

**A.L. 356 tal-2010****L-ATT DWAR L-IPPJANAR TA' L-IŻVILUPP  
(KAP. 356)****Regolamenti ta' l-2010 dwar Hlasijiet ta' l-Ippjanar ta'  
l-Iżvilupp**

BIS-SAHHA tas-setgħat mogħtija bl-artikoli 41, 42 u 60 ta' l-Att dwar l-Ippjanar ta' l-Iżvilupp, il-Prim Ministru u l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, bi ftehim mal-Ministru tal-Finanzi, l-Ekonomija u Investiment, għamlu r-regolamenti li ġejjin:-

1. (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2010 dwar Hlasijiet ta' l-Ippjanar ta' l-Iżvilupp. Titolu u applikabilità.

(2) Dawn ir-regolamenti għandhom ikunu jgħoddu:

(a) għall-applikazzjonijiet kollha li jaslu għand l-Awtorità fid-data tad-dhul fis-seħħ ta' dawn ir-regolamenti jew wara; jew

(b) għall-applikazzjonijiet kollha fejn il-ħlasijiet dovuti jiġu evalwati mill-ġdid mill-Awtorità minħabba tibdil fl-applikazzjoni oriġinali, fid-data ta' dhul fis-seħħ ta' dawn ir-regolamenti jew wara; jew

(ċ) għall-applikazzjonijiet kollha li waslu għand l-Awtorità qabel id-dhul fis-seħħ ta' dawn ir-regolamenti u l-Awtorità tkun ħarġet kont għal ħlasijiet fid-data ta' dhul fis-seħħ ta' dawn ir-regolamenti jew wara, u dawn il-ħlasijiet ma jsirux fi żmien tletin ġurnata mid-data tal-kont; jew

(d) għall-applikazzjonijiet kollha li waslu għand l-Awtorità qabel id-dhul fis-seħħ ta' dawn ir-regolamenti u l-Awtorità tkun ħarġet kont għal ħlasijiet qabel id-data ta' dhul fis-seħħ ta' dawn ir-regolamenti, u dawn il-ħlasijiet ma

jsirux fi żmien tletin ġurnata mid-data ta' dħul fis-seħħ ta' dawn ir-regolamenti.

Tifsiriet.

**2. (1)** F'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma jitlobx mod ieħor -

“abitazzjoni” tfisser kull bini jew unit użata għal skopijiet residenzjali iżda teskludi lukanda, *guest-house*, dar għall-anzjani u stabbilimenti kummerċjali simili;

“alterazzjonijiet” tfisser l-interventi strutturali biex l-interjuri u, jew l-esterjuri ta' bini li ma jirriżultawx f'żjieda fl-area ta' l-art tal-bini li qiegħed jinbidel;

“applikazzjoni” tfisser applikazzjoni għal permess ta' żvilupp;

“applikazzjoni emendata” tfisser applikazzjoni għal emendi għal żvilupp, li għandhom x'jaqsmu ma bidliet fit-tqassim intern jew id-dehra esterna, li dwaru permess ikun diġà ngħata u għadu validu:

(a) fir-rigward ta' l-istess sit u li jinvolvi żvilupp ta' l-istess xorta u deskrizzjoni ġenerali, u

(b) ma jinvolvi użu differenti jew żjieda fl-għadd ta' unitajiet ta' abitazzjoni, u żjieda fl-area ta' l-art;

“applikazzjoni għal tiġdid” tfisser aplikazzjoni għat-tiġdid ta' permess ta' żvilupp mogħti mill-Awtorità dwar l-istess sit u żvilupp bħal dak li jkun ingħata permess qabel, u li tkun giet ippreżentata qabel l-għeluq tad-data tal-permess;

“applikazzjoni dwar il-kontroll ta' l-ippjanar” tfisser dawk l-applikazzjonijiet, li waqt li mhumiex applikazzjonijiet għal permess dwar żvilupp, jeħtieġu l-approvazzjoni ta' l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar għal bidliet fi Pjanijiet Lokali u, jew l-allinjamenti dettaljati tal-bini u toroq fi Pjanijiet Lokali;

“area ta' sit” tfisser l-area totali ta' l-art li hija s-sugġett ta' l-applikazzjoni, u hija immarkata bl-aħmar fuq il-pjanta sottomessa mal-applikazzjoni;

“area ta' l-art” tfisser:

(a) għal skopijiet residenzjali tfisser l-area totali ta' art fi ħdan bini determinati b'kejl tal-bini mill-estern, li tinkludi l-ħxuna tal-ħitan esterni u ta' nofs il-ħxuna ta' l-ħitan divizorju jew ħitan ta' t-terzi, u tinkludi kull taraġ, *lifts*, xaftijiet, btieħi interni, btieħi ta' wara, ġonna fuq quddiem, rigress impost, ġonna fil-propjeta, *verandahs*, terrazzini miftuħa skond il-kejl tal-bini fil-livelli ta' fuq, u terrazzini ffurmati fil-livell tal-bjut meta dawn jappartjenu lill *penthouses* jew fejn ikun aċċessibbli minn sidien differenti, permezz ta' aċċess komuni permanenti, tined u strutturi oħra fi ħdan il-konfini tas-sit u garaxxijiet interkonnesi, sakemm ma jkunx speċifikament stipulati fi ħdan dawn ir-regolamenti; u

(b) għal skopijiet mhux residenzjali tfisser l-area totali ta' art fi ħdan bini determinati b'kejl tal-bini estern, li tinkludi l-ħxuna tal-ħitan esterni u ta' nofs il-ħxuna ta' l-ħitan divizorju jew ħitan ta' terzi, u tinkludi kull taraġ, *lift*, xaftijiet, btieħi interni, btieħi ta' wara, ġonna fuq quddiem, *verandahs*, terrazzini, garaxxijiet interkonnesi, tined u spazji oħra, inkluż kull spazju miftuħ li jintuza għal skopijiet kummerċjali;

“art reklamata għall-agrikoltura” tfisser il-reklamazzjoni ta' art, inkluż id-depożitu ta' materjal u tibdil tal-livell ta' l-art, għall-finijiet ta' agrikoltura;

“l-Att” tfisser l-Att ta' l-1992 dwar l-Ippjanar ta' l-Iżvilupp, jew kull att li jieħu post dan l-att;

“l-Awtorità” tfisser l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar;

“bini agrikolu” tfisser bini użat għal skopijiet agrikoli, inkluż l-ħażna ta' strumenti agrikoli, iżda mhux:

(a) għaż-żamma jew trobbija tal-bhejjem;

(b) għall-qtil ta' annimali; u

(c) għall-ipproċessar ta' annimali jew prodotti mill-annimali;

“bini speċjali” tfisser bini li jkun qed jipprovdi lil

istituzzjoni, klabb, soċjeta`, jew organizzazzjoni oħra ta' natura reliġjuża, kulturali, filantropika, sportiva jew ta' natura soċjali, li ma tkunx tinkludi Dipartimenti tal-Gvern jew parastatali, bil-faċilitajiet meħtieġa biex tilhaq l-għanijiet tagħha, inklużi skejjel, ospizji, djar tax-xjuħ, sptarijiet u bini ieħor jew utilitajiet simili, meta l-istituzzjoni, klabb, soċjeta` jew organizzazzjoni oħra tkun dikjarata bħala meħlusa mit-taxxa mill-Ministru responsabbli għall-finanzi f'regolamenti li jsiru għal dak il-għan;

“*Boathouse* għal sajjied reġistrat” tfisser *boathouse* użata biex fiha jinżammu dgħajjes u tagħmir tas-sajd, użati fit-twettiq tas-sengħa reġistrata;

“*Brief* dwar l-Ambjent u l-Iżvilupp” tfisser dikjarazzjoni approvata mill-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar fejn jiġu speċifikati parametri għall-iżvilupp aċċettabbli fuq sit;

“*bungalow*” tfisser abitazzjoni għal familja waħda, kemm *detached* jew *semi-detached*, meta dan ikun japplika, li jkun fiha mhux aktar minn sular wieħed abitabbli sakemm ma tkunx tinsab fil-konfini ta'żvilupp f'żona nominata għall-iżvilupp iktar dens;

“ċertifikat ta' konformità” tfisser ċertifikat imsemmi fl-artikolu 61(2) ta' l-Att;

