

L.N. 186 of 1998

**DEVELOPMENT PLANNING ACT, 1992
(ACT NO. I OF 1992)**

Building Levy Rates (Amendment) Regulations, 1998

IN exercise of the powers conferred by sections 41, 42 and 60 of the Development Planning Act, 1992, the Planning Authority, with the concurrence of the Deputy Prime Minister and Minister of Foreign Affairs and the Environment and of the Minister of Finance and Commerce, has made the following regulations:—

Citation.

1. These regulations may be cited as the Building Levy Rates (Amendment) Regulations, 1998 and shall be read and construed as one with the Building Levy Rates Regulations, 1996, hereinafter referred to as “the principal regulations”.

L.N. 112 of 1996.

Amends regulation
2 of the principal
regulations.

2. In paragraph (1) of regulation 2, after the definition of “terraced house” there shall be added the following new definition:

““vicinity” means within 500 metres of the original site;”.

Amends Schedule
One to the principal
regulations.

3. Schedule One to the principal regulations shall be amended as follows:

(a) after item (v) of sub-paragraph (5) of paragraph 1 thereof, there shall be added the following new items:

“(w) Applications for approval of minor amendments to development permissions Lm15

(x) Notifications to sanction development which has been carried out (and so can not be notified in accordance with the General Development Order) but which otherwise would have been permitted development in terms of the General Development Order (except where the works require a response from the Authority, in which case a formal application for development permission is required) Lm20”;

(b) in subparagraph (a) of paragraph 7, for the words "subparagraphs (b) and (c)", there shall be substituted the words "subparagraphs (b), (c) and (d)"; and

(c) immediately after subparagraph (c) of paragraph 7, there shall be added the following new paragraph :

"(d) Where an application is submitted for new development on a site (described as the new application for the purpose of this subparagraph) 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 subparagraph) in the vicinity of the new site and been approved; and

(ii) the applicant has no interest in the development of the original site and will not exercise the permission;

the permit on the original site shall be cancelled by the Authority and 25% of the Development Permit Fee paid on the original application or Lm60, whichever is the greater, shall be retained by the Authority and the remainder refunded:

Provided that where the new application is withdrawn by the applicant prior to its determination, the amount of the Development Permit Fee refunded on the original application shall be deducted from the Development Permit Fee to be refunded on the new application, or, where the amount to be refunded on the new application is less than that refunded on the original application, the applicant shall pay the balance so that the Development Permit Fee due on the original application is fully paid;

Provided further that this subparagraph shall apply to applications for development permission submitted after the 28th October, 1992, on written application to the Authority by the applicant made within six months of the date on which these regulations come into force."

4. Immediately after paragraph 11 of Schedule Two to the principal regulations there shall be added the following new paragraph:

Amends Schedule Two to the principal regulations.

"12. 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 applicant has no interest in the development of the original site and will not exercise the permission; and

(iii) 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, in accordance with section 43 of the Act. 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, and there shall be paid an additional fee of Lm 10 in respect of the administrative expenses incurred by the Authority in relation to the application:

Provided that this subparagraph shall apply to applications for development permission submitted after the 28th October, 1992, on written application to the Authority by the applicant made within six months of the date on which these regulations come into force, and the applicant shall be refunded the amount of the Infrastructure Services Contribution paid on the original site, less the administrative fee provided for above."