

# Information Sheet 3 – Guidance Notes on Public Participation Requirements when Submitting a Planning Application

## Do I need to consult the owners of the application site?

Every application must be accompanied by a certificate that confirms all owners\* of the site have been served with a notice of the application. This is known as a Section 21 Certificate of which there are four types (A,B,C,D), depending on the particular ownership details of the application site. The certificate forms part of the planning application and must be completed.

- **Certificate A** – to be used where the applicant is the sole owner\* of the site;
- **Certificate B** – to be used where the applicant has served a notice of application (Form S21A) on all owners\* (other than the applicant);
- **Certificate C\*\*** - to be used where the applicant has served a notice of application (Form S21A) on those owners\* (other than the applicant) specified in the certificate, but has been unable to do so for the remaining owners\*. The applicant must state the following in the certificate:
  - a) The steps taken to try and identify the owners of the site;
  - b) The date the notice (Form S21B) was published in the Gibraltar Gazette and in a newspaper in Gibraltar (specifying the newspaper). The date of publication may not be earlier than the beginning of the period of 21 days before the date of the application.
- **Certificate D\*\*** – to be used where the applicant has been unable to identify the owners\* (other than the applicant) of the site. The applicant must then state the following in the certificate:
  - a) The steps taken to try and identify the other owners of the site;
  - b) The date the notice (Form S21B) was published in the Gibraltar Gazette and in a newspaper in Gibraltar (specifying the newspaper). The date of publication may not be earlier than the beginning of the period of 21 days before the date of the application.

**\*\*\*PLEASE NOTE: ONLY ONE CERTIFICATE IS TO BE COMPLETED\*\*\***

## Do I need to notify any other interested parties?

This depends on the nature of the proposed development. Certain types (known as Section 19 developments) need to be advertised. In such cases you should:

1. **Publish the notice of application once in:** - the Gibraltar Gazette - a daily and weekly newspaper published in Gibraltar. The notice allows at least 21 days from date of publication for representations to be made. Copies of the publications in which the notices appeared must be submitted with the application.

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2. **Place a notice of application on site.** The notice must:
- Be attached to a fixed object;
  - Be easily visible and legible to members of the public without going onto the site;
  - Allow at least 21 days from the date the notice is placed on site, for representations to be made;
  - Be in position for at least 14 days in a period of not more than one month immediately preceding the date of the application;
  - You need to certify that you have complied with the site notice requirements and Form 1 therefore includes a certificate (Form S19 (Cert)) for this purpose.

### **You must complete one of:**

- **Certificate A** – to be used where the notice was left in position for at least 14 days in a period of not more than one month immediately preceding the date of the application;
- **Certificate B** – to be used where the applicant has not been able to post the notice because he does not have the right to enter the site and has been unable to acquire those rights. The steps taken to acquire the rights must be specified on the certificate;
- **Certificate C** – to be used where the notice has been placed on the site but, through no fault of the applicant, it has remained in position for less than the minimum 14 days because it was removed, obscured or defaced. You must state on the certificate the steps taken to protect and replace the notice **ONLY ONE CERTIFICATE TO BE COMPLETED**
- Once the relevant certificate has been completed you must submit your application in its entirety (including the correct number of copies of all plans and application forms).

### **Can members of the public object to my application?**

Any owner who you have notified, or any person who has been made aware of your application through your site notice or publication in the Gibraltar Gazette and local press, or has become aware by any other means, can make representations either in favour or against your application.

The commission, which is the decision making body, will take into account any representations made within the time limits specified above. Late representations will only be taken into account if the delay in receiving these was not the fault of the person making the representations. If a person makes representations on your application then they must give you a copy and they must certify this has been done when they submit their representations to the commission.

You then have 14 days in which to submit a response to these representations if you so desire.

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## Contact Details.

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