

Urban and Historic conservation

If an area has a distinctive character that is due to the presence of existing historic structures and features, then it is important that any new development should not negatively impact on this character.

Protected trees and animal species

Tress located within an area are protected against pruning or felling without prior notification to the Planning Authority or Department of Environment. The same applies to protected animals and other rare species. A typical example is the 'now protected' sheath tail bat.

Health and Safety aspects:

Flood risk: The Environment Department has defined areas where risk of flooding is significant and for which it needs to be consulted on all proposed developments within these areas. A "flood risk assessment" may need to be provided by the applicant for such applications.

Industrial hazard sites: These include farm land, land fill sites and where industrial chemicals and hazardous waste are stored. The Public Health Services provide recommendation on whether a particular development is advisable near such sites.

Land use plan: The adopted land use plan is our first consideration when assessing whether a proposed development is suitable. It sets out in detail the Authority's policies for the control of development, with specific sets of policies applying to each defined zone. The Plan also puts forward proposals for the development and use of land, including allocating some sites for specific purposes.

Design: Good design is a fundamental requirement for all development and this should always be appropriate for the surroundings. The physical character of a setting will influence the possible types of design, size and materials that can be used.

Other possible constraints

- Proximity to roads, water bodies
- Preset development threshold density for a particular area
- Proximity to communal facilities e.g. schools, churches, etc.
- Site topography and soil types
- Plot size
- Proximity to airfields
- Availability for parking spaces.

For any additional information or clarification on matters concerning permits
Contact the Planning Authority on (+248) 4674576 OR
Email us at: gserret@mluh.gov.sc



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PLANNING AUTHORITY PERMISSION *explained....*



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MINISTRY OF LANDS & HOUSING

What is a Planning Authority permission?

Planning Authority permission is a legal document that allows a development to be carried out at a particular location. It is issued only by the Planning Authority on receipt of an application for developments which are found not only to be acceptable but conform to all existing laws, policies or guidelines.

Planning Authority permission is attached to the land rather than to an applicant or developer. The approved project may be implemented by anyone, not necessarily the person who applied for the permission.

There are several types of planning application, including those of Pre-Planning, Outline Planning, Detail application, Subdivision Application, Reclamation Application, Change of Use, etc. In addition, there are several other types of permissions associated with planning, that are specific to trees, advertisements, listed buildings and conservation areas. These are all similar and are all dealt with under the same system and are processed in the same manner. However, processing fees differ for each type of application.

Who grants permission?

Applications are assessed by planning officers and designated referral agencies, all having direct interest in their field of work. They will assess the applications and make recommendations to the Planning Authority Board (PAB). The PAB is responsible for making final decisions either to grant or refuse permission according to whether or not the proposal conforms to the regulations, adopted policy and guidelines.

Simple, small and straightforward applications are determined by a Planning Authority Minor Works Committee but their decisions are authenticated by the Planning Authority Board. In all cases, the Department for Environment becomes involved since they are custodian of the Environment Protection Act which also guides matters relating to development on land.

Environment Impact Assessment (EIA) Class 1 is necessary for large and complex developments. The Department of Environment should be consulted on same.

Do I need permission?

Planning Authority permission is required for most types of development. New buildings, extensions, subdivision of land other than that for partition amongst heirs, reclamation, backfilling, earth cuttings, retaining walls, boundary walls, fences, road/bridge building, material change to buildings or land, the demolition of listed buildings, change of use of land and existing structure, change of existing color scheme, offices, mechanical garages, and so forth are typical examples.

How to apply?

Since the planning process is very technical in nature, you may only make an application through a professional person; a licensed agent. When you appoint an agent to handle your application, all correspondences will be made with him/her during the time your application is being processed. All correspondences to agents will be copied to you, the applicant or developer.

Applications for permission are submitted on prescribed forms with all information required.

Together with your agent, you will be required to make a declaration surrounding pertinent aspects of your application.

A site location plan, land ownership documents, location plan and/or a high resolution orthophoto particular to your site, and other plans and drawings are typical documents submitted with your application. Normally, several copies of the completed form and plans are needed. The number of copies varies for different types of application depending on the type and nature of the application. Having many copies allows for fast processing of your application. Most applications require a processing fee.

You should ensure that your application is complete and of a very high standard to avoid unnecessary delays in processing same.

Planning Authority will soon make it possible to receive and process applications online through a Planning Portal.

Planning fees and charges

Fees and charges for processing of applications by the Planning Authority varies. These are considered on type of development. Please contact the Planning Receiving Counter for more information or consult our fee schedule.

Factors that may restrict development

The Relevance of site location

Your development may be constrained in various ways by its geographic location. For example, its inclusion within a defined zone (for example, a Conservation Area); its proximity to some physical influencing feature (for example, a river that is prone to flooding or a landfill site); its proximity to some physical feature that may be affected by the development (for example, a nature reserve or a National Monument); the inclusion within the development site of a protected feature or structure (for example, a Listed Building or a Tree Protection Order).

Generally, the nature of the site immediate surroundings will often than not, be a major factor to determine the type of development that can be permitted in an area. Other restrictions may result from development policies. Statutory controls however, take precedence.

Constraint Data

The Centre for GIS maintains data and layers on such data and the Authority constantly refers to these layers, e.g. the Vista Do Mar estate layer, the Ros Gorilla layer, land use plan layer, etc. These are referred to as restricted zones.

Consultation

In all cases, various interested groups or statutory bodies are consulted before a development can take place. These include government agencies, sometimes interest groups, statutory undertakers and also members of a community. Planning Authority decisions rely heavily on input from these agencies.

