SUBSIDIARY LEGISLATION 552.12

DEVELOPMENT PLANNING (FEES) REGULATIONS

16th July, 2010

LEGAL NOTICE 356 of 2010, as amended by Legal Notices 48 and 58 of 2011, 268 of 2012, 126 of 2013 and 163 of 2016, 81 of 2017, 21 of 2019 and 83 of 2022.

Citation and applicability. *Amended by: L.N. 48 of 2011; L.N. 126 of 2013.*

1. (1) The title of these regulations is the Development Planning (Fees) Regulations.

(2) These regulations shall apply to:

(*a*) all applications which are received on or after the coming into force of these regulations*; or

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

(*c*) all applications received prior to the coming into force of these regulations and where a bill for fees has been issued by the Authority on or after the date of coming into force of these regulations, and such fees are not paid by the 28th February 2011.

(3) These regulations shall not apply to any new fees which the Authority may request on or after the coming into force of these regulations for changes requested by the Authority on any pending applications which were subject to the fees regulated by the Building Levy Regulations, 1996. These new fees shall be subject to the rates applicable under the Building Levy Regulations, 1996. L.N. 112 of 1996.

Interpretation. *Amended by: L.N. 48 of 2011; L.N. 126 of 2013; L.N. 81 of 2017; L.N. 83 of 2022.* Cap. 552.

2. (1) In these regulations, unless the context otherwise requires -

"the Act" means the Development Planning Act, or any Act superseding this Act;

"the Authority" means the Planning Authority;

"alterations" means structural interventions to the interior and, or exterior of a building which do not result in an increase in the floor area of the building being altered;

"amended application" means an application for amendments to a development, relating to changes in the internal layout or external appearance, for which permission has already been granted and is still valid:

*16th April, 2013.

(*a*) in respect of the same site and involving development of the same general character and description; and

(*b*) which does not involve a different use or an increase in the number of dwelling units, and increase in floor area;

"agricultural building" means a building used for agricultural purposes, including the storage of agricultural implements, but not for:

(*a*) the keeping of livestock or animal husbandry;

(*b*) the slaughter of animals; and

(*c*) the processing of animals or animal products;

"application" means an application for development permission;

"boathouse for a registered fisherman" means a boathouse used for the storage of fishing boats and equipment used in the course of the registered occupation;

"bungalow" means a single dwelling unit, whether detached or semi-detached, where appropriate, consisting of not more than one habitable floor unless it is located within the development boundaries in an area designated for more dense development;

"commercial development" means a development which is non-residential and non-agricultural and not listed separately in any other group in Schedule 1;

"compliance certificate" means a certificate referred to in article 61(2) of the Development Planning Act, 1992;

"demolition of a building or structure" means the pulling down or removal of the roof and any wall forming such building, room within a building, or structure;

"designated officer" means such officers of the Planning Authority designated by it to formally endorse Development Permit Application Reports, who shall normally be the Senior Planning Officers and Managers of the Area Teams and the Manager of the Development Control Unit;

"Development Permit Application Report" means the report prepared on an application for development permission which is submitted to a designated officer or to the Development Control Commission;

"Development Permit Fee" includes the Environment Fee;

"dwelling" means any building or unit used for residential purposes, but excludes a hotel, guest-house, old people’s home and commercial establishments of similar nature;

"endorsement" means the formal acceptance of a Development Permit Application Report by a designated officer such that the application is then forwarded for determination by the Development Control Commission or determined by a designated officer under the powers so delegated by the Planning Authority;

"engineering operations" include photovoltaic farms; wind farms; the formation or laying out of roads and of means of access to

roads; the movement, re-grading or surfacing of land including the creation of formal gardens or cemeteries; the construction or excavation of reservoirs not ancillary to a dwelling or when the applicant is not registered as an arable farmer with the Department of Agriculture; the construction of bridges and similar structures; the construction of sea defences, piers and similar structures; the creation and replenishment of beaches and other operations affecting beaches; the siting of moorings, and similar operations, whether on land or on the seabed; and excludes land reclamation for agricultural purposes;

"extension" means an increase in the floor area relating to the same use as the existing unit being altered;

"farmhouse" means a single family dwelling used for habitation by a registered farmer;

"film set" means the use of land, or the placing, installation or construction on land of structures, for the purpose of the production of films, television programmes, videos or other audio-visual productions;

