

L.N. 103 of 1997

DEVELOPMENT PLANNING ACT, 1992
(Act No.1 of 1992)

General Development Order, 1997

IN VIRTUE of the powers conferred on it by section 31 of the Development Planning Act, 1992, the Planning Authority has made the following order:

Citation and commencement.

1. (1) This Order may be cited as the General Development Order, 1997.

(2) This order shall come into force on the 14th July, 1997.

Definitions.

2. (1) In this order, unless the context otherwise requires-

"the Act" means the Development Planning Act, 1992;

"designated sites or areas" means any Urban Conservation Area, and other sites and areas identified by Structure Plan policies for protection, conservation or preservation, including areas of archaeological, ecological, geological, palaeontological, architectural, historic, antiquarian, or artistic importance, or of natural beauty, or scientific interest, together with any specific areas and sites designated under the Act or declared under Parts Six and Seven of the Environment Protection Act, 1991;

"dwelling" means a single family dwelling unit, including a terraced house, villa, bungalow, flat, penthouse or maisonette;

"environmental impact assessment" means an environmental impact assessment carried out in accordance with the Act or the Environment Protection Act, 1991;

"grade separated junction" means a junction where two or more flows of traffic cross at more than one level;

"highway boundary" means land which consists of any existing road, street, square, court, alley, lane, bridge, or footway;

"Outside Development Zones", hereinafter referred to as ODZs means development outside the boundary of a temporary provisions scheme;

"this order" includes the Schedules to this order;

"Temporary Provisions Scheme" means a planning scheme made and approved in accordance with The Building permits (Temporary Provisions) Act, 1988; (**Act No. X of 1988**)

"Scheduled property" means any area, site, building, structure, remains, tree or group of trees or woodland scheduled in terms of section 46 of the Act, but for the purposes of Classes 1 and 2 does not include UCAs;

"scheme for traffic management" means scheme including any works or operations for the purpose of controlling, affecting or altering, the direction, rate of flow, and means of movement, of vehicular and pedestrian traffic, and includes, but is not limited to, the alteration of road junctions or kerblines, the parking of vehicles, restrictions on parking, loading and unloading, pedestrianisation, and the installation of traffic lights and pedestrian crossings;

"Urban Conservation Area" means an historic area (Village core) as designated in a Temporary Provisions Scheme or other area designated or scheduled in accordance with the Structure Plan and section 46 of the Act, hereinafter referred to as UCAs.

(2) In this Order, words and expressions defined in the Act shall have the same meaning as they have in the Act.

Permitted Development.

3. (1) Subject to the provisions of this Order, development permission is hereby granted for the classes of development described as permitted development in the Schedule to this order.

(2) Any permission granted by paragraph (1) of this article is subject to any relevant exception, limitation or condition specified in the said Schedule.

(3) Nothing in this Order shall permit development contrary to any condition or limitation imposed by any

development permission granted on an application made in accordance with Part IV of the Act.

(4) The permission granted by paragraph (1) of this article shall not authorise any development which -

- (i) except in relation to development permitted by sub-paragraphs (i), (ii) and (iv) of paragraph 1 of Class 3, requires or involves the formation, laying out or material widening of a means of access to an existing road;
- (ii) creates an obstruction to the view of, or a distraction to, persons using any road used by vehicular traffic, so as to be likely to cause danger to such persons;
- (iii) in the case of development falling within clauses 3 to 16 where the development requires an environmental impact assessment or an environment planning statement, or which is located in or within 50 metres of any scheduled property or designated sites or areas;
- (iv) runs counter to existing and approved development policies and plans applicable at the time of the notification.

(5) The exemption under paragraph (1) of this Article shall not dispense from the requirement of any other permit, including any permit from the sanitary authorities, required by law.

Power to restrict permitted development

4. If the Planning Authority is of the opinion that development described in the Schedule to this Order should not be carried out unless permission is granted for it on an application, the Authority may by notice in the Government Gazette direct that the permission granted by article 3 shall not apply to -

- (a) all or any development of class or classes specified in the notice in an area or areas so specified;
or
- (b) any particular development, falling within a class specified in the notice;

and thereupon article 3 of this Order shall cease to apply to such development.

**Traffic
management
schemes.**

5. Where development consists of, or includes, a scheme for traffic management, the developer shall give notice to the Planning Authority giving a written description of the scheme and a plan indicating the proposed layout of the scheme, and such other details as may be necessary to, provide the Authority with a full and accurate description of the scheme, and the development shall become permitted development unless the Authority has, within 30 days of receiving the description, plan and other details aforesaid and having regard to the Structure Plan, or any local plan in force at the time, and the likely significance or impact of the scheme, given to the developer a notice in writing that the development requires the submission of an application for development in accordance with Part IV of the Act.

