

LEĠIŻLAZZJONI SUSSIDJARJA 552. xx

REGOLARIZZAZZJONI TA' ŻVILUPP EŻISTENTI LI JAQA' TAHT IR-REGOLAMENTI TAŻ-ŻONA TAL-IŻVILUPP

BIS-SAĦĦA tas-setgħat mogħtija bl-Artikoli 85 u 101 tal-Att dwar l-Ippjanar tal-Iżvilupp, il-Ministru responsabbli għall-Ippjanar b' 'konsultazzjoni mal-Awtorità' tal-Ippjanar, għamel dawn ir-regolamenti li ġejjin: -

Titolu fil-qosor.

1. It-titolu ta' dawn ir-regolamenti hu r-Regolamenti dwar ir-regolarizzazzjoni ta' Żvilupp eżistenti.

Definizzjonijiet.

2. (1) F' dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma teħtiegħ xort' oħra:

“l-Att” tfisser l-Att dwar l-Ippjanar tal-Iżvilupp;

“l-Awtorità” tfisser il-Bord tal-Ippjanar kif imfisser fl-Att;

“Kwalità tal-Post” tfisser l-integrazzjoni kontinwa tal-karatteristiċi estetici, fiżiċi, ambjentali, spazjali, kuntestwali u funzjonali tal-art, il-bini u l-ispazji tal-madwar, b' enfasi partikolari fuq l-armonija viżiva u l-viċinat tajjeb. L-użi esklużi jinkludu bini għall-manifattura, l-ipproċessar jew il-ħażna ta' sustanzi kimiċi perikolużi; btieġi għall-ipproċessar jew għaḡ-żarmar tal-vetturi; kmamar tal-logħob tan-nar jew tal-isplussivi; u bini użat primarjament għal laqgħat jew l-istruzzjoni reliġjuża.

“it-Tribunal” tfisser it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar kif imfisser fl-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar;

“Żona ta' Żvilupp” tfisser art fil-konfini għall-iżvilupp fi skema ta' ppjanar jew pjan lokali;

“Żona ta' Konservazzjoni Urbana” tfisser żona ta' art deżinjata bħala tali fi skema ta' ppjanar jew pjan lokali jew policies oħra ta' ppjanar approvati bħalissa.

(2) F' dawn ir-regolamenti, kliem u espressjonijiet imfissra fl-Att għandu jkollhom l-istess tifsira kif għandhom fl-Att.

3. L-għan ta' dawn ir-regolamenti hu li jistabbilixxi l-proċeduri li bihom kull persuna tista' tapplika għar-regolarizzazzjoni ta' żvilupp illegali eżistenti sitwat fiż-żona ta' żvilupp, sakemm dak l-iżvilupp kien diġà jeżisti fis-sena 2016 u li r-rekwiżiti kollha stabbiliti f' dawn ir-regolamenti jkunu debitament sodisfatti. Kull permess mogħti skont applikazzjoni ta' regolarizzazzjoni skont dawn ir-regolamenti għandu, għall-finijiet u l-effetti kollha tal-liġi, jitqies li jikkostitwixxi permess ta' żvilupp shiħ skont l-Att.

4. Applikazzjoni għar-regolarizzazzjoni taħt dawn ir-regolamenti għandha tiġi sottomessa minn *perit*. Kwalunkwe applikazzjoni li tonqos milli tikkonforma mar-rekwiżiti elenkati hawn taħt għandha titqies nulla u bla effett *ab initio*, u l-ebda pproċessar ulterjuri ma għandu jsir mill-Awtorità. F' dawn il-każijiet, id-dritt amministrattiv ta' mija u ħamsin euro (€150) għandu jinżamm mill-Awtorità:

(i) pjanta tas-sit li tindika b' mod ċar il-lok eżatt tal-iżvilupp eżistenti;

(ii) pjaniġiet dettalġati, elevazzjonijiet esterni, u sezzjonijiet tal-iżvilupp, li għandhom jispeċifikaw ukoll it-tip ta' użu tal-iżvilupp rispettiv fis-sena 2016;

(iii) tliet ritratti ta' kull elevazzjoni esterna tal-bini eżistenti, meħuda minn angoli differenti;

Iżda, fejn l-iżvilupp eżistenti jinsab f'Żona ta' Konservazzjoni Urbana, għandu jiġi sottomess ukoll sħarriġ fotografiku intern tal-kmamar kollha u strutturi interni oħra. Dan l-isħarriġ għandu jkun kontroreferenzjat għal pjanta korrispondenti tal-fond;

(iv) evidenza dokumentata li tikkonferma li l-envelope tal-bini u l-użu speċifiku kif muri fil-pjanti sottomessi kienu diġa jeżistu fis-sena 2016;

(v) prova tal-hlas tad-dritt amministrattiv minim ta' mija u ħamsin euro (€150);

(vi) dikjarazzjoni mill-applikant li tiddikjara jew li huwa jikkwalifika bħala s-sid skont l-Artikolu 2 tal-Att dwar l-Ippjanar tal-Iżvilupp, jew li huwa kiseb il-kunsens meħtieġ mis-sid rilevanti skont l-imsemmi Att.

