

ABBOZZ TA' LIĠI msejjaħ

ATT ta' l-2007 li jemenda l-Att dwar l-Ippjanar ta' l-Iżvilupp

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:

1. (1) It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2008 li jemenda l-Att dwar l-Ippjanar ta' l-Iżvilupp, u għandu jinqara u jiftiehem haġa wahda ma' l-Att dwar l-Ippjanar ta' l-Iżvilupp, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor u bidu fis-seħh.

(2) Dan l-Att għandu jitqies li ġie fis-seħh f'dik id-data li l-Ministru responsabbli għall-ippjanar ta' l-iżvilupp jista' jstabbilixxi b'avviż fil-Gazzetta, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti jew għanijiet differenti ta' dan l-Att.

2. (1) Minnufih qabel it-tifsira "permess għall-iżvilupp" fl-artikolu 2 ta' l-Att prinċipali, għandha tiżdied din it-tifsira li ġejja:–

Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

““parti interessata dikjarata” tfisser kull persuna li tikkonforma ruħha mal-htigijiet tad-dispożizzjonijiet ta' l-artikolu 32(5) ta' l-Att;”;

(2) Minnufih qabel it-tifsira “użu” fl-artikolu 2 ta' l-Att prinċipali, għandha tiżdied din it-tifsira li ġejja:–

Kap. 460.

“Unjoni Ewropea” ghandha l-istess tifsira moghtija mill-artikolu 2 ta’ l-Att Dwar l-Unjoni Ewropea”

Emenda ta’ l-artikolu 3 ta’ l-Att prinċipali.

3. Il-paragrafu (b) tas-subartikolu (2) ta’ l-Artikolu 3 ta’ l-Att prinċipali ghandu jiġi emendat kif ġej:–

(a) minflok il-kliem “s-sebgha l-ohra” ghandhom jidhlu l-kliem “ iehor ghandu taghrif u esperjenza fi hwejjeġ ta’ patrimonju kulturali, u s-sitta l-ohra”; u

(b) minflok il-kliem “u l-ambjent.” ghandhom jidhlu l-kliem “, l-ambjent jew patrimonju kulturali.”.

Żjieda ta’ l-artikolu 15B ġdid ma’ l-Att prinċipali.

4. Minnufih wara l-artikolu 15A ta’ l-Att prinċipali, ghandu jżieded dan l-artikolu ġdid li ġej:–

“Il-Bord ta’ l-Appelli jista jissospendi l-eżekuzzjoni ta’ l-iżvilupp.

15B. (1) Fil-każ ta’ żvilupp f’żona li taqa’ ’il barra minn żoni ta’ l-iżvilupp kif definiti fil-Pjan ta’ Struttura jew f’xi pjan iehor; jew fi propjetà skedata grad 1 jew grad 2; jew f’każ ta’ twaqqiġh f’Żona ta’ Konservazzjoni Urbana ta’ Kategorija A li tinkludi t-twaqqiġh tal-faċċata; jew f’Żona Speċjali ta’ Konservazzjoni, fuq talba ta’ l-appellant li ssir fl-istess hin ma’ applikazzjoni ghal appell, il-Bord ta’ l-Appell jista’ b’deċiżjoni parzjali jissospendi l-eżekuzzjoni ta’ l-iżvilupp, kollu jew f’parti minnu, kif approvat bil-permess ta’ l-iżvilupp bla hsara għall-appell, taht dawk il-pattijiet, kundizzjonijiet u miżuri ohra xierqa.