**Procedure of
Notification**

6. All works covered in Classes 1, 2 and subparagraphs (ii) and (iv) of paragraph 1 of Class 11 of the Schedule annexed to this Order, shall be notified to the Authority, prior to the commencement of any works, in a letter containing sufficient information together with such plans and elevations where necessary so as to clearly identify the Architect and Civil Engineer in charge, the developer, the site and the nature and extent of the works and the class under which the development falls.

**Repeal of L.N.
178 of 1993.**

7. The General Development Order, 1993 is hereby repealed.

SCHEDULE

(Article 3)

Classes of permitted development

CLASS 1

Alterations to existing dwellings and development within the curtilage of dwellings

1. The following development is permitted development under this Class:

- (i) the erection of a washroom or washrooms on the roof of a dwelling or dwellings unless it or they are scheduled property. The number of such washrooms is limited to one for each dwelling unit:

Provided that where the site is Scheduled Property or lies in a designated site or area, the developer has notified the Planning Authority in writing giving the Authority a site plan and description of the proposed Development and the Authority does not, within 30 days of such notice given to the developer a notice in writing that the development requires the submission of an application for development in accordance with Part IV of the Act;

- (ii) all internal alterations, other than alterations in scheduled property, designated sites or areas, that do not increase the number of dwelling units, and do not change the context of the building and/or its use;
- (iii) the installation of water tanks and solar heating panels and associated apparatus on the roof of a dwelling or dwellings subject to a maximum height of 1.2 metres from the roof, provided that such installations are set back by at least 4.5 metres from the front facade;
- (iv) the provision of not more than one satellite dish antenna for each dwelling, not exceeding 120cm in diameter on the roofs of dwellings and of not more than 220cm in diameter at ground floor level within the rear gardens, except in Scheduled Property and in ODZs.

Provided that a satellite dish antenna shall not exceed a height of 1.5 metres from the roof of the last habitable floor when placed on the roof or 2.5 metres from the

ground level when placed at ground level, and shall be set back at least 3.1 metres from the front facade;

Provided further where the development is in a UCA or is within 30 metres of scheduled property the developer has notified the Planning Authority in writing giving the Authority a site plan and description of the proposed development and the Authority does not within 30 days of such notice give to the developer a notice in writing that the developer requires the submission of a development application in accordance with Part IV of the Act;

- (v) the provision within the backyard of a dwelling of any building or other structure required for a purpose incidental to the enjoyment of the dwelling, or the maintenance, improvement or other alteration of such a building:

Provided that any development as aforesaid shall not be permitted if:-

- a) it exceeds 9.5m² floor area measured externally or would, together with the existing building or other structure in the backyard of the dwelling, exceed 9.5 square meters floor area measured externally; or
 - b) it's height exceeds 2.5 meters (nine courses) when measured externally above existing ground level; or
 - c) it is proposed that there would be a permanent access to the roof of such building or structure; or
 - d) it is located within the minimum permissible backyard (measured from the rear wall of the dwelling) as defined in Para 2, below or
 - e) it is located within the backyard of a schedule building or the existing building is Scheduled property or lies within an ODZ.
- (vi) the erection of lift wells and engine rooms, except in scheduled property and in ODZs, and provided that, in UCA's, the structures shall be abutting to any existing structures; even at roof level and do not exceed in height

that of the highest existing structure or part of the building:

Provided that where the site is scheduled property or lies within 30 metres of scheduled property the developer has notified the Planning Authority in writing giving to the Authority a written description of the proposed development, together with a plan showing the details thereof, and the Authority does not within 30 days of the receipt of such notice, give notice in writing to the developer that the development requires an application for development in accordance with Part IV of the Act;

(vii) creation of one level of basement to an existing dwelling and limited to its footprint other than a building in a UCA's, Scheduled property and ODZs:

(i) which does not involve the creation of a new access to a road or a separate entrance to the basement;

(ii) which is to be used for a purpose ancillary to the use of the dwelling;

(iii) which is constructed below street level at all points on the facade;

(iv) which does not exceed 9 courses in height measured internally;

Provided that where the site lies within a UCA the developer has notified the Planning Authority in writing giving to the Authority a written description of the proposed development, together with a plan showing the details of the development and the Authority does not, within 30 days of the receipt of such notice, give notice in writing to the developer that the development requires the submission of an application for development in accordance with Part IV of the Act.

2. For the purpose of the development permitted under paragraph 1 above-

"roof level" means the level of the lowest part of the roof of the dwelling on which the structure is to be located.

