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**A.L. 514 tal-2010****ATT DWAR L-AMBJENT U L-IPPJANAR TAL-IŻVILUPP  
(KAP. 504)****Regolamenti ta' l-2010 dwar l-Ippjanar tal-Iżvilupp  
(Proċedura ta' Applikazzjonijiet u d-Deciżjoni Relattiva)**

BIS-SAHHA tas-setgħat mogħtija bis-subartikolu (2) ta' l-artikolu 61 ta' l-Att dwar l-Ambjent u l-Ippjanar tal-Iżvilupp, il-Prim Ministru għamel dawn ir-regolamenti li ġejjin:

**1.** (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2010 dwar l-Ippjanar tal-Iżvilupp (Proċedura ta' Applikazzjonijiet u d-Deciżjoni Relattiva). Titolu.

(2) Dawn ir-regolamenti għandhom jidhlu fis-seħħ fl-1 ta' Jannar, 2011: Bidu fis-seħħ.

Izda d-dispożizzjonijiet tar-regolament 5, is-subregolament (2) tar-regolament 8, u is-subregolamenti (1), (2), (3), u (9) tar-regolament 9 għandhom japplikaw biss fir-rigward ta' applikazzjonijiet depożitati fl-1 ta' Jannar, 2011 jew wara: Dispożizzjoni tranżitorja.

Izda ukoll id-dispożizzjonijiet tar-regolament 10 għandhom japplikaw biss fir-rigward ta' applikazzjonijiet li d-deciżjoni tan-notifika tagħhom tkun inħarġet fl-1 ta' Jannar, 2011 jew wara.

**2.** F'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma tkunx titlob mod ieħor: Tifsir.

“applikazzjoni” għandu jkollha t-tifsir mogħti lilha f'dawn ir-regolamenti:

Izda għall-finijiet ta' Ordni ta' Twaqqif jew ta' Infurzar maħruġ taħt id-dispożizzjonijiet tal-Att, talba għall-*screening* għandha tiftiehem bħala applikazzjoni;

“l-Att” tfisser l-Att dwar l-Ambjent u l-Ippjanar tal-Iżvilupp;

“l-Awtorità” għandha l-istess tifsira kif mogħtija lilha fl-artikolu 2 ta’ l-Att;

“persuna konsultata” tfisser persuna, inkluża kull aġenzija tal-gvern jew awtorità msemmija fl-Iskeda 3 li tinsab ma’ dawn ir-regolamenti, li tiġi konsultata mill-Awtorità matul l-ipproċessar ta’ applikazzjoni ta’ żvilupp, iżda ma jinkludix lil xi uffiċjal ta’ l-Awtorità jew korp jew entità stabbilita taħt l-Att;

“rapport” tfisser ir-rapport imħejji mid-Direttur tal-Ippjanar tal-Iżvilupp jew mid-Direttur għall-Protezzjoni tal-Ambjent fir-rigward ta’ applikazzjoni għal xi żvilupp;

“*screening*” tfisser il-proċess li matulu l-iżvilupp propost jiġi meqjus mill-Awtorità u mill-applikant, fuq talba ta’ applikant. It-talba għal *screening* għandha ssir minn applikant lill-Awtorità skond il-proċeduri u l-format stabbilit mill-Awtorità, li għandu jinkludi:

(a) formola ta’ applikazzjoni mimlija kif imiss u iffirmata mill-applikant u minn perit skond ir-regolament 4 (1) (b);

(b) pjanta ta’ s-sit li ma tkunx saret aktar minn tmax-il xahar mid-data tal-preżentata tagħha, disinjati bil-qisien, ritratti tas-sit u l-madwar tiegħu;

(c) allinjamenti uffiċjali u l-livelli kif meħtieġa; u

(d) l-ħlas li jiġi stabbilit mill-Awtorità;

“sistema elettronika” tfisser l-infrastruttura ta’ l-*eApplications* ta’ l-Awtorità li tipprovdi *interface* sigur li jippermetti komunikazzjonijiet elettroniċi tul il-proċess ta’ l-applikazzjoni;

“tibdil materjali” tfisser:

(a) bidla fil-konfigurazzjoni tas-sit li taffettwa art ġdida;

- (b) żjieda fl-għadd ta' sulari jew kantini;
- (c) żjieda fl-għoli tal-bini li jaqbeż l-ogħla limitu ta' l-għoli f'metri;
- (d) żjieda fid-densità (inkluż il-volum, area jew unitajiet) ta' aktar minn 10%;
- (e) bidla sostanzjali fl-apparenza esterna jew fid-disinn;
- (f) bidla fil-lokazzjoni ta' aċċess ta' vetturi minn faċċata ta' triq differenti;
- (g) bidla fl-użu propost;
- (h) bidla fl-allinjament uffiċjali tal-bini; jew
- (i) bidla fil-pożizzjoni ta' żvilupp fiżiku fis-sit li jsir f'żona soġġetta għal restrizzjonijiet differenti.

**3.** (1) Ebda applikazzjoni għall-iżvilupp ma tista' tiġi *Screening.* ipprezentata kemm-il darba l-applikant ma jkunx talab lill-Awtorità biex jagħmel *screening* ta' l-iżvilupp propost fl-applikazzjoni ta' l-iżvilupp. L-Awtorità għandha tinforma lill-applikant u lill-perit bid-data sa meta għandu jiġi finalizzat il-proċess ta' *screening*.

(2) Il-proċess ta' *screening* għandu jiġi finalizzat fi żmien erba' ġimgħat minn meta ssir talba sħiħa mill-applikant:

Iżda fil-każ ta' żvilupp li jaqa' taħt Skeda 1 li tinsab ma' dawn ir-regolamenti, il-proċess ta' *screening* jista' jitwal iżjed b'perjodu ta' tlett xhur mid-data ta' notifika (fit-terminu ta' erba' ġimgħat) lill-applikant li l-iżvilupp propost ikun jaqa' taħt Skeda 1 li tinsab ma' dawn ir-regolamenti.

(3) L-Awtorità għandha tinnotifika lill-applikant b'ittra ta' *screening* li tkun tinkludi kull waħda jew xi waħda minn dawn li ġejjin:

- (a) il-klassifikazzjoni ta' l-iżvilupp skond Skeda 1 u Skeda 2 li jinsabu ma' dawn ir-regolamenti, jew jekk l-iżvilupp propost ikun regolat b'ordni ta' żvilupp jew ikun jaqa' taħt id-disposizzjonijiet tar-regolament 12 ta' dan ir-regolament;

(b) jekk l-iżvilupp propost ikunx skond it-tipi ta' żvilupp imsemmija fis-Sitt Skeda li tinsab ma' l-Att;

(c) referenza għal dawk il-kwistjonijiet ewlenin, *policies* u regolamenti li l-iżvilupp propost ma jkunx konformi magħhom, jiġifieri kunsiderazzjonijiet li jkollhom x'jaqsmu mat-twaqqiġ, *zoning* ta' l-użu ta' l-art, l-limitazzjoni ta' l-għoli, restrizzjonijiet speċifiċi fuq is-sit, ambjent, infurzar, u kwistjonijiet oħra, *policies* u regolamenti li jkollhom x'jaqsmu direttament mal- prinċipju ta' l-iżvilupp;

(d) sottomissjonijiet addizzjonali, studji, valutazzjonijiet u dokumentazzjoni meħtieġa;

(e) konsultazzjonijiet li jkunu ser isiru fl-ipproċessar ta' l-applikazzjoni li tkun ser issir;

(f) il-ħlasijiet u l-kontribuzzjonijiet li għandhom jithallsu lill-Awtorità qabel ma tiġi ippreżentata l-applikazzjoni, meta tiġi ippreżentata l-applikazzjoni, jew matul l-ipproċessar ta' l-applikazzjoni, skond id-dispożizzjonijiet ta' Skeda 5 li tinsab ma' dawn ir-regolamenti;

(g) data sa meta l-applikazzjoni għall-iżvilupp ikollha tiġi ippreżentata skond il-ħtiġiet stabbiliti fl-ittra ta' *screening*, u dik id-data m'għandhiex tkun ta' aktar minn tlett xhur fil-każ ta' żvilupp li jaqa' taħt id-dispożizzjonijiet tat-Taqsima A ta' Skeda 2 li tinsab ma' dawn ir-regolamenti u mhux aktar minn sitt xhur fil-każ ta' żvilupp li ma jaqax taħt id-dispożizzjonijiet ta' Skeda 1 jew tat-Taqsima A ta' Skeda 2 li tinsab ma' dawn ir-regolamenti.

(4) Għall-finijiet tad-dispożizzjonijiet tal-artikolu 41 tal-Att, ikunu biss il-punti msemmija fil-paragrafi (b), (d) u (f) tas-subregolament (3) ta' dan ir-regolament li għandhom jitqiesu bħala deċiżjoni ta' l-Awtorità u l-applikant jista' jappella minnha quddiem it-Tribunal.

(5) L-appell għandu jiġi ippreżentat bi qbil mad-dispożizzjonijiet ta' l-Att u l-appellant għandu jagħti raġunijiet dettaljati fl-appell bil-miktub quddiem it-Tribunal. It-Tribunal għandu jappunta l-ewwel seduta fi żmien ħamsa u erbghin ġurnata mill-preżentata ta' l-appell u għandu jiddeċiedi l-appell fil-perjodu stabbilit fl-artikolu 41 (4) ta' l-Att.

(6) Fil-każ ta' appell quddiem it-Tribunal, it-termini stabbiliti skond id-disposizzjonijiet tas-subregolament (3) (g) ta' dan ir-regolament għandhom jibdeu jiddekorru mid-data tad-deċiżjoni finali ta' l-appell.

4. (1) L-applikazzjoni għal żvilupp għandha tiġi ipprezentata fit-termini stabbiliti mill-Awtorità fl-ittra ta' *screening* u għandha tkun tikkonsisti f'kull dokumentazzjoni aġġornata jew ġdida li jkollha x'taqsam mat-talba ta' *screening*. Din għandha tkun tinkludi:

Applikazzjonijiet għall-Iżvilupp.

(a) Kull dokumentazzjoni, studju, u rekwiżit, kif stabbiliti fl-ittra ta' *screening*;

(b) il-formola ta' l-applikazzjoni mimlija kif imiss fejn:

(i) it-taqsimiet kollha tal-formola għandhom ikunu mimlija kif imiss. Barra minn hekk, ebda sezzjoni jew domanda ma jistgħu jithallew vojta u fejn xi sezzjonijiet jew domandi jkunu irrilevanti, dawn għandhom ikunu mmarkati "N/A". Meta tkun meħtieġa risposta iva jew le, jew xi waħda simili, għandha tingħażel waħda mill-alternattivi sew;

(ii) dettalji personali kemm ta' l-applikant u tal-perit għandha tkun indikata b'mod sħiħ u ċar, partikolarment l-isem, l-indirizz u numru tad-Dokument ta' Identità. Id-dettalji dwar kif jista' jsir kuntatt, kif ukoll in-numru tal-warrant tal-perit jew tas-soċjeta` ta' periti, huma obbligatorji;

(iii) fil-każ ta' applikazzjonijiet li jiġu ipprezentati minn entità korporattiva jew minn soċjeta` ta' periti li jkollha warrant, persuna identifikabbli, li tkun debitament awtorizzata mill-kumpanija jew mis-soċjeta` rappreżentata, għandha tassumi r-responsabbiltà għall-applikazzjoni f'isem il-kumpanija jew soċjeta`. Għaldaqstant, id-dettalji personali tal-persuna individwali xorta jkunu għadhom meħtieġa;

(iv) kemm-il darba perit ma jkunx qiegħed jipprezenta applikazzjoni personali f'ismu, għandhom jiġu provduti l-indirizz personali ta' l-applikant u n-numru tat-telefon tiegħu, u dawn m'għandhomx ikunu

sostitwiti b'ripetizzjoni tad-dettalji dwar kif isir kuntatt mal-perit.

