

Subsidiary Legislation made under s.11.

**CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS TOWN
PLANNING) REGULATIONS 2020**

LN.2020/162

Commencement **23.4.2020**

ARRANGEMENT OF REGULATIONS.

Regulation

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Civil Contingencies Emergency (Coronavirus Town Planning) Regulations 2020

In exercise of the powers conferred on her by section 11 of the Civil Contingencies Act 2007, and all other enabling powers, the Minister with responsibility for Civil Contingencies, acting with the consent of the Chief Minister, has made these Regulations-

Title.

1. These Regulations may be cited as the Civil Contingencies Emergency (Coronavirus Town Planning) Regulations 2020.

Commencement.

2.(1) These Regulations come into operation on publication in the Gazette.

(2) These Regulations cease to have effect on 22nd May 2020 or such earlier date as the Minister deems to be appropriate.

Statement in accordance with section 11(2) of the Act.

3. The Minister declares that –

- (a) there is an outbreak of Coronavirus which on the 11th March 2020 the World Health Organisation (WHO) declared to be a pandemic at the time of publication of these Regulations there are more than 2,544,792 confirmed cases globally and more than 175,694 people have died; Coronavirus has, to date, reached 213 countries, areas or territories, and it is therefore necessary to take measures to prevent, mitigate and control the spread of Coronavirus in Gibraltar;
- (b) she is satisfied, in accordance with section 11 of the Act, that there exists a situation which threatens serious damage to human welfare in Gibraltar and which involves, causes or may cause loss of human life and human illness or injury;
- (c) on the advice of the Attorney General the measures contained in these Regulations are proportionate and compatible with the Gibraltar Constitution;
- (d) the conditions in section 12 of the Act are met;
- (e) these Regulations contain only provisions which are appropriate for the purpose of preventing, controlling or mitigating an aspect or effect of the emergency in respect of which the Regulations are made; and
- (f) the effect of these Regulations is in due proportion to that aspect or effect of the said emergency.

Modifications to Town Planning legislation.

4.(1) Where a site notice is required to be posted under section 23(3)(a) of the Town Planning Act 2018 (“the Act”) and left in position for not less than 14 days, on or after 17 March 2020, any day during which restrictions on the freedom of movement of persons imposed by regulations made under the Civil Contingencies Act 2001 in respect of Covid-19 are in effect shall not be taken into account in calculating the period it is required to be left in position.

(2) Where subregulation (1) applies, the Commission may, in accordance with section 24 of the Act, validate an application notwithstanding that a certificate in accordance with section 23(2) is not submitted.

(3) Validation by the Commission in accordance with subregulation (2) shall be deemed void if a certificate in accordance with section 23(2) of the Act is not submitted within 5 working days of the completion of 14 days after the restrictions on the freedom of movement of persons imposed by regulations made under the Civil Contingencies Act 2001 in respect of Covid-19 cease to have effect.

(4) Where the Commission decides to not validate an application which could be validated in accordance with subregulation (2) it shall inform the applicant of its decision and the reasons for it.

5.(1) Where a site or press notice is posted or published as the case may be in accordance with section 23 of the Act on or after 17 March 2020 the Commission shall deem the period of 21 working days set out in section 23(6)(b) or 23(7)(b(ii)) of the Act to not commence until such date as restrictions on the freedom of movement of persons imposed by regulations made under the Civil Contingencies Act 2007 in respect of Covid-19 cease to have effect.

(2) Where an application for planning permission is made under section 23 of the Act on or after 17 March 2020, the Commission may deem the period of 21 working days beginning with the date of validation set out in section 23(8) of the Act to not include any day during which restrictions on the freedom of movement of persons imposed by regulations made under the Civil Contingencies Act 2007 are in effect up to and including the date on which they cease to have effect.

6.(1) The period of 21 working days from the date of validation in section 27(1) of the Act in respect of applications under section 23 of the Act, shall not include any day during which restrictions on the freedom of movement of persons imposed by regulations made under the Civil Contingencies Act 2001 in respect of Covid-19 are in effect up to and including the date on which they cease to have effect.

(2) Where the period of expiry specified in a relevant publication or notification set out in section 27(2) of the Act includes a day or days during which restrictions on the freedom of

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movement of persons imposed by regulations made under the Civil Contingencies Act 2001 in respect of Covid-19 are in effect, the Commission may extend the period of time during which it will accept written representations by such period as it deems appropriate.

7. Where the Commission requires notification of an application under section 38(4) of the Act the Commission may extend the period for receipt of representations in writing to expire 14 working days from the date on which restrictions on the freedom of movement of persons imposed by regulations made under the Civil Contingencies Act 2001 in respect of Covid-19 cease to have effect.