"front facade" means the facade or facades of a dwelling facing a road or roads;

"purpose incidental to the enjoyment of the dwelling" includes the keeping of poultry, pet animals, birds, or other livestock for the domestic needs or personal enjoyment of the occupants of the dwelling;

"minimum permissible backyard" means that the backyard is not less than the measurements given hereunder depending on the number of habitable floors that is to say -

10 feet	(3.05 meters)	if there is only a ground floor or a ground and first floor
13 feet	(4.43 metres)	if there is ground and two floors
16 feet	(5.45 metres)	if there is ground and three floors
19 feet	(6.475 metres)	if there is ground and four floors
22 feet	(7.5 metres)	if there is ground and five floors
25 feet	(8.52 metres)	if there is ground and six floors
28 feet	(9.54 metres)	if there is ground and seven floors
31 feet	(10.565 metres)	if there is ground and eight floors

CLASS 2

Minor operations

1. The following is permitted development under this class -
 - (i) the painting of the exterior of a building or work, except where-
 - (a) the painting is for the purpose of advertisement, announcement or direction; or
 - (b) the painting involves the whole or a substantial part of a building, which is located in a UCA or ODZ or is Scheduled property and involves also a change in colour from the colour in which the building is then painted;
 - (c) the Planning Authority has given notice in writing to the developer of the building or work that, having regard to its location or other material consideration the permission

of the Authority given on an application made under Part IV of the Act is required for the painting of its exterior;

Insofar as the building is within such an area as described in subparagraph (b) and the developer notifies the Authority in writing of the proposed painting operation, and provide it with a plan showing the location of the building, the operation shall become permitted development if the Authority, within 21 days of the receipt of such notice, does not give notice in writing to the developer that the operation requires the submission of an application for development in accordance with Part IV of the Act; or

- (ii) alteration or replacement of windows, doors, balconies, *galleriji* and similar parts of a building, in the same style, design and materials as existing, unless -
 - (a) the alteration or replacement materially affects the external appearance of any part of such building abutting or facing a road; or
 - (b) the building is scheduled property; or
 - (c) the building is within a UCA or ODZ.
- (iii) changes to size, position, style, form and materials of doors, windows, and other elements of the facade, except in UCAs, Scheduled buildings and ODZs, where such changes do not alter materially the character and/or context of the building and its surroundings;
- (iv) the erection in all areas other than in scheduled property -
 - (a) boundary walls other than walls in ODZs subject to the following conditions:
 - the wall does not exceed 1.2m above ground level;
 - the wall is constructed in or faced with rubble (*sejjieh*).

- (b) boundary walls other than walls abutting on the street and parapet walls other than on the facade of a building in UCAs subject to the following conditions:
 - the walls shall not exceed the minimum height established by the Civil Code;
 - the walls are constructed in the same style and material as the building;
- (c) boundary walls other than walls abutting on the street and parapet walls in all other areas subject to the condition that the walls do not exceed the minimum height established by the Civil Code.
- (v) the reconstruction or erection of front garden walls, except in UCAs, scheduled property or in ODZ subject to the condition that works are carried out in the same style and materials as the rest of the building;
- (vi) the replacement of dangerous roofs;
- (vi) the maintenance of building or other structures, except where the maintenance involves the replacement of building elements in a building which is scheduled property or is in a UCA or ODZ, with elements of different material or different style.
- (viii) the installation of air conditioning units on the exterior of a building, unless the building -
 - (a) is scheduled property; or
 - (b) is situated within a UCA or ODZ:

Provided that if the building is within such areas and the developer notifies the Planning Authority in writing of the proposed installation, and provides it with a plan showing the location of the building, the installation shall become permitted development if the Authority, within 21 days of the receipt of such notice, does not give notice in writing to the

developer that it requires the submission of an application for development in accordance with Part IV of the Act; or

- (c) the air conditioning unit is located on the facade of a building facing a highway.
- (ix) the creation of a swimming pool together with its ancillary reservoir and pump room, except in UCAs, Scheduled property and in ODZ;
- (x) the creation of an extension or extensions, set back at least 3 meters from the facade as separate and in addition to any covered by washrooms contemplated in Class 1 to a single dwelling unit where the accumulated floor area of such extensions as measured externally do not exceed a total of 30 square meters except in scheduled property in ODZ and UCAs;
- (xi) the creation of an extension or extensions set back at least 3 metres from the facade as separate and in addition to any covered by washrooms contemplated in Class 1 to a single dwelling unit in a UCA where the total of such extensions measured externally do not exceed a total of 5m².

Provided that extensions exceeding 15m² in total shall not be made on the strength of the provision.

Provided further that the developer has notified the Planning Authority in writing giving the Authority a site plan and description of the proposed development and the authority does not with 30 days of such notice in writing give to the developer a notice in writing that the development requires the submission of an application for development in accordance with Part IV of the Act.

- (xii) The erection of an extension or extensions to a building containing more than one dwelling unit provided that the extension (or extensions);
 - (i) is setback at least 3 metres from the facade

- (ii) does not exceed 20m² for each individual unit, which shall relate to each dwelling and shall not be cumulative
- (iii) does not exceed the height of the last habitable floor of the building
- (iv) does not result in the creation of a separate dwelling unit
- (v) the site coverage, habitable floor space and height limitations applicable to the site are not exceeded.

