

L.N. 27 of 2002

**DEVELOPMENT PLANNING ACT
(CAP. 356)**

**Development Planning (Procedure for Minor Modifications to
Subsidiary Plans) Regulations, 2002**

IN virtue of the powers conferred by subarticle (8) of article 28 of the Development Planning Act, the Minister for Home Affairs, after consultation with the Planning Authority, has made the following regulations:

1. (1) The title of these regulations is the Development Planning (Procedure for Minor Modifications to Subsidiary Plans) Regulations, 2002. Title and commencement.

(2) These regulations shall come into force on the 1st February, 2002.

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

“the Act” means the Development Planning Act; Cap. 356

“the Authority” has the same meaning as is assigned to it in article 2 of the Act;

“Building Levy Rates Regulations” means the Building Levy Rates Regulations, 1996. L.N. 112 of 1996.

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

3. Applications for changes to the Temporary Provisions Schemes or Subsidiary Plans which involve changes to:- Changes to alignment or zoning in the Temporary Provisions Schemes or Subsidiary Plans.

(i) the alignment of roads and buildings as provided in paragraph (a) of subarticle (4) of article 28 of the Act; or

(ii) the zoning as provided in paragraph (b) of subarticle (4) of article 28 of the Act

shall be subject to the provisions set out in the following regulations.

Requirements for all applications.

4. (1) An application for a change to the Temporary Provisions Schemes or for a change to a subsidiary plan as aforesaid shall be made to the Authority on a form provided by the Authority and shall be accompanied by the following and such other information as the Authority may require:

(a) three copies of an A4 extract from the 1988 survey sheet at 1:2500 scale outlining the scheme or Subsidiary Plan, the site boundaries and the proposed change;

(b) three colour photographs showing the site and its surroundings; and

(c) legal proof of ownership of the land to which the application relates, including a title deed and the plan to which such deed refers:

Provided that where the applicant is not the owner of the land or is not the sole owner, he shall certify to the Authority that he has notified the owner or other owners of his intention to apply by registered letter and a copy of such letter shall accompany his application.

(2) The Authority shall also require the applicant to provide the following after the submission of the application:

(a) one copy of an official survey plan prepared by the Authority at the expense of the applicant showing the current alignment and the zoning according to the Temporary Provisions Schemes or Subsidiary Plans;

(b) one copy of an official survey plan showing the proposed changes.

(3) Where the land to which the application relates includes land not owned or not solely owned by the applicant or if the proposed change is likely to affect third parties, the application shall also be accompanied by a list of those third parties and a written declaration signed by such third parties that they have no objection to the proposed change:

Provided that where the Planning Authority considers it expedient it may request the submission of the legal proof of ownership of land owned by third parties.

(4) The said application shall also be accompanied by the fee as prescribed in the Building Levy Rates Regulations, 1996.

L.N. 112 of 1996.

5. (1) When an application involves a change to the alignment of roads and buildings as provided in paragraph (a) of subarticle (4) of article 28 of the Act, the Authority shall follow the procedure set out in this regulation.

Applications for changes to the alignment of roads and buildings in the Temporary Provisions Schemes or Subsidiary Plans.

(2) The Authority shall publish details of the application, including the name of the applicant, by a notice on site and in one local paper, giving the opportunity to interested parties to make representations, in writing to the Authority, within fifteen days of the date of the publication of the notice:

Provided that the Authority may, when it considers it expedient to do so, extend the aforesaid period up to thirty days and in such case it shall give notice of such extension in the said publication.

(3) The Authority shall serve a copy of the application and the site plan on the local council in whose locality the site lies.

(4) The Authority shall determine the application not later than sixteen weeks from the date of its receipt, provided that the period of time required for the preparation of the plans mentioned in sub-regulation (2) of regulation 4 of these regulations shall not be considered as forming part of this period.

(5) In determining the application, the Authority shall have regard to the Temporary Provisions Schemes or Subsidiary Plans, to representations made in response to the publication of the application and to any other material consideration.

(6) The Authority shall have the power to grant or refuse an application, and in granting such application, it may approve the proposal with or without modifications as it deems fit, but the Authority shall give reasons for its refusal or for any modifications imposed by it:

Provided that where the Authority decides to modify the proposal, any person who has made written objections to the proposal shall be informed by the Authority and shall be invited to be present at the Authority's sitting when such application shall be discussed.

(7) In the cases mentioned in subregulation (3) of regulation 4 of these regulations, the Authority shall have power to decide the application notwithstanding that it is not accompanied by the declaration signed by the third parties in terms of the said regulation 4, if, in the

opinion of the Authority, it is in the public interest to have these changes made as requested or by amendments.

(8) The Authority shall communicate its decision to the applicant, and to any third parties who made representations on the application in accordance with subregulation (2) of this regulation, not later than two weeks from the date on which the decision was made.

Changes proposed by the Authority to the alignment of roads and buildings in the Temporary Provisions Schemes or Subsidiary Plans.

6. (1) The Authority may, where it considers it expedient to do so in the interests of proper planning of the area and having regard to the Temporary Provisions Schemes or Subsidiary Plans, the Structure Plan and other material considerations, make changes to the alignment of roads and buildings of the Temporary Provisions Schemes or Subsidiary Plans.

(2) In the case mentioned in subregulation (1) of this regulation, the Authority shall follow the procedure set out in subregulations (2), (3) and (5) to (8) of regulation 5 of these regulations.

Applications for changes to the zoning in the Temporary Provisions Schemes or Subsidiary Plans.

7. When an application involves a change to the zoning as provided in paragraph (b) of subarticle (4) of article 28 of the Act, the Authority shall follow the procedure set out in paragraph (b) of subarticle (6) of article 28 of the Act.

Repeal of L.N. 76 of 1997.

8. The Scheme Amendments and Changes in Alignment Order, 1997, is hereby repealed.