(2) Il-bord m’ghandux jissospendi l-eżekuzzjoni ta’ permess bhal dak kemm-il darba, wara li jkun nstemgħu l-partijiet kollha, il-bord ma jkunx sodisfatt illi kemm-il darba ma tiġix sospiża l-eżekuzzjoni tal-permess, il-preġudizzju li jinholoq ikun sproporzjonat meta dan jiġi mqabbel ma’ l-istess ghemil tal-haġa hekk permessa jew jekk it-talba titqies li tkun frivola u vessatorja:

Iżda l-Bord ghandu jiġġustifika d-deċiżjoni biex jissospendi l-eżekuzzjoni ta’ l-iżvilupp u ghandu jagħti d-deċiżjoni finali fuq il-merti ta’ l-appell fi żmien tliet xhur mid-data ta’ l-ewwel smieġh ta’ l-appell:

Iżda wkoll is-sospensjoni ta’ l-eżekuzzjoni ta’ dak il-permess ma tistax tkun ta aktar minn tliet xhur mid-data ta’ l-ewwel smieġh ta’ l-Appell quddiem il-Bord:

Iżda wkoll l-applikazzjoni mhix għal żvilupp li, fl-opinjoni tal-Ministru jkollha sinifikat strateġiku jew ta' interess nazzjonali, relatata ma xi obligazzjoni li tohroġ minn Direttiva ta' l-Unjoni Ewropea, taffettwa s-sigurtà nazzjonali jew taffettwa interessi ta' xi gvern ieħor.

(3) L-ewwel smiegh tal-Bord għandu jsir fi żmien sitt ijiem tax-xogħol minn meta jiġi pprezentat l-appell”.

5. Minflok is-subartikolu (2) ta' l-artikolu 27 ta' l-Att prinċipali għandu jidhol dan is-subartikolu ġdid li ġejj:-

Emenda ta' l-artikolu 27 ta' l-Att prinċipali.

“(2) Meta l-Awtorità thejji pjan sussidjarju jew reviżjoni tiegħu kif hawn qabel imsemmi, hija għandha titlob l-approvazzjoni tal-Ministru skond din il-proċedura li ġejja:

(a) waqt it-thejjija jew reviżjoni ta' pjan sussidjarju, l-Awtorità għandha tgharraf lill-pubbliku b'dawk l-affarijiet li tkun behsiebha tqis, u għandha tippovdi opportunitajiet adegwati lill-individwi u organizzazzjonijiet biex iressqu l-ilmenti tagħhom quddiem l-Awtorità;

(b) meta jkun ġie preparat il-pjan sussidjarju jew ir-reviżjoni tiegħu, l-Awtorità għandha tippubblika l-pjan flimkien ma' dawn l-ilmenti li tkun irċeviet u r-reazzjonijiet tagħha għal dawk l-ilmenti. L-Awtorità għandha tistieden li jsirulha ilmenti dwar il-pjan li jkun ser jiġi pprezentat quddiemha fi żmien speċifikat ta' mhux anqas minn sitt gimghat; fejn f'xi pjan sussidjarju bħal dak jew f'reviżjoni tiegħu jkun propost illi xi art tiġi eskluża minn Konfini ta' Skema ta' Provvedimenti Temporanji jew mill-konfini ta' żvilupp kif indikati f'xi pjan lokali, l-Awtorità għandha tippubblika fil-Gazzetta u f'żewġ gazzetti lokali ta' kuljum avviz li juri l-art li tkun ser tiġi eskluża;

(ċ) l-Awtorità għandha tadotta l-pjan sussidjarju wara li tiegħu in konsiderazzjoni l-ilmenti kollha li hija tkun irċeviet kif imsemmi hawn qabel;

(d) l-Awtorità għandha tirreferi l-pjan sussidjarju lill-Ministru. Għandha wkoll tibghat lill-Ministru:

(i) l-istqarrija ta' l-ilmenti;

(ii) ir-reazzjonijiet tagħha u l-emendi li tkun għamlet għal dawk l-ilmenti;

(iii) indikazzjoni ċara ta' l-emendi l-oħra kollha li tkun għamlet fil-pjan; u

(iv) id-dokumentazzjoni u l-istudji relattivi kollha konnessi mal-preparazzjoni tal-pjan sussidjarju;

(e) l-Awtorità għandha tippubblika wkoll il-pjan u tistieden li jsirulha ilmenti fuq l-affarijiet indikati fis-subparagrafu (iii) tal-paragrafu (d) ta' dan l-artikolu, sabiex dawn jiġu preżentati fi żmien speċifikat ta' mhux anqas minn sitt ġimgħat;