Provided that extensions exceeding 20m² in total shall not be made to any one unit on the strength of this provision;

- (xiii) the creation of an extension or extensions, set back at least 3 meters from the facade, as separate and in addition to any covered by washrooms contemplated in Class 1 to multiple dwellings where the accumulated floor area, as measured externally and separately would not exceed 20 square meters for each dwelling unit, except in UCAs, scheduled property and in ODZs or where there is more than one type of use within the building.
- (xiv) the shoring up of a dangerous building or structure, including orders effected by it's state, until such time as the danger is removed.

2. For the purpose of the development permitted under this Class -

"ground level" means the highest part of the level of the land on which the wall is to be constructed.

"same style, design, and materials" means the style and design, and the type, form and colour of the materials, used in the formation or construction of the works which are to be replaced and "same style" or "different style" shall be construed accordingly:

"substantial part" in relation to a building means fifty per cent or more of any facade of a building facing a road.

CLASS 3

The formation, laying out, alteration or improvement of roads

1. Subject to paragraph 2 of this Class, the following development is permitted development under this Class:-

- (i) the formation or laying out of roads as indicated in a temporary provisions schemes
- (ii) the widening, improvement or maintenance of an existing road within the highway boundary, unless such widening would result in the creation of an extra lane or lanes
- (iii) the improvement or alteration of junctions, unless such improvement or alteration involves a grade separated junction or a significant alteration in the direction of traffic flow
- (iv) the embellishment or enhancement of roundabouts unless it involves the display of a sign or advertisements
- (v) the alteration or creation of pavements, subject to the prior notification procedure for traffic management schemes
- (vi) the installation of traffic lights to control a pedestrian flow and only one traffic flow subject to the prior notification procedure for traffic management schemes, except where they are:-
 - (a) 25 metres of any function; or
 - (b) within 100 metres of an arterial distribution road.

2. Notwithstanding anything contained in the provision of paragraph 1 of this Class, any development described therein shall not be permitted development if -

- (i) it involves the formation, laying out or widening of a road, or the improvement of a junction within a UCA; or
- (ii) it involves the demolition of any building or rubble wall, that is to say a wall constructed in random rubble (*sejjieh*); or
- (iii) it involves or includes operation or works of the type set out in article 5 of this Order; or
- (iv) it leads to an obstruction of the view of, or a distraction to, persons using roads used by vehicular traffic, so as to be likely to cause danger to such persons;

and where development permitted under paragraph 1 of this Class involves the demolition of a rubble wall, the development shall not be permitted development unless such wall is replaced by a wall constructed in similar material and style as soon as practicable.

CLASS 4

Minor Infrastructure Development

The following development is permitted development under this Class:-

- (i) the erection or construction, and the maintenance, alteration or other improvement, of lamp standards, public seats, refuse bins or baskets, bollards, barriers and similar works or structures;
- (ii) the installation of posting boxes or self service machines;

Provided that any development described in this paragraph shall not be permitted development if -

- (a) it involves or includes development of the type referred to in article 5 of this Order; or
- (b) it would create an obstruction to any road, including a footway; or

- (c) it involves or includes any erection or construction in a UCA or in or adjoining Scheduled property, unless the developer has notified the Planning Authority in writing and given to the Authority a written description of the proposed development, together with a plan showing the location and details of the development and the Authority does not, within 30 days of the receipt of such notice, give notice in writing to the developer that the development requires the submission of an application for development in accordance with Part IV of the Act.

CLASS 5

Repairs to Services

The following development is permitted development under this Class -

The carrying out of any works for the purpose of inspecting, maintaining, repairing or renewing any sewer, main, pipe, cable or other apparatus, including breaking open any land for that purpose, provided that the land is returned to its original condition as soon as is practicable.

CLASS 6

Development for the Provision of Water Services

The following is permitted development under this Class -

- (i) Development not above ground level required in connection with the supply of water or for conserving, redistributing or augmenting water resources, unless -
 - (a) it includes the construction of a reservoir or
 - (b) it involves works in or under streets outside a temporary provisions scheme or

not formed at the time this Order comes into force; or

- (c) it involves erection, construction, engineering or other operations for, or in connection with, the installation of a main distribution network, with a main pipe of 30 cms in diameter or more; or
 - (d) it involves the supply of water to agricultural land for the purposes of irrigation.
- (ii) The installation in a water system of a booster station, valve house, meter or switch gear house, unless such development involves any of the matters contained in sub-paragraphs c) and d) of the foregoing paragraph of this Class.

CLASS 7

Development for sewerage and sewage disposal

1. Subject to paragraph 2 of this Class, the following development is permitted development under this Class:-

- (i) Any development not above ground level which is required in connection with the provision, improvement, maintenance or repair of a sewer or associated apparatus, and the maintenance or repair of an outfall pipe;
- (ii) The construction, provision or improvement of inspection chambers above ground level unless such chamber exceeds -
 - (a) 1 square metre in floor area; or
 - (b) 1.5 metres (5 courses) in height.