(v) għandu jintgħazel, billi jiġi immarkat, tip wieħed biss ta' applikazzjoni li tkun tikkorrispondi b'mod korrett ma' l-iżvilupp propost. Proposti li jkun fihom dettalji konfligġenti ma jiġux aċċettati;

(vi) id-deskrizzjoni ta' l-iżvilupp għandha tkun ċara u dettaljata, billi jiġi evitat l-użu ta' terminoloġija teknika u kumplessa jew ta' akronimi li ma jiġux infissra. Din għandha tinkludi:

(a) l-għoli propost ta' l-iżvilupp f'sulari;

(b) it-tip ġenerali ta' l-iżvilupp;

(c) kull użu eżistenti u propost;

(d) l-għadd u t-tip ta' unitajiet (djar, garaxxijiet);

(e) biex isiru alterazzjonijiet, sommarju konċiż iżda komplut tax-xogħlijiet proposti;

(f) għal estensjonijiet, il-lokalità u l-għadd ta'sulari;

(g) għal permess emendat, deskrizzjoni komprensiva tad-differenzi bejn il-proposta oriġinali u dik emendata;

(vii) id-dikjarazzjonijiet tal-perit u ta' l-applikant għandhom ikunu kompluti;

(c) ikun meħtieġ sett sħiħ ta' disinni għal kull tip ta' żvilupp, hlief għall-applikazzjonijiet ta' tiġdid. Dawn id-disinni għandhom ikunu ċari u skuri biżżejjed biex l-istampar isir mingħajr ma jintilef ebda dettall. Kull kitba mdaħħla fid-disinn għandha tkun tinqara ċar mingħajr ebda hteġa għal tkabbir. Id-disinni għandhom jikkonformaw mal-Lista tar-Rekwiżiti fil-Prezentazzjoni ppubblikati bħala Ċirkulari lill-Periti;

(d) għandha tiġi ipprezentata u kompletata pjanta

tal-lok tas-sit kif stabbilit fil-Lista ta' Rekwiziti fil-Prezentazzjoni;

(e) huma meħtieġa mill-inqas tlett ritratti bil-kuluri ta' kwalità tajba li juru fedelment l-istat tas-sit kurrenti u l-aktar riċenti kif stabbilit fil-Lista ta' Rekwiziti fil-Prezentazzjoni;

(f) disinji, li kollha għandu jkollhom il-qisien, elenkati bit-titolu tagħhom, bid-data tal-ħruġ u bin-numru ta' referenza uniku tal-perit. Kull kitba u qjies fuq id-disinji għandhom ikunu ċari u jinqraw sew;

(g) kopja tal-permess rilevanti l-aktar riċenti u disinji approvati rilevanti għall-iżvilupp li jkun ġie approvat qabel, fejn tiġi indikata ż-zona affettwata mill-iżvilupp propost;

(h) informazzjoni obligatorja li jkollha x'taqsam mas-sit kif stipulat fil-Lista ta' Rekwiziti ta' Prezentazzjoni;

(i) informazzjoni supplimentari addizzjonali meħtieġa kif stabbilit fil-Lista ta' Rekwiziti ta' Prezentazzjoni;

(j) kull hlas u kontribuzzjoni dovuti fir-rigward ta' l-iżvilupp propost:

Izda kull hlas u kontribuzzjoni dovuti jista' jingħataw lill-Awtorità qabel ma tiġi ipprezentata l-applikazzjoni, mal-prezentata ta' l-applikazzjoni, jew matul l-ipproċessar ta' l-applikazzjoni, skond id-dispożizzjonijiet ta' Skeda 5 li tinsab ma' dawn ir-regolamenti.

(2) Għandha dejjem issir referenza għall-Lista ta' Rekwiziti ta' Prezentazzjoni meta tkun qegħda tiġi ipprezentata d-dokumentazzjoni meħtieġa.

(3) L-applikazzjoni għandha tiġi kkunsidrata biss li tkun valida jekk din tiġi ipprezentata kif imsemmi hawn qabel, u l-Awtorità għandha tistabbilixxi dik id-data minn meta tikkunsidra li l-applikazzjoni tkun waħda valida bħala d-data ta' validazzjoni:

Izda jekk l-applikazzjoni kif ipprezentata ma issirx kif imsemmi hawn qabel u skond l-ittra ta' *screening*, l-Awtorità għandha tippermetti perjodu ta' mhux aktar minn erba' ġimgħat li fih l-applikant għandu jikkonforma ma' dak imsemmi hawn qabel biex l-Awtorità tkun tista' tivvalida l-applikazzjoni, u jekk dan

ma jsirx, l-applikazzjoni u d-dokumentazzjoni li jkollha magħha għandhom jiġu rtirati awtomatikament mill-Awtorità.

Tibdil fl-applikazzjoni.

**5.** (1) Jista' jsir kull tibdil mill-applikant fl-applikazzjoni, disinji jew dokumenti, li ma jkunx jikkostitwixxi bidla materjali:

(a) fiż-żmien bejn l-ittra ta' *screening* u l-validazzjoni ta' l-applikazzjoni;

(b) matul l-ipproċessar ta' l-applikazzjoni:

(i) fil-każ ta' żvilupp imsemmi fit-Taqsima A ta' Skeda 2 li tinsab ma' dawn ir-regolamenti, sa erba' ġimgħat biss mid-data ta' validazzjoni;

(ii) fil-każ ta' żvilupp mhux imsemmi fi Skeda 1 jew Taqsima A ta' Skeda 2 li tinsab ma' dawn ir-regolamenti, sa sittax-il ġimgħa biss mid-data ta' validazzjoni;

Iżda meta fil-fehma ta' l-Awtorità din il-bidla ma taffettwax il-konsultazzjonijiet jew ma tkunx teħtieġ ħlasijiet addizzjonali lill-Awtorità.

(2) Bidliet fl-applikazzjoni, disinji jew dokumenti li ma jkunux jikkostitwixxu bidla materjali jistgħu jsiru fuq talba ta' l-Awtorità f'kull żmien matul l-ipproċessar ta' l-applikazzjoni matul iż-żmien mogħti mill-Awtorità.

(3) Bidla materjali fl-applikazzjoni, disinji jew dokumenti mhix aċċettata:

(a) fiż-żmien bejn ittra ta' *screening* u d-data ta' validazzjoni tal-applikazzjoni, sakemm dik il-bidla ma tkunx riżultat ta' l-ittra ta' *screening*;

(b) fil-kors ta' l-ipproċessar ta' applikazzjoni għal żvilupp imsemmi fit-Taqsima A ta' Skeda 2 li tinsab ma' dawn ir-regolamenti; jew

(c) wara li jiskadu tmien ġimgħat mid-data ta' validazzjoni fil-każ ta' kull żvilupp ieħor:

Iżda bidla materjali bħal dik tista' biss titqies bħala waħda valida jekk l-applikant iħallas il-ħlasijiet dovuti lill-Awtorità

bħala riżultat ta' dik il-bidla, jekk ikun il-każ, fi żmien ġimgħatejn mid-data tal-ħruġ tal-kont rivedut mill-Awtorità kif jirriżulta minn talba bħal dik ta' l-applikant. Dan ikun mingħajr preġudizzju għall-proviso mas-subregolament 4(3).

(4) Meta xi bidla materjali fl-applikazzjoni, disinji jew dokumenti tiġi aċċettata kif imsemmi qabel, għandhom japplikaw il-proċeduri stabbiliti fis-subregolamenti (1) sa (5) tar-regolament 6 ta' dawn ir-regolamenti.

(5) Kull bidla ta' applikant jew ta' perit tista' ssir biss permezz ta' formola stabbilita mill-Awtorità.

6. (1) L-Awtorità għandha tippubblika l-proposta flimkien mal-isem tal-applikant fil-gazzetti lokali u tara li jiġu riklamati permezz ta' avviż li jitwaħħal fis-sit.

Notifika ta' applikazzjoni u d-deċiżjoni dwarha.

(2) L-Awtorità għandha tkun responsabbli biex jitwaħħlu l-avviżi fis-sit u l-applikant għandu jkun responsabbli biex jiżgura li l-avviż jibqa' mwaħħal fis-sit għall-perjodu stipulat fl-imsemmi avviż. L-Awtorità għandha twaħħal ukoll avviż ta' l-applikazzjonijiet għall-iżvilupp ipprezentati fil-lokalità fuq kull *notice board* li jintgħamel disponibbli għal dak l-għan mill-kunsill lokali ta' dik il-lokalità.

(3) L-Awtorità għandha tgħarraf lill-applikant u lill-perit li l-avviż ikun ġie imwaħħal fis-sit.

(4) Fil-każ ta' applikazzjoni għal żvilupp kif imsemmi fi Skeda 1 li tinsab ma' dawn ir-regolamenti, l-avviż fuq is-sit għandu jkun fil-forma stabbilita mill-Awtorità u għandu jitqiegħed mill-applikant f'dawk il-posijiet speċifikati mill-Awtorità. L-applikant jista' jiġi wkoll mitlub li jagħmel aktar riklami fil-gazzetti lokali u li jagħmel konsultazzjonijiet dwar dik l-applikazzjoni u t-terminu għal persuna biex tiddikjara interess f'dik l-applikazzjoni skond id-dispożizzjonijiet ta' l-Att għandhom ikunu japplikaw għal kull avviż.

(5) Mingħajr preġudizzju għal dak hawn qabel imsemmi, kopja ta' kull applikazzjoni u l-pjanta relattiva tas-sit għandhom jiġu notifikati il-kunsill lokali mill-Awtorità fil-lokalità fejn ikun qed jiġi propost li jsir l-iżvilupp.

(6) Meta l-applikazzjoni tiġi deciza, l-Awtorità għandha tippubblika l-proposta flimkien mal-isem ta' l-applikant u

nota dwar jekk l-applikazzjoni tkunx giet approvata jew miċhuda li tiġi pubblikata fil-gazzetti lokali.

Dikjarazzjoni ta' interess.

**7.** (1) Kull persuna tista' tiddikjara interess f' applikazzjoni ta' żvilupp skond id-disposizzjonijiet ta' l-artikolu 68 (4) tal-Att.

(2) Dak l-interess għandu jiġi rreġistrat ma' l-Awtorità fi żmien għoxrin ġurnata mid-data tal-pubblikazzjoni tan-notifika ta' applikazzjoni f'gazzetta lokali:

Iżda dak il-perjodu jista' jitqassar għal sitt ijiem f'kazijiet urgenti kif jista' jiġi indikat fil-pubblikazzjoni:

Iżda wkoll l-Awtorità tista' testendi l-perijodu hawn qabel imsemmi sa tletin ġurnata fil-każ ta' applikazzjoni għal żvilupp imsemmi fi Skeda 1 li tinsab ma' dawn ir-regolamenti, u f'każ bħal dak għandu jagħti avviż ta' dik l-estensjoni f'dik il-pubblikazzjoni.

(3) Dak l-interess għandu jiġi rreġistrat permezz ta' komunikazzjoni bil-miktub, bil-Malti jew bl-Ingliż, u għandu jinkludi indirizz postali jew indirizz elettroniku, fejn tista' ssir kull komunikazzjoni mill-Awtorità jew mit-Tribunal, skond kif ikun il-każ.

(4) Għall-finijiet ta' dawn ir-regolamenti u ta' l-artikoli 41 u 68 tal-Att, tal-paragrafu 11 tal-Ewwel Skeda ta' l-Att, u tal-paragrafu 11 tat-Tieni Skeda li tinsab ma' l-Att, kull notifika jew avviż ta' deċiżjoni lil terza persuna interessata bħal dik għandhom isiru mill-Awtorità jew mit-Tribunal, hekk kif ikun il-każ, permezz ta' ittra mibgħuta bil-posta normali fl-indirizz postali jew permezz ta' komunikazzjoni elettronika fl-indirizz elettroniku, jekk ikun hemm, notifikati skond id-disposizzjonijiet tas-subregolament (3) ta' dawn ir-regolamenti.

Sottomissjonijiet lil u Komunikazzjoni mal-Awtorità.

**8.** (1) Il-partijiet konsultati kollha flimkien ma' l-perit ta' l-applikant għandhom jirreġistraw għand l-Awtorità permezz ta' sistema elettronika ta' l-Awtorità, u kull komunikazzjoni bejn l-Awtorità u l-partijiet konsultati msemmija u l-perit ta' l-applikant, inkluża l-prezentazzjoni tat-talba ta' *screening* u l-prezentazzjoni tal-applikazzjoni, tista' ssir biss permezz tas-sistema elettronika msemmija.

(2) Il-perit għandu jikkonforma ruħu ma' t-talba għal bidla tad-disinji, inkluża formola riveduta għal profil ta' żvilupp

jew dokumenti kif mitluba mill-Awtorità fi żmien wieġed u għoxrin gurnata minn dik it-talba, jew fit-terminu stabbilit mill-Awtorità fit-talba tagħha, u f'dak in-nuqqas l-Awtorità għandha tinterpreta dak in-nuqqas bħala rifjut mill-perit li jikkonforma ruħu ma' dik it-talba.

(3) Il-partijiet konsultati kollha elenkati fit-Taqsima B ta' Skeda 3 li tinsab ma' dawn ir-regolamenti għandhom ikunu jikkonformaw ma' talba għall-konsultazzjoni mill-Awtorità, li issir f'dak li għandu x'jaqsam ma' l-iżvilupp li jsir fil-kuntest tat-Taqsima A ta' Skeda 2 li tinsab ma' dawn ir-regolamenti, fi żmien sebat ijiem minn dik it-talba. Il-partijiet kollha konsultati għandhom jikkonformaw ruħhom ma' talba għall-konsultazzjoni mill-Awtorità, magħmula fir-rigward ta' żvilupp li ma jinkwadrix fit-Taqsima A ta' Skeda 2 li tinsab ma' dawn ir-regolamenti, fi żmien tletin gurnata minn dik it-talba. L-Awtorità għandha tifhem kull nuqqas ta' konformità ma' dawn il-perjodi bħala li ma jkun hemm ebda oġġezzjoni minn dik il-parti konsultata li għamlet it-talba.