“dipartiment rilevanti” tfisser, għall-finijiet tal-kontribuzzjoni tal-main tad-drenaġġ, it-Taqsima tad-Drenaġġ tal-Korporazzjoni tas-Servizzi tal-Ilma, u għall-finijiet tal-kontribuzzjoni tat-triq, Transport Malta u kull korp ieħor li sussegwentement jassumi r-responsabbiltajiet ta' dawn id-Dipartimenti jew entitajiet;

“endorsjar” tfisser l-aċċettazzjoni formali ta' Rapport dwar Applikazzjoni għall-Permess ta' Żvilupp minn uffiċjal maħtur hekk li l-applikazzjoni wara tintbagħat biex tiġi deċiża mill-Kummissjoni għall-Kontroll ta' l-Iżvilupp jew deċiża minn uffiċjal maħtur taħt is-setgħat hekk delegati mill-Awtorità ta' Malta dwar l-Ambjent u L-Ippjanar;

“estensjoni” tfisser zieda fl-area ta' l-art dwar l-istess użu ta' l-unit eżistenti li qed jiġi mibdul;

“*film set*” tfisser l-użu ta’ art, jew it-tqegħid, l-istallazzjoni jew il-kostruzzjoni fuq art ta’ strutturi, għal skopijiet ta’ produzzjoni ta’ *films*, programmi televiżivi, *videos* jew produzzjonijiet awdjo-viżwali oħra;

“flat” tfisser abitazzjoni għal familja waħda li tokkupa s-sular kollu jew parti minn sular ta’ bini li jkun fih għadd ta’ abitazzjonliet oħra simili, li ma jkollhomx dħul separat mit-triq, iżda li taqsam ma’ oħrajn dan l-aċċess għad-dħul;

“garaxx” tfisser garaxx jew spazju għall-ipparkjar ta’ vetturi, kemm jekk magħluq jew miftuħ, kemm jekk hu l-fuq jew l-isfel mill-livell ta’ l-art;

“hlas għal permess għal żvilupp (DPF)” tinkludi hlas ambjentali;

“impjant u makkinarju” tfisser tagħmir mekkaniku jew strutturi mekkanici, mibnija jew imqiegħda fuq l-art iżda mhux gewwa bini;

“*maisonette*” tfisser post wieħed ta’ abitazzjoni f’sular wieħed jew aktar f’bini li jikkonsisti f’aktar minn abitazzjoni waħda bħal din, b’dan li kull abitazzjoni jkollha l-bieb tad-dħul tagħha separat, b’entrata separata minn got-triq;

“parkeġġ pubbliku” tfisser bini jew zona esklussivament użat għal ipparkjar ta’ vetturi u mhux aċċess għal kwalunkwe użu ieħor fuq is-sit.

“*penthouse*” tfisser abitazzjoni separata għal familja waħda li tkun tikkonsisti f’sular wieħed mibni l-fuq mill-limitazzjoni ta’ l-għoli fuq il-bejt ta’ bini, u li ma tkunx tokkupa l-area kollha tas-saqaf u ma jkollix aċċess permanenti għas-saqaf;

“Rapport dwar Applikazzjoni għall- Permess ta’ Żvilupp” tfisser ir-rapport ippreparat fuq applikazzjoni għall-permess ta’ żvilupp li jiġi mibgħut lill-uffiċjal maħtur jew lill-Kummissjoni għall-Kontroll ta’ l-Iżvilupp;

“razzett tal-bhejjem” tfisser bini użat biex jgħixu fih il-bhejjem, u għall-ħażna tal- għalf jew għodod, b’konnessjoni tal-istess trobbija, iżda ma jinkludix irziezet-djar, serer u bini użati għal qtill ta’ annimali u ipproċessar ta’ annimali jew prodotti ta’ annimali;

“sajjied reġistrat” u “bidwi reġistrat” tfisser sajjied jew bidwi reġistrat mad-Dipartiment ta’ Agrikoltura u Sajd, hekk kif jista’ jkun il-każ;

“*screening*” tfisser il-proċess li matulu l-iżvilupp propost huwa meqjus mill-Awtorità qabel ma’ tiġi pprezentata l-applikazzjoni formali;

“struttura temporanja / użu temporanju ta’ l-art” tfisser l-użu ta’ art għal użu jew skop wieħed, li jista’ jinkludi t-tqegħid fuq l-art ta’ struttura li tiżżarma u li ma teħtieġx it-tqegħid ta’ pedamenti u hija magħmula minn materjali impermanenti, inkluż kanvas, drapp iehor, PVC u materjal simili, u tinkludi tinda, *marquee*, kanupew jew struttura ta’ natura simili hekk li “materjal impermanenti” tfisser materjal li ma jkunx jikkonsisti f’ġebel, briks jew konkos jew, kull materjal simili iehor għall-finijiet ta’ din it-tifsira. B’dana illi f’każ li tali użu ma jkunx speċifikat fi pjan ta’ żvilupp, tali użu ma jibqax iseħħ għal aktar minn erbgħa xhur f’sena kalendarja partikolari;

“*terraced house*” tfisser unit ta’ abitazzjoni wieħed fuq sit li jikkonsisti minn wieħed jew aktar sulari f’ ringiela ta’ tlett idjar jew aktar u tinkludi r-residenzi fit-truf tar-ringiela;

“twaqqieġh ta’ bini” tfisser it-twaqqieġh jew it-tneħħija ta’ 75% jew aktar taż-żona msaqqfa ta’ kull *unit* partikolari, fejn il-*unit* eżistenti huwa akbar minn 30 metru kwadru;

“uffiċjal maħtur” tfisser uffiċjal ta’ l-Awtorità ta’ Malta dwar l-Ambjent u l-Ippjanar minnha maħtur biex japprova formalment Rapportji dwar Applikazzjoni għall-Permess ta’ Żvilupp, li normalment ikunu s-*Senior Planning Officers* u l-*Managers* ta’ l-*Area Teams* u l-*Manager* tad-*Development Control Unit*;

“validar” tfisser ir-rikonoxximent mill-Awtorità ta’ Malta dwar l-Ambjent u l-Ippjanar li tkun waslitilha applikazzjoni għall-permess ta’ żvilupp valida, jiġifieri applikazzjoni li dwarha il-ħtiġijiet kollha għall-għemil ta’ applikazzjoni jkun għew imwettqa;

“vicinanza” tfisser sa mhux aktar minn 500 metru bogħod mis-sit originali;

“villa” tfisser abitazzjoni *detached* jew *semi detached* ta' mhux aktar minn żewġ sulari abitabbli. Dan jinkludi abitazzjonijiet *flatted* (regolati mill-Politika ta' Żvilupp 3.5 Kontroll Politika u d-Disinn ta' Gwida, 2007, jew fil-futur taġġornahom) li jkunu jinstabu f'żona nominata għal żvilupp ta' vilel.

“xogħlijiet ta' inġinerija” tinkludi l-formazzjoni jew it-tqegħid ta' toroq u ta' mezzi ta' aċċess għal toroq; iċ-ċaqliq, rigradazzjoni jew il-kisi tal-wiċċ ta' art, inkluż il-ħolqien ta' għonja formali jew ċimiterji; il-kostruzzjoni jew thaffir ta' għajnejn mhux ancillari għal dar jew meta l-applikant ma jkunx reġistrat bħala bidwi ta' art li tinharat mad-Dipartiment tal-Agricoltura; il-kostruzzjoni ta' pontijiet u strutturi simili; il-kostruzzjoni ta' lqugħ tal-baħar, mollijiet u strutturi simili; l-ħolqien u l-mili mill-ġdid ta' xtajtiet u xogħlijiet oħra li jolqtu x-xtajtiet; it-tqegħid ta' rmiġġi, u xogħlijiet simili, kemm fuq l-art kemm f'qiegħ il-baħar; u teskludi reklamazzjoni ta' art għal skopijiet agrikoli;

“żvilupp kummerċjali” tfisser żvilupp li ser jintuza għal xi użu mhux residenzjali u mhux agrikolu u mhux elenkat b'mod separat fi kwalunkwe grupp ieħor fl-Iskeda 1 li tinsab ma' dawn ir-regolamenti;

(2) Kemm fi Skeda 1 kemm fi Skeda 2, kull frażi mfissra fl-Att għandha l-istess tifsira bħal ma għandha fl-Att.