"flat" means a single dwelling unit within a building which contains several similar units which do not have their own separate entrance from the street but share a common access;

"floor area" means -

(*a*) for residential purposes, the amount of floor area within a building determined by the external measurements of the building, that includes the thickness of the external walls and half the thickness of dividing or party walls, and includes: any projecting rooms, staircases, lifts, shafts, internal yards, verandahs, open terraces, balconies, within the building footprint at each level; washrooms; terraces formed at roof level when these belong to penthouses or to any roof structure exceeding 36m^2 (excluding washrooms serving multiple flats); back yards, back gardens, front gardens, estate or plot gardens, self-imposed setbacks, at the lower level; and other structures within the site boundaries; unless otherwise specifically set out within these regulations; and

(*b*) for non-residential purposes, the amount of floor area within the site boundaries determined by the external measurements of the building, that includes the thickness of the external walls and half the thickness of dividing or party walls, and includes: any projecting rooms, staircases, lifts, shafts, internal yards, verandahs, open terraces, within the building footprint at each level; plant facilities; structures at roof level exceeding 36m^2 (excluding plant facilities); balconies; canopies and other spaces, including open spaces, used for commercial purposes:

Provided that the void left in an intermediate level is not to be included in the calculation of floor area:

Provided further that an internal yard shall not be included in the calculation of floor area at the upper level, when its size exceeds the area set out in the following table:

No. of floors	Area
1	$8m^2$
2	$8m^2$
3	$9.6m^2$
4	$11.2m^2$
5	$12.8m^2$
Additional floors	8 + [(No. of floors - 2) x 1.6];

"garage" means a garage or space used for the parking of private cars, whether enclosed or unenclosed, and whether or not above or below ground level;

"land reclamation for agriculture" means the reclamation of land, including the deposit of material and the altering of the level of the land, for the purposes of agriculture;

"livestock farm building" means a building used for the accommodation of livestock and for the storage of fodder or implements related to the same activity, but does not include farmhouses, greenhouses, buildings used for agricultural purposes or buildings used for the slaughter of animals or processing of animals or animal products;

"maisonette" means a single dwelling unit on one or more floors, having a separate entrance from the street, located in a building consisting of more than one unit;

"penthouse" means a separate single dwelling which consists of one floor constructed above height limitation on the roof of a building, and which does not occupy the whole of the roof area and does not have permanent access to roof level;

"planning control application" means those applications, not being applications for development permission, which require the approval of the Planning Authority for such changes to the Local Plans and, or the detailed alignments of buildings and streets within such Local Plans;

"plant and machinery" means mechanical equipment or structures erected or placed on land but not within a building;

"public car park" means a building or area exclusively used by the general public for parking of vehicles and is not ancillary to any other use on site.

"registered fisherman" and "registered farmer" mean a fisherman or a farmer registered with the Department of Agriculture and Fisheries, as the case may be;

"relevant Department" means, for the purposes of the main sewer contribution, the Drainage Section of the Water Services Corporation, and for the purposes of the street contribution, Transport Malta and any other body which subsequently assumes

the responsibilities of these Departments or entities;

"renewal application" means an application for the renewal of a development permission granted by the Authority in respect of the same site which is submitted before such permission expires;

"screening" means the process during which the proposed development is considered by the Authority prior to the submission of the formal application;

"site area" means the total area of land which is the subject of the application, and is marked in red on the site plan submitted with the application;

"special building" means a building providing an institution, club, society or other organisation of a religious, cultural, philanthropic, sporting or social nature not including Government departments or parastatal bodies with the facilities necessary for the pursuit of its objects, including schools, hospices, homes for the elderly, hospitals and similar buildings or uses, where the institution, club, society or other organisation is declared as being tax exempt by the Minister responsible for finance by regulations made for that purpose;

"social/cultural/sports/educational/forced relocation category" means and is limited to developments concerning:

(*a*) hospitals/nursing homes;

(*b*) residential institutions;

(*c*) places in connection with public worship or religious instruction or the social or recreational activities of a religious body;

(*d*) educational institutions;

(*e*) museums;

(*f*) public libraries;

(*g*) social clubs/societies premises (not including any Class 6 uses bars, restaurant); or

(*h*) development which is required to relocate by an order of Government or a government agency or entity;

"sports projects" means projects of sports facilities, or ancillary structures excluding commercial ones;