2. Notwithstanding the provisions of paragraph 1 of this Class, any development therein described shall not be permitted development if it involves:-

- (a) works in or under streets which are either outside a temporary provisions scheme or

not formed at the time this Order comes into force; or

- (b) erection, construction, engineering or other operations for, or in connection with, the installation of a main sewerage network or system with a main pipe 40 cms in diameter or more; or
- (c) erection, construction, engineering or other operations for, or in connection with, the construction of a new sewage treatment works, or sewage outfall.

CLASS 8

Development for installation of electrical services.

The following development is permitted development under this Class:-

- (i) The laying underground of pipes, cables or any other apparatus, including excavations for such purpose, unless such works involve -
 - a) erection, construction, engineering or other operations for, or in connection with, the installation of a main electricity distribution network or system with a power line capacity of 33 KVs or greater; or
 - b) works in or under streets either outside a temporary provisions scheme or not formed at the time this Order comes into force;
- (ii) The installation of service lines to individual customers from an electric line;
- (iii) The installation in an electric line of feeder or service pillars or transforming or switching stations or chambers.

CLASS 9

Development related to public transport.

The following development is permitted development under this class:-

- i) The installation of telephone cables and apparatus, stop signs, other signs and posts required in connection with the operation of public service vehicles, unless such development involves the erection or display of any sign which is greater than one square metre in area or the sign is illuminated.
- ii) The erection or construction, and the maintenance, improvement or other alteration of passenger shelters or barriers for the control of people waiting to enter public service vehicles:

Provided that any development described in this paragraph shall not be permitted development if it involves or consists in development of the type referred to in article 5 of this Order.

CLASS 10

Development related to telecommunications.

The installation, alteration or replacement of any telecommunications apparatus is permitted development under this Class, unless it involves -

- a) the erection or alteration of buildings; or
- b) the installation, alteration or replacement of a mast with a height exceeding 10 metres; or
- c) the installation, alteration or replacement of a microwave antenna, satellite television apparatus or similar apparatus.

CLASS 11

Development related to agriculture.

1. The following development is permitted development under this Class:-

- i) The carrying out of engineering operations reasonably necessary for the purpose of agriculture, including works for the irrigation of land, unless the works operations involve:
 - a) the erection of a building, or are related to the erection of a building or to the intensive raising of animals or crops; or
 - b) the construction of a new reservoir wholly above ground or the installation of a new system for the distribution of water or the irrigation of agricultural land, or for both such construction and installation; unless the irrigation system is a drip sprinkler irrigation system; or
 - c) the creation of a pond; or
 - d) the deposit of waste material on land whether for the purpose of the creation or improvement of agricultural land or otherwise.
- ii) The erection of reservoirs partly or wholly below ground level, unless the reservoir -
 - a) exceeds a height of 1.7 metres 6 courses above ground level; or
 - b) exceeds 25 square metres in floor area; or
 - c) it is to be located on land which is not within an existing agricultural holding; or
 - d) where wholly underground, it exceeds 100 sq. metre floor area;
- iii) The deposit by the Department of Agriculture of waste material on land for the purpose of the afforestation of the land, but only if the Department has notified the Planning Authority of the proposed land reclamation and afforestation, giving the Authority a written description of the proposal and supplying it with a plan showing the location and details of the development and the Authority does not within 30 days of the receipt of such notice, give to the

Department a notice in writing that the development requires the submission of an application for development permission in accordance with part IV of the Act;

- iv) The construction of pump houses to serve reservoirs or boreholes, unless the pump house -
 - a) is located more than 1 metre from the reservoir or borehole; or
 - b) exceeds 2.2 metres (8 courses) in height; or
 - c) exceeds 4 square metres in floor area.
- v) The levelling, widening and maintenance of existing farm roads carried out by or on behalf of the Department of Agriculture.

2. For the purpose of the development permitted under this Class -

"existing agricultural holding" means land currently used for cultivation at the time the reservoir is constructed;

"waste material" includes waste, refuse and any soil imported onto the land.

CLASS 12

Temporary Structures

1. Operations consisting in the placing on land of a building, moveable structure, works, plant or machinery required temporarily in connection with and for the duration of operations being, or to be, carried out on, in, under or over that land or on land immediately adjoining that land, are permitted development under this Class, subject to the exceptions and conditions set out in paragraph 2 of this class.

2. The operations described in the foregoing paragraph of this Class shall not be permitted development if:-

- (i) the operations are mining operations; or
- (ii) the land is in or on scheduled property; or

(iii) not later than three months from the date on which anything placed as indicated in paragraph 1 of this Class or the date on which the operations in connection with which they were so placed have been carried out, whichever is the earlier date:-

- a) any building works, plant or machinery placed as aforesaid has not been removed; and
- b) any land or adjoining land on which development permitted by this Class has been carried out has not been restored to the condition in which it was prior to such development.