5. Applikant jista' jillimita l-iskop tat-talba ta' regolarizzazzjoni billi jeskludi b' mod espliċitu kull parti tal-iżvilupp li ma jkollux l-intenzjoni li jirregolarizza taht dawn ir-regolamenti. Esklużjonijiet bħal dawn għandhom ikunu indikati b' mod ċar fuq il-pjanti sottomessi, li għandhom jiddistingwu bejn iż-żoni soġġetti għar-regolarizzazzjoni u dawk li ma jiffurmawx parti mill-applikazzjoni.

6. Mal-validazzjoni tal-applikazzjoni, fuq il-bażi li tissodisfa r-rekwiżiti kollha stabbiliti fis-subregolament 5, iċ-Chairperson Eżekuttiv għandu jinnotifika lill-applikant u lill-*perit* bid-drittijiet pagabbli lill-Awtorità. Dawn id-drittijiet għandhom jiġu kkalkolati skont ir-rati stabbiliti fl-Iskeda annessa ma' dawn ir-Regolamenti. L-applikazzjoni m'għandhiex tipproċedi għall-ipproċessar sakemm dawk id-drittijiet ma jithallsux kif imiss lill-Awtorità. Disgħin fil-mija (90%) tad-drittijiet speċifikati jiġu allokati lill-Fond għall-Ippjanar tal-Iżvilupp.

7. Iċ-Chairperson Eżekuttiv għandu, fi żmien raġonevoli, ihejji rakkomandazzjoni dwar jekk għandhiex tingħata regolarizzazzjoni skont dawn ir-Regolamenti. Din ir-rakkomandazzjoni għandha tkun ibbażata fuq valutazzjoni dwar jekk l-iżvilupp muri fil-pjanti sottomessi jilhaqx standard sodisfaċenti tal-Kwalità tal-post, kif definit f' dawn ir-Regolamenti, u jissodisfax il-kriterji li ġejjin:

- (i) Is-sit ma jkunx jinsab f'żona ta' Importanza Ekoloġika (AEI) fil-livell 1 jew Sit ta' Importanza Xjentifika (SSI) fil-livell 1 jew Sit Arkeoloġiku fil-Klassi A;
- (ii) Il-bini mhuwiex skedat bħala ta' Grad 1;
- (iii) Meta l-iżvilupp soġġett għall-applikazzjoni jikkostitwixxi estensjoni jew struttura anċillari għal residenza legalment stabbilita, dan għandu jkun fil-limiti ta' dik ir-residenza u fl-ebda każ aktar minn ħamsin (50) metru mil-konfini tar-residenza legalment stabbilita;
- (iv) Meta l-iżvilupp soġġett għall-applikazzjoni jikkonċerna struttura użata illegalment bħala residenza, din għandha jkun fiha erja imsaqqfa ta' mhux anqas minn ħamsa u ħamsin (55) metru kwadru;

Iżda wkoll f' dak il-każ, għandu jintwera permezz ta' evidenza konkreta u kredibbli li l-użu residenzjali kien diġa' fis-seħħ fis-sena 2016.

8. Iċ-Chairperson Eżekuttiv jista', f' kull żmien qabel ma tittiehed deċiżjoni mill-Bord tal-Ippjanar, jirtira applikazzjoni mill-aġenda għal reviżjoni ulterjuri kif jitqies meħtieġ, sakemm ma tkun għadha ttehdet ebda deċiżjoni finali dwar l-applikazzjoni.

9. Applikant jista' jagħzel li jissottometti applikazzjoni għar-regolarizzazzjoni taħt dawn ir-regolamenti anke meta applikazzjoni shiħa għall-iżvilupp tkun pendent quddiem il-Bord tal-Ippjanar jew sakemm issir eżegwibbli. F' dak il-każ, il-Bord tal-Ippjanar għandu jissospendi l-ipproċessar ulterjuri tal-applikazzjoni shiħa għall-iżvilupp sakemm it-talba għar-regolarizzazzjoni tiġi finalment deċiża.

10. Fid-determinazzjoni ta' jekk għandhiex tiġi approvata applikazzjoni ta' regularizzazzjoni, il-Bord tal-Ippjanar għandu jikkunsidra r-rakkomandazzjoni ta' Chairperson Eżekuttiv u jista' jikkonferma jew jimmodifika l-eżitu tar-rakkomandazzjoni.