**3.** Għandu jithallas lill-Awtorità, hlaas għal permess għal żvilupp (DPF) u hlaas ambjentali bħala l-hlaas li għandu jithallas fir-rigward ta' applikazzjoni għall-permess biex isir l-iżvilupp, bir-rati stabbiliti fi Skeda 1 li tinsab ma' dawn ir-regolamenti

Hlaas għal permess għal żvilupp u hlaas ambjentali.

**4.** Għandha tithallas lill-Awtorità, kontribuzzjoni għas-servizzi ta' infrastruttura (Drenaġġ u Triq) bħala r-rata ta' kontribuzzjoni li għandha tithallas għall-ispejjeż ta' servizzi infrastrutturali u servizzi oħra jew faċilitajiet li jirriżultaw minn kull permess biex tiġi żviluppata l-art, bir-rati stabbiliti fi Skeda 2 li tinsab ma' dawn ir-regolamenti.

Hlaas ta' kontribuzzjoni għas-servizzi ta' infrastruttura.

**5.** Ir-Regolamenti ta' l-1996 dwar Rati ta' Taxxa dwar Bini, huma b'dawn revokati.

Jirrevoka A.L 112 ta' l-1996.

## Skeda 1

1. Hlief kif provdut xort'ohra, il-hlasijiet relevanti bir-rati speċifikati f'din l-Iskeda, għandhom jithallsu fir-rigward ta' applikazzjonijiet għal permess ta' żvilupp skond in-natura ta' l-iżvilupp u kalkulati kif hawn provdut: -

Żvilupp	DPF		Drenagg		Triaq		Hlas Ambjentali	
	Rata (€)		Rata (€)		Rata (€)		Rata (€)	
	Kull m <sup>2</sup>	Għal kull unita						
Reklami	104.12	-	-	-	-	-	10.00	-
Agrikoltura	0.96	-	1.98	-	0.94	-	0.05	-
<i>Boathouse</i> għal Sajjied Registrat	2.08	-	3.29	-	1.88	-	0.20	-
<i>Bungalow</i>	11.90	-	5.60	-	2.80	-	0.12	-
Bidla ta' użu mhux għal Residenzjali	9.07	-	-	-	-	-	0.80	-
Żvilupp Kummerċjali (inklużi estenzjonijiet)	9.07	-	5.97	-	3.22	-	0.80	-
Xogħlijiet ta' Inġinerija	0.57	-	-	-	-	-	0.30	-
<i>Brief</i> dwar l-Ambjent u l-Iżvilupp/Aplikazzjoni <i>Outline</i> - Bini Normali	0.42	-	-	-	-	-	-	-
<i>Film Set</i>	2.12	-	-	-	-	-	0.15	-
Flat / <i>Terraced House</i> / <i>Maisonette</i>	1.24	-	3.08	-	1.68	-	0.12	-
Serra	0.69	-	-	-	-	-	0.05	-
Reklamazzjoni ta' Art għall-Agrikoltura	0.71	-	-	-	-	-	0.10	-
Razzett tal-bhejjem	0.96	-	-	-	0.94	-	0.05	-
Garaxxijiet Ohrajn	5.95	-	3.29	-	1.88	-	0.10	-
<i>Penthouse</i>	13.02	-	12.69	-	5.17	-	0.12	-
Impjant u makkinarju	0.57	-	-	-	-	-	0.30	-

Parkeġġ pubbliku	6.35	-	5.97	-	3.22	-	0.80	-
Barriera (Ġdida / Estensjoni orizzontali)	1.28	-	-	-	0.47	-	0.30	-
Struttura Temporanja / Użu temporanju tal-Art	2.12	-	-	-	-	-	0.15	-
Villa ( <i>Semi / Fully Detached</i> ) / Razzett	7.29	-	5.60	-	2.80	-	0.12	-
Rimi ta' skart	1.42	-	-	-	-	-	0.30	-
Bidla ta' użu għal Residenzjali	-	594.97	Kull residenza in m <sup>2</sup>		Kull residenza in m <sup>2</sup>		-	50.00
Satellita fuq 2m dijametru jew antenni ta' telekomunikazzjoni	-	150.00	-	-	-	-	-	5.00
Żviluppi oħra mhux speċifikati	-	150.00	-	-	-	-	-	5.00
<i>Vending Machines</i>	-	150.00	-	-	-	-	-	10.00

Żvilupp	DPF	Drenagġ	Triq	Hlas Ambjentali
	Rata (€)	Rata (€)	Rata (€)	Rata (€)
	Kull Applikazzjoni	Kull m <sup>2</sup>	Kull m <sup>2</sup>	Kull Applikazzjoni
Korrezzjoni ta' sit, Talba għal revizjoni tas-CPPS	150.00	-	-	-
Twaqqiegħ ta' bini jew Strutturi (Area ta' l-art > 30m <sup>2</sup> )	1,985.72	-	-	140.00
<i>Brief</i> dwar l-Ambjent u l-Iżvilupp / Applikazzjoni <i>Outline</i> –Bini Speċjali / Uzi	212.49	-	-	-
Estensjonijiet għal residenzi, alterazzjonijiet, t-Tigdid, Applikazzjoni Emendata u Emendi Minuri	150.00	-	-	25.00
Barriera–Estensjoni Vertikali	1,487.43	-	-	120.00
Bini Speċjali	148.74	3.29	1.88	15.00

Hlas	Rata
Ċertifikati ta' Konformita`	€60.00
Notifika ta' Ordni ta' Żvilupp - Alterazzjonijiet	€60.00
Notifika ta' Ordni ta' Żvilupp – Estensjonijiet/Żvilupp Ġdid	€120.00
Applikazzjonijiet għall-Kontroll ta' l-Ippjanar kull 150m <sup>2</sup> tas-sit jew parti minnha	€235.00

Iżda:

1. Meta talba għal *screening* tiġi ppreżentata lill-Awtorità dwar l-Ambjent u l-Ippjanar, din għandha tkun akkumpanjata mill-ħlas għal tali *screening* ta' € 50. Dan il-ħlas fl-ebda każ ma jingħata lura;

2. Ir-rata li tirregola struttura temporanja / użu temporanju ta' l-art għandha tiġi applikata darba biss, fuq kull sit partikolari, f'kull sena kalendarja waħda li tkun;

3. Meta applikazzjoni għal *boathouse* mhiex akkumpanjata bi prova ta' registrazzjoni ta' l-applikant bħala sajjied, il-ħlas għal permess ta' żvilupp għandu jiġi kalkulatur bir-rata ta' żvilupp kummerċjali;

4. Għall-finijiet tal-kalkolu ta' l-area ta' l-art fir-rigward ta' żvilupp ta' *bungalow*, iż-żona mibnijja biss, li tinkludi l-ammont ta' art fi ħdan bini determinat mill-kejl estern, li jinkludi l-ħxuna tal-ħitan esterni u nofs il-ħxuna tal-ħitan divizorji jew ħitan ta' terzi, u x-xaftijiet interni, btieħi interni u terrazzi miftuħa, għandha tiġi kkunsidrata;

5. Meta garaxxijiet ma jużawx aċċess komuni ma' residenzi / żvilupp kummerċjali, u postijiet għall-ipparkjar (eskluzi garaxxijiet *lock-up*), li jiffirma parti minn żvilupp mħallat, ikollhom aċċess dirett kemm għal żvilupp residenzjali u żvilupp kummerċjali, ir-rata ta' "garaxxijiet oħrajn" għandu jkun applikat;

6. Għall-żvilupp purament kummerċjali, l-area ta' l-art għandu jithallas bir-rata għal kull metru kwadru kif elenkati f'Skeda 1 u l-area tas-sit għandha tiġi kkalkulata separatament bl-istess rata għal kull metru kwadru;

7. Iż-żona wżata għat-tqegħid ta' mwejjed u sigġijiet ma' żvilupp kummerċjali għandha titqies ukoll bl-istess rata ta' żvilupp kummerċjali li għalihom l-imwejjed u sigġijiet huma aċċillari;

8. Meta jiġi kalkulat il-ħlas mitlub fir-rigward ta' reklami, il-qies li għandu jiġi kkunsidrat huwa dak tal-erja koperta mir-reklam u ma tinkludix il-footprint ta' xi ħzin / struttura użata biex jappoġġa xi avviz bħal dak;