(f) l-Awtorità għandha tadotta l-pjan sussidjarju wara li tiegħu in konsiderazzjoni l-ilmenti kollha li hija tkun irċeviet kif imsemmi hawn qabel u għandha tirreferi l-pjan sussidjarju għall-approvazzjoni tal-Ministru. Għandha tibgħat ukoll lill-Ministru:

(i) l-istqarrija dwar l-ilmenti;

(ii) ir-reazzjonijiet u l-emendi li tkun għamlet għal dawk l-ilmenti;

(g) meta l-Ministru jaqbel mal-pjan sussidjarju huwa għandu japprovah skond ma dan ikun ġie ppreżentat kif sottomess mill-Awtorità u l-Awtorità għandha wara dik l-approvazzjoni tippubblikhom flimkien ma' l-istqarrijiet, reazzjonijiet, dokumenti u studji msemmija fil-paragrafi (d) u (f);

(h) meta l-Ministru ma jaqbilx mal-pjan sussidjarju kif adottat mill-Awtorità skond il-paragrafu (f) ta' dan l-artikolu, huwa għandu jipprepara stqarrija ta' pożizzjoni dwar l-ippjanar fejn isemmi t-tibdiliet li huwa jkun qed jissuggerixxi jew ir-reazzjonijiet tiegħu għall-pjan sussidjarju ta' l-Awtorità u għandu jirreferi l-pjan sussidjarju lura lill-Awtorità flimkien ma' l-istqarrija ta' pożizzjoni dwar l-ippjanar tiegħu; meta f'xi pjan sussidjarju bħal dak jew f'reviżjoni tiegħu jkun propost illi xi art tiġi eskluża minn Konfini ta' Skema ta' Provvedimenti Temporari jew minn konfini ta' żvilupp kif indikati fi pjan lokali, l-Awtorità għandha tippubblika fil-Gazzetta u f'żewġ gazzetti lokali ta' kuljum avviz li juri l-art li tkun ser tiġi eskluża;

(i) meta l-Awtorità ma taqbilx mal-Ministru wara li l-Ministru jkun irrefera lura d-dokumenti tal-pjan sussidjarju

lilha, hija ghandha thejji stqarrija ta' pożizzjoni dwar l-ippjanar u ghandha tirreferi dik l-istqarrija lura lill-Ministru;

(j) il-Ministru ghandu wara dan kollu jhejji stqarrija finali ta' pożizzjoni dwar l-ippjanar. Huwa ghandu minnufih wara jgharrafha lill-Awtorità;

(k) l-Awtorità ghandha minnufih temenda l-pjan sussidjarju skond l-istqarrija finali ta' pożizzjoni dwar l-ippjanar tal-Ministru u tippreżenta dak il-pjan lill-Ministru għall-approvazzjoni finali tieghu;

(l) wara li tinghata dik l-approvazzjoni l-Awtorità ghandha tippubblika l-pjan sussidjarju flimkien ma' l-istqarrijiet ta' pożizzjoni dwar l-ippjanar tagħha u dawk tal-Ministru flimkien mal-parir tal-Bord ta' l-Appell mogħti skond il-paragrafu (n), jekk ikun il-każ, u flimkien ma' l-istqarrijiet, reazzjonijiet, dokumenti u studji msemmija fil-paragrafi preċedenti;

(m) meta l-pjan sussidjarju jew xi parti minnu jkun jestendi l-iskop ta' jew ikun jikkunfliggi mal-pjan ta' struttura, il-Ministru ghandu jikkonforma mad-dispożizzjonijiet ta' l-artikoli 18 sa 22 fil-każ ta' dak il-pjan sussidjarju jew parti minnu, iżda dawk il-partijiet tal-pjan sussidjarju li ma jestendux l-iskop ta' jew li ma jkunux kunfliggenti mal-pjan ta' struttura ghandhom jidhlu fis-sehh fid-data meta dawn jiġu approvati mill-Ministru;

