

**L.N. 126 of 2013****ENVIRONMENT AND DEVELOPMENT PLANNING ACT  
(CAP. 504)****Development Planning (Fees) (Amendment) Regulations, 2013**

IN EXERCISE of the powers conferred by articles 60, 61, 79 and 80 of the Environment and Development Planning Act, the Minister for Sustainable Development, the Environment and Climate Change and the Parliamentary Secretary for Planning and Simplification of Administrative Processes, with the concurrence of the Minister for Finance, and after consultation with the Malta Environment and Planning Authority, have made the following regulations:-

Citation and  
applicability.

S.L. 504.98

**1. (1)** The title of these regulations is the Development Planning (Fees) (Amendment) Regulations, 2013, and these regulations shall be read and construed as one with the Development Planning (Fees) Regulations, hereinafter referred to as "the principal regulations".

(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 which have been received before the coming into force of these regulations but which have not yet been validated before the coming into force of these regulations, notwithstanding that a fee has already been paid. A refund of the difference shall be due where the amount already paid is higher than the fees under these regulations; or

(c) all changes requiring a re-calculation of the fee for pending applications which have been received before the coming into force of these regulations and which have also been validated before the coming into force of these regulations. No refund shall be due where the amount of the new fee is less than the original fee.

(3) These regulations shall not apply to any new fees which the Authority may request on or after the coming into force of these regulations for changes requested by the Authority on any pending applications which were subject to the fees regulated by the Building Levy Regulations, 1996. These new fees shall be subject to the rates applicable under the Building Levy Regulations, 1996.

L.N. 112 of  
1996.

2. Sub-regulation (1) of regulation 2 of the principal regulations shall be amended as follows:

Amends regulation 2 of the principal regulations.

(a) in the definition "engineering operations", immediately after the word "include" there shall be added the words "photovoltaic farms; wind farms;"

(b) in paragraph (b) of the definition "floor area", for the words "terraces formed at roof level occupied by structures exceeding 36m<sup>2</sup> (excluding plant facilities);" there shall be substituted the words "structures at roof level exceeding 36m<sup>2</sup> (excluding plant facilities);"

(c) in the definition "garage" for the words "parking of vehicles," there shall be substituted the words "parking of private cars,"; and

(d) in the definition "public car park", immediately after the words "exclusively used" there shall be added the words "by the general public".

3. Regulation 3 of the principal regulations shall be substituted by the following new regulation:

Substitutes regulation 3 of the principal regulations.

"3. (1) 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, Categories A, B and C.

(2) The rates set out in Schedule 1, Categories A, B and C, shall be subject to a minimum development permit fee of one hundred and twenty euro (€120).

(3) There shall also be charged by the Authority a fee at the rates set out in Schedule 1, Category D."

4. Schedule 1 to the principal regulations shall be amended as follows:

Amends Schedule 1 to the principal regulations.

(a) for the table of fees in Schedule 1 thereof, there shall be substituted the following:

"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:

Category A

Development	DPF		Sewer		Street		Environment Fee		Maximum	
	Rate (€)		Rate (€)		Rate (€)		Rate (€)		Rate (€)	
	Per m <sup>2</sup>	Per Unit	DPF	ENV Fee						
Advertisements	50.00	-	-	-	-	-	5.00	-	-	-
Agriculture	0.80	-	1.80	-	0.80	-	0.10	-	-	-
Boathouse for Registered Fisherman	0.80	-	1.80	-	0.80	-	0.10	-	-	-
Bungalow	10.00	-	2.78	-	4.63	-	0.12	-	-	-
Change of Use to Garage (ancillary)	1.24	-	-	-	-	-	0.12	-	-	-
Change of use to Non-Residential	6.40	-	-	-	-	-	0.60	-	25,000 <sup>(1)</sup>	2,000 <sup>(1)</sup>
Change of Use to Social/Cultural/Sports/Educational/ Forced Relocation	4.00	-	-	-	-	-	0.12	-	25,000	2,000
Commercial Development (incl. ext.) -Floor Area	6.40	-	3.00	-	2.00	-	0.60	-	-	-
Commercial Development (incl. ext.) - Site Area	4.00	-	-	-	-	-	0.40	-	-	-
Disposal of Construction & Demolition Waste	1.42	-	-	-	-	-	0.30	-	15,000	3,000
Engineering Operations	0.36	-	-	-	-	-	0.20	-	35,000	13,000
Env. & Dev. Brief - Normal Buildings	0.25	-	-	-	-	-	-	-	40,000	-
Film Set	2.12	-	-	-	-	-	0.15	-	-	-
Flat / Terraced House / Maisonette	1.24	-	2.60	-	1.70	-	0.12	-	-	-
Garages ancillary to other uses on site	1.24	-	2.60	-	1.70	-	0.12	-	-	-
Greenhouse	0.60	-	-	-	-	-	0.06	-	-	-
In lieu of PC application	3.00	-	-	-	-	-	-	-	-	-
Land Reclamation for Agriculture	0.40	-	-	-	-	-	0.24	-	6,000	1,000
Livestock Farm Building	0.80	-	-	-	0.80	-	0.10	-	-	-
Other Garages	1.24	-	2.60	-	1.70	-	0.12	-	-	-
Penthouse	10.00	-	7.50	-	3.96	-	0.12	-	-	-
Plant and Machinery	0.57	-	-	-	-	-	0.30	-	25,000	13,000
Public Car Park	5.00	-	3.00	-	2.40	-	0.30	-	-	-
Quarry (New / Horizontal Extension)	1.00	-	-	-	0.40	-	0.30	-	40,000	13,000
Social/Cultural/Sports/Educational/ Forced Relocation	4.00	-	2.20	-	1.20	-	0.12	-	35,000	2,000
Temporary Structure / Use of Land	2.00	-	-	-	-	-	0.16	-	-	-
Villa (Semi / Fully Detached - 2 dwelling units) / Farmhouse	6.50	-	1.80	-	2.67	-	0.12	-	-	-
Waste Disposal	1.42	-	-	-	-	-	0.30	-	15,000	3,000
Satellite dishes above 2m diameter or telecommunication antennae	-	150.00	-	-	-	-	-	5.00	-	-