9. Meta giebja ma tkunx tinsab fi ħdan ta' impriża agrikola li tkun proprjetà ta' u mħaddma minn bidwi registrat, għandha tattira r-rata ta' "Operazzjonijiet ta' Inġinerija". Din ir-rata, madankollu, mhux ser tkun debitata separatament meta hija diġà tkun tqieset bħala parti mill-erja tas-sit għall-iżvilupp kummerċjali fi ħdan l-istess applikazzjoni;

10. Ir-rata li tirregola il-Bidla ta' Użu għal Residenzjali ser tiġi applikata biss jekk tinholoq unità residenzjali ġdida;

11. Il-ħlas għal permess ta' żvilupp imħallas fir-rigward ta' applikazzjoni pprezentata għall-emenda ta' kondizzjoni fil-permess maħruġ mill-Awtorità fir-rigward tal-ħlas dovut mill-applikant fl-Iskema ta' Pagament dwar Parkeġġ Kommutat għandu jithallas lura lill-applikant jekk jiġi stabbilit li l-emenda mitluba fl-applikazzjoni kienet fil-fatt ġustifikata;

12. Għal applikazzjonijiet dwar il-Kontroll ta' l-Ippjanar, rigward l-emendi ta' l-pjan lokali, fil-każijiet meta l-applikant ma jhallasx l-ħlas normali fuq l-area tas-sit kollu, il-ħlas pagabbli meta tiġi pprezentata l-imsemmija applikazzjoni għal emenda ta' l-pjan lokali għandu jkun ta' € 235.00. Dan wkoll meta l-applikazzjonijiet għal permess ta' żvilupp ipprezentat wara l-applikazzjoni dwar il-Kontroll ta' l-Ippjanar rigward l-emendi għall-pjan lokali msemmija hawn qabel, jew talba għal Kontroll ta' l-Ippjanar rigward l-emendi għall-pjan lokali pprezentata mill-Awtorità skond id-disposizzjonijiet tar-regolament 6 tar-Regolamenti tal-2007 dwar l-Ippjanar ta' l-Iżvilupp (Proċedura għal Modifiki Minuri ta' Pjanijiet Sussidjarji), wara l-ħtiġiet tas-sub-regolament (3) tar-regolament 4 ta' l-imsemmija regolamenti, li għalihom id-dispożizzjonijiet ta' din il-klawżola ġew applikati, ħlas ta' € 3.00 għal kull metru kwadru, jew parti minnu, fuq kull rata oħra stabbilita b'dawn ir-regolamenti għandhom jithallsu fir-rigward ta' applikazzjoni bħal din għall-permess għal żvilupp.

13. Meta applikazzjoni tinvolvi aktar minn użu jew tip ta' żvilupp wieħed, l-ħlas ta' permess għal żvilupp li għandu jithallas għandu jkun ikkalkulat billi jingħaddu flimkien l-ammonti applikabbli għal kull tip ta' żvilupp. Meta l-applikazzjoni tinkludi żvilupp kummerċjali, il-ħlas għall-iżvilupp kummerċjali għandu jiġi kkalkulat b'referenza għar-rata ta' art kummerċjali biss u m'għandux jinkludi l-area tas-sit.

14. (a) Kull ħlas għandu jiġi mħallas bir-rati kkalkulati b'referenza għall-iżvilupp propost fl-applikazzjoni, u l-ebda ħlas imħallas sewwa ma għandu jingħata lura kif speċifikat fis-subparagrafi (b) u (ċ) ħlief fil-każijiet li ġejjin:

- (i) l-applikazzjoni tkun giet invalidata;
  - (ii) l-applikazzjoni giet irtirata mill-applikant qabel ma tkun giet deciza.
- (b) Meta applikazzjoni tiġi rtirata mill-applikant, il-perċentwali ta' l-ħlas għal permess għal żvilupp li għandu jiġi mħallas lura għandu jkun kif ġej:
- (i) meta l-applikazzjoni tkun irtirata qabel il-validazzjoni tagħha, 100% ta' l-ħlas għal permess għal żvilupp għandu jiġi rifuż;
  - (ii) meta l-applikazzjoni tkun irtirata wara l-validazzjoni tagħha, iżda qabel l-endorsjar mill-uffiċjal delegat nnominat tar-Rapport dwar Applikazzjoni għal Permess ta' Żvilupp dwar l-applikazzjoni, 50% tal-ħlas għal permess għal żvilupp għandu jiġi rifuż;
  - (iii) meta l-applikazzjoni tkun irtirata wara ir-Rapport dwar l-Aplikazzjoni għal Permess ta' Żvilupp ikun gie endorsjat kif stipulat fis-subparagrafu (ii) iżda qabel ma tittieħed decizjoni dwar l-applikazzjoni, 25% ta' l-ħlas għal permess għal żvilupp għandu jinghata lura;

Hlief li ħlas għal permess għal żvilupp ma għandux jiġi rimborżat meta avviz skond l-artikoli 50, 51, 52, 53 jew 58 ta' l-Att jkun gie notifikat lill-applikant jew fuq is-sit li tirreferi l-applikazzjoni

15. (i) Meta applikazzjoni tiġi pprezentata dwar żvilupp ġdid fuq sit (deskritta bħala l-applikazzjoni l-ġdida għall-fini ta'dan is-subparagrafu) u l-applikant bil-miktub isostni li -
- (a) applikazzjoni għal żvilupp ta' l-istess tip kienet giet pprezentata qabel mill-applikant fuq sit ieħor (deskritt bħala s-sit oriġinali għall-iskop ta' dan il-paragrafu) fil-viċinanza tas-sit il-ġdid u li kien gie approvat, u
  - (b) l-applikant m'għandu l-ebda interess fl-iżvilupp tas-sit oriġinali u ma għamilx u mhux ser jeżerċita l-permess, il-permess fuq is-sit oriġinali għandu jiġi mħassar mill-Awtorità.
- (ii) Kemm-il darba l-ħlas għal permess ta' żvilupp li gie mħallas fuq l-applikazzjoni oriġinali ma jkunx inghata lura, parzjalment jew b'mod sħiħ lill-applikant jew lil kull terzi, tali ħlas għandu jinżamm mill-Awtorità flimkien ma' kull tariffa pagabbli oħra mill-applikant flimkien mal-prezentazzjoni ta' l-applikazzjoni l-ġdida.

(iii) Id-disposizzjonijiet ta' dan il-paragrafu għandhom japplikaw biss jekk:

(a) ma jkun hemm ebda differenza fl-indikazzjoni tas-sit oriġinali u l-applikazzjoni l-ġdida;

(b) il-permess fuq is-sit oriġinali ma jkun intuża b'ebda mod possibbli, u

(ċ) din l-applikazzjoni tkun limitata għall-bidla tas-sit tal-permess għal żvilupp approvat qabel.

(iv) Kull varjazzjoni mill-permess li jkun ġie approvat qabel (ħlief għall-indikazzjoni żbaljata tas-sit) ma għandhiex tippregudika l-applikazzjoni l-ġdida.

(v) Meta l-applikazzjoni l-ġdida tkun irtirata mill-applikant qabel ma din tiġi deċiża, il-ħlas għal permess ta' l-iżvilupp ma għandhomx jingħataw lura.