Iżda wkoll, meta l-Bord tal-Ippjanar jiddeċiedi li ma jsegwix ir-rakkomandazzjoni ta' Chairperson Eżekuttiv, għandu jiddikjara b'mod ċar ir-raġunijiet speċifiċi tal-ippjanar li jiġġustifikaw dan it-tluq:

Iżda, il-Bord tal-Ippjanar jista' japprova l-applikazzjoni bla ħsara għal daww il-kondizzjonijiet li jidhirlu meħtieġa, inkluż, iżda mhux limitat għal, l-eżekuzzjoni ta' xogħlijiet speċifikati f' perjodu ta' żmien definit. In-nuqqas ta' 'osservanza ta' tali kundizzjoni fiż-żmien stipulat tista' twassal għaċ-ċaħda tal-applikazzjoni:

Iżda wkoll, meta applikazzjoni tiġi miċhuda mill-Bord tal-Ippjanar, disgħin fil-mija (90%) tad-drittijiet imħallsa skont l-iskeda annessa ma' dawn ir-regolamenti għandhom jithallsu lura lill-applikant.

11. L-applikant għandu jkollu d-dritt li jappella d-deċiżjoni tal-Awtorità quddiem it-Tribunal skont l-Att dwar it-Tribunal ta' Reviżjoni u Ambjent.

12. L-Awtorità tista', f' kull żmien, tirrevoka jew timmodifika kull permess maħruġ skont dawn ir-regolamenti skont l-Artikolu 80A tal-Att.

13. Kull applikazzjoni magħmula skont dawn ir-Regolamenti għandha tiġi sottomessa qabel l-ewwel (1) ta' Ottubru 2029.

Skeda

F'din l-Iskeda, kwalunkwe riferenza għal għal "tip ta' żvilupp" għandha tinftehem bl-istess mod kif provdut fl-Iskeda 1 tar-Regolamenti dwar Hlasijiet tal-Ippjanar tal-Iżvilupp.

Rati għall-Iżvilupp li jinsabu fiż-Żona ta' Żvilupp

Ir-rati f' tabella li ġejjin għandhom japplikaw għall-iżvilupp li jinsab fiż-żona tal-iżvilupp, skont in-natura tal-iżvilupp sogġett għar-regolarizzazzjoni.

Għall-finijiet tal-komputazzjoni, għandhom japplikaw ir-regoli li ġejjin:

- (i) Ir-rata li għandha tithallas fir-rigward ta' żvilupp propost għar-regolarizzazzjoni li ma jikkwalifikax taht użu kummerċjali għandha tiġi kalkolata fuq il-bażi taż-żona totali msaqqfa tal-iżvilupp.
- (ii) Kull multa ta' kuljum imħallsa wara l-hruġ ta' avviż ta' infurzar għandha titnaqqas mill-ammont totali dovut taht dawn ir-regolamenti;
- (iii) Żieda ta' hamsa fil-mija (5%) għandha tapplika għar-rati applikabbli wara t-tielet sena mill-bidu fis-sehħ ta' dawn ir-regolamenti. Minn hemm 'il quddiem, it-tariffi għandhom ikomplu jiżdiedu b' hamsa fil-mija (5%) kull sena.

Type	Development	Area up to				
		25m ²	50m ²	75m ²	100m ²	125m ²
Agricultural	Agriculture	€250	€438	€688	€875	€1,125
Agricultural	Boathouse For Registered Fisherman	€250	€438	€688	€875	€1,125
Agricultural	Greenhouse	€63	€125	€125	€188	€250
Agricultural	Livestock Farm Building		€250	€375	€438	€563
Commercial	Commercial Development				€3,000	€3,750
Commercial	Disposal of Construction & Demolition Waste	€125	€250	€375	€438	€563
Commercial	Film Set	€188	€313	€438	€625	€750
Commercial	Plant and Machinery	€63	€125	€188	€250	€313
Commercial	Public Car Park			€2,000	€2,625	€3,375
Commercial	Waste Disposal					
Residential	Bungalow					
Residential	Flat / Terraced House / Maisonette				€1,250	€1,625
Residential	Receded Dwelling				€5,375	€6,750
Residential	Villa (Semi / Fully Detached -2 dwelling units) / Farmhouse					
Social	Social/Cultural/Sports/Educational				€1,875	€2,375
Social	Special Buildings or Uses	€438	€813	€1,250	€1,625	€2,000
Other	Engineering Operations	€63	€125	€125	€188	€188
Other	Garages		€750	€1,063	€1,375	€1,750
Other	Temporary Structure / Use Of Land	€188	€313	€438	€563	€688

