

OPEN AGENDA

Copy No:

No: 10/2022

Memorandum for Governor in Council

Open/Closed Session: Open Session

Subject: DEVELOPMENT APPLICATION 2021/45:

Proposed construction of a three bedroom dwelling.

Presented by: Minister for Environment, Natural Resources and Planning Portfolio

Decision Sought:

Governor in Council is asked to consider and advise whether Full Development Permission should be granted, with Conditions, as recommended for the proposed construction of a three bedroom dwelling.

Reason for Referral

The Development Application is being referred to Governor-in-Council in accordance with Section 23(2)(b)(i) of the Land Planning and Development Control Ordinance 2013 as the grant of development permission must be considered a departure from the Land Development Control Plan Green Heartland Zone policy. The proposed development is within the Green Heartland policy area where development permission is strictly controlled and permission should not be granted for new dwellings.

Comments of Land Development Control Authority

At the 2nd February 2022 meeting of the Land Development Control Authority (the Authority) considered the development application seeking FULL Development Permission. The report to the Authority is included as an Annex to this Report.

The Authority agreed with the Planning Officer's recommendation to grant permission, which recognised the conflict with the Green Heartland Policy, but considered there are other material considerations which support the proposal in this case. In particular that the Land Development Control Plan Review Working Group was minded to make exemptions in the emerging LDCP to land owners, who prior to 2012, purchased land in the intermediate zone to build a house but were affected by a boundary change in the LDCP 2012 which changed the designation to Green Heartland.

The Authority's recommendation to Governor in Council is that the application should

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therefore be granted development permission, subject to the conditions in the Planning Officer's Report.

Comments of the Minister of ENRP

Each development application should be determined on its own merit. The proposed development conflicts with the Green Heartland Policies in the LDCA as set out in the Planning Officers Report. At the time this application was considered by the LDCA, the views of the LDCA Working Group were considered to be a material consideration that outweighed the conflict with that Policy and recommended approval as a result.

The LDCA Working Group had no statutory decision making powers and is no longer in existence.

17 November 2022