16. Meta applikazzjoni għal żvilupp ġdid fuq sit li dwaru hemm jew kien hemm permess ta' żvilupp, kemm jekk għadu fis-seħħ jew jekk skada, il-kontribuzzjoni għas-servizzi ta' infrastruttura li tkun thalset fir-rigward tal-permess ta' żvilupp ta' qabel għandha tittieħed in kunsiderazzjoni kif ġej:

a. Għal applikazzjonijiet li saru qabel l-1993,

i. Jekk l-applikant jew perit jippreżenta rċevuta tal-kontribuzzjoni għas-servizzi ta' l-Infrastruttura mħallsa oriġinarjament ma' evidenza li dan huwa relatat ma' permess ta' żvilupp ta' qabel fl-istess sit, l-ammont muri fuq l-irċevuta għandu jitnaqqas mill-kontribuzzjoni għas-servizzi ta' infrastruttura ġdida meħtieġa.

ii. Jekk l-applikant jew perit ma jipprezentax irċevuta tal-kontribuzzjoni għas-servizzi ta' infrastruttura li ġiet mħallsa oriġinarjament ma' evidenza li dan huwa relatat ma' permess ta' żvilupp ta' qabel fl-istess sit, l-ammont li għandu jitnaqqas mill-kontribuzzjoni għas-Servizzi ta' Infrastruttura ġdida meħtieġa għandhom jiġu kalkulati skond Skeda 2.

b. Għall-applikazzjonijiet wara l-1992 il-kontribuzzjoni għas-servizzi ta' infrastruttura rreġistrata, fuq il-kotba tal-Awtorità, li oriġinarjament kienet imħallsa fuq permess ta' l-iżvilupp ta' qabel fl-istess sit, għandha titnaqqas mill-kontribuzzjoni għas-servizzi ta' infrastruttura meħtieġa;

17. Ebda kontribuzzjoni għas-servizzi ta' Infrastruttura ma għandha tithallas

meta l-applikazzjoni jkollha x'taqşam biss ma' applikazzjoni minn Dipartiment tal-Gvern jew enti oħra stabbilita bil-liġi, inkluż il-Malta Enterprise, fejn l-applikant jagħti impriza, fil-forma speċifikata mill-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, lill-Awtorità stess li s-servizzi ta' l-infrastruttura meħtieġa ser jkunu pprovduti minn, jew flimkien ma', u bl-approvazzjoni ta', id-dipartiment rilevanti u bi spejjeż ta' l-applikant jew id-dipartiment rilevanti, u li l-manutenzjoni meħtieġa ta' dawn is-servizzi se tkunu wkoll hekk imwettqa;

18. Ebda kontribuzzjoni tad-drenagġ prinċipali ma għandhom jkunu pagabbli fir-rigward ta' applikazzjonijiet għal xogħlijiet ta' trattament tad-drenagġ, ta' l-istazzjonijiet ta' l-ippumpjar u strutturi simili jew xogħlijiet mogħtija mit-Taqsima tad-Drenagġ tal-Korporazzjoni tas-Servizzi tal-Ilma jew kull korp ieħor li sussegwentement jassumi r-responsabilitajiet ta' dak id-Dipartiment;

19. Il-kontribuzzjoni għas-servizzi ta' infrastruttura għandha titnaqqas b'75%, meta:

(a) l-applikant jagħti lill-Awtorità impriza, fil-formola speċifikata mill-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, li s-servizzi ta' infrastruttura meħtieġa jkunu provduti mill-applikant, jew minn, u bl-approvazzjoni tad-dipartiment rilevanti u bi spejjeż ta' l-applikant, u li l-manutenzjoni meħtieġa ta' dawn is-servizzi se tkun wkoll imwettqa; jew

(b) l-applikazzjoni tirrelata ma' sit fejn is-servizzi infrastrutturali meħtieġa jkunu ġew provduti fuq spiża ta' individwu privat, u impriza tingħata fil-formola speċifikata mill-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar li l-manutenzjoni ta' dawn is-servizzi tkun ser tiġi pprovduta;

20. Kull kontribuzzjoni għas-servizzi ta' infrastruttura għandha tiġi imposta bir-rati kalkulati b'referenza għall-iżvilupp propost fl-applikazzjoni u ebda kontribuzzjoni ma għandha tiġi hallas lura ħlief fil-kazijiet li ġejjin:

(i) il-permess mitlub ikun ġie miċħud, sakemm ma jkunx ġie rifjutat skond l-artikolu 52 (5) ta' l-Att;

(ii) l-applikazzjoni tkun ġiet invalidata;

(iii) l-applikazzjoni tiġi rtirata qabel ma' din tiġi deċiża mill-Awtorità:

Iżda fil-kazijiet imsemmija fis-sub-paragrafi (i), (ii) u (iii) hawn qabel, 10% tal-kontribuzzjoni għas-servizzi ta' l-infrastruttura għandha tinzamm biex tkopri l-ispejjeż amministrattivi u li, konsegwentement, m'hijiex rimborsabbli;

(iv) jekk issir fir-rigward ta' applikazzjoni għal klassi ta' żvilupp li

dwarha permess bħal dak mhux meħtieġ minn jew taħt xi disposizzjoni ta' l-Att jew xi regolamenti jew ordnijiet magħmulin taħtu, u l-applikazzjoni tintbagħat lura mill-Awtorità lill- applikant;

(v) jekk l-applikazzjoni tkun waħda li għaliha jkun jirreferi il-paragrafu 19 (a), u l-applikant sussegwentement jipprovdi s-servizzi xierqa bi spejjeż tiegħu u d-Dipartiment rilevanti jkun iċċertifika li x-xogħlijiet ġew imwettqa għas-sodisfazzjon tiegħu, għandha tithallas rifużjoni ugwali għal 15% tal-kontribuzzjoni għas-servizzi ta' infrastruttura;

(vi) jekk l-applikazzjoni tkun waħda li għaliha jkun jirreferi l-paragrafu 19 (b), u d-Dipartiment rilevanti jkun iċċertifika li x-xogħlijiet ikunu saru għas-sodisfazzjon tagħha, għandha tithallas rifużjoni ugwali għal 15% tal-kontribuzzjoni għas-servizzi ta' infrastruttura;

21. Meta l-Awtorità tqis li sabiex jintlaħqu l-ħtiġijiet straordinarji jew eċċezzjonali li, fl-opinjoni ta' l-Awtorità, in-natura, il-post jew skala ta' l-iżvilupp propost x'aktarx li jqiegħdu fuq is-servizzi ta' infrastruttura u servizzi oħra jew faċilitajiet, kif ukoll biex tiżgura l-ippjanar xieraq taż-żona u tirregola l-użu tal-art bi qbil mal-policies u l-proposti fil-Pjan ta' Struttura u kull pjan sussidjarju, il-kontribuzzjoni preċedenti speċifikata f'din l-Iskeda hija insuffiċjenti, l-Awtorità għandha tistabbilixxi l-kontribuzzjoni li għandha tiġi imposta biex jilħqu l-ispiża tas-servizzi u l-faċilitajiet li joħorġu mill-permess mitlub, u tista' wkoll tagħmel ftehim ma' l-applikant biex jiġi żgurat il-ħlas tal-kontribuzzjoni hekk deċiża u t-tweġiq ta' l-iżvilupp skond il-permess ta' l-Awtorità .

22. Meta applikazzjoni tiġi sottomessa dwar żvilupp ġdid fuq sit (deskritta bħala l-applikazzjoni l-ġdida għall-fini ta' dan il-paragrafu) u l-applikant bil-miktub jiddikjara li -

(i) l-applikazzjoni għall-iżvilupp ta' l-istess tip kienet giet pprezentata qabel mill-applikant fuq sit ieħor (deskritt bħala s-sit oriġinali għall-iskop ta' dan il-paragrafu) fil-viċinanza tas-sit il-ġdid u li kien ġie approvat, u

(ii) il-kontribuzzjoni tas-servizzi ta' Infrastruttura mħallsa fir-rigward ta' l-applikazzjoni fuq il-post oriġinali għandhom jittieħdu in kunsiderazzjoni fil-kalkolu tal-kontribuzzjoni tas-servizzi ta' infrastruttura dovuta fuq l-applikazzjoni għas-sit l-ġdid;

il-permess fuq is-sit oriġinali għandu jiġi mħassar mill-Awtorità u l-kontribuzzjoni tas-servizzi ta' infrastruttura għandha titqies li ma ġietx imħallsa fuq is-sit oriġinali. Il-kontribuzzjoni tas-servizzi ta' infrastruttura mħallsa fuq is-sit oriġinali għandha tittieħed in kunsiderazzjoni fil-kalkolu tal-kontribuzzjoni tas-servizzi ta' infrastruttura li għandha tithallas fir-rigward ta' l-applikazzjoni l-ġdida.