(4) L-Awtorità għandha tara' li kopja tar-rapport miġbur mill-Awtorità dwar l-iżvilupp propost jiġi komunikat lill-perit u lill-applikant, li għandu jithalla jagħmel is-sottomissjonijiet tiegħu fuq dak ir-rapport fi żmien wieġed u għoxrin gurnata mid-data meta jiġi notifikat ir-rapport.

(5) Kull persuna li tkun iddikjarat xi interess f'dik l-applikazzjoni kif hawn qabel imsemmi għandha tkun infurmata bid-data tat-tlestija tar-rapport miġbur mill-Awtorità fir-rigward ta' l-iżvilupp li jkun għamel sottomissjonijiet dwaru u għandha tithalla tagħmel sottomissjonijiet bil-miktub dwar dak ir-rapport mhux aktar tard minn għaxart ijiem qabel id-data tal-ewwel seduta tal-Awtorità jew tal-Kummissjoni.

(6) Kull notifika bħal dik għandha tkun tinkludi wkoll id-data tas-seduta ta' l-Awtorità jew tal-Kummissjoni, hekk kif ikun il-każ, li matulu dik l-applikazzjoni għandha tiġi diskussa u deċiża mill-Awtorità jew mill-Kummissjoni.

(7) Kull sottomissjoni lill-Awtorità minn xi persuna, inklużi partijiet konsultati u l-perit, għandha ssir fit-termini stabbiliti taħt l-Att, dawn ir-regolamenti jew kif speċifikat fl-avviż li jitlob dawn is-sottomissjonijiet, u jekk dik il-persuna tonqos milli tagħmel dawk is-sottomissjonijiet f'dawn it-termini, allura, bla pregudizzju għas-sottomissjonijiet li dik il-persuna tista' tkun

diġà għamlet matul l-ipproċessar ta' l-applikazzjoni, dan għandu jiftiehem li dik il-persuna ma jkollha ebda sottomissjoni jew sottomissjonijiet ulterjuri x'taġhmel dwar dik l-applikazzjoni.

(8) Sottomissjonijiet li jaslu tard jew li ma jkunux korretti u li jkollhom numri ta' referenza żbaljata ma jgħux ikkunsidrati mill-Awtorità jew mill-Kummissjoni.

Deċiżjoni ta' applikazzjoni.

**9.** (1) Bla ħsara għad-dispożizzjonijiet ta' l-Att u ta' dawn ir-regolamenti, l-Awtorità għandha tappunta s-seduta ta' l-Awtorità jew tal-Kummissjoni li matulha għandha tiġi diskussa l-applikazzjoni għal żvilupp u deċiża mill-Awtorità jew mill-Kummissjoni:

(a) fi żmien tnejn u ħamsin ġimgħa mid-data ta' validazzjoni fil-każ ta' żvilupp li ma jaqax taħt id-dispożizzjonijiet ta' Skedi 1 u 2 jekk dak l-iżvilupp ikun jaqa' barra mill-konfini ta' l-iżvilupp kif stabbilit fi pjan lokali jew f'xi pjan ieħor;

(b) fi żmien sitta u għoxrin ġimgħa mid-data ta' validazzjoni fil-każ ta' żvilupp li jaqa' taħt id-dispożizzjonijiet tat-Taqsima B ta' Skeda 2 li tinsab ma'dawn ir-regolamenti u fil-każ ta' kull żvilupp ieħor li ma jaqax taħt id-dispożizzjonijiet ta' Skeda 1 u Skeda 2 li jinsabu ma' dawn ir-regolamenti jekk dak l-iżvilupp ikun fil-konfini ta' żvilupp kif stabbilit fi pjan lokali jew f'kull pjan ieħor;

(c) fi żmien tnax-il ġimgħa mid-data ta' validazzjoni fil-każ ta' żvilupp li jaqa' taħt id-dispożizzjonijiet tat-Taqsima A ta' Skeda 2 li tinsab ma' dawn ir-regolamenti.

(2) Sakemm ma jgħix provdut mod ieħor fl-Att jew f'dawn ir-regolamenti, it-termini stabbiliti fis-subregolament (1) ta' dan ir-regolament m'għandhomx jiġu sospizi.

(3) Jekk:

(a) l-Awtorità tkun mitluba li kemm il-proposta kemm l-isem ta' l-applikant jerggħu jiġu pubblikati fl-istampa lokali kif ukoll reklamati mill-ġdid permezz ta' avviż mwaħħal fuq is-sit minħabba f'xi żball, għaldaqstant it-termini stabbiliti taħt il-paragrafi (a), (b) u (c) tas-subregolament (1) għandhom jiġu awtomatikament estiżi b'perjodu ta' erba' ġimgħat;

(b) l-applikant jagħmel xi tibdil materjali fl-applikazzjoni, disinji jew dokumenti skond id-disposizzjonijiet tas-subregolament (3) tar-regolament 5, għaldaqstant it-termini stabbiliti taħt il-paragrafi (a) u (b) tas-subregolament (1) għandhom jiġu awtomatikament estiżi b'perijodu ta' tmien gimgħat;

(c) fiż-żmien stabbilit fir-regolament 8 (4), l-applikant jagħmel talba, bażata fuq raġuni valida, għal differiment tas-seduta ta' l-Awtorità jew tal-Kummissjoni hekk kif ikun il-każ, għaldaqstant it-termini stabbiliti taħt il-paragrafi (a), (b) u (c) tas-subregolament (1) ta' dan ir-regolament għandhom jiġu awtomatikament estiżi b'perjodu ta' gimgħtejn, u għandhom japplikaw id-disposizzjonijiet tal-paragrafu 11 ta' l-Ewwel Skeda li tinsab ma' l-Att; u

(d) l-applikant jikkontesta deċiżjoni ta' persuna konsultata (skond id-dispożizzjonijiet ta' liġi li tirregola persuna konstata bħal dik u jinforma lill-Awtorità bil-miktub) jew jappella mill-kalkolu tal-ħlasijiet li jiġu imposti mill-Awtorità quddiem it-Tribunal, għaldaqstant it-termini stabbiliti taħt il-paragrafi (a), (b) u (c) tas-subregolament (1) ta' dawn ir-regolamenti, jew il-perjodi ta' żmien stipulati mill-Awtorità fl-ittra ta' *screening* għandhom jiġu awtomatikament estiżi b'perjodu li jkun ekwivalenti għall-perijodu bejn id-data meta l-Awtorità tiġi notifikata b'dik il-kontestazzjoni jew appell u d-data meta l-Awtorità tiġi notifikata bid-deċiżjoni ta' dik l-enti jew Tribunal.

(4) Jekk l-Awtorità jew il-Kummissjoni jkunu bi ħsiebhom jiddeċiedu xort'oħra mir-rakkomandazzjoni tad-Direttorat, ta' l-Awtorità jew tal-Kummissjoni, hekk kif ikun il-każ, huma għandhom jitolbu, flimkien mar-rekwiziti tal-Att, lid-Direttur ta' l-Ippjanar biex jaġġorna r-rapport dwar l-applikazzjoni u jinkludi lista ta' kundizzjonijiet, u jiddifferixxi d-deċiżjoni dwar l-applikazzjoni skond id-dispożizzjonijiet tal-paragrafu 11 ta' l-Ewwel Skeda li tinsab ma' l-Att, u l-perit għandu jiġi infurmat bir-rapport aġġornat qabel id-data tas-seduta differita.

(5) Jekk l-Awtorità jew il-Kummissjoni timponi l-ħlas ta' multa, obbligi tal-ippjanar jew xi kontribut ieħor, jew l-għoti ta' garanzija finanzjarja jew xi rekwizit ieħor, bħala kundizzjoni għall-approvazzjoni ta' l-applikazzjoni għall-iżvilupp, l-applikant għandu, sakemm ma jkollux struzzjonijiet xort'oħra mill-Awtorità jew mill-Kummissjoni skond kif ikun il-każ, jagħmel dak il-ħlas

jew jipprovdi dik l-assigurazzjoni jew dokument fi żmien sitt xhur mid-data tan-notifika ta' avviż f'dan ir-rigward, u jekk dan ma jsirx, l-applikazzjoni għandha tiġi awtomatikament meqjusa bħala li tkun giet miċhuda.

(6) L-Awtorità, il-Kummissjoni jew id-Direttur ta' l-Ippjanar, hekk kif ikun il-każ, għandhom ikunu awtorizzati jemendaw il-proposta ta' żvilupp wara id-deċiżjoni tal-applikazzjoni sabiex din tkun tirrifletti aħjar il-prinċipju ta' l-żvilupp li jkun qed jiġi approvat mingħajr il-ħtieġa ta' konformità mad-dispożizzjonijiet tar-regolament 6 (1) sa 6 (5) ta' dawn ir-regolamenti.

(7) Id-deċiżjoni ta' l-Awtorità għandha titwassal lill-applikant, lill-perit u lil kull persuna li tkun irregistrat interess fl-applikazzjoni fi żmien ħmistax-il ġurnata mid-data tad-deċiżjoni, jew fi żmien ħmistax-il ġurnata minn meta l-applikant jipprezenta l-informazzjoni addizzjonali mitluba mill-Awtorità għat-tishiħ tad-deċiżjoni tagħha.

(8) Għall-finijiet ta' dawn ir-regolamenti u ta' l-artikolu 41 ta' l-Att:

(a) in-notifika ta' deċiżjoni lill-applikant għandha ssir mill-awtorità permezz ta' ittra mibgħuta bil-posta normali fl-indirizz postali ta' l-applikant kif indikat fl-applikazzjoni, u lill-perit permezz ta' komunikazzjoni elettronika;

(b) kopja ta' kull disinn jew dokument approvat għandhom jiġu notifikati mill-Awtorità lill-applikant u l-perit bil-posta normali fl-indirizz postali ta' l-applikant u l-perit kif indikat fil-formola ta' l-applikazzjoni;

(c) in-notifika ta' deċiżjoni lill-terzi persuni li jkollhom interess għandha ssir skond id-dispożizzjonijiet tar-regolament 7(4) ta' dawn ir-regolamenti;

u ż-żmien stabbilit fl-artikolu 41(2) ta' l-Att għandu jibda għaddej mid-data tal-pubblikazzjoni ta' l-avviż tad-deċiżjoni f'gazzetta lokali skond id-dispożizzjonijiet tar-regolament 6(6) ta' dawn ir-regolamenti.

Proċedura ta' approvazzjoni kif meqjusa.

(9) Meta l-perjodu oriġinali jew dak estiż kif imfisser fis-subregolament (1) ikun skada, u l-Awtorità ma tkunx appuntat s-seduta ta' l-Awtorità jew tal-Kummissjoni li fiha għandha tiġi

diskussa u deċiża l-applikazzjoni għal żvilupp mill-Awtorità jew mill-Kummissjoni, l-applikant jista' jitlob liċ-*Chairman* tal-Awtorità permezz ta' ittra reġistrata li l-applikazzjoni tiegħu tiġi trattata kif ġej:

(a) mal-wasla ta' l-imsemmija ittra reġistrata, iċ-*Chairman* tal-Awtorità għandu l-ewwel jistabilixxi jekk il-perjodu originali jew dak estiż msemmi fis-subregolament (1) ikunx skada. Jekk iċ-*Chairman* tal-Awtorità jkun tal-fehma li dan mhuwiex il-każ, huwa għandu jinforma lill-applikant b'dan u jagħti r-raġunijiet tiegħu;

(b) jekk dak il-perjodu jkun skada, iċ-*Chairman* tal-Awtorità għandu jordna lid-Direttur tal-Ippjanar biex jipproċessa l-applikazzjoni, ifassal ir-rapport tal-applikazzjoni u jirreferih liċ-*Chairman* tal-Awtorità fi żmien sebat ijiem mid-data meta iċ-*Chairman* tal-Awtorità, jirċievi dik l-ittra;

(c) meta iċ-*Chairman* tal-Awtorità jirċievi r-rapport tad-Direttur, huwa għandu jikkonforma ruħu mad-dispożizzjonijiet tar-regolamenti 8(4), 8(5) u 8(6);

(d) jekk l-applikazzjoni ma tkunx tressqet quddiem l-Awtorità jew quddiem il-Kummissjoni għad-deċiżjoni tagħha kif imsemmi fil-paragrafu (ċ), jew jekk l-Awtorità jew il-Kummissjoni, hekk kif ikun il-każ, wara li tiegħu d-deċiżjoni tonqos milli toħroġ il-permess skond id-dispożizzjonijiet ta' dan ir-regolament, l-applikazzjoni għandha titqies bħala li tkun ġiet approvata u s-Segretarju tal-Awtorità għandu minnufih joħroġ il-permess ta' żvilupp bla ħsara għall-kundizzjonijiet li jiġu normalment imposti f'permess ta' żvilupp u bla ħsara wkoll għal kundizzjonijiet li huma bażati fuq il-parametri tal-iżvilupp u l-limitazzjonijiet ambjentali li joħroġu mill-pjan lokali jew minn xi pjan, *policy* jew regolament ieħor. F'dak il-każ il-kundizzjonijiet tal-permess għandhom jipprevalu fuq id-disinji jew id-dokumenti.

