

# 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 which essentially confirms that all owners\* of the application site have been served with a notice of the application. This is known as a Section 22 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 forms 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 (Notice S22A) on all owners\* (other than the applicant).

**Certificate C\*\*** - to be used where the applicant has served a notice of application (Notice S22A) 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:

- the steps taken to try and identify the owners of the site;
- the date the notice (Notice S22B) was published in the Gibraltar Gazette and in two newspapers in Gibraltar (specifying the newspapers). 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:

- the steps taken to try and identify the other owners of the site;
- The date the notice (Notice S22B) was published in the Gibraltar Gazette and in two newspapers in Gibraltar (specifying the newspapers). The date of publication may not be earlier than the beginning of the period of 21 days before the date of the application.

## **ONLY ONE CERTIFICATE TO BE COMPLETED**

*\*Owner being any person who, beginning with the period 21 days before the date of the application had a freehold or leasehold interest in, or was entitled to a tenancy of, any part of the site to which the application relates.*

*\*\*the application forms do not include these certificates as they are very rarely required. Should you require to complete Certificate C or D please contact the Town Planning Division for further advice.*

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## Special notification requirements for buildings in multiple occupation

The Commission has established specific notification requirements where an application is in respect of a building (including its grounds) that is in multiple occupation. The most likely situations where this applies is residential apartment buildings or office buildings with different users occupying the building, however, it could relate to other situations as well. It is always best to seek the advice of the Town Planning and Building Control department where you are in doubt.

The special notification requirements are for:

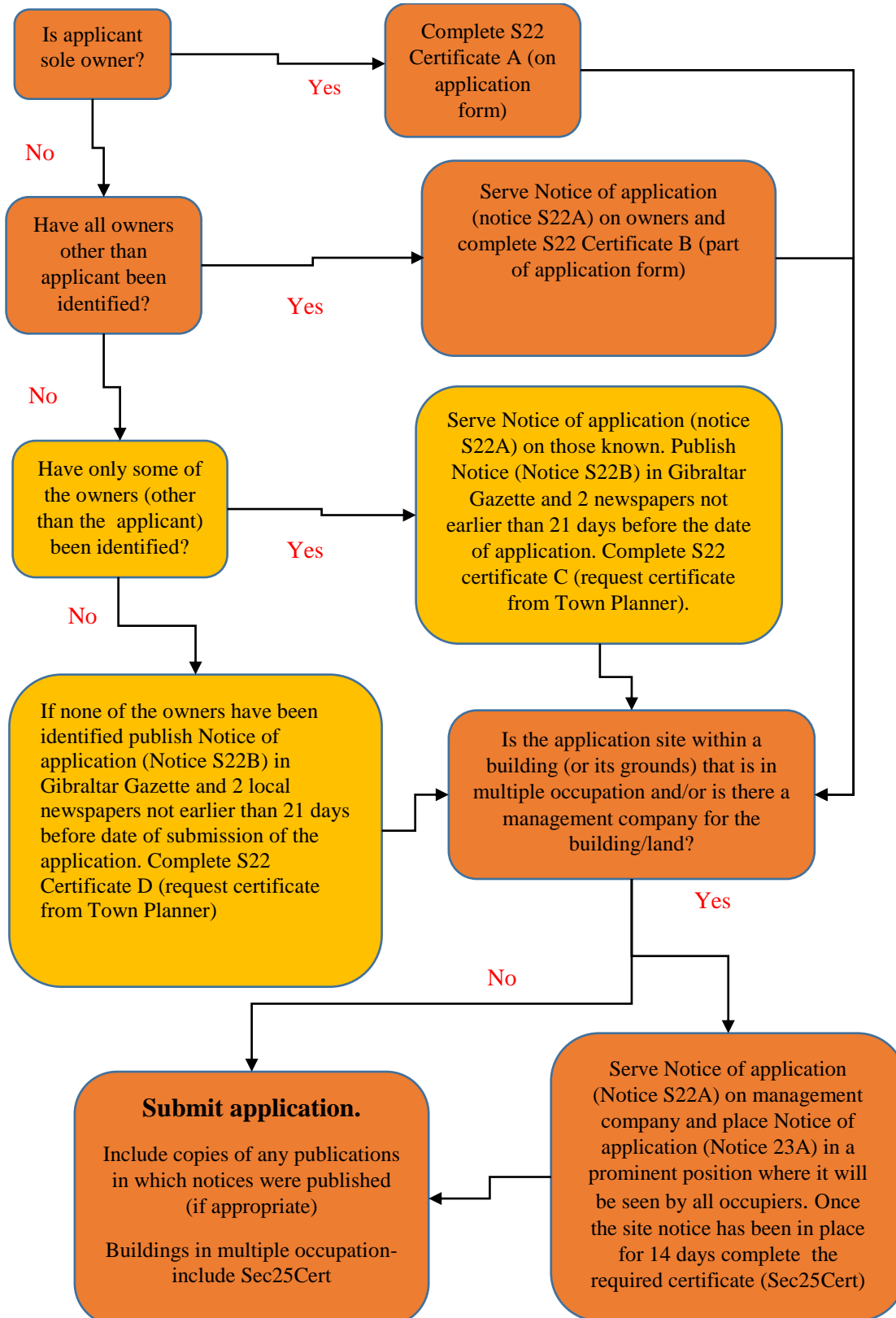
- a) a copy of the Notice S22A to be served on the Management Company (where one exists); and
- b) a copy(s) of Notice S23A to be placed at locations easily visible by users of the building/land such as entrances or lifts and they must remain in place for 14 days.

