

# **CIRCULAR PA 10/93**

## **1 COMMENCEMENT NOTICE**

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### **1 INTRODUCTION**

- 1.1 This circular introduces the proposed Commencement Notice. It then updates the situation on the delegation of applications for decision by officers. Finally it tackles a number of issues raised in the joint Planning Directorate/Chamber of Architects Users Committee, and indicates the progress which has been made.

### **2 COMMENCEMENT NOTICE**

- 2.1 As you know the Planning Authority places great emphasis on ensuring that all development which takes place is authorised, that is it has any development permission which may be required and that it is carried out strictly in accordance with that permission. The enforcement of planning control is therefore felt to be of considerable importance.

- 2.2 Although the Planning Inspectorate of the Planning Directorate carry out regular monitoring and follow up development permissions which are granted, it is essential that the Inspectorate is aware when development is about to start, so that it can be incorporated into monitoring visits. To assist in this process the Planning Authority propose to introduce a Commencement Notice.
- 2.3 The Commencement Notice must be completed by the developer or land/building owner and returned to the Planning Inspectorate at least 5 days before development is intended to commence. A specimen draft of the Notice is attached. The Notice will be sent out with development permissions.
- 2.4 **The requirement to serve a Commencement Notice on the Planning Authority will come into effect on 15th January 1994.** From that date Commencement Notices must be submitted for all new development. You do not need to do anything, but it would be helpful if you could inform your clients of the need to comply with this procedure. There is a fine of between Lm 10 and Lm 50, depending on the type of development proposed, for failure to serve the Notice or to serve it within the required time. The requirement for a Commencement Notice will be publicised in the press.

### **3 GENERAL DEVELOPMENT ORDER**

- 3.1 The purpose of the Order is to exclude from the requirement to obtain development permission those works and operations which are considered to be minor and without adverse environmental and other impacts. These are defined in the Order as permitted development.
- 3.2 **The Order will come into effect from 1st January 1994.** It should simplify some aspects of planning control, reduce the Directorate's (and private architects') workload and enable concentration on more significant proposals. The Order also provides a greater degree of clarity on what constitutes development.
- 3.3 The Order contains 16 classes of permitted development, which are generally subject to appropriate limitations. The Classes cover, inter alia
- alterations to dwellings and development within the curtilage of dwellings;

- other minor operations, including painting, the erection of boundary walls and the replacement of parts of a building, and lighting of buildings;
- the formation of roads;
- minor infrastructure works, the repair and provision of water and electrical services and of sewerage;
- development related to public transport, agriculture, aviation;
- temporary structures and uses;
- mineral exploration.

3.4 A copy of the Order is attached to this circular. Further guidance on the operation of the General Development Order will be provided in due course.

## **4 ADVERTISEMENT REGULATIONS**

4.1 The Planning Authority has approved new Regulations and Guidelines governing the siting of Billboards and other forms of advertisement. The Regulations will be published soon and **will come into force on publication**. They apply to all forms of advertisement, including any sign, placard, board or notice designed for announcement, direction or publicity.

4.2 The Regulations explain the procedures for applying for consent to display advertisements and describe those categories of advertisement which do not need the approval of the Planning Authority. This category includes temporary advertisements for social, cultural or educational activities, political posters and advertisements on enclosed land and inside buildings.

4.3 All Billboards need the approval of the Planning Authority and a survey will be undertaken to establish the legal status of existing billboards. Those which do not comply with new policies on Billboards contained in a Design Guide will be removed. In considering whether billboards can be sanctioned the Planning Authority will not be concerned with the content of the advertisement but solely with its planning and land use implications. Billboards will not be acceptable in the following locations:

- On historic buildings and properties. In village cores a very restrictive approach will be followed and signs will only be allowed in commercial areas.
  - In the open countryside or outside the limits of development of towns and villages.
  - Signs on buildings must be in scale with the building and must not visually dominate it, or obscure features of architectural or historic interest.
- 4.4 The Regulations contain new powers which will enable the Planning Authority to serve notice on any landowner or advertiser to require the removal of any advertisement which cannot be sanctioned. If this is not complied with within a time period not less than 15 days, the Authority may impose a fine or enter the land and remove the advertisement.
- 4.5 A copy of the Regulations is attached to this circular and further guidance will be issued in due course.

## **5 DELEGATION OF DECISION MAKING ON DEVELOPMENT APPLICATIONS**

- 5.1 The Development Planning Act 1992 gives the Planning Authority the power to delegate decision making to the Development Control Commission (DCC) and to designated officers of the Directorate. This is further elaborated upon in the Instrument of Delegation agreed by the Planning Authority. Delegation is intended to speed up the development control process by permitting decisions on minor forms of development to be made by officers, and freeing the DCC and the Planning Authority to deal with the more contentious and significant applications.
- 5.2 The DCC has decided that the following categories are to be delegated subject to there being no objections from consultees or third parties on significant and legitimate material planning considerations :-
- a) applications for alterations or additions to dwellings, known also as householder applications;
  - b) applications for change of use;
  - c) applications for fixing satellite dishes or telecommunication antennae;

- d) applications for alterations to the external appearance of a building unless it is scheduled property or is a building within an urban conservation area;
- e) applications in respect of which fresh plans have been submitted where the principle of development has been already determined by the Commission and the proposal conforms with the alterations or modifications required by the Commission;
- f) applications for the renewal of permissions provided there has been no change of circumstances or of policy since the application was originally approved;
- g) applications for the construction of boundary walls and other minor development.

5.3 The detailed procedure now adopted is that a list of delegated applications will be prepared for approval by the DCC, who may indicate that some applications should be referred to it for decision. If it is accepted that the applications can be treated as delegated, then the permission can be issued following the signing of the permission and plans.