"temporary structure/use of land" means the use of land for one use or purpose, which may include the setting up of a structure which is demountable and does not require the laying of foundations and is placed on the ground and constructed from impermanent materials, including canvas, other fabric, PVC and similar materials, and includes a tent, marquee, canopy or other structure of a similar nature such that "impermanent material" means material which does not consist of stone, bricks or concrete or, any other similar material:

Provided that where such use of land is not specified in an approved development plan, such use shall be carried out for four months or less in any one calendar year;

"terraced house" means a single dwelling unit on a site consisting of one or more storeys in a row of three or more dwellings and includes the dwellings at the ends of the terrace;

"validation" means the acknowledgment by the Planning Authority of the receipt of a valid application for development permission, that is an application in respect of which all the requirements for the submission of an application have been fulfilled;

"vicinity" means a distance within 500 metres of the original site;

"villa" means a detached or semi detached single dwelling of not more than two habitable floors. This includes flatted dwellings (regulated by Policy 3.5 of Development Control Policy and Design Guidance, 2007, or future updates thereto) located in an area designated for villa development.

(2) In either Schedule 1 or Schedule 2, any expression defined in the Act has the same meaning as it has in the Act.

Payment of Development Permit Fee and Environment Fee. *Substituted by: L.N. 126 of 2013.*

3. (1) There shall be charged by the Authority a development permit fee (DPF) and Environment Fee as the charge to be paid in respect of an application for permission to carry out development, at the rates set out in Schedule 1, Categories A, B and C.

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

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

Payment of Infrastructure Services Contribution. *Amended by: L.N. 48 of 2011.*

4. There shall be charged by the Authority an infrastructure services contribution (Sewer and Street) as the rate of contribution to be paid towards the cost of infrastructure services and other services or facilities arising from any permission to develop land, at the rates set out in Schedule 1.

Credit agreement. *Added by: L.N. 268 of 2012. Substituted by: L.N. 163 of 2016.*

5. (1) The applicant may request the Executive Chairperson in writing to effect the payment of any fees, fines, contributions or other financial payments due to the Authority by means of a credit agreement and the Executive Chairperson may enter into such a credit agreement with the applicant which shall specify the staggering of such payments.

(2) A non-acceptance by the Executive Chairperson of a request by the applicant for a credit agreement may not be appealed against, and the applicant shall be required to pay in full any such fee, fine, contribution or other financial payment, by no later than such date as may be specified in the notice by the Authority.

SCHEDULE 1

Amended by:
L.N. 48 of 2011;
L.N. 58 of 2011;
L.N. 126 of 2013;
L.N. 163 of 2016;
L.N. 81 of 2017;
L.N. 21 of 2019;
L.N. 83 of 2022.

1. Except as otherwise provided, the relevant fees at the rates specified in this Schedule, shall be paid in respect of applications for development permission according to the nature of the development and calculated as herein provided:

Category A

Development	DPF		Sewer		Street		Environ-ment Fee		Maximum	
	Rate (€)		Rate (€)		Rate (€)		Rate (€)		Rate (€)	
	Per m^2	Per Unit	Per m^2	Per Unit	Per m^2	Per Unit	Per m^2	Per Unit	DPF	ENV Fee
Advertisements	50.00	-	-	-	-	-	5.00	-	-	-
Agriculture	0.80	-	1.80	-	0.80	-	0.10	-	-	-
Boathouse for Registered Fisherman	0.80	-	1.80	-	0.80	-	0.10	-	-	-
Bungalow	10.00	-	2.78	-	4.63	-	0.12	-	-	-
Change of Use to Garage (ancillary)	1.24	-	-	-	-	-	0.12	-	-	-
Change of use to Non-Residential	6.40	-	-	-	-	-	0.60	-	25,000[(1)]	2,000[(1)]
Change of Use to Social/ Cultural/Educational/ Forced Relocation/Sports Projects	4.00	-	-	-	-	-	0.12	-	25,000	2,000
Commercial Development (incl. ext.) - Floor Area	6.40	-	3.00	-	2.00	-	0.60	-	-	-
Commercial Development (incl. ext.) - Site Area	4.00	-	-	-	-	-	0.40	-	-	-
Disposal of Construction & Demolition Waste	1.42	-	-	-	-	-	0.30	-	15,000	3,000
Engineering Operations	0.36	-	-	-	-	-	0.20	-	35,000	13,000
Film Set	2.12	-	-	-	-	-	0.15	-	-	-
Flat/Terraced House/ Maisonette	1.24	-	2.60	-	1.70	-	0.12	-	-	-
Garages ancillary to other uses on site	1.24	-	2.60	-	1.70	-	0.12	-	-	-
Greenhouse	0.60	-	-	-	-	-	0.06	-	-	-
Industrial Development (incl. ext) in areas designated for industrial development in the Local Plans - Floor Area	3.00	-	-	-	-	-	-	-	-	-