**Skeda 2**

Metodu ta' kalkolu ta' Kontribuzzjoni għas-servizzi ta' infrastruttura għal applikazzjonijiet li saru qabel l-1993

Il-kalkolu tal-kontribuzzjoni għas-servizzi ta' infrastruttura mhalsa fir-rigward ta' applikazzjonijiet li saru qabel l-1993 u li jaqgħu taħt id-dispożizzjonijiet ta' klawżola 16 (a) (ii) ta' Skeda 1 għandu jsir kif ġej:

1. Meta s-sit ikun jisporgi fronti fuq triq li hija mibnija fuq iż-żewġ naħat, il-Kontribuzzjoni tad-Drenagg imħallsa għandha tiġi kkalkulata bir-rata ta' €18.63 għal kull metru ta' faċċata tas-sit. Il-Kontribuzzjoni tat-Triq għandha tkun kalkulata bil-multiplikazzjoni tal-faċċata tas-sit f'metri b'nofs il-wisa tat-triq f'metri b' €5.24.

2. Meta s-sit ikun jisporgi fi triq li tagħti servizz, il-Kontribuzzjoni tad-Drenagg imħallsa għandu jiġi kalkulat bir-rata ta' €27.95 għal kull metru ta' faċċata tas-sit. Il-Kontribuzzjoni tat-Triq għandha tkun kkalkulata bil-multiplikazzjoni tal-faċċata tas-sit f'metri bil-wisa' kollu tat-triq li tagħti servizz f'metri b' €5.24.

3. Meta s-sit ikun jisporgi fuq triq li tkun tagħti fuq zona ħadra, pjazza pubblika, jew il-kosta, faċċata tas-sit, il-Kontribuzzjoni tad-Drenagg imħallsa għandha tiġi kalkulata bir-rata ta' €27.95 għal kull metru ta' faċċata tas-sit. Il-Kontribuzzjoni tat-Triq għandha tkun kkalkulata bil-multiplikazzjoni tal-faċċata tas-sit f'metri b'nofs il-wisa' tat-triq f'metri b' €5.24.

**L.N. 356 of 2010**

**DEVELOPMENT PLANNING ACT**

**(CAP. 356)**

**Development Planning (Fees) Regulations, 2010**

IN exercise of the powers conferred by articles 41, 42 and 60 of the Development Planning Act, the Prime Minister and the Malta Environment and Planning Authority, with the concurrence of the Minister of Finance, the Economy and Investment, have made the following regulations:-

**1.** (1) The title of these regulations is Development Planning (Fees) Regulations, 2010. Title and applicability.

(2) These regulations shall apply to:

(a) all applications which are received on or after the coming into force of these regulations; or

(b) all applications where the fees payable are re-calculated by the Authority as a result of a change in the original application, on or after the coming into force of these regulations; or

(c) all applications received prior to the coming into force of these regulations and where a bill for fees has been issued by the Authority on or after the date of coming into force of these regulations, and such fees are not paid within 30 calendar days from date of issue of the bill; or

(d) all applications received prior to the coming into force of these regulations and where a bill for fees has been issued by the Authority before the date of coming into force of these regulations, and such fees are not paid within 30 calendar days from date of the coming into force of these regulations.

**2.** (1) In these regulations, unless the context otherwise requires – Definitions.

“the Act” means the Development Planning Act, 1992, or any Act superceding this Act;

“the Authority” means the Malta Environment and Planning Authority;

“alterations” means structural interventions to the interior and, or exterior of a building which do not result in an increase in the floor area of the building being altered;

“amended application” means an application for amendments to a development, relating to changes in the internal layout or external appearance, for which permission has already been granted and is still valid:

(a) in respect of the same site and involving development of the same general character and description; and

(b) which does not involve a different use or an increase in the number of dwelling units, and increase in floor area;

“agricultural building” means a building used for agricultural purposes, including the storage of agricultural implements, but not for:

(a) the keeping of livestock or animal husbandry;

(b) the slaughter of animals; and

(c) the processing of animals or animal products;

“application” means an application for development permission;

“boathouse for a registered fisherman” means a boathouse used for the storage of fishing boats and equipment used in the course of the registered occupation;

“bungalow” means a single dwelling unit, whether detached or semi-detached, where appropriate, consisting of not more than one habitable floor unless it is located within the development boundaries in an area designated for more dense development;

“commercial development” means a development which is non-residential and non-agricultural and not listed separately in any other group in Schedule 1 to these regulations;

“compliance certificate” means a certificate referred to in article 61(2) of the Act;

“demolition of a building” means the pulling down or removal of 75% or more of the roofed area of any particular unit, where the existing unit is larger than 30 meters squared;

“designated officer” means such officers of the Malta Environment and Planning Authority designated by it to formally endorse Development Permit Application Reports, who shall normally be the Senior Planning Officers and Managers of the Area Teams and the Manager of the Development Control Unit;

“Development Permit Application Report” means the report prepared on an application for development permission which is submitted to a designated officer or to the Development Control Commission;

“Development Permit Fee” includes the Environment Fee;

“dwelling” means any building or unit used for residential purposes, but excludes a hotel, guest-house, old people’s home and commercial establishments of similar nature;

“endorsement” means the formal acceptance of a Development Permit Application Report by a designated officer such that the application is then forwarded for determination by the Development Control Commission or determined by a designated officer under the powers so delegated by the Malta Environment and Planning Authority;

“engineering operations” include the formation or laying out of roads and of means of access to roads; the movement, re-grading or surfacing of land including the creation of formal gardens or cemeteries; the construction or excavation of reservoirs not ancillary to a dwelling or when the applicant is not registered as an arable farmer with the Department of Agriculture; the construction of bridges and similar structures; the construction of sea defences, piers and

similar structures; the creation and replenishment of beaches and other operations affecting beaches; the siting of moorings, and similar operations, whether on land or on the seabed; and excludes land reclamation for agricultural purposes;

“Environment and Development Brief” means a statement approved by the Malta Environment and Planning Authority wherein parameters for acceptable development on a site are specified;

“extension” means an increase in the floor area relating to the same use as the existing unit being altered;

“film set” means the use of land, or the placing, installation or construction on land of structures, for the purpose of the production of films, television programmes, videos or other audio-visual productions;

“flat” means a single dwelling unit within a building which contains several similar units which do not have their own separate entrance from the street but share a common access;

“floor area” means -

(a) for residential purposes the amount of floor area within a building determined by the external measurements of the building, that includes the thickness of the external walls and half the thickness of dividing or party walls, and includes any staircase, lift, shafts, internal yards, back yards, front gardens, self-imposed setback, estate or plot gardens, verandahs, open terraces within the building foot print at the upper levels, and terraces formed at roof level when these belong to penthouses or where shared by multiple owners, accessible through a permanent common access, canopies and other structures within the site boundaries and interconnected garages, unless specifically set out within these regulations; and

(b) for non residential purposes, the amount of floor area within the site boundaries determined by the external measurements of the building, that includes the thickness of the external walls and half the thickness

of dividing or party walls, and includes any staircase, lift, shafts, internal yards, back yards, front gardens, verandahs, terraces, interconnected garages, canopies and other spaces, including open spaces used for commercial purposes;

“garage “ means a garage or space used for the parking of vehicles, whether enclosed or unenclosed, and whether or not above or below ground level;

“land reclamation for agriculture” means the reclamation of land, including the deposit of material and the altering of the level of the land, for the purposes of agriculture;

“livestock farm building “ means a building used for the accommodation of livestock and for the storage of fodder or implements related to the same activity, but does not include farmhouses, greenhouses, buildings used for agricultural purposes or buildings used for the slaughter of animals or processing of animals or animal products;

“maisonette” means a single dwelling unit on one or more floors, having a separate entrance from the street, located in a building consisting of more than one unit;

“penthouse” means a separate single dwelling which consists of one floor constructed above height limitation on the roof of a building, and which does not occupy the whole of the roof area and does not have permanent access to roof level;

“planning control application” means those applications, not being applications for development permission, which require the approval of the Malta Environment and Planning Authority for such changes to the Local Plans and, or the detailed alignments of buildings and streets within such Local Plans;

“plant and machinery” means mechanical equipment or structures erected or placed on land but not within a building;

“public car park” means a building or area exclusively used for parking of vehicles and is not ancillary to any other use on site.

