

PA CIRCULAR 3/16

- 1 REGULARISATION OF EXISTING DEVELOPMENT REGULATIONS (2016)
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INTRODUCTION

The Development Planning Act of 2016 introduced provisions by which irregular development may be regularised by virtue of regulations made by the Minister under the same Act. The Regularisation of Existing Development Regulations (Legal Notice 285 of 2016) establishes the type of existing irregular development which may be regularised, the procedures by which any person may request the regularisation of an existing irregular development and a Schedule of Fees to be paid. This Circular outlines and provides guidance on the submission requirements for regularisation applications, however, reference should always be made to the Legal Notice.

1 Regularisation of Existing Development Regulations (2016)

The provisions of the Legal Notice apply only to irregular development which is located entirely within the development zone and irregular development which is already covered by a Category B concession issued in terms of the Environment and Development Planning Act (Cap. 504). Unless permission can be obtained through the standard PA or DNO processes, a regularisation application may be submitted for existing development requiring regularisation and which was in existence prior to the coming into force of these regulations. A regularisation application cannot include proposed development, i.e. development which is still intended to be carried out.

2 APPLICATION SUBMISSION

All communication with the Authority shall be in electronic form. This includes communication with the applicant and any representees. The application shall be submitted by the applicant's *perit* and all submissions must be made through the Authority's electronic system. The online application must be submitted to the Authority through this portal: <https://regularisation.pa.org.mt/>

The online application is designed in a format which guides *periti* to submit the required information to ensure that the application is complete. There are two main types of applications: "Regularisation of Development Inside Development Zone" or "Regularisation of CTB Concession ONLY". Only one type of application can be chosen. Where the only illegal development to be regularised is already covered by a CTB concession, the *perit* is required to choose the type "Regularisation of CTB Concession ONLY". However, where the illegal development is not covered by a CTB concession or else additional illegal development to that covered by a CTB concession needs to be regularised, the *perit* must choose the type "Regularisation of Development Inside Development Zone".

All sections of the application form shall be filled in online. However, as part of the submission process of the application, the *perit* needs to print the filled application form, sign it together with the applicant, scan it and upload it. Unless a *perit* is submitting his/her own

personal application, the applicant's name, address, mobile number, valid email address and identity card number or passport number, shall be provided and they may not be substituted by a repetition of the perit's contact details.

The "Description of development forming subject of request" should clearly indicate what is being regularised, avoiding the use of complex and technical terminology or unexplained acronyms. Typical proposal descriptions would state "To regularise flat at second floor level on the right hand side of elevation". The regularisation applies to a whole unit and not to a part of a unit. Therefore even if only part of a unit needs regularisation, the request needs to be made on the whole unit. A regularisation application is to be submitted for each and separate unit. The payment of a minimum administrative fee of fifty euro (€50) is due on each application and this is to be paid online during the initial submission process of the application.

The Planning Authority shall vet all applications. Applications shall be deemed to be invalid if any of the submission requirements have not been complied with. Consequently, such applications will be rejected by the Authority without any further consideration, however, the administrative fee shall be retained by the Authority.

3 SUBMISSION REQUIREMENTS

Depending on the type of application submitted, as required by the Legal Notice and as guided by the online application submission process itself, the *perit* is required to submit:

- (i) a clear A4 size site plan, at a scale of 1:2500, of the latest maps (i.e. not older than 12 months) produced by the Planning Authority and which accurately shows:
 - the development zone and UCA boundaries;
 - the correct orientation (towards the North);
 - the exact location of the site at the centre of the site plan;
 - the full extent of the application site outlined in red;
 - the positions from which photographs were taken; and
 - the shortest distance (in metres) of the site from the nearest road junction/corner.

- (ii) drawings of plans (scale 1:100), elevations (scale 1:50) and sections (scale 1:100) in A-standard format of the existing development which:
 - are clean drawings (devoid of any colour coding) showing the building as constructed;
 - must be fully dimensioned in a legible manner (font size not less than Arial 7);
 - are listed with their title, date of issue and the perit's unique reference number;
 - make use of standard metric scales and a corresponding metric scale bar;
 - complement each other, be free of discrepancies or ambiguities;
 - correctly reflect the site configuration and development description;
 - indicate the wall thickness for all party and back-yard walls;
 - identify each unit by a unique number;
 - indicate the type of use of the various parts of the development;
 - show parking spaces (if any) associated with the development;
 - show the whole elevation, rather than just part of it; and
 - indicate the type of materials, textures and colour schemes used for walls, apertures and other fittings on elevations visible from a public space.

- (iii) at least three good quality day-lit colour photographs, relative to each external elevation of the site taken from different angles at an appropriate distance, faithfully showing the current state of the site, with the site marked on each photo and cross-referenced to the site plan. Where the site is located within an Urban Conservation Area, an internal photographic survey of all the spaces, cross referenced to a plan, must be submitted.

- (iv) any other documentary proof which is required to be submitted by the online application procedure and/or the Legal Notice. Furthermore, the *perit* may opt to submit additional documentation to prove the legality of existing development, such as:
- a copy of the latest permission and relevant approved drawings relevant to the site, but only where the permission dates to pre-2007; and
 - a copy of any trading licence issued prior to 1992 and renewed to-date, where development on site is not covered by development permission.

Documents to be uploaded include the declaration of ownership, drawings and other compulsory documentation. Documents should always be uploaded as one whole, with the text and drawings forming part of the same document described with the same name. Drawings not forming part of a document, however, are to be uploaded separately, correctly oriented, each with a separate description.