Type	Development	Area up to				
		150m ²	175m ²	200m ²	225m ²	250m ²
Agricultural	Agriculture	€1,375	€1,500	€1,750	€2,000	€2,250
Agricultural	Boathouse For Registered Fisherman	€1,375	€1,500	€1,750	€2,000	€2,250
Agricultural	Greenhouse	€250	€313	€375	€375	€438
Agricultural	Livestock Farm Building	€688	€750	€875	€1,000	€1,063
Commercial	Commercial Development	€4,500	€5,250	€6,000	€6,750	€7,500
Commercial	Disposal of Construction & Demolition Waste	€688	€813	€875	€1,000	€1,125
Commercial	Film Set	€875	€1,000	€1,188	€1,250	€1,375
Commercial	Plant and Machinery	€375	€438	€438	€500	€563
Commercial	Public Car Park	€4,000	€4,750	€5,375	€6,000	€6,750
Commercial	Waste Disposal					
Residential	Bungalow	€6,625	€7,625	€8,750	€9,875	€11,000
Residential	Flat / Terraced House / Maisonette	€1,875	€2,250	€2,500	€2,875	€3,125
Residential	Receded Dwelling	€8,125	€9,500	€10,750	€12,125	€13,750
Residential	Villa (Semi / Fully Detached -2 dwelling units) / Farmhouse	€4,125	€4,875	€5,500	€6,250	€7,000
Social	Social/Cultural/Sports/ Educational	€2,875	€3,250	€3,750	€4,250	€4,750
Social	Special Buildings or Uses	€2,375	€2,750	€3,250	€3,625	€4,000
Other	Engineering Operations	€250	€250	€313	€375	€375
Other	Garages	€2,125	€2,500	€2,875	€3,250	€3,500
Other	Temporary Structure / Use Of Land	€813	€1,000	€1,125	€1,250	€1,375

Type	Development	Area up to				
		275m ²	300m ²	350m ²	400m ²	500m ²
Agricultural	Agriculture	€2,375	€2,625	€3,125	€3,500	€4,375
Agricultural	Boathouse For Registered Fisherman	€2,375	€2,625	€3,125	€3,500	€4,375
Agricultural	Greenhouse	€500	€500	€625	€688	€875
Agricultural	Livestock Farm Building	€1,188	€1,250	€1,500	€1,750	€2,125
Commercial	Commercial Development	€8,250	€9,000	€10,500	€12,000	€15,000
Commercial	Disposal of Construction & Demolition Waste	€1,188	€1,250	€1,500	€1,750	€2,125
Commercial	Film Set	€1,625	€1,750	€2,000	€2,250	€2,875
Commercial	Plant and Machinery	€625	€688	€813	€875	€1,125
Commercial	Public Car Park	€7,375	€8,000	€9,375	€10,750	€13,750
Commercial	Waste Disposal					€2,125
Residential	Bungalow	€12,125	€13,750	€15,000	€17,500	€22,500
Residential	Flat / Terraced House / Maisonette	€3,500	€3,750	€4,375	€5,000	€6,250
Residential	Receded Dwelling	€15,000	€16,250	€18,750	€21,250	€27,500
Residential	Villa (Semi / Fully Detached -2 dwelling units) / Farmhouse	€7,625	€8,375	€9,750	€11,125	€13,750
Social	Social/Cultural/Sports/ Educational	€5,125	€5,625	€6,625	€7,500	€9,375
Social	Special Buildings or Uses	€4,375	€4,750	€5,625	€6,375	€8,000
Other	Engineering Operations	€438	€438	€500	€563	€750
Other	Garages	€3,875	€4,250	€5,000	€5,625	€7,125
Other	Temporary Structure / Use Of Land	€1,500	€1,625	€1,875	€2,125	€2,750

Type	Development	Area up to				
		750m ²	1,000m ²	2,000m ²	2,500m ²	3,000m ²
Agricultural	Agriculture	€6,625	€8,750	€17,500	€22,500	€26,250
Agricultural	Boathouse For Registered Fisherman	€6,625	€8,750	€17,500	€22,500	€26,250
Agricultural	Greenhouse	€1,250	€1,625	€3,250	€4,125	€5,000
Agricultural	Livestock Farm Building	€3,250	€4,250	€8,500	€10,625	€12,500
Commercial	Commercial Development	€22,500	€30,000	€60,000	€75,000	€90,000
Commercial	Disposal of Construction & Demolition Waste	€3,250	€4,250	€8,625	€10,750	€12,500
Commercial	Film Set	€4,250	€5,625	€11,375	€13,750	€17,500
Commercial	Plant and Machinery	€1,625	€2,125	€4,375	€5,500	€6,500
Commercial	Public Car Park	€20,000	€26,250	€53,750	€67,500	€80,000
Commercial	Waste Disposal	€3,250	€4,250	€8,625	€10,750	€12,500
Residential	Bungalow	€32,500	€43,750	€87,500	€110,000	€137,500
Residential	Flat / Terraced House / Maisonette	€9,375	€12,500	€25,000	€31,250	€37,500
Residential	Receded Dwelling	€40,000	€53,750	€107,500	€137,500	€162,500
Residential	Villa (Semi / Fully Detached -2 dwelling units) / Farmhouse	€21,250	€27,500	€55,000	€68,750	€83,750
Social	Social/Cultural/Sports/ Educational	€13,750	€18,750	€37,500	€47,500	€56,250
Social	Special Buildings or Uses	€11,875	€16,250	€31,250	€40,000	€47,500
Other	Engineering Operations	€1,063	€1,375	€2,750	€3,500	€4,250
Other	Garages	€10,625	€13,750	€28,750	€35,000	€42,500
Other	Temporary Structure / Use Of Land	€4,000	€5,375	€10,750	€13,750	€16,250