Development	DPF		Sewer		Street		Environ-ment Fee		Maximum	
	Rate (€)		Rate (€)		Rate (€)		Rate (€)		Rate (€)	
	Per m^2	Per Unit	Per m^2	Per Unit	Per m^2	Per Unit	Per m^2	Per Unit	DPF	ENV Fee
Industrial Development (incl. ext) in areas designated for industrial development in the Local Plans - Site Area	1.00	-	-	-	-	-	-	-	-	-
In lieu of PC application	3.00	-	-	-	-	-	-	-	-	-
Land Reclamation for Agriculture	0.40	-	-	-	-	-	0.24	-	6,000	1,000
Livestock Farm Building	0.80	-	-	-	0.80	-	0.10	-	-	-
Other Garages	1.24	-	2.60	-	1.70	-	0.12	-	-	-
Penthouse	10.00	-	7.50	-	3.96	-	0.12	-	-	-
Plant and Machinery	0.57	-	-	-	-	-	0.30	-	25,000	13,000
Public Car Park	5.00	-	3.00	-	2.40	-	0.30	-	-	-
Quarry (New/Horizontal Extension)	1.00	-	-	-	0.40	-	0.30	-	40,000	13,000
Social/Cultural/ Educational/Forced Relocation/Sports Projects	4.00	-	2.20	-	1.20	-	0.12	-	35,000	2,000
Temporary Structure/Use of Land	2.00	-	-	-	-	-	0.16	-	-	-
Villa (Semi/Fully Detached - 2 dwelling units)/Farmhouse	6.50	-	1.80	-	2.67	-	0.12	-	-	-
Waste Disposal	1.42	-	-	-	-	-	0.30	-	15,000	3,000
Satellite dishes above 2m diameter or telecommunication antennae	-	150.00	-	-	-	-	-	5.00	-	-
Other development not otherwise specified	-	150.00	-	-	-	-	-	5.00	-	-
Vending Machine	-	150.00	-	-	-	-	-	10.00	-	-

[1] Only where the change of use solely involves the use of land.

Category B

Development	DPF	Sewer	Street	Environment Fee
	Rate (€)	Rate (€)	Rate (€)	Rate (€)
	Per Application	Per m^2	Per m^2	Per Application
Correction of Site, CPPS Request	150.00	-	-	-
Extensions to dwellings, Alterations, Renewal, Amended Applications & Minor Amendments	150.00	-	-	25.00
Quarry - Vertical Extension	1,485.00	-	-	120.00
Special Buildings or Uses	145.00	3.08	1.68	15.00

Category C

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

Category D

Fee	Rate (€)
Compliance Certificate	60.00
Dangerous Structure Notifications	60.00
Development Notification Order - Alterations	60.00
Development Notification Order - Extensions/New Development	120.00
Planning Control Applications per $150m^2$ of site or part thereof	235.00
Requests for a reconsideration	3% of the Development Permit Fee subject to a minimum fee of €70
Requests for Revocation or Modification of Permission	€500

Provided that:

1. Where a request for screening is submitted to the Planning Authority, it shall be accompanied by the Screening Fee of €50. This fee is in no case refundable;

2. The rate regulating temporary structure/use of land shall only be applied once, on any given site, in any one calendar year;

3. Where an application for a boathouse is not accompanied by proof of registration of the applicant as a fisherman, the Development Permit Fee shall be calculated at the rate of commercial development;

4. For the purposes of the calculation of floor area in relation to bungalow development, only the build-up area, which includes the amount of floor area within a building determined by the external measurements of the building, which includes the thickness of the external walls and half the thickness of dividing or party walls, and the internal shafts, internal yards, shall be considered;

5. Where garages do not share a common access with a residential/commercial development, and parking spaces (excluding lock-up garages), forming part of a mixed development, have a direct access to both residential and commercial development, the rate of "other garages" shall be applied;

