



What if permission is not granted?

Applications submitted to the Planning Authority are assessed from different perspectives ranging from environmental, aesthetics, site conditions, land use, historical evidence to economics.

In only rare instances and for various reasons, some applications may not be approved. Such being the case, the Authority will notify the applicant of the refused decision and will specify the reason (s) for the decision.

An appeal's form will form part of the refused documents for use by an appellant.

The Authority will at the same time inform the applicant of his/her right to appeal in the format required by law, to the Minister within 30 days of the refused decision.

The Appeals Process

The completed appeals form completed by the appellant together with the set of refused documents must be deposited at the *Planning Authority Receiving Counter* located on the *Ground Floor of Independence House in Victoria*, for processing with its prescribed fees.

The documents will immediately be acknowledged and referred to an Appeals Advisory Committee, the independent body of the Planning Authority, set up by the Minister responsible for Planning Authority to review all appeals.

The Committee reviews the appeal and will make its recommendation to the Minister.

In a majority of cases, the Appeals Advisory Committee will visit the site of the refused development and will (if found necessary) interview the Appellant.

The Minister considers the recommendations and may grant the appeal with or without conditions or uphold the decision of the Planning Authority. According to the *TCPA*, the Minister's decision is final.

The Planning Authority Secretariat will inform the Appellant of the Minister's decision.

What happen on Granting and upholding of appeal?

When an appeal is granted with conditions, the Appellant will be requested to address all conditions of appeal and resubmit at least three sets of original documents or other additional documents and/ or amendments requested by the Minister for processing by the Planning Authority.

Upheld decisions of the Planning Authority confirm that the Minister concurred with the refusal decision of the Planning Authority and the appeal is dismissed and case closed.

For any additional information or clarification on matters concerning permits Contact the Planning Authority on (+248) 4674444 OR Email us at: gserret@mluh.gov.sc or bjeanbaptiste@mluh.gov.sc



PRODUCED BY

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GUIDE TO OBTAIN PLANNING APPROVAL CERTIFICATE & APPEALS



SEYCHELLES PLANNING AUTHORITY
MINISTRY OF HABITAT, INFRASTRUCTURE AND
LAND TRANSPORT

Why you should seek to obtain a Planning Authority Approval?

An approval is a legal requirement. The (TCPA) **Town and Country Planning Act (CAP 237)** states that permission should be obtained for certain types of work, operation and physical development on land.

Planning Authority approvals allows for developments to occur in an orderly and sustainable manner. By acquiring a permit, you, your family, your home as well as your long-term investment (financial investment) would be protected.

Inspections by Planning Authority officers ensure that work is done safely and meets the minimum requirements.

Issues like incorrect installations can result in house fires, flood damage, health concerns, and/or structural problems. In addition, minor problems; which could lead to costly repairs, liabilities and life safety issues; can also be detected during inspections and brought to your attention before the situation worsens.

How and Where to obtain a Planning Authority Approval?

Planning Authority approvals can and are only issued by the Seychelles Planning Authority.

Approvals are granted to development proposals that have been adequately assessed based on a complete and detailed application, lodged with the Planning Authority by a licensed agent on behalf of a client.

Please note: that if you are a homeowner and in receipt of an approval, you may act as your own building contractor if you can display competence in this sector to the Planning Authority. This means that you may perform construction work yourself and/or hire a licensed contractor to work for you. Homeowners are required to obtain the same permits as a licensed contractor doing the work.

If you intend to act as your own contractor, you will need to give a written contract acknowledging your own responsibilities as an owner/contractor prior to issuance of your permit.

How much does an application or submission cost?

Planning fees vary on the types of application submitted and are generally based on commercial and non-commercial rates, outlined in the Planning Authority Fee regulations. In most cases fees are calculated based on the size of the development.

Consult the Planning Fee schedule for more information.

When can work start?

When approval is conveyed and a certificate of approval is issued, you will be required to submit a commencement notice to officially notify the Authority of your intention to start work. The notice must be submitted together with a set of approval documents, at least 48 hours prior to the works and must be delivered in person to the **Planning Authority Receiving Counter**.

Two originals of the notice will be verified and stamped. One will be returned to the person submitting same together with the presented set of approval documents.

Please note: that a Commencement Notice ceases to be valid after 15 days from the date of submission to the Planning Authority after which a fresh notice will need to be submitted before the commencement of the works, if the works does not commence within the 15 days.

What if the work has already been undertaken without an application of approval?

Consideration may be given in exceptional instances to development that have been carried out without the benefit of Planning Authority approval. The process to obtain permission in this case is similar to that for new works. Nevertheless, a penalty amounting to 7 times the original Planning Authority fees must be paid for such application.

However, there is no guarantee that approvals will automatically be issued to applications made in retrospect, that is after construction has been carried out or construction that is still in process.

Retrospective applications are not subject to automatic approvals. In the event of a refusal, you may be required to demolish the structure. In addition, you may be charged in a Court of Law for infringement for which the penalties are severe.

Building Inspections

Building inspections by Planning Authority officers are performed at different stages such as setting out, foundation walls, floors, stairs, roofs, septic tanks, soak aways, drain fields, etc. This is to ensure that the development is implemented according to the approval (s) conveyed. In most cases, whether you are just remodeling a small room or building a new home, these elements need to be inspected before they are covered or prior to pouring any concrete.

When the project is completed, a final building inspection is required to close your case for a certificate of occupancy. Inspections may also be effected at any stage of the project and without notice from the Planning Authority.

What if changes or revisions are made after an approval is issued?

Changes to an approved development on site may require plan review. If so, a Development Control Officer will request for you to submit revised plans to the Authority for consideration. Plans reflecting the changes made must be submitted by a licensed agent. Speak to the Planning Officer monitoring your project.

It is recommended that developers request for approval of change (s) to the already approved projects in good time and prior to their executions. Unapproved changes may result in serving of **'STOP WORK'** notices on the approved project which may eventually require demolition. This will result in delays for developers to complete the project.

How long is an approval valid for?

Approvals once granted are valid for 2 years for detailed applications. Approvals for Minor Works are valid for 1 year and this may be extended on request. These may only be done for a period totaling up to 5 years after which a fresh application must be submitted for reassessment.