Type	Development	Area up to				
		4,000m ²	5,000m ²	7,500m ²	10,000m ²	>10,000m ²
Agricultural	Agriculture	€35,000	€43,750	€66,250	€87,500	€175,000
Agricultural	Boathouse For Registered Fisherman	€35,000	€43,750	€66,250	€87,500	€175,000
Agricultural	Greenhouse	€6,625	€8,250	€12,375	€16,250	€32,500
Agricultural	Livestock Farm Building	€17,500	€21,250	€32,500	€42,500	€85,000
Commercial	Commercial Development	€120,000	€150,000	€225,000	€300,000	€600,000
Commercial	Disposal of Construction & Demolition Waste	€17,500	€21,250	€32,500	€42,500	€86,250
Commercial	Film Set	€22,500	€28,750	€42,500	€56,250	€113,750
Commercial	Plant and Machinery	€8,750	€10,875	€16,250	€21,250	€43,750
Commercial	Public Car Park	€107,500	€137,500	€200,000	€262,500	€537,500
Commercial	Waste Disposal	€17,500	€21,250	€32,500	€42,500	€86,250
Residential	Bungalow	€175,000	€225,000	€325,000	€437,500	€875,000
Residential	Flat / Terraced House / Maisonette	€50,000	€62,500	€93,750	€125,000	€250,000
Residential	Receded Dwelling	€212,500	€275,000	€400,000	€537,500	€1,075,000
Residential	Villa (Semi / Fully Detached -2 dwelling units) / Farmhouse	€111,250	€137,500	€212,500	€275,000	€550,000
Social	Social/Cultural/Sports/ Educational	€75,000	€93,750	€137,500	€187,500	€375,000
Social	Special Buildings or Uses	€63,750	€80,000	€118,750	€162,500	€312,500
Other	Engineering Operations	€5,625	€7,000	€10,500	€13,750	€27,500
Other	Garages	€56,250	€71,250	€106,250	€137,500	€287,500
Other	Temporary Structure / Use Of Land	€21,250	€27,500	€40,000	€53,750	€107,500

SUBSIDIARY LEGISLATION 552.xx

REGULARISATION OF EXISTING DEVELOPMENT FALLING WITHIN THE DEVELOPMENT ZONE REGULATIONS

IN EXERCISE of the powers conferred by articles 85 and 101 of the Development Planning Act, the Minister responsible for Planning in consultation with the Planning Authority, has made the following regulations:-

Short title.

1. The title of these regulations is the Regularisation of Existing Development Regulations.

Definitions.

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

"the Act" means the Development Planning Act;

"the Authority" means the Planning Board as defined in the Act;

"Development Zone" means land within the boundary for development in a planning scheme or local plan;

"Place Quality" means the ongoing integration of the aesthetic, physical, environmental, spatial, contextual and functional characteristics of land, buildings and surrounding spaces, with particular emphasis on visual harmony and good neighbourliness. Excluded uses include premises for the manufacture, processing or storage of hazardous chemicals; scrap or vehicle-dismantling yards; fireworks or explosives factories; and premises primarily used for religious assembly or instruction.

"the Tribunal" means the Environment and Planning Review Tribunal as defined in the Environment and Planning Review Tribunal Act;

"Urban Conservation Area" means an area of land designated as such in a planning scheme or local plan or other currently approved planning policies.

- (2) In these regulations, words and expressions defined in the Act shall have the same meaning as they have in the Act.

3. The purpose of these regulations is to lay down the procedures whereby any person may apply for the regularisation of an existing illegal development situated within the development zone, provided that such development was already in existence as at the year 2016 and that all the requirements set out in these regulations are duly satisfied. Any permit granted pursuant to a regularisation application in accordance with these regulations shall, for all intents and purposes of law, be deemed to constitute a full development permit in terms of the Act.