(n) jekk ikun hemm dubju dwar liema proċedura ghandha tiġi segwita dwar pjan sussidjarju jew jekk pjan sussidjarju jew stqarrija ta' pożizzjoni dwar l-ippjanar ikunux jestendu l-iskop jew ikunu kunfliggenti mas-sustanza tal-pjan ta' struttura, il-kwistjoni tista' tiġi riferita f'kull żmien mill-Awtorità jew mill-Ministru lill-Bord ta' l-Appell, iżda meta l-Awtorità tkun thoss li l-istqarrija finali ta' pożizzjoni dwar l-ippjanar tal-Ministru tkun testendi l-iskop jew tkun kunfliggenti mas-sustanza tal-pjan ta' struttura, hija ghandha tirreferi l-kwistjoni lill-Bord ta' l-Appell fi żmien xahar mid-data li hija tirċievi l-istqarrija finali ta' pożizzjoni dwar l-ippjanar tal-Ministru. Il-Bord ta' l-Appell ghandu jiddeċiedi fi żmien xahar minn meta l-kwistjoni tkun ġiet riferita lilu dwar liema proċedura ghandha tkun tapplika u d-deċiżjoni tal-Bord ghandha tkun wahda finali.”

6. Minflok is-subartikolu (5) ta' artikolu 32 ta' l-Att prinċipali għandu jidhhol dan li ġejj:-

“(5) (a) Kull persuna tista' tiddikjara interess f' xi żvilupp u, abbażi ta' raġunijiet li jkunu rilevanti għall-ippjanar, tagħmel ilmenti preliminari dwar dak l-iżvilupp. Dik id-dikjarazzjoni ta' interess għandha ssir bil-miktub u tasal għand l-Awtorità fi żmien għoxrin jum tax-xogħol mill-pubblikazzjoni ta' l-avviż imsemmi fis-subartikolu (4) ta' dan l-artikolu, iżda dak iż-żmien jista' jitqassar għal hamest ijiem f'każijiet urġenti kif jista' jiġi indikat fil-pubblikazzjoni. L-ilmenti minn partijiet interessati dikjarati jistgħu jiġu preżentati lill-Awtorità f'kull żmien waqt li l-applikazzjoni tkun qegħda tiġi pproċessata.

(b) Waqt il-proċess ta' l-applikazzjoni, l-Awtorità għandha tikkonsidra kull ilment li jsir minn partijiet interessati dikjarati, iżda:

(i) l-ilmenti għandhom jinkludu raġunijiet imsejsa fuq motivi ta' ippjanar;

(ii) ir-rapport dwar l-applikazzjoni għall-permess ta' żvilupp ma jkunx tlesta mill-uffiċjal li jkun qiegħed jitttratta dik l-applikazzjoni;

(iii) l-intenzjoni tal-parti interessata dikjarata li tagħmel l-ilment tagħha ma tkunx dik li tohloq dewmien fil-proċess ta' l-applikazzjoni.

(ċ) L-Awtorità jew il-Kummissjoni għandha tinforma lill- partijiet interessati dikjarati meta jkunu ġew ippreżentati pjanti godda u dik il-parti interessata dikjarata għandha tiġi mistiedna biex tkun preżenti għal-laqgħa ta' l-Awtorità jew tal-Kummissjoni meta tiġi diskussa dik l-applikazzjoni:

Iżda dawk l-ilmenti jistgħu jsiru f'format kif meqjus xieraq mill-Awtorità, u għandhom jinkludu dawk l-ilmenti mibgħuta bil-posta jew bl-idejn u dawk elettronici:

Iżda wkoll jekk l-aħhar ġurnata għall-ilmenti, skond paragrafi (a) jew (ċ) msemmija hawn aktar qabel, tkun festa pubblika jew ġurnata meta l-uffiċċju ta' l-Awtorità jkunu magħluq għall-pubbliku, it-terminu għal dawk l-ilmenti għandu jitqies bhala li jiskadi fil-ġurnata tax-xogħol li jmiss.

7. Minnufih wara l-ewwel proviso mas-subartikolu (2) ta' artikolu 33 ta' l-Att prinċipali, għandu jidhol dan il-proviso ġdid li ġejj:-

Emenda ta' l-artikolu 33 ta' l-Att prinċipali.