The relevant details are to be included in the appropriate section 25 Certificate.

Flow diagram 1 illustrates the process to be followed.

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**Flow Diagram 1 - APPLICATION PROCEDURE – SECTION 22 CERTIFICATES – REQUIRED FOR ALL APPLICATIONS**



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

This depends on the nature of the proposed development. Certain types of development (known as Section 23 developments) need to be advertised. In such cases you would need to:

### **1. Publish the notice of application once in:**

- the Gibraltar Gazette
- two newspapers published in Gibraltar.

The notice allows at least 21 days from date the application is validated by the Department of Town Planning and Building Control for representations to be made.

Copies of the publications in which the notices appeared must be submitted with the application.

### **2. Place a notice of application on site.**

The notice:

- must be minimum A3 size.
- must be attached to a fixed object.
- be easily visible and legible by members of the public without going onto the site.
- must allow 21 days from the date the application is validated by the Department of Town Planning and Building Control for representations to be made.
- must 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 the application form therefore includes a Certificate (Form S23Cert) 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

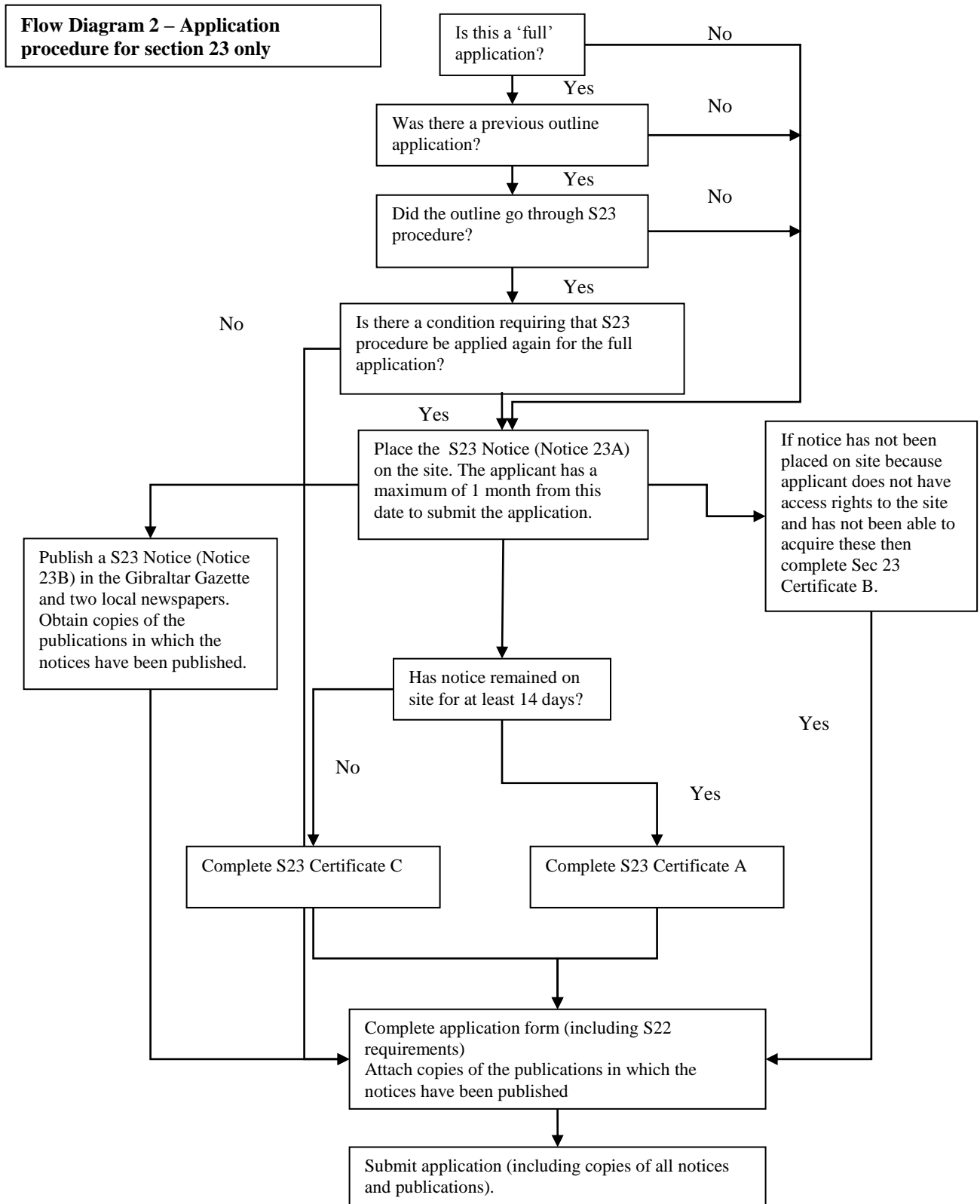
**Certificate B** – to be used where the applicant has not been able to post the site notice because he does not have the right to enter the site and has been unable to acquire those rights. The steps taken to acquire the rights must be specified on the certificate.

**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 copies of the newspaper notices and the Section 23 certificate).

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The above procedure relates to certain types of development that fall within section 23 of the Town Planning Act. However, even if an application does not fall within section 23 the DPC may still consider that some form of public participation is required. In such situations you will be advised of what is required.

## 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, if you so desire, to the DPC and the person making the representations.

Every application will be published on the ePlanning portal and should none of the above notification procedures apply then the application will nevertheless be open to public participation for a period of 7 working days from the date of validation.

## Contact Details

For further information contact:

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