4. An application for regularisation under these regulations shall be submitted by a *perit*. Any application that fails to comply with the requirements listed below shall be deemed null and void *ab initio*, and no further processing shall be undertaken by the Authority. In such cases, the administrative fee of one hundred fifty euro (€150) shall be retained by the Authority:

- (i) A site plan clearly indicating the exact location of the existing development;

(ii) Detailed plans, external elevations, and sections of the development, which shall also specify the type of use of the respective development as at the year 2016;(iii) Three photographs of each external elevation of the existing building, taken from different angles;

Provided that, where the existing development is located within an Urban Conservation Area, an internal photographic survey of all rooms and other internal structures shall also be submitted. This survey must be cross-referenced to a corresponding plan of the premises(iv) Documentary evidence confirming that the building envelope and the specific use as shown in the submitted plans were already in existence at the year 2016;

(v) Proof of payment of the minimum administrative fee of one hundred fifty euro (€150);

(vi) A declaration by the applicant stating either that he qualifies as the owner in accordance with article 2 of the Development Planning Act, or that he has obtained the necessary consent from the relevant owner in accordance with the said Act.

5. An applicant may limit the scope of the regularisation request by explicitly excluding any parts of the development which he does not intend to regularise under these regulations. Such exclusions must be clearly indicated on the submitted drawings, which shall distinguish between the areas subject to regularisation and those not forming part of the application.

6. Upon validation of the application, on the basis that it satisfies all the requirements set out in sub-regulation 5, the Executive Chairperson shall notify the applicant and the *perit* of the fees payable to the Authority. These fees shall be calculated according to the rates established in the Schedule annexed with these Regulations. The application shall not proceed to processing unless such fees are duly paid to the Authority. Ninety percent (90%) of the specified fees will be allocated to the Development Planning Fund.

7. The Executive Chairperson shall, within a reasonable time, prepare a recommendation regarding whether a regularisation should be granted pursuant to these Regulations. Such recommendation shall be based upon an assessment as to whether the development depicted in the submitted drawings achieves a satisfactory standard of Place Quality, as defined in these Regulations, and meets the following criteria:

(v) The site does not lie within a Level 1 Area of Ecological Importance (AEI) or a Level 1 Site of Scientific Importance (SSI) or Class A Archaeological Site;

(vi) The building is not scheduled as a Grade 1 property;

(vii) Where the development subject to the application constitutes an extension or ancillary structure to a legally established residence, it must lie within the curtilage of that residence and in no case more than fifty (50) metres from the boundary of the legally established residence;

(iv) Where the development subject to the application concerns a structure illegally used as a residence, it shall have a roofed area of not less than fifty-five (55) square metres;

Provided further that in such case, it shall be demonstrated by concrete and credible evidence that the residential use was already in place in the year 2016.

8. The Executive Chairperson may, at any time prior to a decision being taken by the Planning Board, withdraw an application from the agenda for further review as deemed necessary, provided that no final decision has yet been made on the application.

9. An applicant may opt to submit an application for regularisation under these regulations even where a full development application is pending before the Planning Board or awaiting to be rendered executable. In such case, the Planning Board shall suspend further processing of the full development application until the request for regularisation is finally determined.

10. In determining whether to approve a regularisation application, the Planning Board shall consider the recommendation of the Executive Chairperson and may either confirm or modify the outcome of the recommendation.

Provided further that, where the Planning Board decides not to follow the recommendation of the Executive Chairperson, it shall clearly state the specific planning reasons which justify such departure:

Provided that, the Planning Board may approve the application subject to such conditions as it may deem necessary, including, but not limited to, the execution of specified works within a defined time-frame. Failure to comply with any such condition within the stipulated period may result in the dismissal of the application:

Provided also that, where an application is refused by the Planning Board, ninety per cent (90%) of the fees paid in accordance with the schedule annexed with these regulations shall be refunded to the applicant.

11. The applicant shall have a right to appeal the Authority's decision before the Tribunal in terms of the Environment and Review Tribunal Act.

12. The Authority may, at any time, revoke or modify any permission issued in terms of these regulations in accordance with article 80A of the Act.

13. Any application made in terms of these Regulations shall be submitted prior to first (1) October 2029.

Schedule

In this Schedule, In this Schedule, any reference to "type of development" shall be understood in the same manner as provided in Schedule 1 of the Development Planning Fees Regulations

Rates for Development Located Within the Development Zone

The following tabulated rates shall apply to development located within the development zone, depending on the nature of the development subject to regularisation.

For the purposes of computation, the following rules shall apply:

- (iv) The rate payable in respect of a development proposed for regularisation which does not qualify under commercial use shall be calculated on the basis of the total roofed area of the development.
- (v) Any daily fines paid following the issuance of an enforcement notice shall be deducted from the total amount due under these regulations;
- (vi) A five per cent (5%) increase shall apply to the applicable rates after the third year from the commencement of these regulations. Thereafter, the fees shall continue to increase by five per cent (5%) each year.

