VERŻJONI ELETTRONIKA

L.N. 112 of 2016

ENVIRONMENT AND PLANNING REVIEW TRIBUNAL ACT (CAP. 551)

Environment and Planning Appeals (Fees) Regulations, 2016

IN EXERCISE of the powers conferred by article 10 of the Environment and Planning Review Tribunal Act, the Prime Minister has made the following regulations:-

Citation and commencement.

1. (1) The title of these Regulations is the Environment and Planning Appeals (Fees) Regulations, 2016.

(2) These regulations shall be deemed to have come into force on the 4th April, 2016.

Interpretation.

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

"the Act" means the Environment and Planning Review Tribunal Act; Cap. 551.

"appeal" means an appeal made to the Environment and Planning Review Tribunal established by the Act;

"development permission" has the same meaning as assigned to it in the Development Planning Act; Cap. 552.

"the Environment and Resources Authority" has the same meaning as assigned to it in the Environment Protection Act; Cap. 549.

"environmental NGOs" means non-governmental organizations promoting environmental protection and which are registered under the Voluntary Organisations Act; Cap. 492.

"external consultee" has the same meaning as assigned to it in regulation 2 of the Development Planning (Procedure for Applications and their Determination) Regulations, or any other regulations which may from time to time succeed the said regulations; S.L. 504.103

"the Planning Authority" has the same meaning assigned to the term "Authority" in article 2 of the Development Planning Act; Cap. 552.

"Tribunal" means the Environment and Planning Review Tribunal.

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(2) In these regulations any expression defined by the Act shall have the same meaning as it has in the Act.

Appeal from decision of the Planning Authority. Cap. 552

3. Where an appeal is made in respect of a decision of the Planning Authority, from which an appeal lies under any provision of the Development Planing Act, the application of the appeal shall be accompanied by the appropriate fee as set out in Schedule 1 and by an administrative fee as set in Schedule 2.

Appeal from decision of the Environment and Resources Authority. Cap. 549.

4. Where an appeal is made in respect of a decision of the Environment and Resources Authority, from which an appeal lies under any provision of the Environment Protection Act, the application of the appeal shall be accompanied by the appropriate fee as set out in Schedule 1 and by an administrative fee as set in Schedule 2.

Appeal to be null and void.

5. An appeal which is not accompanied by the appropriate fee as provided in regulations 3 and 4 shall be null and void only in those cases where the appellant fails to pay such fee within such time following the lodging of an appeal as the Tribunal may establish.

Refunds.

6. Where an appeal is upheld, the Tribunal may order that the fee paid according to Schedule 1, or part thereof, shall be refunded to the appellant.

Appeals by interested persons, or environmental NGOs, or external consultees.

Cap. 12.

7. When any interested person, or an environmental NGO, or an external consultee has lodged an appeal before the Tribunal, and the Tribunal finds in favour of any such appellant, the appeal fee paid by the said appellant shall be reimbursed to the said appellant in equal proportions by the parties cast and, for the purposes of this regulation, the Tribunal decision shall be an executive title in like manner as if it were an award of arbitrators referred to in article 253(d) of the Code or Organization and Civil Procedure for all purposes of that Code.

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Schedule 1

(Regulations 3, 4 and 5)

Fees due to the Registry of the Tribunal

In respect of appeal:	Rates (€)	Notes
Against a decision of the Planning Authority for a development permission	5% of the Development Permit Fee	Minimun fee of €150 Maximum fee of €3500
Against a decision of the Planning Authority under a development notification order or under a regularisation process or under a planning control application	150	
Against a decision following a request for screening of a proposed development permission	150	
Against a notice issued under the provisions for Part IX of the Development Planning Act (Cap. 552)	50	
Against any other decision of the Planning Authority	150	
Against any decision, ruling or direction in relation to Building Regulations and Building Control Regulations	150	
Against any decision of the Environment and Resources Authority	150	
Against a notice issued under the provisions for Part VII of the Environment Protection Act (Cap. 549)	50	
Against a decision for registration by the Registration Board	150	

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Schedule 2

(Regulations 3, 4 and 5)

Tariffs relating to proceedings before the Tribunal

Site inspections to be carried out by the Tribunal	€100
Administrative fee	€50

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