

L.N. of 2014

ENVIRONMENT AND DEVELOPMENT PLANNING ACT

(CAP. 504)

Development Planning (Procedure for Minor Modifications to Subsidiary Plans) Amendment Regulations 2014

IN EXERCISE of the powers conferred by articles 61 and 62 of the Environment and Development Planning Act, the Minister for Sustainable Development, the Environment and Climate Change and the Parliamentary Secretary for Planning and Simplification of Administrative Processes, after consultation with the Malta Environment and Planning Authority, have made the following regulations:

Citation

L.N. 71 of
2007

1. The title of these regulations is the Development Planning (Procedure for Minor Modifications to Subsidiary Plans) Amendment Regulations, 2014 and these regulations shall be read and construed as one with the Development Planning (Procedure for Minor Modifications to Subsidiary Plans) Regulations, 2007, hereinafter referred to as “the principal Regulations”.

Amends
Regulation 4 of
the Principal
Regulations

2. In regulation 4 of the principal regulations:

- (a) In sub-regulation 3 thereof the words “or if the proposed change is likely to affect third parties” shall be deleted’
- (b) In sub-paragraph (a) of sub-regulation (3) thereof the words “in an application which involves a change to an existing alignment of roads or buildings, a written declaration signed by the third parties identified in regulation 4(2)(a), that they have no objection to the proposed change. This declaration shall also be signed by the applicant’s professional agent” shall be deleted;
- (c) Sub-paragraph (b) of sub-regulation (3) thereof shall be renumbered as sub-paragraph (a);
- (d) Sub-paragraph (c) of sub-regulation (3) thereof shall be renumbered as sub-paragraph (b) and the words “indicated in

paragraph (b) shall be substituted by the words “indicated in paragraph (a)”;

- (e) In sub-paragraph (d) of sub-regulation (3) thereof the words “in an application for a change to the official alignment or for a change to a Subsidiary Plan except for cases indicated in paragraphs (a), (b) and (c) hereof a written declaration signed by 75% of the third parties adjacent to the parcel of land on which the change is proposed that they have no objection to the proposal. To this effect, properties on the opposite side of the road are deemed to be adjacent properties. The Authority should guide in writing the extent of the properties from which third party consent would be required and the written declaration should be indicated on a form specifically provided by the Authority: Provided that where the Authority considers it expedient it may request the submission of the legal proof of ownership of land owned by parties affected by the minor modification” shall be deleted.

Amends
Regulation 5 of
the Principal
Regulations

3. In regulation 5 of the principal regulations:

- (a) In sub-regulation 7 thereof the words “In the cases mentioned in sub-regulations (2) and (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” shall be deleted.

- (b) Sub-regulation 8 thereof shall be renumbered as sub-regulation 7.

Amends
Regulation 6 of
the Principal
Regulations

4. In regulation 6 of the principal regulations:

- (a) In sub-regulation 2 thereof the words “set out in sub-regulations (2), (3) and (5) to (8)” shall be substituted the words “set out in sub-regulations (2), (3) and (5) to (7)”.