Type	Development	Area up to				
		25m ²	50m ²	75m ²	100m ²	125m ²
Agricultural	Agriculture	€250	€438	€688	€875	€1,125
Agricultural	Boathouse For Registered Fisherman	€250	€438	€688	€875	€1,125
Agricultural	Greenhouse	€63	€125	€125	€188	€250
Agricultural	Livestock Farm Building		€250	€375	€438	€563
Commercial	Commercial Development				€3,000	€3,750
Commercial	Disposal of Construction & Demolition Waste	€125	€250	€375	€438	€563
Commercial	Film Set	€188	€313	€438	€625	€750
Commercial	Plant and Machinery	€63	€125	€188	€250	€313
Commercial	Public Car Park			€2,000	€2,625	€3,375
Commercial	Waste Disposal					
Residential	Bungalow					
Residential	Flat / Terraced House / Maisonette				€1,250	€1,625
Residential	Receded Dwelling				€5,375	€6,750
Residential	Villa (Semi / Fully Detached -2 dwelling units) / Farmhouse					
Social	Social/Cultural/Sports/Educational				€1,875	€2,375
Social	Special Buildings or Uses	€438	€813	€1,250	€1,625	€2,000
Other	Engineering Operations	€63	€125	€125	€188	€188
Other	Garages		€750	€1,063	€1,375	€1,750
Other	Temporary Structure / Use Of Land	€188	€313	€438	€563	€688

Type	Development	Area up to				
		150m ²	175m ²	200m ²	225m ²	250m ²
Agricultural	Agriculture	€1,375	€1,500	€1,750	€2,000	€2,250
Agricultural	Boathouse For Registered Fisherman	€1,375	€1,500	€1,750	€2,000	€2,250
Agricultural	Greenhouse	€250	€313	€375	€375	€438
Agricultural	Livestock Farm Building	€688	€750	€875	€1,000	€1,063
Commercial	Commercial Development	€4,500	€5,250	€6,000	€6,750	€7,500
Commercial	Disposal of Construction & Demolition Waste	€688	€813	€875	€1,000	€1,125
Commercial	Film Set	€875	€1,000	€1,188	€1,250	€1,375
Commercial	Plant and Machinery	€375	€438	€438	€500	€563
Commercial	Public Car Park	€4,000	€4,750	€5,375	€6,000	€6,750
Commercial	Waste Disposal					
Residential	Bungalow	€6,625	€7,625	€8,750	€9,875	€11,000
Residential	Flat / Terraced House / Maisonette	€1,875	€2,250	€2,500	€2,875	€3,125
Residential	Receded Dwelling	€8,125	€9,500	€10,750	€12,125	€13,750
Residential	Villa (Semi / Fully Detached -2 dwelling units) / Farmhouse	€4,125	€4,875	€5,500	€6,250	€7,000
Social	Social/Cultural/Sports/ Educational	€2,875	€3,250	€3,750	€4,250	€4,750
Social	Special Buildings or Uses	€2,375	€2,750	€3,250	€3,625	€4,000
Other	Engineering Operations	€250	€250	€313	€375	€375
Other	Garages	€2,125	€2,500	€2,875	€3,250	€3,500
Other	Temporary Structure / Use Of Land	€813	€1,000	€1,125	€1,250	€1,375

Type	Development	Area up to				
		275m ²	300m ²	350m ²	400m ²	500m ²
Agricultural	Agriculture	€2,375	€2,625	€3,125	€3,500	€4,375
Agricultural	Boathouse For Registered Fisherman	€2,375	€2,625	€3,125	€3,500	€4,375
Agricultural	Greenhouse	€500	€500	€625	€688	€875
Agricultural	Livestock Farm Building	€1,188	€1,250	€1,500	€1,750	€2,125
Commercial	Commercial Development	€8,250	€9,000	€10,500	€12,000	€15,000
Commercial	Disposal of Construction & Demolition Waste	€1,188	€1,250	€1,500	€1,750	€2,125
Commercial	Film Set	€1,625	€1,750	€2,000	€2,250	€2,875
Commercial	Plant and Machinery	€625	€688	€813	€875	€1,125
Commercial	Public Car Park	€7,375	€8,000	€9,375	€10,750	€13,750
Commercial	Waste Disposal					€2,125
Residential	Bungalow	€12,125	€13,750	€15,000	€17,500	€22,500
Residential	Flat / Terraced House / Maisonette	€3,500	€3,750	€4,375	€5,000	€6,250
Residential	Receded Dwelling	€15,000	€16,250	€18,750	€21,250	€27,500
Residential	Villa (Semi / Fully Detached -2 dwelling units) / Farmhouse	€7,625	€8,375	€9,750	€11,125	€13,750
Social	Social/Cultural/Sports/ Educational	€5,125	€5,625	€6,625	€7,500	€9,375
Social	Special Buildings or Uses	€4,375	€4,750	€5,625	€6,375	€8,000
Other	Engineering Operations	€438	€438	€500	€563	€750
Other	Garages	€3,875	€4,250	€5,000	€5,625	€7,125
Other	Temporary Structure / Use Of Land	€1,500	€1,625	€1,875	€2,125	€2,750

