

CIRCULAR PA 6/97

1 THE BUILDING LEVY RATES (AMENDMENT) REGULATIONS 1997

2 THE BUILDING LEVY CALCULATOR SOFTWARE

1 INTRODUCTION

- 1.1 The Building Levy Rates Regulations 1996 (LN 112 of 1996) have been reviewed and revised. The Building Levy Rates (Amendment) Regulations 1997 (LN138 of 1997) introduce a number of changes. These Regulations were published on 12th September 1997 and come into effect on that date.
- 1.2 This circular outlines the changes. Unless noted, the provisions of the 1996 Regulations are unchanged.
- 1.3 The Planning Authority has developed a programme for calculating the Building Levy (the Building Levy Calculator). This Circular describes this software and indicates how it may be obtained.

2 NEW OR REVISED FEES

- 2.1 A number of new fees have been introduced.

GDO Notifications and Sanitary Approval

- 2.2 The recently revised General Development Order (GDO) has made provision for a prior notification procedure for certain categories of permitted development and for the obtaining of sanitary approval (see Circular 5/97 for more details). The charges for these are
 - Applications for sanitary approval only -- Lm 5
 - Notifications in accordance with the GDO -- Lm 5
 - Notifications in accordance with the GDO where the Authority must respond within 30 days -- Lm 10

Where sanitary approval is required, the fee of Lm 5 should be added to the other appropriate fee.

Approval for dumping or recycling of waste

2.3 The dumping or recycling of inert waste in quarries requires a licence from the Environmental Protection Department (in accordance with LN 128 of 97). The Planning Authority is required to give its approval or clearance to the proposal, so that an applicant may apply for a licence. A charge has been introduced for this as follows

- Approval for a licence for the recycling of inert waste in quarries -- Lm 100
- Approval for a licence for the dumping of inert waste in quarries -- Lm 150

Recycling requiring installation of new/additional equipment and dumping of inert waste in a disused quarry site require development permission and so a full development permit application should be submitted.

Additional setting out visits

2.4 The Land Survey Unit (LSU) of the Authority provides a service to applicants in setting out the alignment and levels for new development. Normally two such setting out visits (the Interim and Final Setting Out) are required, and there is no fee for these. However where the LSU are requested to visit the site again to set out the alignment or levels, when, for example, they have been damaged or destroyed during excavation or construction works, a charge of Lm 10 per visit will be made.

ISC for Maisonettes

2.5 The separate fees for one and two or more maisonettes have been removed. The fees for maisonettes are now

- Main sewer contribution per maisonette -- Lm 110
- Street contribution per maisonette -- Lm 60

3 CHANGES TO DEFINITIONS

Amended applications

3.1 The definition of an amended application has been amplified and clarified. It has been made clear that amended applications can only relate to an application for changes to a valid development permission which do not significantly change the nature of the development such as changes to the internal layout or minor changes to the external appearance. Proposals involving a different use to that originally permitted or an increase in the number of dwelling units can not be considered as amended applications. These, and other alterations,

which change the nature or character of the development, must be the subject of a new application for development permission.

4 THE DEVELOPMENT PERMIT FEE

DPF for amended applications

4.1 Where an application is submitted for minor changes to development previously permitted and that permission had expired, the DPF for the application was charged as new development in accordance with the previous Regulations. This has now been altered.

4.2 If an application for new development would have been treated as an amended application, but for the fact that the previous permission has expired, the application is charged at the rate for amended applications (Lm 25).

Refund of the DPF

4.3 The circumstances in which a refund of 75% of the DPF is made on the withdrawal of an application by the applicant have been limited. The DPF will not now be refunded when the DPF paid on the application is Lm 10 or less. In addition a refund will not be made where enforcement action has been initiated in relation to the site on which the application was made.

5 THE INFRASTRUCTURE SERVICES CONTRIBUTION

5.1 A change has been made to the method by which the ISC should be calculated for sites where there has been a previous permission. Previously the ISC paid on a previous permission was deducted from that due on the new application only if the previous permission was still valid.

5.2 Now the ISC paid on any previous development permission on the site will be taken into account and deducted, whether or not the permission is still valid, from that payable on the new application.

5.3 A minor change has been made to indicate that Malta Development Corporation is one of those bodies corporate which may give an undertaking that the necessary infrastructure services will be provided and maintained, at the expense of that body, and so are not required to pay the ISC.

6 BUILDING LEVY CALCULATOR

- 6.1 The Planning Authority has developed software in-house for the easy calculation of the Building Levy. The Building Levy Calculator is a "Windows" based programme, which is small and very fast so it can be run on any Personal Computer, and it is very simple and user friendly. The programme has all the Development Permit Fee and Infrastructure Service Contribution rates and other related information built-in. This software has been thoroughly tested and has now been used by Planning Authority personnel to check and calculate the Building Levy for the past two months.
- 6.2 The only information that the programme requires is the type of development proposed and information (where applicable) on the number of units or floor areas/site area. From this, the programme leads through the simple steps required to calculate both the DPF and the ISC. The output is a detailed and itemised bill which indicates the components of the Levy, thus making it clear how the total bill has been calculated. The programme also includes on-line help and a manual describing the programme and its use will also be available.
- 6.3 Use of the Building Levy Calculator will speed up the submission and validation of an application, and will ensure that the Levy submitted is correct. It should be noted that where the Building Levy is substantially correctly calculated by the applicant or architect, the amount of DPF paid can be reduced by Lm 5 or 1% (which ever is the greater), except where the DPF payable is less than Lm 60.
- 6.4 The Building Levy Calculator programme will be available on diskette, from the Authority's Planning Shop, at a nominal subscription cost of Lm 5. The software will be updated and revised, as and when necessary following changes to the Building Levy, and an updated version will be available free of charge to subscribers.

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