6. For new purely commercial development, or where the development is solely a mix of commercial and social/cultural/educational/ sports, the floor area shall be charged at the rate per square meter as listed in Schedule 1 and the Development Permit Fee and Environment Fee for the site area shall be charged separately at the commercial rate per meter square; any site area being increased in relation to proposed extensions would also be so charged separately;

7. The area used for the placing of tables and chairs in conjunction with commercial development shall also be considered at the same rate of the commercial development to which the tables and chairs are ancillary to;

8. When calculating the fees required in relation to advertisements, the area to be considered is the surface area covered by the advertisement and does not include the footprint of any hoarding/structure used to support any such advertisement;

9. When a reservoir is not located within an agricultural holding owned and operated by a registered farmer, it shall attract the rate of "Engineering Operations". This rate, however, will not be charged separately when it is already being charged as part of site area for commercial development within the same application;

10. (1) The rate regulating the Change of Use to Non-Residential will only be applied:

(*a*) in the case where the permission covering the development subject of the application for change of use is still valid, the development subject of the application for change of use is covered by a compliance certificate; or

(*b*) in the case where the permission covering the development subject of the application for change of use has expired, the development subject of the application for change of use is completed in accordance with the permission on site, or is completed and the building shows as existing as at 1968.

(2) When a residential development includes an extension having an area exceeding $20m^2$, where applicable, the rate for Extensions to Dwellings, shall be charged to cover $20m^2$ of the area being extended, and any area in excess of $20m^3$ shall be calculated at the applicable rate per square metre applicable to the type of dwelling being extended.

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

(4) When more than 75% of an existing unit is proposed to be demolished and the construction of new buildings or structures on site is also proposed, the resulting development shall not be considered as an extension to the part of the building or

structure being retained, but shall be charged at the rate for a new unit applicable to the type of development being proposed.

(5) Change of use into residential is to be calculated using the same rate applied for the construction of the relevant new residential development.

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

(7) When the subdivision of an existing residential or commercial unit, relative to which fees were paid in accordance with the Building Levy Rates Regulations is proposed, the applicable rate for the unit type is to be charged in relation to the smallest created unit;

11. (1) The development permit fee paid in relation to an application submitted for the amendment of a condition in a permit issued by the Authority in relation to the payment due by the applicant in the Commuted Parking Payment Scheme shall be refunded to the applicant if it is established that the amendment requested in the application was actually justified;

(2) The fee paid in relation to a request for revocation or modification of a permission issued by the Authority shall be refunded if it is established that the request was justified.

12. For Planning Control applications relating to local plan amendments, in cases where the applicant does not pay the standard fee over the whole site area, the fee payable at the submission of the said local plan amendment application shall be of €235.00. So however that applications for development permission submitted following a Planning Control application relating to amendments to local plan aforementioned, or a Planning Control application relating to amendments to local plan submitted by the Authority in accordance with the provisions of regulation 6 of Development Planning (Procedure for Minor Modifications to Subsidiary Plans) Regulations, after the requirements of sub-regulation (3) of regulation 4 of the said regulations, for which the provisions of this clause have been applied, a fee of €3.00 per meter squared, or part thereof, over and above any other rate established by these regulations shall be paid in relation to such application for development permission;

13. Where an application involves more than one use or type of development, but is not already included under paragraph 6 of this proviso, the development permit fee to be paid shall be calculated by adding together the amounts applicable to each type of development. When the application includes commercial development, the fee for the commercial development shall be calculated by reference to the rate for the commercial floor area only and shall not include the site area

14. (*a*) All fees shall be paid at rates calculated by reference to the development proposed in the application, and no fees properly paid shall be refundable as specified in sub-paragraphs (*b*) and (*c*) except in the following cases:

(i) the application has been invalidly made;

(ii) the application has been withdrawn by the applicant prior to determination.