“Iżda wkoll l-eżekuzzjoni u l-validità ta' permess f'każ ta' żvilupp f'żona 'il barra miż-żona ta' żvilupp kif definit fil-Pjan ta' Struttura jew f'xi pjan ieħor, jew fi proprjetà skedata jew żvilupp li jinkludi t-twaqqigh ta' faċċata f'Zona ta' Konservazzjoni Urbana ta' Kategorija A, jew f'Zona Speċjali ta' Konservazzjoni, għandha tkun awtomatikament sospiża u m'għandu jibda ebda xogħol kif approvat fil-premess ta' żvilupp imsemmi qabel ma jgħaddi ż-żmien stabbilit fil-paragrafu (1) tat-Tielet Skeda li tinsab ma' l-Att, u għandu jibqa hekk sospiż sakemm il-Bord ta' l-Appell ta' l-Ippjanar ma jappuntax l-ewwel smiegh ta' appell dwar dak il-permess, jekk ikun il-każ, taht id-dispożizzjonijiet ta' l-artikolu 15B(3).”

8. Is-subartikolu (2) ta' l-artikolu 35 ta' l-Att prinċipali għandu jiġi emendat kif ġejj:-

Emenda ta' l-artikolu 35 ta' l-Att prinċipali.

(a) minflok il-kliem “tara li jkunu jistgħu jiġu spezzjonati” għandhom jidhlu l-kliem “tagħmel disponibbli,”;

(b) fil-paragrafu (ċ), minflok il-kliem “ta' l-ippjanar ambjentali u dikjarazzjonijiet dwar l-impatt fuq it-traffiku” għandhom jidhlu l-kliem “ta' l-impatt fuq it-traffiku, dikjarazzjonijiet dwar deskrizzjoni ta' proġett u dikjarazzjonijiet dwar l-impatt fuq it-traffiku”; u

(ċ) minnufih wara l-paragrafu (c), għandu jidhol dan li ġejj:-

“(d) u informazzjoni rilevanti oħra; taht dawk il-pattijiet u l-kundizzjonijiet li l-Ministru jista' jordna b'Regolamenti.”.

9. F'subartikolu (3) ta' artikolu 37 ta' l-Att prinċipali, minflok il-kliem “il-persuni li jkunu qed joġġezzjonaw” għandhom jidhlu l-kliem “il-partijiet interessati dikjarati”.

Emenda ta' l-artikolu 37 ta' l-Att prinċipali.

10. Is-subartikolu (7) ta' l-artikolu 52 ta' l-Att prinċipali għandu jiġi emendat kif ġejj:-

Emenda ta' l-artikolu 52 ta' l-Att prinċipali.

(a) minnufih wara l-kelma “Iżda” fil-proviso ta' dan is-subartikolu għandha tidhol il-kelma “wkoll”;

(b) minnufih wara l-kliem “ma jkunux thallsu” fil-proviso ma' dan is-subartikolu għandhom jidhlu l-kliem “jew jekk l-applikazzjoni tkun sabiex tirregolarizza żvilupp li jkun qabeż il-*footprint* approvat jew, iżid il-volum tal-bini minn kif approvat u

ma jkunx jagħmel parti minn razzett tal-bhejjem reġistrat u li jkun sar wara Mejju ta' l-2007 f'żona li taqa' 'il barra minn żoni ta' l-iżvilupp kif definiti fil-Pjan ta' Struttura jew f'xi pjan iehor, jew fi propjetà skedata jew f'Żona Speċjali ta' Konservazzjoni.”; u

(ċ) minnufih qabel il-proviso ma' dan is-subartikolu, għandu jidhol dan il-proviso ġdid li ġej:–

“Izda jekk l-avviż jirreferi għal żvilupp li jaqbez il-*footprint* approvat jew, iżid il-volum tal-bini minn kif approvat u ma jkunx jagħmel parti minn razzett tal-bhejjem reġistrat u jkun sar wara Mejju ta' l-2007 f'żona li taqa' 'il barra minn żoni ta' l-iżvilupp kif definiti fil-Pjan ta' Struttura jew f'xi pjan iehor, jew fi propjetà skedata jew f'Żona Speċjali ta' Konservazzjoni, l-effett ta' l-avviż m'għandux jiġi sospiż qabel ma tittiehed id-deċiżjoni finali ta' l-applikazzjoni.”

Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz hu biex jemenda l-Att dwar l-Ippjanar u l-Iżvilupp bil-għan li jissahħah l-infurzar tal-liġi f'żoni li jinsabu 'l barra mill-Konfini ta' Żvilupp. B'hekk jiskoraġġixxi l-iżvilupp illegali. Permezz ta' dawn l-emendi, qieghed ukoll jittejjeb il-proċess ta' pjanar u dan billi jsir aktar trasparenti billi, fost l-oħrajn, jissahħah id-dritt ta' l-appell għall-partijiet interessati dikjarati (*registered interested parties*) u billi jissahħah il-proċess ta' konsultazzjoni pubblika tal-pjanijiet sussidjarji.

**A BILL
entitled**

AN ACT to amend the Development Planning Act, 2007

BE IT ENACTED by the President, by and with the advice of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

1. (1) The short title of this Act is the Development Planning (Amendment) Act, 2008 and it shall be read and construed as one with the Development Planning Act, hereinafter referred to as “the principal Act”.

Short title and coming into force.

(2) This Act shall be deemed to have come into force on such date or dates as the Minister responsible for the environment may, by notice in the Gazette, appoint and different dates may be so appointed for different provisions and for different purposes of this Act.

2. (1) Immediately after the definition of “public officer” in article 2 of the principal Act, there shall be inserted the following definition:-

Amendment of article 2 of the principal Act.

““registered interested party” means any person who complies with the requirements of the provisions of article 32(5) of the Act;”

(2) Immediately after the definition of “erection” in article 2 of the principal Act, there shall be inserted the following definition:–

Cap. 460. “ “European Union” means the European Union as defined under article 2 of the European Union Act;”

Amendment of article 3 of the principal Act. **3.** Paragraph (b) of sub-article (2) of article 3 of the principal Act shall be amended as follows:–

(a) for the words “ the other seven” there shall be substituted “one of whom is a person with knowledge of and experience in matters relating to the cultural heritage, and the other six”; and

(b) for the words of the paragraph “ and the environment.” there shall be substituted the words “ ,the environment or cultural heritage.”.

Addition of new article 15B to the principal Act. **4.** Immediately after article 15A of the principal Act, there shall be inserted the following new article :–

“Appeal Board may suspend execution of development. 15B. (1) In case of a development in an area which falls outside areas designated for development as defined in the Structure Plan or in any other plan; or in a scheduled property grade 1 or grade 2; or in the case of demolition within Category A Urban Conservation Area which includes demolition of facade; or in a Special Area of Conservation, at the request of the appellant made concurrently with the application for the appeal, through a partial decision, the Appeal Board may suspend the execution of the development, in whole or in part, as approved by the development permit subject of the appeal, under those terms, conditions and other measures it may deem fit.

(2) The board shall not suspend the execution of such a permit unless it is satisfied, after hearing all the parties, that unless the execution of the permit is suspended the prejudice that would be caused would be disproportionate when compared with the actual doing of the thing so permitted or if the request is deemed as frivolous or vexatious:

Provided that the Board shall justify the decision suspending the execution of the development and shall grant its final decision on the merits of the appeal within three months from the date of the first hearing of the appeal:

Provided further that the suspension of the execution of such a permit may not be more than three months from the date of the first hearing of the Appeal before the Board:

Provided also that the application is not for a development which, in the opinion of the Minister is of strategic significance or of national interest, related to any obligation ensuing from a European Union Directive, affects national security or affects interests of other governments.

(3) The first hearing of the Board shall be within six working days from receipt of the appeal.”.

5. For sub-article (2) of article 27 of the principal Act there shall be substituted the following:–

Amendment of article 27 of the principal Act.