**10.** (1) Konsiderazzjoni mill-ġdid minn deċiżjoni tal-Awtorità tkun possibbli biss jekk:

Konsiderazzjoni mill-  
ġdid.

(a) l-Awtorità jew il-Kummissjoni, hekk kif ikun il-każ, tkun approvat applikazzjoni għal żvilupp; u

(b) it-talba għal konsiderazzjoni mill-ġdid issir dwar kundizzjoni tad-deċiżjoni tal-Awtorità jew tal-Kummissjoni

li tapprova dik l-applikazzjoni, meta dik il-kundizzjoni ma tkunx marbuta mal-għoli approvat jew mal-għadd ta' sulari jew mal-użu tal-iżvilupp.

(2) L-ebda tibdil fl-applikazzjoni, fid-disinji jew fid-dokumenti ma jiġi aċċettat fl-istadju ta' konsiderazzjoni mill-ġdid. It-talba għal konsiderazzjoni mill-ġdid tista' ssir biss mill-istess perit u l-applikant li jkun għamel l-applikazzjoni originali, kemm-il darba ma jiġux osservati l-proċeduri għall-bdil ta' perit u l-bdil tal-applikant.

(3) Id-dispożizzjonijiet tar-regolamenti 7(4), 8(4), 8(5), 8(6), 9(4) u 9(5) ta' dawn ir-regolamenti għandhom japplikaw *mutatis mutandis* għall-proċedura li għandha tintuża mill-Awtorità jew mill-Kummissjoni fl-ipproċessar tat-talba għal konsiderazzjoni mill-ġdid.

(4) Ir-rapport tad-Direttur tal-Ippjanar jew tad-Direttur tal-Protezzjoni tal-Ambjent, fir-rigward ta' talba għal konsiderazzjoni mill-ġdid, għandu jiġi mitmum fi żmien tmienja u għoxrin ġurnata mid-data li fiha tasal it-talba għal konsiderazzjoni mill-ġdid u l-Awtorità jew il-Kummissjoni, hekk kif ikun il-każ, għandhom jitlaqqgħu biex jevalwaw u jiddeċiedu dik it-talba fi żmien tmienja u għoxrin ġurnata mid-data tan-notifika tar-rapport lill-perit.

(5) F'każ li jsir appell quddiem it-Tribunal minn xi terza parti interessata skond id-dispożizzjonijiet tal-artikolu 41(1) (c) tal-Att u l-applikant jippreżenta talba għal konsiderazzjoni mill-ġdid skond id-dispożizzjonijiet ta' dan ir-regolament, il-proċeduri quddiem it-Tribunal għandhom jiġu sospiżi sakemm it-talba għall-konsiderazzjoni mill-ġdid tiġi deċiża u kopja tad-deċiżjoni tintbagħat lit-Tribunal mill-applikant, u kull perjodu stabbilit taħt id-dispożizzjonijiet tal-artikolu 41 tal-Att dwar il-proċeduri quddiem it-Tribunal għandu jibda jgħodd mid-data li fiha t-Tribunal ikun irċieva d-deċiżjoni għat-talba tal-konsiderazzjoni mill-ġdid.

*Brief* dwar l-Ambjent  
u l-Iżvilupp.

**11.** (1) *Brief* dwar l-Ambjent u l-Iżvilupp jista' jsir biss fir-rigward ta' żvilupp imsemmi fi Skeda 1 li tinsab ma' dawn ir-regolamenti jew jekk ikun hekk meħtieġ fi pjan lokali jew f'xi pjan ieħor.

(2) Applikazzjoni għal *Brief* dwar l-Ambjent u l-Iżvilupp għandha ssir fil-forma stabbilita mill-Awtorità, u

d-dispożizzjonijiet tar-regolament 3, regolament 4, subregolamenti (1) sa (5) tar-regolament 6, regolament 7, u subregolamenti (4) u (5) tar-regolament 9 ta' dawn ir-regolamenti għandhom, hekk kif ikun il-każ, japplikaw għall-applikazzjoni u d-deċiżjoni ta' dak il-*Brief* dwar l-Ambjent u l-Iżvilupp:

Iżda, għall-finijiet tad-dispożizzjonijiet tal-artikolu 41 tal-Att, u b'żjieda mad-dispożizzjonijiet tas-subregolament (4) tar-regolament 3, il-punti msemmija fil-paragrafu (a) tas-subregolament (3) tar-regolament 3 għandhom jitqiesu bħala deċiżjoni tal-Awtorità li minnha l-applikant jista' jressaq appell quddiem it-Tribunal:

Iżda wkoll, meta jkun hekk meħtieġ minn pjan lokali jew minn xi pjan ieħor, il-formulazzjoni u l-approvazzjoni tal-*Brief* għandhom ikunu skond id-dispożizzjonijiet tal-artikolu 58 tal-Att.

(3) *Brief* dwar l-Ambjent u l-Iżvilupp għandu jkun validu għal dak il-perjodu li jiġi stabbilit mill-Awtorità, iżda f'ebda każ ma jista' jkun validu għal aktar minn sentejn mid-data tal-approvazzjoni tiegħu.

**12.** (1) Talbiet għal emendi żgħar jistgħu jiġu biss:

(a) ipprezentati biex jemendaw disinji approvati u dokumenti permessi ta' żvilupp; u

(b) magħmulin mill-istess perit u applikant tal-applikazzjoni oriġinali, kemm-il darba li ma jkunux ġew osservati l-proċedura ta' bidla ta' perit u bidla ta' applikant.

(2) Kundizzjonijiet tal-permessi ma jistgħux jiġu emendati permezz tal-proċedura biex isiru emendi żgħar.

(3) Emenda tad-disinji approvati jew tad-dokumenti għandha titqies bħala emenda żgħira meta jkollha x'taqsam ma':

(a) tibdil li jirreferi għall-iżvilupp li huwa xort'oħra aċċettat taħt l-Ordni ta' Notifika ta' Żvilupp, jew ordni simili; u

(b) tibdil li jissodisfa r-rekwiziti kollha li ġejjin:

(i) ma jbidilx materjalment il-karattru u l-apparenza esterna ta' sit;

Proċedura biex jiġu ttrattati talbiet għal emendi żgħar ta' disinji eċċ. approvati ta' permessi ta' żvilupp.

(ii) ma jirriżultax fi żvilupp li ma jaqbilx aktar mal-karattru taż-żona tal-madwar;

(iii) ma jbidilx b'mod sinifikattiv il-forma generali jew in-natura tal-iżvilupp;

(iv) ma jinvolvi bidla fl-użu jew fl-iskala tal-iżvilupp;

(v) ma jaffettwax is-sustanza jew forma generali ta' skema ta' *landscaping*;

(vi) ma jeħtieġx postijiet għall-ipparkjar ta' karozzi addizzjonali fuq is-sit, jew li jwassal għal nuqqas fil-provvista tal-parkeġġ ta' karozzi fuq il-post; u

(vii) ma jżidx l-ammont ta' postijiet għall-ipparkjar fuq is-sit.

(4) Talbiet għal emendi żgħar għandhom jiġu ipprezentati permezz tas-sistema elettronika, kemm-il darba:

(a) tiġi użata u timtela kif imiss il-formola tal-applikazzjoni għal emendi żgħar;

(b) il-permess ta' żvilupp ma jkunx skada u jkun għadu validu;

(c) l-iżvilupp ma jkunx elenkat fis-Sitt Skeda li tinsab ma' l-Att.

(5) L-applikazzjoni għal emendi żgħar għandha tinkludi:

(a) disinni jew dokumenti emendati;

(b) il-ħlas dovut kif imiss; u

(c) reviżjoni jew aġġornament ta' kull dokument approvat, meta dan ikun japplika.

(6) Kull disinn għandu juri b'mod ċar il-bidliet kollha proposti b'kuluri konvenzjonali. Il-kodifikazzjoni bil-kuluri jeħtieġ li tiġi indikata fuq l-istess disinn. Għandhom jinżammu l-istess numru u format tad-disinni (inkluż il-pożizzjonament tad-disinni ta')

l-art, faċċati, sezzjonijiet fuq id-disinji).

(7) Jistgħu jenħtieġu mill-emendi żgħar proposti, fid-dokumenti approvati, bħal emendi fir-Rapporti dwar is-Sigurtà minn Nirien u l-Ventilazzjoni, Rapporti ta' Awditjar l-Accessibilità, Dikjarazzjonijiet ta' Metodi ta' Restawr, jew kundizzjonijiet stabbiliti minn Awtoritajiet jew Dipartimenti tal-Gvern oħra. F'każijiet bħal dawk, dawn il-verifiki għandhom isiru qabel il-prezentazzjoni ta' l-applikazzjoni għal emendi żgħar u kopja ta' dawk il-verifiki jew kull rapport aġġornat, kif ikun meħtieġ, għandu jkun meħmuż mat-talba għal emendi żgħar flimkien mad-disinji proposti approvati mill-persuni jew awtoritajiet kompetenti skond hekk.

(8) Emendi ta' disinji jew dokumenti approvati għandhom jiġu kunsidrati permezz tal-proċedura għal emendi żgħar kemm-il darba l-bidliet:

(a) ikunu żgħar skond id-dispożizzjonijiet tas-subregolament (3) ta' dan ir-regolament;

(b) jistgħu jkunu kollha murijin bil-kuluri konvenzjonali fuq l-istess disinn;

(c) ma jagħtux lok għall-konsiderazzjonijiet ta' l-ippjanar materjali godda;

(d) ma jikkostitwux bidla sostanzjali fid-disinji approvati qabel;

(e) ma jaffettwawx il-mod li bih il-konsiderazzjonijiet materjali li joriginaw mill-iżvilupp kienu originarjament ġew evalwati jew indirizzati;

(f) ma jirreferux għal partijiet oħra jew post f'bini jew sit li qabel ma kienux affettwati minn żvilupp approvat bil-permess;

(g) ma jkunux imorru kontra xi liġi jew *policy* kurrenti;

(h) ma jkunu jinkludu ebda żvilupp li ma jkunx kopert minn *policy* approvata;

(i) ma jkunux f'konflitt ma' xi kundizzjoni tal-

permess;

(j) ma jkunux f'konflitt ma' deċiżjoni meħuda mill-Awtorità jew mill-Kummissjoni, anki jekk din ma tkunx kundizzjoni tal-permess;

(k) ma jirriżultawx f'żjieda tal-ispazju mhux residenzjali kif qabel approvat;

(l) ma jkunux jeħtieġu l-pagament ta' xi ħlas addizzjonali;

(m) ma jestendux lil hinn mill-konfini tas-sit kif imfissra fuq il-pjanta tas-sit (*site plan*) u d-disinji approvati; u

(n) ma jaffettwawx l-oġġezzjonijiet li jsiru matul il-perjodu ta' konsultazzjoni pubblika.

(9) Il-proċedura ta' l-Ordni ta' Notifika ta' Żvilupp (jew ordni simili) ma tistax tintuża biex jiġi emendat permess validu. Għandha tiġi osservata, f'każijiet bħal dawn, il-proċedura ta' emendi żgħar

(10) Terzi persuni li jkollhom interess li kienu konformi mad-dispożizzjonijiet tar-regolament 7 ta' dawn ir-regolamenti fl-applikazzjoni oriġinali, għandhom jiġu notifikati, skond id-dispożizzjonijiet tar-regolament 7, meta tiġi pprezentata talba għal emendi żgħar. Huma dawk il-partijiet biss li għandhom jithallem jagħmlu aktar kummenti bil-miktub, sakemm dawk il-kummenti jiġu riċevuti mill-Awtorità fiż-żmien speċifikat mill-Awtorità u, f'kull każ, mhux aktar tard minn erbatax-il ġurnata mill-wasla tat-talba għal emendi żgħar. Il-valutazzjoni tal-emendi żgħar għandha tiegħu kont ta' kull kumment validu riċevut.