Type	Development	Area up to				
		750m ²	1,000m ²	2,000m ²	2,500m ²	3,000m ²
Agricultural	Agriculture	€6,625	€8,750	€17,500	€22,500	€26,250
Agricultural	Boathouse For Registered Fisherman	€6,625	€8,750	€17,500	€22,500	€26,250
Agricultural	Greenhouse	€1,250	€1,625	€3,250	€4,125	€5,000
Agricultural	Livestock Farm Building	€3,250	€4,250	€8,500	€10,625	€12,500
Commercial	Commercial Development	€22,500	€30,000	€60,000	€75,000	€90,000
Commercial	Disposal of Construction & Demolition Waste	€3,250	€4,250	€8,625	€10,750	€12,500
Commercial	Film Set	€4,250	€5,625	€11,375	€13,750	€17,500
Commercial	Plant and Machinery	€1,625	€2,125	€4,375	€5,500	€6,500
Commercial	Public Car Park	€20,000	€26,250	€53,750	€67,500	€80,000
Commercial	Waste Disposal	€3,250	€4,250	€8,625	€10,750	€12,500
Residential	Bungalow	€32,500	€43,750	€87,500	€110,000	€137,500
Residential	Flat / Terraced House / Maisonette	€9,375	€12,500	€25,000	€31,250	€37,500
Residential	Receded Dwelling	€40,000	€53,750	€107,500	€137,500	€162,500
Residential	Villa (Semi / Fully Detached -2 dwelling units) / Farmhouse	€21,250	€27,500	€55,000	€68,750	€83,750
Social	Social/Cultural/Sports/ Educational	€13,750	€18,750	€37,500	€47,500	€56,250
Social	Special Buildings or Uses	€11,875	€16,250	€31,250	€40,000	€47,500
Other	Engineering Operations	€1,063	€1,375	€2,750	€3,500	€4,250
Other	Garages	€10,625	€13,750	€28,750	€35,000	€42,500
Other	Temporary Structure / Use Of Land	€4,000	€5,375	€10,750	€13,750	€16,250

Type	Development	Area up to				
		4,000m ²	5,000m ²	7,500m ²	10,000m ²	>10,000m ²
Agricultural	Agriculture	€35,000	€43,750	€66,250	€87,500	€175,000
Agricultural	Boathouse For Registered Fisherman	€35,000	€43,750	€66,250	€87,500	€175,000
Agricultural	Greenhouse	€6,625	€8,250	€12,375	€16,250	€32,500
Agricultural	Livestock Farm Building	€17,500	€21,250	€32,500	€42,500	€85,000
Commercial	Commercial Development	€120,000	€150,000	€225,000	€300,000	€600,000
Commercial	Disposal of Construction & Demolition Waste	€17,500	€21,250	€32,500	€42,500	€86,250
Commercial	Film Set	€22,500	€28,750	€42,500	€56,250	€113,750
Commercial	Plant and Machinery	€8,750	€10,875	€16,250	€21,250	€43,750
Commercial	Public Car Park	€107,500	€137,500	€200,000	€262,500	€537,500
Commercial	Waste Disposal	€17,500	€21,250	€32,500	€42,500	€86,250
Residential	Bungalow	€175,000	€225,000	€325,000	€437,500	€875,000
Residential	Flat / Terraced House / Maisonette	€50,000	€62,500	€93,750	€125,000	€250,000
Residential	Receded Dwelling	€212,500	€275,000	€400,000	€537,500	€1,075,000
Residential	Villa (Semi / Fully Detached -2 dwelling units) / Farmhouse	€111,250	€137,500	€212,500	€275,000	€550,000
Social	Social/Cultural/Sports/ Educational	€75,000	€93,750	€137,500	€187,500	€375,000
Social	Special Buildings or Uses	€63,750	€80,000	€118,750	€162,500	€312,500
Other	Engineering Operations	€5,625	€7,000	€10,500	€13,750	€27,500
Other	Garages	€56,250	€71,250	€106,250	€137,500	€287,500
Other	Temporary Structure / Use Of Land	€21,250	€27,500	€40,000	€53,750	€107,500