houses” includes any flats, maisonettes or apartments.

Subject to the paragraph below, where an application is made for a proposal that falls under more than one category, the applicable category shall be the one comprising the higher fee.

Where a development comprises residential and other uses, the fee shall be calculated by using as a starting point the cost for the residential use and adding to this fee the summed up costs of the other uses.

Where a development has commenced, or been completed, without having paid the prescribed fee for a planning application, and an applications is subsequently submitted, the fee payable for the application shall be double the fee that would otherwise have been applicable.

Where the calculation of a fee results in a fraction of a number then the result shall be rounded up to the nearest pound.
The fees contained below under the heading in paragraph 2 “Full Applications” are paid in 2 stages – “Stage 1” fees are payable on validation of the application and “Stage 2” fees are payable prior to or on completion of the works.

<table>
<thead>
<tr>
<th>Nature of Application</th>
<th>Fee Payable</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Applications for outline planning permission.</td>
<td></td>
</tr>
<tr>
<td>(A) Operations:</td>
<td></td>
</tr>
<tr>
<td>(1) Application for the erection of dwelling houses.</td>
<td>(i) £100 for site areas up to 200m²; (ii) Where the site area exceeds 200m² - £100 + £150 for each 200m² (or part thereof) in excess of 200m² subject to a maximum of £6000.</td>
</tr>
<tr>
<td>(2) Application for the erection of buildings other than buildings falling within subparagraphs (1), (3), (4), (5), (6) or (7).</td>
<td>(i) Where the area of gross floor space to be created by the development does not exceed 40m² - £100. (ii) Where the area of gross floor space to be created by the development exceeds 40m² but does not exceed 75m² - £240. (iii) Where the area of gross floor space to be created by the development exceeds 75m² - £240 for each 75m² (or part thereof) subject to a maximum of £9,000.</td>
</tr>
<tr>
<td>(3) Application for the erection on land used for the purpose of agriculture or buildings to be used for agricultural purposes other than buildings falling within subparagraph (4).</td>
<td>£160 for each 100m² (or part thereof) of the site area subject to a maximum of £4000.</td>
</tr>
<tr>
<td>(4) Application for the erection of glass houses on land used for the purpose of agriculture.</td>
<td>£90 where the gross floor space to be created by the development does not exceed 500m². Where the gross floor space to be created by the development exceeds 500m² - £90 +£60 for each 500m² (or part thereof) in excess of 500m² subject to a maximum of £2000.</td>
</tr>
</tbody>
</table>
(5) Application for the erection, alteration or replacement of plant and machinery. £180 up to 500m² (or part thereof) of the site area, subject to a maximum of £9,000.

(6) Application for the construction of car parks, multi-storey car parks, service roads and other means of access on land used for the purposes of a single undertaking, where the development is required for a purpose incidental to the existing use of the land. £180

(7) Application for the carrying out of any operations not coming within any of the above categories. £100 for each 500m² (or part thereof) of the site area, subject to a maximum of £9,000.

(B) Uses of land (that do not fall under any of the above categories):

(1) The change of use of a building to use as one or more dwelling houses. £100 for each dwelling created subject to a maximum of £6000.

(2) The making of a material change in the use of a building or land (other than a material change of use coming within the above category).

(i) Where the site area does not exceed 100m² - £90
(ii) Where the site area exceeds 100m² - £90 + £70 for every 100m², (or part thereof) in excess of 100m² subject to a maximum of £6000.
2. Full applications.

(1) **Domestic Extensions to a single dwelling** -

<table>
<thead>
<tr>
<th>Stage 1 Fee</th>
<th>Stage 2 Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>£</td>
<td>£</td>
</tr>
<tr>
<td>(a) Where the area of gross floor space to be created does not exceed 20m²</td>
<td>30.00</td>
</tr>
<tr>
<td>(b) Where the area of gross floor space to be created exceeds 20m² but does not exceed 40m²</td>
<td>70.00</td>
</tr>
<tr>
<td>(c) Where the area of gross floor space exceeds 40m² but does not exceed 80m²</td>
<td>100.00</td>
</tr>
<tr>
<td>(d) Detached garages or car ports</td>
<td>40.00</td>
</tr>
<tr>
<td>(e) Loft conversion</td>
<td>70.00</td>
</tr>
</tbody>
</table>

(2) **Improvements to an existing single dwelling** -

Applications for the alteration of an existing dwelling that does not result in an increase in gross floor space

<table>
<thead>
<tr>
<th>Stage 1 Fee</th>
<th>Stage 2 Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>£</td>
<td>£</td>
</tr>
<tr>
<td>30.00</td>
<td>70.00</td>
</tr>
</tbody>
</table>

(3) **New dwellings** -

Number of dwellings to be created:

<table>
<thead>
<tr>
<th>Number</th>
<th>Stage 1 Fee</th>
<th>Stage 2 Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>90.00</td>
<td>145.00</td>
</tr>
<tr>
<td>2</td>
<td>185.00</td>
<td>310.00</td>
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<td>3</td>
<td>300.00</td>
<td>460.00</td>
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<td>4</td>
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<td>7</td>
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<td>8</td>
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<td>915.00</td>
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<td>16</td>
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<td>2890.00</td>
</tr>
<tr>
<td>17</td>
<td>990.00</td>
<td>3040.00</td>
</tr>
</tbody>
</table>
For each additional dwelling in excess of 30 add 30.00 per dwelling

(4) All other works where 80% of the estimated cost is-

<table>
<thead>
<tr>
<th>Cost Range</th>
<th>Fee 1</th>
<th>Fee 2</th>
</tr>
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<tbody>
<tr>
<td>Less than £1,000</td>
<td>10.00</td>
<td>30.00</td>
</tr>
<tr>
<td>£1,001 - £2,000</td>
<td>17.00</td>
<td>50.00</td>
</tr>
<tr>
<td>£2,001 - £3,000</td>
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<td>£3,001 - £4,000</td>
<td>27.00</td>
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<td>£4,001 - £5,000</td>
<td>33.00</td>
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<td>£5,001 - £6,000</td>
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<td>£6,001 - £7,000</td>
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<tr>
<td>£7,001 - £8,000</td>
<td>51.00</td>
<td>151.00</td>
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<tr>
<td>£8,001 - £9,000</td>
<td>53.00</td>
<td>160.00</td>
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<td>£9,001 - £10,000</td>
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<td>£10,001 - £12,000</td>
<td>63.00</td>
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<td>£12,001 - £14,000</td>
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<td>£18,001 - £20,000</td>
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and thereafter for each additional £100,000 or part thereof

13,771.00 plus £300.00 for each £100,000 (or part thereof)

41,195.00 plus £900.00 for each £100,000 (or part thereof)

3. Other.

(A) Renewals:
Renewal of permission 25% of the total original fee or £100 whichever is the lesser

(B) Amendments:
Minor amendments to an application after permission has been granted 25% of the total original fee or £200 whichever is the lesser