(11) Talbiet għal emendi żgħar għandhom jiġu trattati malajr kemm jista' jkun u l-Awtorità għandha tohroġ deċiżjoni bil-miktub fi żmien tmienja u għoxrin ġurnata minn meta tirċievi t-talba, mingħajr ebda estensjoni ta' żmien. Kull talba għal emendi żgħar li ma tkunx konformi ma' xi wieħed mis-subregolamenti ta' hawn qabel ta' dan ir-regolament għandha tiġi rifjutata mill-Awtorità, sakemm l-Awtorità tispeċifika b'mod ċar ir-raġunijiet għaliex tkun qegħda tirrifjuta dawk it-talbiet. M'għandu jkun hemm ebda rifiżjoni tal-ħlasijiet li jsiru, tkun xi tkun iċ-ċirkustanza.

(12) Meta jiġu approvati emendi żgħar, l-Awtorità

tista' tinkludi kondizzjonijiet addizzjonali, kemm-il darba dawk il-kondizzjonijiet jirrigwardaw biss l-emendi żgħar li jkunu approvati u mhux l-iżvilupp l-ieħor li jkun diġà approvat fil-permess oriġinali, kemm-il darba ma jkunx meħtieġ mill-implikazzjonijiet tal-emendi fuq l-iżvilupp kollu. Il-kundizzjonijiet tal-permess oriġinali dejjem jibqgħu validi u l-iżvilupp, kif emendat, jibqa' soġġett għal dawk il-kondizzjonijiet. Il-validità tal-approvazzjoni tal-emendi żgħar tiskadi mal-validità tal-permess.

(13) M'għandu jkun hemm ebda dritt ta' konsiderazzjoni mill-ġdid, appell, jew appell minn terzi persuni minn deċiżjoni dwar talba ta' emenda żgħira. Meta t-talba ma tistax tiġi kunsidrata permezz tal-proċedura ta' emenda żgħira jew fejn il-bidliet proposti jkunu sinifikanti, għandha tiġi preżentata applikazzjoni għall-iżvilupp emendata jew sħiħa.

**13.** It-termini ta' żmien stabbiliti f'dawn ir-regolamenti għandhom jiġu sospizi biss matul dak il-perjodu meta l-uffiċċji tal-Awtorità jkunu magħluqin kif speċifikat fi Skeda 4 li tinsab ma' dawn ir-regolamenti. Ma tiġi aċċettata ebda preżentata matul dak il-perjodu.

Sospensjoni tat-termini.

**14.** (1) Mingħajr preġudizzju għall-artikolu 70 u għas-Sitt Skeda li tinsab mal-Att, meta żvilupp eżistenti fuq is-sit ikun għal kollox jew biss f'parti illegali, l-Awtorità għandha tirrifjuta applikazzjoni għall-iżvilupp li jkollha x'taqsam ma' żvilupp ġdid fuq dak is-sit, kemm-il darba li l-iżvilupp illegali jkun inkluż għal sanzjonar u l-iżvilupp illegali jkun konformi mal-*policies* attwali.

Kif jiġu trattati illegalitajiet fuq is-sit matul l-ipproċessar tal-applikazzjoni.

Iżda għall-finijiet ta' dan ir-regolament, kull żvilupp li jaqa' taħt Kategorija B tat-Tmien Skeda ta' l-Att ma għandux jitqies bħala żvilupp illegali.

(2) L-iżvilupp illegali jista' jew jiġi regolarizzat permezz ta' applikazzjoni speċifika ta' żvilupp għal dak l-iskop biss, jew permezz ta' applikazzjoni ta' żvilupp li tinkludi is-sanzjonar ta' żvilupp illegali, kif ukoll proposti ġodda ta' żvilupp.

(3) Meta sanzjonar ta' żvilupp illegali jiġi mitlub f'applikazzjoni għal żvilupp, id-deskrizzjoni tal-proposta u d-disinni għandhom jindikaw b'mod ċar l-iżvilupp li għandu jiġi sanzjonat sabiex jiġi żgurat li l-iżvilupp illegali jiffirma parti mill-applikazzjoni ta' żvilupp.

(4) Id-deskrizzjoni tal-proposta ta' applikazzjoni

għall-iżvilupp u d-disinji pprezentati m'għandhomx jipponu t-tneħħija ta' żvilupp illegali mis-sit. L-applikazzjoni ta' żvilupp għandha tinkludi biss l-iżvilupp illegali li jkun qed jiġi propost li jkun sanzjonat.

(5) Kull żvilupp illegali li ma jkunx indikat biex jiġi sanzjonat f'applikazzjoni ta' żvilupp għandu jitneħħa qabel il-prezentazzjoni ta' l-applikazzjoni ta' żvilupp jew, mingħajr preġudizzju għar-regolament 14 (4), qabel il-ħruġ tal-permess tal-iżvilupp, sakemm l-applikazzjoni tiġi deċiża mill-Awtorità, mill-Kummissjoni, jew mit-Tribunal bla ħsara għat-tneħħija tal-iżvilupp illegali qabel il-ħruġ tal-permess għall-iżvilupp, il-perjodu sa meta l-applikant jiġi mitlub jikkonforma ruħu ma' dan ir-rekwiżit ma għandux jaqbez is-sitt xhur, u jekk dan ma jsirx, l-applikazzjoni għandha tiġi awtomatikament meqjusa bħala li tkun ġiet miċhuda mill-Awtorità, mill-Kummissjoni jew mit-Tribunal, hekk kif ikun il-każ. L-Awtorità, il-Kummissjoni u t-Tribunal m'għandhomx jimponu garanzija bankarja jew kundizzjoni li tobligja t-tneħħija ta' żvilupp illegali wara l-ħruġ ta' permess ta' żvilupp.

(6) Meta partijiet ta' sit jew bini jkunu illegali, m'għandux jiġi rifjutat permess għal żvilupp ġdid x'imkien ieħor fuq is-sit jew bini biss minħabba li jkun hemm illegalitajiet fuq is-sit jew bini bla ħsara għal dan kollu li ġej:

a) l-applikazzjoni ma tinkludix il-partijiet illegali; u

b) l-għoti ta' permess għall-iżvilupp ġdid ma jcaħħadx fizikament, jew ifixkel jew jagħmilha diffiċli li tittiehed xi azzjoni ta' infurzar, sew tneħħija sew ir-rettifika, kontra l-partijiet illegali; u

c) l-applikant m'għandu ebda kontroll, sew direttament sew indirettament, fuq il-partijiet illegali jew l-applikant ma kienx involut direttament jew indirettament fl-iżvilupp illegali.

**Skeda 1: Tipi ta' applikazzjonijiet**

- (a) Proġetti li jeħtieġu jew jistgħu jeħtieġu:
- Stima ta' l-Impatt Ambjentali
  - Evalwazzjoni Adatta
  - Dikjarazzjoni dwar l-Impatt tat-Traffiku, jew
  - kull stima jew rapport speċjalizzat ambjentali jew tekniku;
- (b) żvilupp li huwa soġġett għal *Brief* ta' Żvilupp, Pjan ta' Azzjoni jew Pjan ta' Suġġett, jew li jinsab f'żona identifikata fi Pjan Lokali bħala li tirrikjedi *Brief* jew skema komprensiva;
- (ċ) żvilupp li, fl-opinjoni tal-Awtorità, huwa żvilupp ta' importanza nazzjonali;
- (d) żvilupp b'area tas-sit akbar minn 5,000m<sup>2</sup>;
- (e) żvilupp li huwa regolat permezz ta' *policy* speċifika li tippermetti ż-żjieda fil-limitazzjoni ta' l-għoli stabbilit fi pjan lokali;
- (f) żvilupp residenzjali b'aktar minn 40 unita residenzjali;
- (g) lukanda jew proġetti ta' akkomodazzjoni turistika (jew estensjonijiet) godda b'arja tas-sit akbar minn 500m<sup>2</sup>;
- (h) żvilupp kummerċjali (jew estensjonijiet) godda bi spazju intern gross akbar minn 750m<sup>2</sup>;
- (i) proġetti sportivi jew ta' divertiment (jew estensjonijiet) godda bi spazju intern gross akbar minn 500m<sup>2</sup>;
- (j) sptarijiet (jew estensjonijiet) godda bi spazju intern gross akbar minn 500m<sup>2</sup>;
- (k) skejjel (jew estensjonijiet) godda bi spazju intern gross akbar minn 500 m<sup>2</sup>;
- (l) żvilupp industrijali jew ta' ħżin li jinsab f'żona industrijali approvata u bi spazju intern gross akbar minn 1,000 m<sup>2</sup>;
- (m) żvilupp industrijali jew ta' ħżin li ma jinsabx f'żona industrijali approvata u bi spazju intern gross akbar minn 500 m<sup>2</sup>;
- (n) proġetti godda ta' maniġġar ta' skart; jew
- (o) proġetti nazzjonali ta' infrastruttura.

**Skeda 2: Tipi ta'applikazzjonijiet:**

A. Żvilupp propost li jsir ġewwa l-limiti taż-żona tal-żvilupp stabbilit fi pjan lokali jew f'xi pjan ieħor, bla ħsara kemm għal (a) kemm għal (b) hawn aktar 'l isfel:

(a) Dawn kollha li ġejjin japplikaw:

(i) żvilupp mhux f'Żona ta' Konservazzjoni Urbana jew Żona ta' Prijorità tad-Disinn kif stabbilit fi pjan lokali jew f'xi pjan ieħor;

(ii) żvilupp mhux fuq bini skedat u mhux f'żoni skedati jew Żoni Speċjali ta' Konservazzjoni;

(iii) żvilupp li ma jsirx f'żona speċjali ristretta kif stabbilita mill-Awtorità, inklużi ż-Żoni tas-Sigurtà Pubblika tal-Avjazzjoni Ċivili, mini tal-ilma taħt l-art u xi infrastruttura ta' utilità kbira;

(iv) żvilupp li ma jsirx f'Żoni ta' Prijorità Residenzjali, inklużi żoni ta' vilel u *bungalows*, kif stabbilit fi pjan lokali jew f'xi pjan ieħor;

(v) żvilupp mhux f'żona industrijali;

(vi) żvilupp li ma jikkwalifikax bħala żvilupp intern;

(vii) żvilupp li ma jeħtiġlux evalwazzjoni speċjalizzata kif meħtieġ mill-Awtorità, jew valutazzjoni teknika, bħal rapport dwar sigurtà minn nirien u ventilazzjoni, rapport dwar il-ħsejjes jew dikjarazzjoni tal-metodu ta' restawr;

(viii) żvilupp bl-ispazju tas-sit iżgħar minn 1,000m<sup>2</sup>;

(ix) żvilupp li ma jinvolvox it-twaqqiġ ta' strutturi ta' bini li huma indikati fuq is-*survey sheets* tal-1968 jew ritratti mill-ajru tal-1957, u

(x) żvilupp li ma jmissx ma' taraġ fl-iskema.

(b) Tapplika xi waħda minn dawn li ġejjin:

(i) żvilupp residenzjali ġdid jew alterazzjonijiet jew estensjonijiet b'inqas minn 20 unità;

(ii) garaxxijiet ġodda jew estensjonijiet ma' garaxxijiet b'inqas minn 25 spazju ta' l-ipparkjar;

(iii) lukanda u proġetti ta' akkomodazzjoni turistika u estensjonijiet godda bi spazju intern gross ta' inqas minn 100 m<sup>2</sup>;

(iv) żvilupp kummerċjali ġdid jew estensjonijiet jew alterazzjonijiet bi spazju intern gross ta' inqas minn 250m<sup>2</sup>;

(v) proġetti sportivi jew ta' divertiment u estensjonijiet godda jew alterazzjonijiet bi spazju intern gross ta' inqas minn 100 m<sup>2</sup>;

(vi) sptarijiet, kliniċi, djar tal-anzjani, u faċilitajiet tal-kura tat-tfal u estensjonijiet godda jew alterazzjonijiet bi spazju intern gross ta' inqas minn 100 m<sup>2</sup>;

(vii) skejjel u estensjonijiet godda bi spazju intern gross ta' inqas minn 100 m<sup>2</sup>;

(viii) faċċati ta' ħwienet, *billboards* jew sinjali godda jew alterazzjonijiet tagħhom.