CLASS 13

Temporary Uses.

1. Subject to paragraph 2 of this Class the use of land for any purpose for not more than fourteen days in any calendar year is permitted development under this Class.

2. Notwithstanding the provisions of paragraph 1 of this Class the use of land is not permitted development if:-

- (i) the use of land is for a caravan site; or
- (ii) the use of land is for camping; or
- (iii) the land is in or on scheduled property; or
- (iv) the use of land is for off-road vehicle, motor car and motorcycle racing or rallying, including practising for these events and activities;

and, if the use of the land is for the holding for a market or sale, such use is permitted development only if it is for only 7 days in any calendar year.

3. For the purpose of this Class "calendar year" means a period of twelve months beginning with the day on which the use is first begun.

CLASS 14

Development in relation with Aviation.

1. Subject to paragraph 2 of this Class, the following is permitted development under this Class:-

- (i) the carrying out on operational land by an airport operator, or its agent, of development (including the erection or alteration of an operational building) in connection with the provision of services and facilities at an airport, unless such development consists in:-
 - a) the construction or extension of a runway; or
 - b) the construction of a passenger terminal; or
 - c) the alteration or extension of a passenger terminal where the floor space of the building as existing would be exceeded by more than 10 per cent; or
 - d) a building which is not an operational building.
- (ii) The carrying out on operational land, within the perimeter of an airport by an airport operator, or its agent, of development in connection with any one or more of the following:-
 - a) the provision of air traffic control services;
 - b) the navigation of aircraft using the airport;
 - c) the monitoring of the movement of aircraft using the airport.
- (iii) The carrying on operational land, outside but within 1 kilometre of the perimeter of an airport, by an airport operator, or its agent, of development in connection any of the matters set out in sub-paragraph (ii) above, unless such development consists in or includes:-
 - a) the erection of any building for a use or purpose other than the housing of

equipment used in connection with any of the matters set out as aforesaid;

- b) any building exceeding 4 metres in height;
 - c) the installation or erection of any radar or radio mast, antenna or other apparatus exceeding 15 metres in height, or the replacement of any such mast, antenna or apparatus, if the replacement exceeds that height.
- (iv) The use of buildings within the perimeter of an airport for purposes connected with air transport services or other flying activities at that airport.

2. Any development described in paragraph 1 of this Class, other than that described in sub-paragraph (ii) of paragraph 1, shall not be permitted development unless the airport operator has provided the Planning Authority with full details of the proposed development at least 28 days before any development is commenced unless such development:-

- (a) is in the opinion of the Director of Civil Aviation urgently required for the efficient running of the airport; and
- (b) consists of the carrying out of works or the erection or construction of a structure or of an ancillary building, or the placing on land of equipment, and the works, structure, building or equipment do not exceed 4 metres in height or 100 square metres in floor area.

3. Any development which requires the airport operator to provide details of the proposed development to the Planning Authority shall not be permitted development if the Authority within 30 days of the receipt of such information gives notice in writing to the airport operator that the development requires the submission of an application for development permission in accordance with Part IV of the Act.

4. For the purposes of this Class -

"operational land" or "operational building" means land or a building used or required in connection with the movement or maintenance of aircraft, or with the embarking

disembarking, loading, discharge or transport of passengers, goods or livestock at an airport, and is land or a building owned by or under the control of the relevant airport operator.

CLASS 15

Lighting of buildings and works.

1. The external lighting of buildings and structures carried out by a Government department or agency is permitted development, unless:-

- (a) it involves the lighting of any sign or advertisement; or
- (b) the primary purpose of the lighting is that of advertisement, announcement or direction; or
- (c) it involves the lighting of an area larger than a building or structure; or
- (d) it involves the external lighting of buildings or structures in a UCA or in or adjoining a scheduled property:

Provided that, if where the development is not permitted only because it falls under this sub-paragraph (d), if the developer has notified the Planning Authority in writing of the proposed development, giving the description thereof together with a plan showing the location and details of the development, such development shall become permitted development if the Authority has not within 30 days of the receipt of such notice, given to the developer a notice in writing that the development requires the submission of an application for development permission in accordance with Part IV of the Act.

CLASS 16

Mineral Exploration.

1. Development on any land for a period not exceeding 30 days and consisting of

- (i) the drilling of boreholes; or
- (ii) the carrying out of seismic surveys, for the purpose of mineral exploration is permitted development under this class, unless:-
 - (a) it is an operation to be carried out within 50 metres of any part of a residential building or other non-commercial building; or
 - (b) it is an operation to be carried out within 50 metres of an Urban Conservation Area or a scheduled property.

Application for Development Permits.