Development	DPF		Sewer		Street		Environment Fee		Maximum	
	Rate (€)		Rate (€)		Rate (€)		Rate (€)		Rate (€)	
	Per m <sup>2</sup>	Per Unit	DPF	ENV Fee						
Other development not otherwise specified	-	150.00	-	-	-	-	-	5.00	-	-
Vending Machine	-	150.00	-	-	-	-	-	10.00	-	-
Overall Application Capping									500,000	50,000

† Only where the change of use solely involves the use of land.

Category B

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 Request	150.00		-		-		-	
Env. & Dev. Brief/Outline Applications - Special Buildings / Uses	210.00		-		-		-	
Extensions to dwellings, Alterations, Renewal, Amended Applications & Minor Amendments	150.00		-		-		25.00	
Quarry - Vertical Extension	1,485.00		-		-		120.00	
Special Buildings or Uses	145.00		3.08		1.68		15.00	

Category C

Demolition of Building or Structures	DPF		Environment Fee	
	Rate (€)		Rate (€)	
up to 50m <sup>2</sup>	-		-	
From 51m <sup>2</sup> to 400 m <sup>2</sup>	200		20	
From 401m <sup>2</sup> to 750 m <sup>2</sup>	400		40	
From 751m <sup>2</sup> to 1,000 m <sup>2</sup>	1,000		100	
> 1,000m <sup>2</sup>	2,000.00		200	

Category D

Fee	Rate (€)
Compliance Certificate	60.00
Dangerous Structure Notifications	60.00
Development Notification Order - Alterations	60.00
Development Notification Order - Extensions/New Development	120.00
Planning Control Applications per 150m <sup>2</sup> of site or part thereof	235.00

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(b) the proviso to Schedule 1 thereof shall be amended as follows:

(i) in paragraph 4 thereof, the words "and open terraces" shall be deleted;

(ii) sub-paragraph (3) of paragraph 10 thereof shall be substituted by the following:

"(3) Where the development consists of an extension to a commercial development which does not bring about an increase in the site area of the original development, the rate regulating alterations to development shall also cover extensions up to 15m<sup>2</sup>. Extensions larger than 15m<sup>2</sup> are to be calculated at the commercial rate, over and above the rate for alterations.";

(iii) sub-paragraph (6) of paragraph 10 thereof shall be renumbered as sub-paragraph (7);

(iv) immediately after sub-paragraph (5) of paragraph 10 thereof, there shall be added the following:

"(6) Change of use to use for agriculture, boathouse for registered fisherman, livestock farm building or other garages is to be calculated using the same rates applied for the same respective relevant new development but without including any Infrastructure Services Contribution.";

(v) in sub-paragraph (7) of paragraph 10 thereof, as renumbered, immediately after the word "residential" there shall be added the words "or commercial";

(vi) in paragraph 13 thereof, immediately after the words "more than one use or type of development," there shall be added the words "but is not already included under paragraph 6 of this proviso,";

(vii) paragraph (b) of sub-paragraph (i) of paragraph 15 thereof shall be substituted by the following:

"(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."; and

(viii) immediately after paragraph 24 thereof, there shall be added the following new paragraphs:

"25. (1) No development permit fee, no Environment Fee and no Infrastructure Services Contribution shall be charged for any application which in the opinion of the Authority relates exclusively to restoration works related to scheduled buildings, scheduled structures or buildings or structures within Urban Conservation Areas, or for that part of an application which in the opinion of the Authority relates exclusively to restoration works related to scheduled buildings, scheduled structures or buildings or structures within Urban Conservation Areas.

(2) Any rehabilitation involving change of use which in the opinion of the Authority is related to the restoration works, shall also not be charged.

26. (1) Where an application is for new development on a site in respect of which there is in force a development permission (other than an outline development permission), and the development so permitted has either not commenced or, if it has commenced, it has not yet been completed, the development permit fee payable for the new development shall be calculated in this manner:

(a) in the case of a development permission where the development has not commenced, by subtracting the development permit fee paid on the development permission in force, calculated by using the current rates in these regulations, from that due on the new development application;

(b) in the case of a development permission where the development has commenced but not yet completed, by subtracting the development permit fee paid on that part of the development not yet commenced, calculated by using the current rates in these regulations, from that due on

the new development application.

(2) Where the development permission in force is a renewal of a previous permission, the development permit fee to be paid for the new development shall be calculated by subtracting the development permit fee of the original application, calculated by using the current rates in these regulations, from that due on the new development application."

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