B. L-iżvilupp propost li ġej li għandu jkun jinsab barra mil-limiti taż-żona ta' żvilupp stabbilita f'xi pjan lokali jew f'xi pjan ieħor, bla ħsara kemm għal (a) kemm għal (b) hawn aktar 'l isfel:

(a) Dawn kollha li ġejjin japplikaw:

(i) żvilupp mhux fuq bini skedat, żoni skedati, Żoni Speċjali ta' Konservazzjoni, jew zona ta' restrizzjoni speċjali kif stabbilita mill-Awtorità, inklużi Żoni Pubbliċi tas-Sigurtà tal-Avjazzjoni Ċivili, mini tal-ilma taħt l-art, nixxieġhat u infrastruttura ta' utilità kbira;

(ii) żvilupp mhux marittimu jew żvilupp li ma jaffettwax qiegħ il-baħar jew ix-xatt; u

(iii) żvilupp li ma jeħtiġlux evalwazzjoni speċjalizzata kif mitlub mill-Awtorità, jew valutazzjoni teknika, bħal rapport dwar is-sigurtà minn niri u l-ventilazzjoni jew rapport dwar il-ħsejjes;

(b) Tapplika xi waħda minn dawn li ġejjin:

(i) żvilupp residenzjali f'Kategorija 1 jew 2 ta' Żoni ODZ bi spazju intern gross ta' mhux aktar minn 200m<sup>2</sup>;

(ii) bini jew strutturi bi spazju intern gross ta' area mhux aktar minn 100 m<sup>2</sup>; jew

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(iii) bidla fl-użu b'area tas-sit li ma tkunx akbar minn 150 m<sup>2</sup>.

Kull żvilupp mhux speċifikat fil-kriterji A(b) u B(b) elenkati f'din l-Iskeda ma għandhomx jikkwalifikaw taħt din l-Iskeda.

**Skeda 3: Persuni Konsultati****A Persuni konsultati esterni:**

- (1) Kull awtorita` regolatorja mwaqqfa taht xi ligi;
- (2) Is-Suprintendent tal-Patrimonju Kulturali.

**B Persuni konsultati esterni li għandhom uffiċju rappreżentattiv fl-Awtorita`:**

- (1) Il-Korporazzjoni Enemalta;
- (2) Il-Kummissjoni Nazzjonali Persuni b'Dizabilita`;
- (3) L-Uffiċjal tal-Inginerija Sanitarja.

**Skeda 4: Perjodu ta' l-Għeluq ta' l-Uffiċċju**

L-uffiċċji tal-Awtorità għandhom jagħlqu bejn it-23 ta' Diċembru ta' kull sena u l-1 ta' Jannar tas-sena ta' wara, iż-żewġ granet inklużi.

**Skeda 5: Tqassim tal-ħlasijiet**

(1) Fil-każ ta' applikazzjoni għal żvilupp elenkat fi Skeda 1, l-Awtorità tista', fl-ittra ta' *screening* maħruġa skond id-dispożizzjonijiet tar-regolament 3(3) ta' dawn ir-regolamenti, titlob lill-applikant iħallas sa 50% tal-Ħlas tal-Permess tal-Iżvilupp (DPF) bejn id-data tal-ħruġ tal-ittra ta' *screening* u d-data tal-validazzjoni tal-applikazzjoni.

(2) Fil-każ ta' applikazzjoni fejn il-ħlasijiet dovuti lill-Awtorità jkunu aktar minn mitt elf euro (€100,000), l-Awtorità għandha tivvalida l-applikazzjoni jekk l-applikant speċifikament jgħarraf bil-miktub li jkun biss l-ammont tal-Ħlas tal-Permess tal-Iżvilupp (DPF) u l-Ħlas għall-Ambjent, flimkien ma' 10% tal-Kontribuzzjoni għas-Servizzi tal-Infrastruttura (ISC) li jkunu qegħdin jithallsu meta tiġi ippreżentata l-applikazzjoni. Il-bilanċ li jifdal ta' 90% tal-Kontribuzzjoni għas-Servizzi tal-Infrastruttura (ISC) għandu jithallas mill-applikant hekk kif l-applikazzjoni tiġi deċiża iżda qabel il-ħruġ tal-permess tal-iżvilupp, u d-dispożizzjonijiet tar-regolament 9(5) ta' dawn ir-regolamenti għandhom japplikaw.

**L.N. 514 of 2010**

**ENVIRONMENT AND DEVELOPMENT PLANNING ACT  
(CAP. 504)**

**Development Planning (Procedure for Applications and their  
Determination) Regulations, 2010**

BY VIRTUE of the powers conferred by subarticle (2) of article 61 of the Environment and Development Planning Act, the Prime Minister has made the following regulations:

Title.                   **1.** (1) The title of these regulations is the Development Planning (Procedure for Applications and their Determination) Regulations, 2010.

Commencement.                   (2) These regulations shall come into force on the 1st January, 2011:

Transitory provision.                   Provided that the provisions of regulation 5, sub-regulation (2) of regulation 8, and sub-regulations (1), (2), (3), and (9) of regulation 9 shall only apply in respect of applications submitted on or after the 1st January, 2011:

Provided further that the provisions of regulation 10 shall only apply in respect of applications the decision notification of which has been issued on or after the 1st January, 2011.

Definitions.                   **2.** In these regulations, unless the context otherwise requires:

“the Act” means the Environment and Development Planning Act;

“application” shall have the meaning assigned to it in these regulations:

Provided that for the purposes of a Stop or Enforcement Notice issued under the provisions of the Act, a request for screening shall be construed as an application;

“the Authority” has the same meaning as is assigned to it in article 2 of the Act;

“consultee” means a person, including any government agency or authority mentioned in Schedule 3 to these regulations, which is consulted by the Authority during the processing of a development application, but does not include any official of the Authority or a body or entity established under the Act;

“drawing” means site plans, floor plans, elevations, sections, block plans and any other method of illustrating a proposed development;

“electronic system” means the *eApplications* infrastructure of the Authority which provides a secure interface enabling electronic communications throughout the application process;

“material change” means:

- (a) a change in site configuration which affects new land;
- (b) an addition in number of floors or basements;
- (c) an increase in height of the building which would exceed the maximum height limitation in metres;
- (d) an increase in density (including volume, area or units) of more than 10%;
- (e) a substantial change in the external appearance or design;
- (f) a change in the location of vehicular access from a different street frontage;
- (g) a change in the proposed use;
- (h) a change in the official alignment of the building; or
- (i) a change in the position of physical development within the site that would fall within an area subject to different constraints;

“report” means the report prepared by the Director of

Development Planning or the Director for Environment Protection in relation to an application for a development;

“screening” means the process during which the proposed development is considered by the Authority and the applicant, at the request of an applicant. The screening request shall be made by an applicant to the Authority in accordance with the procedures and format established by the Authority, and which shall include:

- (a) an application form duly filled in and signed by the applicant and a *perit* as per regulation 4(1)(b) hereof;
- (b) a site plan which is not older than twelve months from date of submission, dimensioned drawings, photographs of the site and its environs;
- (c) official alignments and levels as required; and
- (d) a fee as established by the Authority.

Screening.

**3.** (1) No development application may be submitted unless the applicant has requested the Authority to conduct screening of the development proposed in the development application. The Authority shall inform the applicant and the *perit* of the date within which the screening process is to be finalised.

(2) The screening process shall be finalised within four weeks from the submission of a request in full by the applicant:

Provided that in the case of a development falling under Schedule 1 to these regulations, the screening process may be further extended by a period of three months from the date of notification (within the four week period) to the applicant that the proposed development falls under Schedule 1 to these regulations.

(3) The Authority shall notify the applicant with a screening letter which will include all or any of the following:

- (a) the classification of the development in accordance with Schedule 1 and Schedule 2 to these regulations, or whether the proposed development is regulated by a development order or falls under the provisions of regulation 12 hereof;

(b) whether the proposed development falls within the types of development referred to in the Sixth Schedule to the Act;

(c) a reference to those major issues, policies and regulations with which the proposed development does not conform, namely considerations relating to demolition, land-use zoning, height limitation, constraints, environment, enforcement, and other issues, policies and regulations directly relating to the principle of the development;

(d) additional submissions, studies, assessments and documentation required;

(e) consultations which will be carried out in the processing of the eventual application;

(f) the fees and contributions which shall be payable to the Authority before the submission of the application, on the submission of the application, or during the processing of the application, in accordance with the provisions of Schedule 5 to these regulations;

(g) a date within which the development application has to be submitted in accordance with the requirements set out in the screening letter, which date shall not be more than three months in the case of a development which falls under the provisions of Part A of Schedule 2 to these regulations and not more than six months in the case of a development which does not fall under the provisions of Schedule 1 or Part A of Schedule 2 to these regulations.

(4) For the purposes of the provisions of article 41 of the Act, only the items mentioned in paragraphs (b), (d) and (f) of sub-regulation (3) hereof shall be construed as a decision of the Authority and the applicant may lodge an appeal therefrom before the Tribunal.

(5) The appeal shall be filed in accordance with the provisions of the Act and the appellant shall give detailed reasons in the written appeal to the Tribunal. The Tribunal shall appoint the first sitting within forty-five days from submission of the appeal and shall determine the appeal within the period established in article 41(4) of the Act.

(6) In the case of an appeal before the Tribunal, the terms established in accordance with the provisions of sub-regulation (3)(g) hereof shall commence to run from the date of the final determination of the appeal.

Development applications.

4. (1) The development application shall be submitted within the terms established by the Authority in the screening letter and shall consist of any updated or new documentation attached to the screening request. It shall include:

(a) all the documentation, studies, and requirements, as set out in the screening letter;

(b) the completed application form wherein:

(i) all sections of the form shall be filled in correctly. Moreover, no section or question may be left blank and where sections or questions are irrelevant, they should be marked "N/A". Where a yes or no or similar answer is required, one of the alternatives shall be correctly selected;

(ii) the particulars of both applicant and *perit* should be fully and clearly indicated, particularly the name, address and ID number. Contact details, as well as *perit's* or the partnership of *periti* warrant number, are obligatory;

(iii) in the case of applications that are submitted on behalf of a corporate body or by a warranted partnership of *periti*, an identifiable person, duly authorised by the company or partnership represented, shall take responsibility for the application on behalf of the company or partnership. Accordingly, the particulars of the individual person are still required;

(iv) unless a *perit* is submitting his own personal application, the applicant's personal address and telephone number shall be provided and they may not be substituted by a repetition of the *perit's* contact details.

(v) only one type of application that correctly corresponds to the proposed development should be selected, by ticking. Proposals that contain conflicting details are not acceptable;

(vi) the description of development should be clear and in detail, avoiding the use of complex and technical terminology or unexplained acronyms. It should include:

(a) the proposed height of the development in storeys;

(b) the overall type of development;

(c) the existing and proposed use or uses;

(d) the number and type of units (dwellings, garages);

(e) for alterations, a concise but complete summary of proposed works;

(f) for extensions, the location and number of storeys;

(g) for amended permission, a comprehensive outline of the differences between the original and amended proposal;

(vii) the *perit's* and applicant's declarations should be completed;

(c) a full set of drawings is required for all types of development, except for renewal applications. Such drawings should be clear and bold enough to enable printing without loss of detail. All text entries contained therein should be clearly legible without the need for magnification. Drawings should conform to the Submission Requirements Checklist published as a Circular to *Periti*;

(d) a site location plan should be submitted and compiled as set out in the Submission Requirements Checklist;

(e) at least three good quality colour photographs faithfully showing the current and latest state of the site are required as set out in the Submission Requirements Checklist;

(f) drawings, which shall all be dimensioned, listed

with their title, date of issue and the *perit's* unique reference number. Legends and dimensions on drawings should be clear and legible;

(g) a copy of the latest relevant permission and relevant approved drawings for the previously approved development, indicating the area affected by the proposed development;

(h) mandatory site-related information as set out in the Submission Requirements Checklist;

(i) additional supplementary information required as set out in the Submission Requirements Checklist;

(j) any fees and contributions due in relation to the proposed development:

Provided that any fees and contributions due may be payable to the Authority before the submission of the application, on the submission of the application, or during the processing of the application, in accordance with the provisions of Schedule 5 to these regulations.

(2) Reference is always to be made to the Submission Requirements Checklist when submitting required documentation.

(3) The application shall only be considered as valid if it is submitted as stated above, and the Authority shall establish such date as from when it considers the application to be valid as the validation date:

Provided that if the application as submitted is not compiled as stated above and in line with the screening letter, the Authority shall allow a term not exceeding four weeks within which the applicant shall comply with the above to enable the Authority to validate the application, failing which, the application and its accompanying documentation shall be automatically withdrawn by the Authority.

Changes in the application.

**5.** (1) Changes in the application, drawings or documents which do not constitute a material change may be made by the applicant:

(a) between the screening letter and the validation date of the application;

(b) during the processing of the application:

(i) in the case of a development mentioned in Part A of Schedule 2 to these regulations, only within four weeks from the validation date;

(ii) in the case of a development not mentioned in Schedule 1 or Part A of Schedule 2 to these regulations, only within sixteen weeks from the validation date;

Provided that in the opinion of the Authority such a change does not affect consultations or does not require the payment of additional fees payable to the Authority.