1. Manual

The Authority shall prepare a comprehensive Manual in loose leaf form containing all approved legislation, regulations, policies and conditions with their relative effective dates which should not be retroactive (i.e. not to affect applications already accepted). The Manual shall be adequately indexed, continually updated as necessary, and available to:-

- (a) Authority officials;
- (b) the Appeals Board;
- (c) Periti; and
- (d) interested Organisations / Persons.

STAGE 1 PRE - APPLICATION

2.1 The Authority shall provide facilities for an adequate mechanism for Pre-application meetings between prospective applicants and its officials, (who shall be well briefed; uniform and consistent in their advice; and accountable for the direction given by them) so as to enable applicants to have:-

- (a) a clear interpretation of prevailing policies and guidelines; as well as,
- (b) alignment and other data as may be necessary.

Advice shall be minuted, filed, communicated to applicant (who shall be required to confirm the accuracy of the minutes) and binding on the officials concerned without prejudice to the prerogatives of the Planning Authority.

2.2 Applications shall be vetted at the point of submission by Authority Officials against an official check list (Annex A); and these applications shall be accepted only if they conform to official requirements including the payment of fees due to the Authority.

2.3 Fees are to be calculated as follows:-

- (a) In case of Lump Sum payments by applicant;
- (b) In case they require Calculations, by the Authority.

2.4 Applicants shall be served with a dated official receipt certifying that they had complied with all application requirements, and their application shall be validated as from that date.

STAGE 2 PROCESSING OF APPLICATIONS

3.1 Applications shall be classified according to type of development and processed by different sections each specialising in each category.

3.2 The Authority shall review the various policies involved in the application simultaneously rather than successively.

3.3 At the Processing stage the Authority shall provide applicants with facilities to hold consultations with its officials. These officials shall be consistent in the interpretation of policies / guidelines, and shall ensure, that without prejudice to the prerogatives of the Planning Authority, their direction would reflect the Authority's official view. At this stage applicants shall be entitled to accept the official's recommendations and amend plans accordingly, without the need to submit a fresh application.

3.4 Whilst officials shall not be subjected to any pressures, their reports shall be copied to applicant. The report shall clearly state whether the application:-

- (a) was being recommended for approval, in which case applicant would be guided accordingly and may if he so wishes dispense with the need to appear before the Authority: or
- (b) was being recommended either for approval with conditions, or for refusal; together with reasons thereof, supported where applicable with reference to the prevailing policy, regulation or guideline. In this case applicant shall within 30 days (or any other longer period agreed in writing between applicant and the Authority) from receipt of such notice:
 - (i) inform the Authority in writing that he was accepting the changes indicated; or
 - (ii) submit his case in writing (which would be attached in full to the report submitted by the Case Officer) for reference to the Authority/DCC.

3.5 Once the report is finalised and signed by the official (Case Officer) the latter shall be barred from re - opening the case or handling it any further.

STAGE 3 DECISION TAKING

4.1 Recommendations presented by officials (Case Officers) to the Planning Authority Board/DCC, could be accepted, modified or rejected. In case of modification or rejection the Planning Authority Board/DCC shall include the reasons therefor in its decision.

4.2 When the Authority Board/DCC

- (a) rejects an application that was recommended for approval; or
- (b) qualified a recommended refusal; or
- (c) confirms a refusal as recommended by the Case Officers,

it shall send a copy of its decision to the applicant concerned (irrespective of whether he attended the sitting or not) to enable him within 30 days from receipt of such notice:-

- (a) to notify the Authority in writing that he was accepting the modifications and thus submit the amended plans within the 30 day period (unless a longer period is agreed in writing between applicant and the Authority for the submission of the amended plans);
- (b) to ask the Authority for a reconsideration of the case provided he could base his request on new points or fresh evidence; such presentation by applicant can be in writing and/or verbal; or
- (c) to appeal to the Board or to the Court as the case may be.

4.3 Planning Authority Board and the Development Control Commission have to hold their meetings (though not their deliberations) and to give their decisions in public.

STAGE 4 THIRD PARTY RIGHTS

5.1 Documents and plans considered by the Planning Authority shall be made available for inspection by third parties provided such requests were made by Periti who satisfy the Authority of their *bona fide* interests.

5.2 Third parties, provided they identified themselves, shall have the right to present written objections. Such objections shall be fully recorded in case files, and Case Officers are expected to consider them and evaluate them; and to give their reactions thereon included in their reports. Objectors could also be allowed to attend meetings but not to make verbal representations.

APPLICATIONS REQUIREMENTS CHECKLIST

Note: Tick box where requirement is met and underline in red where it is not.