5.4 The extent of delegation will be reviewed in the near future, as the Instrument of Delegation provides for further categories of development to be delegated to the Planning Directorate. This should have the effect of increasing the types of application which can be dealt with and decided by planning officers, and so reduce the number of applications which the Development Control Commission determines, thereby speeding up the development control process. You will be informed in due course of any changes to the current arrangements.

## **6 USERS COMMITTEE**

- 6.1 The Users Committee, which is a joint committee of the Chamber of Architects and the Planning Directorate, has discussed a range of matters since its inception. A number of the points made by the Chamber's representatives have been taken into account, and changes to procedures or documentation made. The following sections outline some of these changes.
- 6.2 The Planning Directorate is always willing to receive suggestions for further procedural or other changes. Any proposals which you may have can be either referred to the Users Committee or sent in writing to the Director of Planning.

### *Acknowledgments*

- 6.3 Acknowledgements of the receipt of applications are issued once the application has been vetted, found to be valid and registered. The acknowledgement letter gives the date on which the application was registered and the date by which the application should be determined. This date is eight weeks from the receipt of the valid application as required by Section 36(1) of the Development Planning Act 1993.
- 6.4 The letter then goes on to state the applicant's right of appeal if the application is not determined within the eight week period. This has given rise to problems of interpretation, and a number of architects and applicants are unclear about the precise meaning of this part of the letter.
- 6.5 Section 36(1) of the Act makes it clear that an extension of the time (see the next section) for dealing with the application should be sought by the Planning Directorate if it is likely that the application will not be dealt with by the end of the eight week period. It also states that an applicant may appeal to the Appeals Board as though the application had been refused if the application has not been decided by the end of this period. It does not mean, however, that the application has been, or will be, refused. It is merely an expression of the right which applicants have in these circumstances.
- 6.6 If, towards the end of the eight week period for dealing with the application, the application has not been determined, or you or your client have not been asked for an extension of time, it suggested that you enquire about the stage which the application has reached. In most cases, it is likely that a decision is imminent. It will rarely be necessary for

applicants to appeal against "non determination", and it will be simpler and easier to wait for the Authority's decision.

- 6.7 To sum up, the second part of the Acknowledgement letter merely states the applicant's rights and does not mean the application *has* been refused or that the applicant *should* appeal.

#### ***Extension of Time letters***

- 6.8 Now that the Planning Directorate's Development Control Information System is fully operational, extension of time letters (that is a letter requesting an extension of the eight week time period which the Authority has for dealing with applications) will be generated automatically. These will be sent about a week to ten days before the end of this time period.
- 6.9 The letter has been reworded in response to comments we have received. It now indicates that agreement to an extension of time is assumed unless the applicant states in writing that an extension is not acceptable. It is suggested that your client should normally agree to an extension of time.

#### ***Building Levy***

- 6.10 A copy of the Building Levy Checksheet used to check and verify that the Building Levy submitted with applications is correct will be sent back with the application where the Building Levy has been found to be incorrect. This will indicate how the Building Levy should be calculated correctly.
- 6.11 Action is also being taken to improve the current situation where there has been a part underpayment and a part overpayment of the Building Levy. At present, a refund is made of the overpayment and payment of the balance is required. It is hoped that eventually a transfer can be made internally, as a paper transaction, so that only where there is an overall underpayment will the applicant be required to make another payment.

#### ***Progress chasing and availability of information***

- 6.12 As you will appreciate the Planning Directorate is under considerable pressure to deal with applications as speedily as possible. Much time is also taken up with general telephone enquiries about the progress on applications. It would help the Directorate if these could be reduced or directed to the clerical staff within each of the Area Planning Units rather than to professional or technical staff. As I am sure you will appreciate, such calls can divert resources away from dealing with applications.

## **7 INFORMATION REQUIREMENTS**

### *Photographs for washrooms*

- 7.1 Photographs will *not* be required where the washroom is to be constructed
- (a) on the roof of a terraced house; and
  - (b) it will be set back more than 3 metres from the front facade or other side of the building facing a road

In other cases, including washrooms on villas or bungalows, photographs are still necessary. The General Development Order will exempt certain washrooms from the need for development permission.

### *Site location*

- 7.2 Although in most cases, the site is described properly and adequately, there have been a number of applications where insufficient information has been given. It is important that Question 2 on the application forms is answered as fully as possible giving the full address of the building or site, and, in particular, where the proposal relates to an existing building, giving the number or name of the building. This information will help to make the information given in the site notice, planning register and newspaper advertisement as accurate as possible.



Direttorat ta' l-Ippjanar Tel: 221411  
Floriana Ext. 501/502  
Fax: 224846

P.O. Box 200  
Valletta

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AWTORITÀ TA' L-IPPJANAR  
PLANNING AUTHORITY

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From \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_

**COMMENCEMENT NOTICE**

Development at \_\_\_\_\_

Description of development \_\_\_\_\_  
\_\_\_\_\_

Development Permission number \_\_\_\_\_ Dated \_\_\_\_\_

Name of Builder/Mason \_\_\_\_\_

Address of Builder/Mason \_\_\_\_\_  
\_\_\_\_\_

Mason's licence number \_\_\_\_\_

The development noted above will commence on\* \_\_\_\_\_

Signed \_\_\_\_\_

Owner's Name \_\_\_\_\_ I.D. Number \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_

\* insert date not less than 5 days from date of letter

**FAILURE TO SUBMIT THIS NOTICE OR TO SUBMIT IT WITHIN  
THE SPECIFIED TIME WILL RESULT IN A FINE OF BETWEEN  
Lm 10 AND Lm 50**