“(2) Where the Authority prepares a subsidiary plan or review thereof as aforesaid, it shall seek the Minister’ approval in terms of the following procedure:

(a) during the preparation or review of a subsidiary plan, the Authority shall make known to the public the matters it intends to take into consideration and shall provide adequate opportunities for individuals and organisations to make representations to the Authority;

(b) when the subsidiary plan or a revision thereof has been prepared, the Authority shall publish the plan together with a statement of the representations it has received and the responses it has made to those representations. The Authority shall invite representations on the plan to be submitted to it within a specified period of not less than six weeks; where in such a subsidiary plan or revision thereof it is proposed that any land be excluded from a Temporary Provisions Scheme Boundary or a development boundary as indicated in a local plan, the Authority shall publish in the Gazette and in two local daily newspapers a notice showing the land that is to be excluded;

(c) the Authority shall adopt the subsidiary plan after taking into consideration all the representations submitted to it as aforesaid;

(d) the Authority shall refer the subsidiary plan to the Minister. It shall also forward to the Minister:

(i) the statement of representations;

(ii) the responses and amendments it has made as a result of those representations;

(iii) a precise indication of all other amendments it has made to the plan; and

(iv) all the relative documentation and studies in relation to the preparation of the subsidiary plan;

(e) the Authority shall also publish the plan and invite representations on the matters indicated in sub-paragraph (iii) of paragraph (d) hereof to be submitted within a specified period of not less than six weeks;

(f) the Authority shall adopt the subsidiary plan after taking into consideration all the representations submitted to it as aforesaid and shall refer the subsidiary plan to the Minister for his approval. It shall also forward to the Minister:

(i) the statement of representations;

(ii) the responses and amendments it has made as a result of those representations;

(g) where the Minister agrees with the subsidiary plan he shall approve it as submitted by the Authority and the Authority shall upon such approval publish the same together with the statements, responses, documentation and studies referred to in paragraph (d) and (f);

(h) where the Minister does not agree with the subsidiary plan as adopted by the Authority in accordance with paragraph (f) hereof, he shall prepare a planning position statement stating his proposed changes or his reactions to the Authority's subsidiary plan and shall refer back the subsidiary plan to the Authority together with his planning position statement; where in such a subsidiary plan or revision thereof it is proposed that any land be excluded from a Temporary Provisions Scheme Boundary or a development boundary as indicated in a local plan, the Authority shall publish in the Gazette and in two local daily newspapers a notice showing the land that is to be excluded;

(i) where the Authority does not agree with the Minister following the referral back to it of the subsidiary plan by the Minister, it shall draw up a planning position statement and shall refer it back to the Minister;

(j) the Minister shall then issue a final planning position statement. He shall forthwith communicate it to the Authority.

(k) the Authority shall forthwith amend the subsidiary plan in accordance with the Minister's final planning position statement and submit the same for the Minister's final approval;

(l) Upon such approval the Authority shall publish the subsidiary plan together with its own planning position statements and those of the Minister together with the advice of the Appeals Board given in terms of paragraph (n), if any, and together with the statements, responses, documentation and studies referred to in the preceding paragraphs;

(m) where the subsidiary plan or any part thereof extends the scope of or is in conflict with the structure plan, the Minister shall comply with the provisions of articles 18 to 22 with regard to such subsidiary plan or any part thereof, provided that those parts of the subsidiary plan that do not extend the scope of or are not in conflict with the structure plan shall come into force on the date of approval by the Minister;

(n) if doubt arises as to which procedure should be followed in respect of a subsidiary plan or as to whether a subsidiary plan or a planning position statement extend the scope of, or are in conflict with, the substance of the structure plan, the matter may be referred at any time by the Authority or by the Minister to the Appeals Board, provided that where the Authority is of the opinion that the Minister's final planning position statement extends the scope of or is in conflict with the substance of the structure plan, it may refer the matter to the Appeals Board within one month from the date of receipt of the Minister's final planning position statement. The Appeals Board shall rule within one month from the date of referral to it of the matter as to which procedure shall apply and the decision of the Board shall be final.