APPLICATION FORMS/CERTIFICATES/DECLARATION

- ☐ Correct application form used for the type of development proposed and every question on all copies of the form correctly and fully completed and forms signed and dated
- ☐ 6 copies of form (except where proposal is for internal alterations only - 5 copies, for householder applications - 4 copies and for renewals - 2 copies)
- ☐ Plans dated and signed by architect
- ☐ Proposed development described in full and accurately, and corresponds with what is shown on the plans
- ☐ Where appropriate, architect's declaration signed and dated
- ☐ Correct Certificate signed and dated, and where Certificate B or C completed, copy of registered letter(s) attached and served on all other owners
- ☐ For advertisement applications, question on ownership or land or building and declaration of owner's consent completed correctly

BUILDING LEVY

- ☐ Building Levy Payment Form (receipted by bank), and Building Levy Calculation Sheet

PLANS / DRAWINGS

- ☐ No larger than A size sheets and folded in sets to A4 size
- ☐ copies of all plans/drawings (except where proposal is for internal alterations only - 5 copies, for householder application - 4 copies and for renewals - 2 copies of site plan only)
- ☐ All scales (metric) indicated
- ☐ Alterations and extensions to buildings should be marked distinctively by means of colour or by hatching so that new work can be easily distinguished (demolition yellow, new work red)

SITE PLANS

- ☐ Site plans at 1/2500 scale (number as noted above), which must be A4 extract from the Site survey (1988 date maps, indicating site boundary outlined in red and survey sheet no.
 - coordinates of the site for centre of site
 - north point
 - distance from nearest corner or existing building
 - other land owned by applicant in blue
 - planning scheme in colour on one copy (if applicable)
 - position from which photographs taken on one copy

BLOCK K PLANS

(Some or all of the following information may be required depending on the complexity of the proposal and its location and 1:200 plans may be more appropriate depending on the scale of the proposal)

- ☐ Site survey at 1/500 scale showing existing site features and contours
- ☐ Block plan at 1/500 scale showing boundaries of site in relation to adjoining roads, buildings, plots etc, (for villas, show position of side curtilages) and proposals in relation to boundaries
- ☐ Block plan at 1/500 scale showing proposal for access to highway, sightlines or visibility splays, car parking provision, internal site road layout, etc (can be on the same plan as above)
- ☐ Block plan at 1/500 scale showing proposals for landscaping site, including existing planting (to be retained or removed), new planting, earth mounding, treatment of floorscape etc

ELEVATIONS

- ☐ Elevations - scale 1/50 for buildings < 3 floors, height in courses shown
- ☐ Elevations - scale 1/100 for buildings 3 or more floors, height in courses shown
- ☐ Elevations should show existing situation and proposed changes, and show the relationship of the building/site to adjoining buildings

SECTIONS

- ☐ Vertical section through facade at 1/50 scale
- ☐ Sections through the site (for new buildings) showing existing and proposed site levels and floor/ground levels in relation to adjoining buildings, roads and services
- ☐ Longitudinal and cross sections at 1/100 scale through buildings (for new works and alterations) showing constructional, structural and servicing details - including how rainwater and sewage disposal is to be effected and the position, size, etc. of underground water cistern and its overflow
- ☐ Elevations and cross sections to show all external materials and colour - for walls, doors, windows, balconies

etc.

OTHER PLANS AND INFORMATION

- [] Floor plans at 1/100 (for new works, alterations and changes of use) showing existing layout/use and proposed layout/use of rooms and services
- [] Elevations/sections of any boundary walls
- [] At least 3 paragraphs of good quality taken from different points showing the existing streetscape and the site (locations where photos taken to be shown on site plan)
- [] Previous (PAPB) application or permission number, where applicable, to be quoted
- [] Where proposal includes new work or alterations to facades within village cores, photos of existing building and of adjacent buildings; and proposed elevation to show adjacent buildings scale of 1/100, with the proposed elevation at scale of 1/50. Elsewhere elevation and photo of existing facade required
- [] For villas, plot area and site coverage to be indicated.

ADVERTISEMENTS

(for advert applications the following will be required, in addition to site plans)

- [] Drawings of advertisement, showing nature of sign, with full details of colour, lettering, materials and means of illumination (where appropriate)
- [] Drawings of elevation and section (where sign to be affixed to the building) showing location of sign, height above ground level etc

FARMHOUSE/FARMBUILDING

- [] 2 copies of site plan at 1/2500 indicating the boundaries of the land tilled (in green) and owned or rented in (blue) by the applicant
- [] for farmhouses, legalised proof signed by notary that applicant a) is not the owner of another dwelling house in the area; and b) did not own a dwelling house in the area other than a dwelling house sold or other wise transferred to a person qualified under paras (a) or (b) of section 2(D) of Building Permits Policy, during the last 10 years prior to his application
- [] Statement indicating why the proposed farmhouse is necessary for the applicant, for the farm holding to which it will be attached and for the purposes of agriculture

See the Guidance Notes for Architects for the specific information requirements for applications for outline development permission, advertisements, telecommunications antennae, minerals working (new or extended quarries) and for waste disposal, and for guidance on how the questions on the application forms should be completed.

Checked by

Date