(*b*) When an application is withdrawn by the applicant, the percentage of the development permit fee which shall be refunded shall be as follows:

(i) when the application is withdrawn prior to its publication on the website of the Department of Information, 100% of the

development permit fee shall be refunded;

(ii) when the application is withdrawn after its publication on the website of the Department of Information but prior to the endorsement of the Development Permit Application Report or, in the case of a Summary Procedure, of the recommendation report, by the officer delegated by the Authority, 50% of the development permit fee shall be refunded;

(iii) when the application is withdrawn after the endorsement of the Development Permit Application Report or, in the case of a Summary Procedure, of the recommendation report, by the officer delegated by the Authority, but prior to the determination of the same application, 25% of the development permit fee shall be refunded;

(iv) no development permit fees shall be refunded when a notice in terms of articles 97, 98 or 105 of the Act has been served on the applicant or on the site to which the application relates;

15. (i) Where an application is submitted for new development on a site (described as the new application for the purpose of this sub-paragraph) and the applicant states in writing that -

(*a*) an application for development of the same type had previously been submitted by the applicant on another site (described as the original site for the purpose of this paragraph) in the vicinity of the new site and had been approved, and

(*b*) the applicant has no interest in the development of the original site and has not and will not exercise the permission,

the permit on the original site shall be cancelled by the Authority.

(ii) Unless the development permit fee paid on the original application has been previously refunded, in part or in full to the applicant or to any third party, such a fee shall be retained by the Authority in addition to any such other fee payable by the applicant together with the submission of the new application.

(iii) The provisions of this paragraph shall apply only if:

(*a*) there is no difference whatsoever in the designation of the original site and the new application;

(*b*) the permit on the original site has not been utilized in any manner whatsoever; and

(*c*) this application is limited to the change of the site of the previously approved development permit.

(iv) Any variations from the previously approved permit (except for the wrong indication of the site) shall not prejudice the new application.

(v) Where the new application is withdrawn by the applicant prior to its determination, the development permit fee shall not be refunded.

16. Where an application is for new development on a site in respect of which there is or has been a development permission, whether or not still in force, the infrastructure services contribution paid in relation to the previous development permission shall be taken into consideration as follows:

(*a*) For pre-1993 applications:

(i) If the applicant or architect submits a receipt of the infrastructure services contribution originally paid with evidence that this is related to a previous development permission on the same site, the amount shown on the receipt shall be deducted from the new infrastructure services contribution required.

(ii) If the applicant or architect does not submit a receipt of the infrastructure services contribution originally paid with evidence that this is related to a previous development permission on the same site, the amount to be deducted from the new infrastructure services contribution required shall be calculated as per Schedule 2.

(*b*) For post-1992 applications the Infrastructure Services Contribution recorded, on the Authority's records, to have been originally paid on a previous development permission on the same site, shall be deducted from the the new infrastructure services contribution required;

17. No infrastructure services contribution shall be paid when the application relates solely to an application by a Government entity or regulatory authority or a body corporate established by law, including Malta Enterprise, where the applicant gives an undertaking, in a form specified by the Planning Authority, to the same Authority that the necessary infrastructure services will be provided by, or in conjunction with, and with the approval of, the relevant entity or regulatory authority and at the expense of the applicant or the relevant entity or regulatory authority, and that the necessary maintenance of those services will also be so carried out;

18. No main sewer contribution shall be payable in respect of applications for sewage treatment works, pumping stations and similar structures or works provided by the Drainage Section of the Water Services Corporation or any other body which subsequently assumes the responsibilities of that entity or regulatory authority;

19. The infrastructure services contribution shall be reduced by 75%, where:

(*a*) the applicant gives to the Authority an undertaking, in a form specified by the Planning Authority, that the necessary infrastructure services will be provided by the applicant, or by, and with the approval of, the relevant entity or regulatory authority and at the applicant's expense, and that the necessary maintenance of these services will also be carried out; or

(*b*) the application relates to a site where the necessary infrastructure services have been provided at the expense of a private individual and an undertaking, in a form specified by the Planning Authority, to maintain these services has been given;

20. All Infrastructure Services Contributions shall be levied at rates calculated with reference to the development proposed in the application and no contribution shall be refundable except in the following cases:

(i) the permission applied for has been refused, unless it is a dismissal in terms of section 52(5) of the Environment and Development Planning Act;

(ii) the application has been invalidly made;

(iii) the application is withdrawn before it is determined by the Authority:

Provided that in the cases mentioned in sub-paragraphs (i), (ii) and (iii) abovementioned, 10% of the infrastructure services contributions will always be

retained to cover administrative charges and are consequently not refundable;

(iv) if it is made in respect of an application for a class of development for which such permission is not required by or under any provision of the Act or any regulations or orders made thereunder, and the application is returned by the Authority to the applicant;

(v) if the application is one to which paragraph 19(*a*) relates, and the applicant subsequently provides the appropriate services at his own expense and the relevant Department has certified that the works have been carried out to its satisfaction, a refund equal to 15% of the infrastructure services contribution shall be paid;