“registered fisherman” and “registered farmer” mean a fisherman or a farmer registered with the Department of Agriculture and Fisheries, as the case may be;

“relevant Department” means, for the purposes of the main sewer contribution, the Drainage Section of the Water Services Corporation, and for the purposes of the street contribution, Transport Malta and any other body which subsequently assumes the responsibilities of these Departments or entities;

“renewal application” means an application for the renewal of a development permission granted by the Authority in respect of the same site which is submitted before such permission expires;

“screening” means the process during which the proposed development is considered by the Authority prior to the submission of the formal application;

“site area” means the total area of land which is the subject of the application, and is marked in red on the site plan submitted with the application;

“special building” means a building providing an institution, club, society or other organisation of a religious, cultural, philanthropic, sporting or social nature not including Government departments or parastatal bodies with the facilities necessary for the pursuit of its objects, including schools, hospices, homes for the elderly, hospitals and similar buildings or uses, where the institution, club, society or other organisation is declared as being tax exempt by the Minister responsible for finance by regulations made for that purpose;

“temporary structure / use of land” means the use of land for one use or purpose, which may include the setting up of a structure which is demountable and does not require the laying of foundations and is placed on the ground and constructed from impermanent materials, including canvas, other fabric, PVC and similar materials, and includes a tent, marquee, canopy or other structure of a similar nature. (“impermanent material” means material which does not consist of stone, bricks or concrete or, any other similar material). Provided that where such use of land is not specified in an approved development plan, such use shall be carried out for four months or less in any one calendar year;

“terraced house” means a single dwelling unit on a site consisting of one or more storeys in a row of three or more dwellings and includes the dwellings at the ends of the terrace;

“validation” means the acknowledgment by the Malta Environment and Planning Authority of the receipt of a valid application for development permission, that is an application in respect of which all the requirements for the submission of an application have been fulfilled;

“vicinity” means a distance within 500 metres of the original site;

“villa” means a detached or semi detached single dwelling of not more than two habitable floors. This includes flatted dwellings (regulated by Policy 3.5 of Development Control Policy and Design Guidance, 2007, or future updates thereto) located in an area designated for villa development.

(2) In either Schedule 1 or Schedule 2 to these regulations, any expression defined in the Act has the same meaning as it has in the Act.

**3.** There shall be charged by the Authority a development permit fee (DPF) and Environment Fee as the charge to be paid in respect of an application for permission to carry out development, at the rates set out in Schedule 1 to these regulations.

Payment of  
Development Permit  
Fee and Environment  
Fee.

**4.** There shall be charged by the Authority an infrastructure services contribution (Sewer and Street) as the rate of contribution to be paid towards the cost of infrastructure services and other services or facilities arising from any permission to develop land, at the rates set out in Schedule 2 to these regulations.

Payment of  
Infrastructure Services  
Contribution.

**5.** The Building Levy Rates Regulations, 1996 are hereby revoked.

Revokes L.N. 112 of  
1996.

## Schedule 1

1. Except as otherwise provided, the relevant fees at the rates specified in this Schedule, shall be paid in respect of applications for development permission according to the nature of the development and calculated as herein provided:-

Development	DPF		Sewer		Street		Environment Fee	
	Rate (€)		Rate (€)		Rate (€)		Rate (€)	
	Per m <sup>2</sup>	Per Unit	Per m <sup>2</sup>	Per Unit	Per m <sup>2</sup>	Per Unit	Per m <sup>2</sup>	Per Unit
Advertisements	104.12	-	-	-	-	-	10.00	-
Agriculture	0.96	-	1.98	-	0.94	-	0.05	-
Boathouse For Registered Fisherman	2.08	-	3.29	-	1.88	-	0.20	-
Bungalow	11.90	-	5.60	-	2.80	-	0.12	-
Change Of Use To Non Residential	9.07	-	-	-	-	-	0.80	-
Commercial Development (including extensions)	9.07	-	5.97	-	3.22	-	0.80	-
Engineering Operations	0.57	-	-	-	-	-	0.30	-
Env. & Dev. Brief/Outline Applications - Normal Buildings	0.42	-	-	-	-	-	-	-
Film Set	2.12	-	-	-	-	-	0.15	-
Flat / Terraced House / Maisonette	1.24	-	3.08	-	1.68	-	0.12	-
Greenhouse	0.69	-	-	-	-	-	0.05	-
Land Reclamation for Agriculture	0.71	-	-	-	-	-	0.10	-
Livestock Farm Building	0.96	-	-	-	0.94	-	0.05	-
Other Garages	5.95	-	3.29	-	1.88	-	0.10	-
Penthouse	13.02	-	12.69	-	5.17	-	0.12	-
Plant and Machinery	0.57	-	-	-	-	-	0.30	-
Public Car Park	6.35	-	5.97	-	3.22	-	0.80	-
Quarry (New / Horizontal Extension)	1.28	-	-	-	0.47	-	0.30	-
Temporary Structure / Use Of Land	2.12	-	-	-	-	-	0.15	-
Villa (Semi / Fully Detached - 2 dwelling units) / Farmhouse	7.29	-	5.60	-	2.80	-	0.12	-
Waste Disposal	1.42	-	-	-	-	-	0.30	-
Change Of Use To Residential	-	594.97	As Per Residence in m <sup>2</sup>		As Per Residence in m <sup>2</sup>		-	50.00
Satellite dishes above 2m diameter or telecommunication antennae	-	150.00	-	-	-	-	-	5.00
Other development not otherwise specified	-	150.00	-	-	-	-	-	5.00
Vending Machine	-	150.00	-	-	-	-	-	10.00

Development	DPF	Sewer	Street	Environment Fee
	Rate (€)	Rate (€)	Rate (€)	Rate (€)
	Per Application	Per m <sup>2</sup>	Per m <sup>2</sup>	Per Application
Correction Of Site, CPPS Revision Request	150.00	-	-	-
Demolition of Building or Structures (Floor Area > 30m <sup>2</sup> )	1,985.72	-	-	140.00
Env. & Dev. Brief/Outline Applications - Special Buildings / Uses	212.49	-	-	-
Extensions to dwellings, Alterations, Renewal, Amended Application & Minor Amendments	150.00	-	-	25.00
Quarry - Vertical Extension	1,487.43	-	-	120.00
Special Buildings or Uses	148.74	3.29	1.88	15.00

Fee	Rate
Compliance Certificates	€60.00
Development Notification Orders – Alterations	€60.00
Development Notification Orders – Extensions/New Development	€120.00
Planning Control Applications per 150m <sup>2</sup> of site or part thereof	€235.00

Provided that:

1. Where a request for screening is submitted to the Malta Environment and Planning Authority, it shall be accompanied by the Screening Fee of €50. This fee is in no case refundable;
2. The rate regulating temporary structure / use of land shall only be applied once, on any given site, in any one calendar year;
3. Where an application for a boathouse is not accompanied by proof of registration of the applicant as a fisherman, the Development Permit Fee shall be calculated at the rate of commercial development;
4. For the purposes of the calculation of floor area in relation to bungalow development, only the build-up area, which includes the amount of floor area within a building determined by the external measurements of the building, which includes the thickness of the external walls and half the thickness of dividing or party walls, and the internal shafts, internal yards and open terraces, shall be considered;
5. Where garages do not share a common access with a residential/commercial development, and parking spaces (excluding lock-up garages), forming part of a mixed development, have a direct access to both residential and commercial development, the rate of “other garages” shall be applied;
6. For purely commercial development, the floor area shall be charged at the rate per square meter as listed in Schedule 1 and the site area shall be charged separately at the same rate per meter square;
7. The area used for the placing of tables and chairs in conjunction with commercial development shall also be considered at the same rate of the commercial development to which the tables and chairs are ancillary to;
8. When calculating the fees required in relation to advertisements, the area to be considered is the surface area covered by the advertisement and does not include the footprint of any hoarding/structure used to support any such advertisement;
9. When a reservoir is not located within an agricultural holding owned and operated by a registered farmer, it shall attract the rate of “Engineering Operations”. This rate, however, will not be charged separately when it is already being charged as part of site area for commercial development within the same application;
10. The rate regulating the Change of Use to Residential will only be applied if a new residential unit is being created;

11. The development permit fee paid in relation to an application submitted for the amendment of a condition in a permit issued by the Authority in relation to the payment due by the applicant in the Commuted Parking Payment Scheme shall be refunded to the applicant if it is established that the amendment requested in the application was actually justified;

12. For Planning Control applications relating to local plan amendments, in cases where the applicant does not pay the standard fee over the whole site area, the fee payable at the submission of the said local plan amendment application shall be of €235.00. So however that applications for development permission submitted following a Planning Control application relating to amendments to local plan aforementioned, or a Planning Control application relating to amendments to local plan submitted by the Authority in accordance with the provisions of regulation 6 of Development Planning (Procedure for Minor Modifications to Subsidiary Plans) Regulations, 2007 after the requirements of sub-regulation (3) of regulation 4 of the said regulations, for which the provisions of this clause have been applied, a fee of €3.00 per meter squared, or part thereof, over and above any other rate established by these regulations shall be paid in relation to such application for development permission;

13. Where an application involves more than one use or type of development, the development permit fee to be paid shall be calculated by adding together the amounts applicable to each type of development. When the application includes commercial development, the fee for the commercial development shall be calculated by reference to the rate for the commercial floor area only and shall not include the site area

14. (a) All fees shall be paid at rates calculated by reference to the development proposed in the application, and no fees properly paid shall be refundable as specified in subparagraphs (b) and (c) except in the following cases :

(i) the application has been invalidly made;

(ii) the application has been withdrawn by the applicant prior to determination.