(2) Changes in the application, drawings or documents which do not constitute a material change may be made at the request of the Authority at any time during the processing of the application within the time frames given by the Authority.

(3) A material change in the application, drawings or documents is not allowed:

(a) between the screening letter and the validation date of the application, unless such a change is a result of the screening letter;

(b) during the processing of an application for a development mentioned in Part A of Schedule 2 to these regulations; or

(c) after the lapse of eight weeks from the validation date in the case of any other development:

Provided that such a material change may only be considered as valid if the applicant pays the relative fees payable to the Authority as a result of such a change, if any, within two weeks from the date of issue of a revised bill by the Authority as a result of such a request by the applicant. This shall be done without prejudice to the proviso to sub-regulation 4(3).

(4) When a material change in the application, drawings or documents is permitted as aforesaid, the procedures set out in sub-regulations (1) to (5) of regulation 6 of these regulations shall apply.

(5) Any change of applicant or of the *perit* may only be made through a form established by the Authority.

Notification of application and decision.

**6.** (1) The Authority shall cause the proposal together with the name of the applicant to be published in the local press and also advertised by means of a notice affixed on the site.

(2) The Authority shall be responsible to affix the notice on site and the applicant shall be responsible to ensure that the notice remains affixed on site for the period stipulated in the said notice. The Authority shall also affix a notice of development applications submitted in a locality on any notice board made available for such purpose by the local council of such a locality.

(3) The Authority shall inform the applicant and the *perit* that the notice has been affixed on site.

(4) In the case of an application for a development mentioned in Schedule 1 to these regulations, the notice on site shall be in a format established by the Authority and shall be placed by the applicant in those areas specified by the Authority. The applicant may also be requested to place additional adverts in the local press and to hold consultations in relation to such an application and the term for any person to declare an interest in the said application in accordance with the provisions of the Act shall apply for each advert.

(5) Without prejudice to the aforesaid, a copy of any application and the relative site plan shall be served by the Authority on the local council in whose locality the development is being proposed to be carried out.

(6) Upon the determination of the application, the Authority shall cause the proposal together with the name of the applicant and a note as to whether the application has been approved or refused to be published in the local press.

Declaration of interest.

**7.** (1) Any person may declare an interest in a development application in accordance with the provisions of article 68(4) of the Act.

(2) Such an interest must be registered with the Authority within twenty days from the date of publication of the notice of an application in a local newspaper:

Provided that such period may be shortened to six days in urgent cases as may be indicated in the publication:

Provided further that the Authority may extend the aforesaid period up to thirty days in the case of an application for a development mentioned in Schedule 1 to these regulations, and in such case it shall give notice of such extension in the said publication.

(3) Such an interest must be registered by means of a written communication, in the Maltese or English language, and must include a postal address or an electronic address, at which all communication by the Authority or the Tribunal, as the case may be, shall be made.

(4) For the purposes of these regulations and of articles 41 and 68 of the Act, paragraph 11 of the First Schedule of the Act, and paragraph 11 of the Second Schedule of the Act, any notification or service of a decision to such an interested third party shall be made by the Authority or the Tribunal, as the case may be, through a letter sent by normal post to the postal address or by means of an electronic communication to the electronic address, if any, notified in accordance with the provisions of sub-regulation (3) hereof.

8. (1) All consultees and the applicant's *perit* shall register with the Authority through the Authority's electronic system. All communication between the Authority and the said consultees and the applicant's *perit*, including the submission of the screening request and the submission of the application, can only be made through the said electronic system.

Submissions to and communication with the Authority.

(2) The *perit* shall comply with a request for a change of the drawings, including a revised development profile form, or documents as requested by the Authority within twenty-one days from such a request, or within the term set out by the Authority in its request, failing which the Authority shall construe such a failure as a refusal by the *perit* to comply with such a request.

(3) All consultees listed in Part B of Schedule 3 to these regulations shall comply with a request for consultation by the Authority, made in relation to development falling within Part A of Schedule 2 to these regulations, within seven days from such a request. All consultees shall comply with a request for consultation by the Authority, made in relation to development not falling within

Part A of Schedule 2 to these regulations, within thirty days from such a request. The Authority shall construe any failure to comply with these timeframes as a no objection by the said consultee to the request.

(4) The Authority shall cause a copy of the report compiled by the Authority in relation to the proposed development to be communicated to the *perit* and applicant, who shall be allowed to make submission on the said report within twenty-one days from the date of communication of the report to the *perit*.

(5) Any person who has declared an interest in the said application as aforesaid shall be informed of the date of completion of the report compiled by the Authority in relation to the development on which he has made submissions and shall be allowed to make written submissions on the said report by not later than ten days prior to the date of the sitting of the Authority or the Commission.

(6) Any such notification shall also include the date of the sitting of the Authority or the Commission, as the case may be, during which the said application shall be discussed and determined by the Authority or the Commission.

(7) All submissions to the Authority by any person, including consultees and the *perit*, shall be made within the terms established under the Act, these regulations or as specified in the notice requesting such submissions, and if such a person fails to make such submissions within such terms, then, without prejudice to the submissions that such a person may have already made during the course of the processing of the application, this shall be construed that such a person has no submission or further submissions to make on the said application.

(8) Late or incorrect submissions and submissions with erroneous reference numbers will not be considered by the Authority or the Commission.

Determination of an application.

**9.** (1) Subject to the provisions of the Act and of these regulations, the Authority shall appoint the sitting of the Authority or the Commission during which the application for a development shall be discussed and determined by the Authority or the Commission:

(a) within fifty-two weeks from the validation date

in the case of a development which does not fall under the provisions of Schedules 1 and 2 if such a development is outside the development boundaries as established in a local plan or any other plan;

(b) within twenty-six weeks from the validation date in the case of a development which falls under the provisions of Part B of Schedule 2 to these regulations and in the case of any other development which does not fall under the provisions of Schedule 1 and Schedule 2 to these regulations if such a development is within the development boundaries as established in a local plan or any other plan;

(c) within twelve weeks from the validation date in the case of a development which falls under the provisions of Part A of Schedule 2.

(2) Unless otherwise provided for in the Act or in these regulations, the terms established in sub-regulation (1) hereof shall not be suspended.

(3) If:

(a) the Authority is required to cause the proposal together with the name of the applicant to be republished in the local press and also re-advertised by means of a notice affixed on the site due to an error, then the terms established under paragraphs (a), (b) and (c) of sub-regulation (1) hereof shall be automatically extended by a period of four weeks;

(b) the applicant makes a material change to the application, drawings or documents in accordance with the provisions of sub-regulation (3) of regulation 5, then the terms established under paragraphs (a) and (b) of sub-regulation (1) hereof shall be automatically extended by a period of eight weeks;

(c) within the timeframe set out in regulation 8(4), the applicant makes a request, based on a valid reason, for a deferral of the sitting of the Authority or the Commission as the case may be, then the terms established under paragraphs (a), (b) and (c) of sub-regulation (1) hereof shall be automatically extended by a period of two weeks, and the provisions of paragraph 11 of the First Schedule to the Act shall apply; and

(d) the applicant contests a decision of a consultee (under the provisions of a law regulating such a consultee and informs the Authority in writing) or appeals the computation of the fees being levied by the Authority before the Tribunal, then the terms established under paragraphs (a), (b) and (c) of sub-regulation (1) hereof, or the timeframes established by the Authority in the screening letter shall be automatically extended by a period equivalent to the period between the date when the Authority is notified of such contestation or appeal and the date when the Authority is notified of the decision of such body or Tribunal.

(4) If the Authority or the Commission intends to overturn the recommendation of the Directorate, the Authority or the Commission, as the case may be, they shall request, in addition to the requirements of the Act, the Director of Planning to update the report on the application and to include a list of conditions, and defer the determination of the application in accordance with the provisions of paragraph 11 of the First Schedule to the Act, and the *perit* shall be informed of the updated report prior to the date of the deferred sitting.

(5) If the Authority or the Commission imposes the payment of a fine, planning gain or any other contribution, or the provision of a financial guarantee or any other requirement, as a condition to the approval of a development application, the applicant shall, unless otherwise instructed by the Authority or the Commission as the case may be, affect such a payment or provide such an assurance or document within a period of six months from the date of notification of a notice to this effect, failing which, the application shall be automatically deemed as dismissed.

(6) The Authority, the Commission or the Director of Planning, as the case may be, shall be authorised to amend the proposal of the development so as to better reflect the principle of the development without the need to comply with the provisions of regulation 6(1) to 6(5) of these regulations.

(7) The decision of the Authority is to be communicated to the applicant, the *perit* and any person who registered an interest in the application within fifteen days from the date of the decision, or within fifteen days from the date of submission by the applicant of any further information requested by the Authority in furtherance of its decision.

(8) For the purposes of these regulations and of article 41 of the Act:

(a) the service of a decision to the applicant shall be made by the Authority through a letter sent by normal post to the postal address of the applicant as indicated in the application form, and by means of an electronic communication to the *perit*;

(b) a copy of any approved drawings or documents shall be served by the Authority to the applicant and the *perit* by normal post to the postal address of the applicant and *perit* as indicated in the application form;

(c) the service of a decision to the interested third party shall be made in accordance with the provisions of regulation 7(4) hereof;

and the term mentioned in article 41(2) of the Act shall commence from the date of publication of the notice of the decision in a local newspaper in accordance with the provisions of regulation 6(6) hereof.

(9) When the original or extended period mentioned in sub-regulation (1) has expired, and the Authority has not appointed the sitting of the Authority or the Commission during which the application for a development shall be discussed and determined by the Authority or the Commission, the applicant may request the Chairman of the Authority by means of a registered letter that his application be dealt with as follows:

Deemed approval procedure.

(a) on receipt of the afore-mentioned registered letter, the Chairman of the Authority shall first establish whether the original or extended period mentioned in sub-regulation (1) has expired. If the Chairman of the Authority is of the opinion that such is not the case, he shall inform the applicant accordingly giving reasons thereof;

(b) if such period has expired, the Chairman of the Authority shall order the Director of Planning to process the application, to draw up the application report and to refer same to the Chairman of the Authority within seven days from the date of receipt, by the Chairman of the Authority, of such a letter;

(c) when the Chairman of the Authority receives the Director's report, he shall comply with the provisions of regulations 8(4), 8(5) and 8(6);

(d) if the application is not brought before the Authority or the Commission for determination as mentioned in paragraph (c), or if the Authority or the Commission, as the case may be, after taking a decision fails to issue the permission in accordance with the provisions of this regulation, the application shall be deemed to have been approved and the Secretary of the Authority shall forthwith issue the relative development permission subject to such standard conditions which are normally imposed in a development permission and also subject to conditions which are based on the development parameters and environmental constraints resultant from the local plan or any other plan, policy or regulation. In such a case the conditions of the permission shall prevail over the drawings or documents.

Reconsideration.

**10.** (1) A reconsideration from a decision of the Authority is only possible if:

(a) the Authority or the Commission, as the case may be, has approved an application for a development; and

(b) the request for a reconsideration is made in relation to a condition of the decision of the Authority or the Commission approving the said application, and which condition is not related to the approved height or number of floors or the use of the development.

(2) No change in the application, drawings or documents may be allowed at reconsideration stage. The request for reconsideration can only be made by the same *perit* and applicant of the original application, unless the change of *perit* and the change of applicant procedures are followed.

(3) The provisions of regulations 7(4), 8(4), 8(5), 8(6), 9(4) and 9(5) of these regulations shall apply *mutatis mutandis* to the procedure to be used by the Authority or the Commission in the processing of the request for a reconsideration.

(4) A report by the Director of Planning or the Director of Environment Protection, in relation to the request for reconsideration, shall be finalised within twenty-eight days from

receipt of the request for reconsideration and the Authority or the Commission, as the case may be, shall be convened to discuss and determine the said request within twenty-eight days from the date of notification of the report to the *perit*.

(5) If an appeal has been lodged with the Tribunal by any interested third party in accordance with the provisions of article 41(1)(c) of the Act and the applicant submits a request for reconsideration in accordance with the provisions of this regulation, the procedures before the Tribunal shall be suspended until the request for the reconsideration has been determined and a copy of the decision has been submitted to the Tribunal by the applicant, and any time periods established under the provisions of article 41 of the Act in relation to the procedures before the Tribunal shall commence from the date of receipt by the Tribunal of the decision on the reconsideration.

**11.** (1) An Environment and Development Brief may be made only in relation to any development mentioned in Schedule 1 to these regulations or if so required in a local plan or any other plan.

Environment and  
Development Brief.