6. Sub-article (5) of article 32 of the principal Act shall be substituted with the following:–

“(5) (a) Any person may declare an interest in a development and, on the basis of issues relevant to planning, make preliminary representations on the development. Such declaration of interest shall be in writing and is to be received by the Authority within a period of twenty working days from the publication of the notice referred to in subarticle (4) hereof, provided that such period may be shortened to five working days in urgent cases as may be indicated in the publication. Representations by registered interested parties may be submitted to the Authority at any time during the processing of the application.

(b) During the processing of the application, the Authority shall consider all representations made by interested registered parties provided that:

(i) the representation includes justification based on planning grounds;

(ii) that the development permit application report has not been concluded by the case officer dealing with the application;

(iii) the intention of the registered interested party to submit representation does not result in a delay in the processing of the application.

(c) The Authority or the Commission shall inform the registered interested parties where fresh plans have been filed and the registered interested party shall be invited to attend at the Authority’s or the Commission’s sitting when such application shall be discussed.

Provided that such submissions may be made in any format deemed appropriate by the Authority, and shall include submissions received by post or by hand and electronic submissions:

Provided further that if the last day of for submissions under paragraphs (a) or (c) above is a public holiday or a day when the offices of the Authority are closed for the public, the time limit for such submissions shall be deemed to expire on the next following working day.”.

7. Immediately after the first proviso in sub-article (2) of article 33 of the principal Act, there shall be inserted the following new proviso:—

Amendment of article 33 of the principal Act.

“Provided further that the execution and validity of a permit in case of a development in an area which falls outside areas designated for development as defined in the Structure Plan or in any other plan, or in a scheduled property or a development which involves the demolition of a facade in a Category A Urban Conservation Area, or in a Special Area of Conservation shall be automatically suspended and no works as approved by the said development permit may commence before the lapse of the time period established in paragraph (1) of the Third Schedule of the Act, and shall remain so suspended until the Planning Appeals Board appoints its first hearing on an appeal from such a permit, if any, under the provisions of article 15B(3).”

8. Sub-article (2) of article 35 of the principal Act shall be amended as follows:—

Amendment of article 35 of the principal Act.

(a) the words “for public inspection” shall be deleted;

(b) in paragraph (c) thereof, for the words “planning statements and traffic impact” there shall be substituted the words “planning statements, project description statements and traffic impact”; and;

(c) immediately after paragraph (c) thereof, the following shall be inserted:—

“(d) and other relevant information; under those terms and conditions as the Minister may prescribe by Regulations.”

9. In sub-article (3) of article 37 of the principal regulations, for the words “the objectors” there shall be substituted the words “the registered interested parties”.

Amendment of article 37 of the principal Act.

10. Sub-article (7) of article 52 of the principal Act shall be amended as follows:—

Amendment of article 52 of the principal Act.

(a) immediately after the word “Provided” in the proviso to this sub-article there shall be inserted the word “further”;

(b) immediately after the words “has not been paid” in the proviso to this sub-article there shall be inserted the following words “or if the application is to regularize a development which exceeds

the approved footprint or, increases the approved volume of the building and is not part of a registered livestock farm and is carried out after May 2007 in an area which falls outside areas designated for development as defined in the Structure Plan or in any other plan, or in a scheduled property or in a Special Area of Conservation” ; and

(c) immediately before the proviso to this sub-article, there shall be inserted the following new proviso:—

“Provided that if the notice refers to development which exceeds the approved footprint or, increases the approved volume of the building and is not part of a registered livestock farm and is carried out after May 2007 in an area which falls outside areas designated for development as defined in the Structure Plan or in any other plan, or in a scheduled property or in a Special Area of Conservation, the operation of the notice, shall not be suspended pending the final determination of the application.”

Objects and Reasons

The object of this Bill is to amend the Development Planning Act in order to further strengthen law enforcement in Outside Development Zones. This will discourage any illegal developments. The amendments also enhance the planning procedure by making it more transparent by, *inter alia*, strengthening the right of appeal for registered interested parties and by further enhancing the public consultation process in relation to the subsidiary plans.