8. Where a person in accordance with section 27(3)(e) or 58(2) of the Act requests an opportunity to be heard by the Commission, the Commission shall postpone hearing the relevant application until after the date on which the restrictions on the freedom of movement imposed by regulations made under the Civil Contingencies Act 2001 in respect of Covid-19 cease to have effect.

9. Where a proposed development is required to be publicised under section 57 of the Act, the notice must be publicised for not less than 14 days from the date on which restrictions on the freedom of movement of persons imposed by regulations made under the Civil Contingencies Act 2001 in respect of Covid-19 cease to have effect and representations in accordance with section 57(3) must be received within 21 days of the date the notice was publicised in accordance with this regulation.

10.(1) The provisions contained in Schedule 1 to the Act shall have effect with respect to the constitution and proceedings of the Commission of the Development and Planning Commission during such time that restrictions on the freedom of movement of persons imposed by regulations made under the Civil Contingencies Act 2001 in respect of Covid-19 are in effect with the following modifications.

(2) Meetings of the Commission may be undertaken by means of video or tele-conferencing or such other means as may be directed by the Chairman.

(3) Where meetings of the Commission are undertaken in accordance with subregulation (2) voting members taking part in the video or teleconferencing or other means of meeting shall be deemed to be present at the meeting for the purposes of forming a quorum.

(4) The requirement that meetings of the Commission be public as set out in paragraph 5 of Schedule 1 to the Act is suspended.

(5) Minutes of meetings not held in public in accordance with subregulation (4) shall be published by the Commission as soon as is practicable after such meeting has been held.

11.(1) Where an applicant is required to publish a notice in accordance with regulation 11(2) of the Town Planning (Environmental Impact Assessment) Regulations 2019-

(a) the reference in paragraph (e) of regulation 11(2) of the Town Planning (Environmental Impact Assessment) Regulations 2019 to a date not less than 30 days later than the date on which the notice is published, shall be deemed to be a date 30 days later than the date the notice is published or the date 30 days from the date on which restrictions on the freedom of movement of persons imposed by regulations made under the Civil Contingencies Act 2001 in respect of Covid-19 cease to have effect (whichever is the later);

(b) the reference in paragraph (f) of regulation 11(2) of the Town Planning (Environmental Impact Assessment) Regulations 2019 to the date in paragraph (e) thereof shall be deemed to be a reference to the date as calculated in accordance with paragraph (a) of this subregulation.

12. Where an environmental statement is required, in accordance with regulation 11(5)(b) of the Town Planning (Environmental Impact Assessment) Regulations 2019, to be accompanied by a certificate, the Commission may postpone the requirement that it be accompanied by such certificate at the time of submission and require it be submitted at a later date taking into account the modifications to section 23(2) of the Act contained in these regulations.

13. For the purposes of regulation 12(2) of the Town Planning (Environmental Impact Assessment) Regulations 2019 the reference to the date named as the latest date on which documents will be available for inspection shall be deemed to be a date 30 days later than the date the notice is first served or the date 30 days from the date on which restrictions on the freedom of movement of persons imposed by regulations made under the Civil Contingencies Act 2001 in respect of Covid-19 cease to have effect (whichever is the later).

14. Where an applicant is required to publish a notice in accordance with regulation 13(2) of the Town Planning (Environmental Impact Assessment) Regulations 2019-

(a) the reference in paragraph (d) of regulation 13(2) of the Town Planning (Environmental Impact Assessment) Regulations 2019 to a date not less than 30 days later than the date on which the notice is published, shall be deemed to be a date 30 days later than the date the notice is published or the date 30 days from the date on which restrictions on the freedom of movement of persons imposed by regulations made under the Civil Contingencies Act 2001 in respect of Covid-19 cease to have effect (whichever is the later);

(b) the reference in paragraph (e) of regulation 13(2) of the Town Planning (Environmental Impact Assessment) Regulations 2019 to the date in paragraph (d) thereof shall be deemed to be a reference to the date as calculated in accordance with paragraph (a) of this subregulation.

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15. In calculating the relevant date in regulation 13(4) of the Town Planning (Environmental Impact Assessment) Regulations 2019 the Commission shall not take into account any date during which restrictions on the freedom of movement of persons imposed by regulations made under the Civil Contingencies Act 2001 in respect of Covid-19 are in effect.

16. References in these regulations to the date on which restrictions on the freedom of movement of persons imposed by regulations made under the Civil Contingencies Act 2001 in respect of Covid-19 cease to have effect shall be to such date as the Minister with responsibility for Town Planning prescribes by notice in the Gazette.