(b) When an application is withdrawn by the applicant, the percentage of the development permit fee which shall be refunded shall be as follows:

(i) when the application is withdrawn prior to its validation, 100% of the development permit fee shall be refunded;

(ii) when the application is withdrawn after its validation but prior to the endorsement by the designated delegated officer of the Development Permit Application Report on the application, 50% of the development permit fee shall be refunded;

(iii) when the application is withdrawn after the Development Permit Application Report has been endorsed as set out in item (ii) above but prior to the determination of the application, 25% of the development permit fee shall be refunded;

except that the development permit fee shall not be refunded where a notice in terms of articles 50, 51, 52, 53 or 58 of the Act has been served on the applicant or on the site to which the application relates;

15. (i) Where an application is submitted for new development on a site (described as the new application for the purpose of this subparagraph) and the applicant states in writing that –

(a) an application for development of the same type had previously been submitted by the applicant on another site (described as the original site for the purpose of this paragraph) in the vicinity of the new site and had been approved, and

(b) the applicant has no interest in the development of the original site and has not and will not exercise the permission, the permit on the original site shall be cancelled by the Authority.

(ii) Unless the development permit fee paid on the original application has been previously refunded, in part or in full to the applicant or to any third party, such a fee shall be retained by the Authority in addition to any such other fee payable by the applicant together with the submission of the new application.

(iii) The provisions of this paragraph shall apply only if:

(a) there is no difference whatsoever in the designation of the original site and the new application;

(b) the permit on the original site has not been utilized in any manner whatsoever; and

(c) this application is limited to the change of the site of the previously approved development permit.

(iv) Any variations from the previously approved permit (except for the wrong indication of the site) shall not prejudice the new application.

(v) Where the new application is withdrawn by the applicant prior to its determination, the development permit fee shall not be refunded.

16. Where an application is for new development on a site in respect of which there is or has been a development permission, whether or not still in force,

the infrastructure services contribution paid in relation to the previous development permission shall be taken into consideration as follows:

- a) For pre-1993 applications:
  - i) If the applicant or architect submits a receipt of the infrastructure services contribution originally paid with evidence that this is related to a previous development permission on the same site, the amount shown on the receipt shall be deducted from the new infrastructure services contribution required.
  - ii) If the applicant or architect does not submit a receipt of the infrastructure services contribution originally paid with evidence that this is related to a previous development permission on the same site, the amount to be deducted from the new infrastructure services contribution required shall be calculated as per Schedule 2.
- b) For post-1992 applications the Infrastructure Services Contribution recorded, on the Authority's records, to have been originally paid on a previous development permission on the same site, shall be deducted from the the new infrastructure services contribution required;

17. No infrastructure services contribution shall be paid when the application relates solely to an application by a Government Department or a body corporate established by law, including Malta Enterprise, where the applicant gives an undertaking, in a form specified by the Malta Environment and Planning Authority, to the same Authority that the necessary infrastructure services will be provided by, or in conjunction with, and with the approval of, the relevant department and at the expense of the applicant or the relevant department, and that the necessary maintenance of those services will also be so carried out;

18. No main sewer contribution shall be payable in respect of applications for sewage treatment works, pumping stations and similar structures or works provided by the Drainage Section of the Water Services Corporation or any other body which subsequently assumes the responsibilities of that Department;

19. The infrastructure services contribution shall be reduced by 75%, where:

- (a) the applicant gives to the Authority an undertaking, in a form specified by the Malta Environment and Planning Authority, that the necessary infrastructure services will be provided by the applicant, or by, and with the approval of, the relevant department and at the applicant's expense, and that the necessary maintenance of these services will also be carried out; or

(b) the application relates to a site where the necessary infrastructure services have been provided at the expense of a private individual and an undertaking, in a form specified by the Malta Environment and Planning Authority, to maintain these services has been given;

20. All Infrastructure Services Contributions shall be levied at rates calculated with reference to the development proposed in the application and no contribution shall be refundable except in the following cases:

(i) the permission applied for has been refused, unless it is a dismissal in terms of section 52(5) of the Act;

(ii) the application has been invalidly made;

(iii) the application is withdrawn before it is determined by the Authority :

Provided that in the cases mentioned in sub-paragraphs (i), (ii) and (iii) abovementioned, 10% of the infrastructure services contributions will always be retained to cover administrative charges and are consequently not refundable;

(iv) if it is made in respect of an application for a class of development for which such permission is not required by or under any provision of the Act or any regulations or orders made thereunder, and the application is returned by the Authority to the applicant;

(v) if the application is one to which paragraph 19 (a) relates, and the applicant subsequently provides the appropriate services at his own expense and the relevant Department has certified that the works have been carried out to its satisfaction, a refund equal to 15% of the infrastructure services contribution shall be paid;

(vi) if the application is one to which paragraph 19 (b) relates, and the relevant Department has certified that the works have been carried out to its satisfaction, a refund equal to 15% of the infrastructure services contribution shall be paid;

21. Where the Authority considers that in order to meet the extraordinary or exceptional demands which, in the opinion of the Authority, the nature, location or scale of the proposed development is likely to place on the infrastructure services and other services or facilities, as well as to secure the proper planning of the area and regulate the use of land in accordance with the policies and proposals in the Structure Plan and any subsidiary plan, the contribution earlier specified in this Schedule is insufficient, the Authority shall determine the contribution to be levied

to meet the cost of the services and facilities arising from the permission applied for, and may also enter into agreement with the applicant to ensure the payment of the contribution so determined and the proper carrying out of the development according to the permission of the Authority;

23. Where an application is submitted for new development on a site (described as the new application for the purpose of this paragraph) and the applicant states in writing that -

(i) an application for development of the same type had previously been submitted by the applicant on another site (described as the original site for the purpose of this paragraph) in the vicinity of the new site and had been approved; and

(ii) the infrastructure services contribution paid in relation to the application on the original site should be taken into account in the calculation of the Infrastructure Services Contribution due on the application for the new site;

the permit on the original site shall be cancelled by the Authority and the infrastructure services contribution shall be deemed not to have been paid on the original site. The infrastructure services contribution paid on the original site shall be taken into account in the calculation of the infrastructure services contribution to be paid in relation to the new application.

**Schedule 2**

Method of calculation of the infrastructure services contribution for pre-1993 applications

The calculation of the Infrastructure Services Contribution paid on pre-1993 applications that fall under the provisions of clause 16(a)(ii) of Schedule 1 shall be made as follows:

1. When the site fronts on a street which is built-up on both sides, the Sewer Contribution paid shall be calculated at the rate of €18.63 per meter of frontage of the site. The Street Contribution shall be calculated by multiplying the frontage of the site in meters by half the width of the street in metres by €5.24.

2. When the site fronts on a service road, the Sewer Contribution paid shall be calculated at the rate of €27.95 per meter of frontage of the site. The Street Contribution shall be calculated by multiplying the frontage of the site in meters by the whole width of the service road in metres by €5.24.

3. When the site fronts on a street having a green area, a public square, or the coast, opposite the site, the Sewer Contribution paid shall be calculated at the rate of €27.95 per meter of frontage of the site. The Street Contribution shall be calculated by multiplying the frontage of the site in meters by half the width of the street in metres by €5.24.