(vi) if the application is one to which paragraph 19(*b*) relates, and the relevant Department has certified that the works have been carried out to its satisfaction, a refund equal to 15% of the infrastructure services contribution shall be paid;

21. Where the Authority considers that in order to meet the extraordinary or exceptional demands which, in the opinion of the Authority, the nature, location or scale of the proposed development is likely to place on the infrastructure services and other services or facilities, as well as to secure the proper planning of the area and regulate the use of land in accordance with the policies and proposals in the Structure Plan and any subsidiary plan, the contribution earlier specified in this Schedule is insufficient, the Authority shall determine the contribution to be levied to meet the cost of the services and facilities arising from the permission applied for, and may also enter into agreement with the applicant to ensure the payment of the contribution so determined and the proper carrying out of the development according to the permission of the Authority;

22. (*a*) Applications for an Outline Development Permit with a site area of less than or equal to 1,000 square meters shall be submitted to the Authority together with the payment of a Development Permit Fee of €500.

(*b*) Applications for an Outline Development Permit with a site area of more than 1,000 square meters shall be submitted to the Authority together with the payment of a Development Permit Fee of €2,500.

(*c*) The development permit fees mentioned in paragraphs (*a*) and (*b*) shall not be refunded but shall be deducted from the Development Permit Fee due for the eventual full application;

23. Where an application is submitted for new development on a site (described as the new application for the purpose of this paragraph) and the applicant states in writing that -

(i) an application for development of the same type had previously been submitted by the applicant on another site (described as the original site for the purpose of this paragraph) in the vicinity of the new site and had been approved; and

(ii) the infrastructure services contribution paid in relation to the application on the original site should be taken into account in the calculation of the Infrastructure Services Contribution due on the application for the new site;

the permit on the original site shall be cancelled by the Authority and the infrastructure services contribution shall be deemed not to have been paid on the original site. The infrastructure services contribution paid on the original site shall be taken into account in the calculation of the infrastructure services contribution to be paid in relation to the new application;

24. When an application, relative to which a Development Permit Fee and Environment Fee in excess of 2,000 euro was required and paid, is withdrawn prior to it being decided and a new application is submitted by the same applicant on the same site within three months from the date of submission of the request for withdrawal of the original application, 40% of the Development Permit Fee and Environment Fee paid in the original application shall be deducted from the fees due in relation to the new application.

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

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

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

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

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

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

27. (1) When calculating the fees required in relation to an application for industrial development falling under Category A in areas designated for industrial development in the Local Plans, no other fees shall be charged other than the rates established in Category A of the table under this Schedule for "Industrial Development (incl. ext) in areas designated for industrial development in the Local Plans - Floor Area" and for "Industrial Development (incl. ext) in areas designated for industrial development in the Local Plans - Site Area.

(2) In the case of applications for a change of use to garages (ancillary), within such designated areas, only a Development Permit Fee equivalent to €1.24 per m² shall be charged.

(3) In the case of applications falling under Categories B, C and D within such designated areas, the rates applicable under each category shall be charged.

28. Development applications including sport projects submitted or validated after the 1st January 2021 and the applicants are either the Malta Sports Council, or a body registered with the Malta Sports Council, are to be exempt from the payment of Development Planning Fees (DPF) and Environment Fees (EF).

SCHEDULE 2

Method of calculation of the infrastructure services contribution for pre-1993 applications

The calculation of the Infrastructure Services Contribution paid on pre-1993 applications that fall under the provisions of clause 16(*a*)(ii) of Schedule 1 shall be made as follows:

1. When the site fronts on a street which is built-up on both sides, the Sewer Contribution paid shall be calculated at the rate of €18.63 per meter of frontage of the site. The Street Contribution shall be calculated by multiplying the frontage of the site in meters by half the width of the street in metres by €5.24.

2. When the site fronts on a service road, the Sewer Contribution paid shall be calculated at the rate of €27.95 per meter of frontage of the site. The Street Contribution shall be calculated by multiplying the frontage of the site in meters by the whole width of the service road in metres by €5.24.

3. When the site fronts on a street having a green area, a public square, or the coast, opposite the site, the Sewer Contribution paid shall be calculated at the rate of €27.95 per meter of frontage of the site. The Street Contribution shall be calculated by multiplying the frontage of the site in meters by half the width of the street in metres by €5.24.