(2) An application for an Environment and Development Brief shall be made in the format established by the Authority, and the provisions of regulation 3, regulation 4, sub-regulations (1) to (5) of regulation 6, regulation 7, and sub-regulations (4) and (5) of regulation 9 hereof shall, as the case may be, apply to the application for and determination of such an Environment and Development Brief:

Provided that for the purposes of the provisions of article 41 of the Act, and in addition to the provisions of sub-regulation (4) of regulation 3, the items mentioned in paragraph (a) of sub-regulation (3) of regulation 3 shall be construed as a decision of the Authority and the applicant may lodge an appeal therefrom before the Tribunal:

Provided further that, where required in a local plan or any other plan, the formulation and approval of the Brief shall be in accordance with the provisions of article 58 of the Act.

(3) An Environment and Development Brief shall be valid for such a period as established by the Authority, but may, in no case, be valid for more than two years from date of approval.

Procedure for dealing with requests for minor amendments to approved drawings etc. of development permissions.

**12. (1) Minor amendment requests can only be:**

(a) submitted to amend approved drawings and documents of development permissions; and

(b) made by the same *perit* and applicant of the original application, unless the change of *perit* and the change of applicant procedures are followed.

(2) Conditions of permissions cannot be amended through the minor amendment procedure.

(3) An amendment to approved drawings and documents shall be minor when it relates to:

(a) changes which refer to development which is otherwise permitted through the Development Notification Order, or similar order; and

(b) amendments which satisfy all of the following specifications:

(i) do not materially alter the character and external appearance of a site;

(ii) do not result in a development that no longer accords with the character of the surrounding area;

(iii) do not significantly alter the overall form or nature of the development;

(iv) do not involve a change of use or change the scale of the development;

(v) do not affect the substance or overall form of a landscaping scheme;

(vi) do not require additional car parking on site, or which would lead to a shortfall in car parking provision on site; and

(vii) do not increase the number of parking spaces on site.

(4) Requests for minor amendments are to be

submitted through the electronic system, provided that:

(a) the minor amendment application form is used and duly filled in;

(b) the permission has not expired and it is still valid; and

(c) the development is not listed in the Sixth Schedule to the Act.

(5) The minor amendment application shall include:

(a) amended drawings and documents;

(b) the correct fee due; and

(c) any revision or update of any approved documents, where applicable.

(6) Each drawing must indicate clearly all the proposed changes in conventional colours. The colour coding needs to be indicated on the same drawing. The same number and format of drawings (including positioning of floor plans, elevations, sections on drawings) shall be retained.

(7) Amendments to approved documents may arise from the proposed minor amendments, such as amendments to Fire Safety and Ventilation Reports, Accessibility Audit Reports, Restoration Method Statements, or conditions set out by other Authorities or Government Departments. In such cases, clearance should be sought prior to the submission of the minor amendment application and a copy of such clearance or any updated report, as necessary, shall be attached to the minor amendment request together with the proposed drawings endorsed by the competent persons or authorities accordingly.

(8) Amendments to the approved drawings and documents could be considered through the minor amendment procedure provided that the changes:

(a) are minor in accordance with the provisions of sub-regulation (3) hereof;

(b) can all be shown in conventional colours on the

same drawing;

(c) do not give rise to new material planning considerations;

(d) do not constitute a material change from the previously approved drawings;

(e) do not affect the way in which the material considerations raised by the development had originally been assessed or addressed;

(f) do not refer to other parts or areas of a building or site which were previously not affected by development approved through the permission;

(g) do not conflict with any current legislation or policy;

(h) do not include any development which is not covered by an approved policy;

(i) do not conflict with any condition of the permission;

(j) do not conflict with a decision taken by the Authority or Commission, even if this is not a condition of the permission;

(k) do not result in an increase of non-residential floorspace as previously approved;

(l) do not require the payment of additional fees;

(m) do not extend beyond the site boundaries as defined on the approved site plan and drawings; and

(n) do not affect the objections raised during the public consultation period.

(9) The Development Notification Order (or a similar order) procedure cannot be used to amend a valid permission. The minor amendment procedure must be followed in such instances.

(10) Interested third parties who had complied with

the provisions of regulation 7 of these regulations in the original application, shall be notified, in accordance with the provisions of regulation 7, of the submission of a request for minor amendments. Only such parties shall be allowed to submit further representations in writing, provided that these representations are received by the Authority within a period specified by the Authority and, in any case, not later than fourteen days from the receipt of the minor amendment request. The minor amendment assessment shall take into account any valid representations received.

(11) Requests for minor amendments are to be dealt with as expeditiously as possible and the Authority shall issue a written decision within twenty-eight days from the receipt of the request, without any extensions of time. Any requests for minor amendments which do not conform to any of the above sub-regulations hereof shall be refused by the Authority, provided that the Authority clearly specifies the reasons for refusing such requests. There shall be no refund of the fees paid, whatever the circumstance.

(12) In approving minor amendments, the Authority may include additional conditions, provided that these conditions relate only to the minor amendments being approved and not to the other development already approved in the original permission, unless rendered necessary by the implications of the amendments on the overall development. The conditions of the original permission always remain valid and the development, as amended, is still subject to these conditions. The validity of the minor amendment approval expires with the validity of the permission.

(13) There shall be no right of reconsideration, appeal, or third party appeal from a decision on a minor amendment request. Where the request cannot be considered through the minor amendment procedure or where the proposed changes are significant, an amended or a full development application should be submitted.

**13.** The terms established in these regulations shall be suspended only during such period when the Authority's offices are closed as specified in Schedule 4 to these regulations. No submissions will be accepted during this period.

Suspension of terms.

**14.** (1) Without prejudice to article 70 and the Sixth Schedule to the Act, when existing development on a site is wholly or partly illegal, the Authority shall refuse a development

Dealing with  
illegalities on site  
during the processing  
of an application

application relating to new development on that site, unless the illegal development is included for sanctioning and the illegal development complies with current policies.

Provided that for the purposes of this regulation, a development falling under Category B of the Eight Schedule of the Act shall not be construed as illegal development.

(2) The illegal development may either be regularised through a specific development application solely for that purpose or through a development application which includes the sanctioning of illegal development as well as proposed new development.

(3) Where sanctioning of illegal development is being requested in a development application, the proposal description and the drawings shall clearly indicate the development which is to be sanctioned so as to ensure that the unauthorised development forms part of the development application.

(4) The proposal description of a development application and the drawings submitted shall not propose the removal of illegal development from the site. The development application shall include only illegal development which is proposed to be sanctioned.

(5) Any illegal development which is not indicated for sanctioning in a development application shall be removed prior to the submission of the development application or, without prejudice to regulation 14(4), prior to the issue of a development permission, provided that where the application is determined by the Authority, the Commission, or the Tribunal subject to the removal of the illegal development prior to the issue of the development permission, the period by which the applicant is required to comply with this requirement shall not exceed six months, failing which, the application shall be automatically deemed as dismissed by the Authority, the Commission or the Tribunal, as the case may be. The Authority, the Commission and the Tribunal shall not impose a bank guarantee or a condition requiring the removal of illegal development subsequent to the issue of a development permission.

(6) Where parts of a site or building are illegal, permission for new development elsewhere on the site or building shall not be refused solely because there are illegalities on the site

or building subject to all of the following:

a) the application does not include the illegal parts;  
and

b) granting permission for the new development will not physically prevent, hinder or make difficult enforcement action, either removal or rectification, against the illegal parts;  
and

c) the applicant has no control, whether directly or indirectly, over the illegal parts or the applicant was not involved directly or indirectly in the illegal development.

**Schedule 1: Types of applications**

- (a) Projects which require or may require:
- an Environment Impact Assessment
  - an Appropriate Assessment
  - a Traffic Impact Statement, or
  - any specialist environmental or technical assessment or report;
- (b) development which is subject of a Development Brief, Action Plan or Subject Plan, or falling within an area identified in a Local Plan as requiring a brief or a comprehensive scheme;
- (c) development which, in the opinion of the Authority, is a development of national importance;
- (d) development with a site area larger than 5,000m<sup>2</sup>;
- (e) development which is regulated by a specific policy which allows the increase in the height limitation established in a local plan;
- (f) residential development with more than 40 residential units;
- (g) new hotel or tourist accommodation projects (or extensions) with a site area larger than 500m<sup>2</sup>;
- (h) new commercial development (or extensions) with a gross floorspace larger than 750m<sup>2</sup>;
- (i) new sports or entertainment projects (or extensions) with a gross floorspace larger than 500m<sup>2</sup>;
- (j) new hospitals (or extensions) with a gross floorspace larger than 500m<sup>2</sup>;
- (k) new schools (or extensions) with a gross floorspace larger than 500m<sup>2</sup>;
- (l) industrial or warehousing development located within an approved industrial estate and with a gross floorspace larger than 1,000m<sup>2</sup>;
- (m) industrial or warehousing development not located within an approved industrial estate and with a gross floorspace larger than 500m<sup>2</sup>;
- (n) new waste management projects; or
- (o) national infrastructure projects.

**Schedule 2: Types of applications**

A. Development proposed to be carried out within the limits of the development zone established in a local plan or other plan, subject to both (a) and (b) below:

(a) All the following apply:

(i) development not within an Urban Conservation Area or Design Priority Area as established in a local plan or any other plan;

(ii) development not on scheduled buildings and not within scheduled areas or Special Areas of Conservation;

(iii) development not falling within a special constraint area as established by the Authority, including Civil Aviation Public Safety Zones, water galleries and major utility infrastructure;

(iv) development not falling within Residential Priority Areas, including villa and bungalow zones, as established in a local plan or any other plan;

(v) development not within an industrial zone;

(vi) development which does not qualify as an internal development;

(vii) development not requiring a specialised assessment as required by the Authority, or technical assessment, such as a fire safety and ventilation report, noise report or restoration method statement;

(viii) development with a site area smaller than 1,000m<sup>2</sup>;

(ix) development not involving the demolition of building structures which are indicated on the 1968 survey sheets or 1957 aerial photos; and

(x) development not abutting onto a schemed stairway.

(b) Any of the following apply:

(i) new residential development or alterations or extensions with less than 20 units;

(ii) new garages or extensions to garages with less than 25 parking spaces;

(iii) new hotel and tourist accommodation projects and extensions with a gross floorspace smaller than 100m<sup>2</sup>;

(iv) new commercial development or extensions or alterations with a gross floorspace less than 250m<sup>2</sup>;

(v) new sports or entertainment projects and extensions or alterations with gross floorspace smaller than 100m<sup>2</sup>;

(vi) new hospitals, clinics, old people's homes, and child care facilities and extensions or alterations with a gross floorspace smaller than 100m<sup>2</sup>;

(vii) new schools and extensions with a gross floorspace smaller than 100m<sup>2</sup>; or

(viii) new or alterations to shopfronts, billboards or signs.

B. The following development proposed to be located outside the limits of the development zone established in a local plan or other plan, subject to both (a) and (b) below:

(a) All the following apply:

(i) development not on scheduled buildings, scheduled areas, Special Areas of Conservation, or a special constraint area as established by the Authority, including Civil Aviation Public Safety Zones, water galleries, springs and major utility infrastructure;

(ii) non-marine development or development not affecting the seabed or the shore; and

(iii) development not requiring a specialized assessment as required by the Authority, or technical assessment, such as a fire safety and ventilation report or noise report.

(b) Any of the following apply:

(i) residential development within Category 1 or 2 ODZ Settlements with a gross floorspace not larger than 200m<sup>2</sup>;

(ii) buildings or structures with a gross floorspace not larger than 100m<sup>2</sup> in area; or

- (iii) change of use with a site area not larger than 150m<sup>2</sup>.

Any development not specified in the criteria A(b) and B(b) listed in this Schedule shall not qualify under this Schedule.

**Schedule 3: Consultees**

A External consultees:

- (1) Any regulatory authority established under any Law;
- (2) Superintendent of Cultural Heritage.

B External consultees with representative office at the Authority:

- (1) Enemalta Corporation;
- (2) *Kummissjoni Nazzjonali Persuni b'Diżabilità*;
- (3) Sanitary Engineering Officer.

**Schedule 4: Shut Down Period**

The offices of the Authority shall be closed between 23rd December of any year and 1st January of the following year, both days included.

**Schedule 5: Staggering of payments**

- (1) In the case of an application for a development listed in Schedule 1, the Authority may, in the screening letter issued in accordance with the provisions of regulation 3(3) hereof, request the applicant to pay up to 50% of the Development Permit Fee between the date of issue of the screening letter and the date of validation of the application.
- (2) In the case of an application where the fees payable to the Authority are in excess of one hundred thousand euro (€100,000), the Authority shall validate the application if the applicant specifically notifies in writing that only the full amount of both the Development Permit Fee and Environmental Fee, and 10% of the Infrastructure Services Contribution are being paid with the submission of the application. The remaining balance of 90% of the Infrastructure Services Contribution shall be payable by the applicant upon the determination of the application but prior to the issue of the development permission, and the provisions of regulation 9(5) hereof shall apply.

