G.N. 529 of 1997 - 12 July, 1997

DEVELOPMENT PLANNING ACT, 1992

(ACT NO. 1 OF 1992)

Instrument of Delegaion by the Planning Authority, 1997

In exercise of the powers conferred on it by subsection (4) of section 5 of the Development Planning Act, 1992 and for the purpose of subsection (2) of section 13 of the said Act, the Planning Authority hereby delegates such of its functions, to such authorities or persons and subject to such conditions as are hereinafter specified.

1 Definitions

1.1 For the purposes of this instrument of delegation the following expressions have the meaning respectively assigned to them : -

"the Act" means the Development Planning Act, 1992;

"application" means an application for development permission submitted in the manner required by the Act;

"the Commission" means the Development Control Commission appointed under section 13 of the Act;

"consultees" means any Government department, agency of Government or other body which is consulted on an application or on a request of reconsideration;

“designated officers of the Planning Directorate" or “designated officers" means such officers of that Directorate as may from time to time be designated for specified purposes by the Director of Planning, and includes the said Director; “environmental assessment" means an environmental impact assessment whether made under or required by the Environment Protection Act, 1991 or otherwise; “the Heritage Advisory Committee" means a committee, whether known by that name or not, recognised by the Authority for the purposes of paragraph 7 of this instrument of delegation; “minerals processing facility" includes asphalt plants, concrete manufacturing plants and similar processing plants; “Primary Development Areas" means those areas so designated by Policy SET 10 of the Structure Plan Written Statement as approved by the House of Representatives on 29 July 1992; “quarry development" means new quarries, extension to existing quarries and a deeper working within the boundaries of an existing quarry; “request for reconsideration" means a request made under subsection (1) of section 37 of the Act; “temporary provisions scheme" means a scheme so designated under the Building Permits (Temporary Provisions) Act, Cap. 322, as may have been amended; “third party" means any person, other than a consultee, who makes representations in relation to an application or to a request for reconsideration;	

	"urban conservation areas" means those areas so designated by Policies UCO 1, UCO 2 and UCO 3 of the Structure Plan Written Statement, approved as aforesaid, and includes those areas designated as village cores in section 8 of the Building Permits (Temporary Provisions) Act, Cap. 322, and other areas which may be designated or otherwise scheduled by the Authority under section 46 of the Act.	
1.2	Any expression defined in the Act shall, for the purposes of this instrument, have the same meaning as it has in the Act.	
2	**Determinations reserved to the Planning Authority**	
2.1	The Authority reserves to itself the determination of all applications or requests for reconsideration falling under the categories hereinafter specified.	
2.2	The aforesaid categories are :-	
a)	applications in respect of development of a national or strategic significance or affecting matters of security or other national interests;	
b)	applications in respect of development which could affect the interests of other Governments;	
c)	applications in respect of development which is subject to an environmental assessment (either a full Environmental Impact Assessment or an Environmental Planning Statement);	
d)	applications in respect of which the Commission has been unable to reach a decision or which the Commission has referred to the Authority for a decision;	
e)	requests for reconsideration where the decision to be reconsidered	

was taken by the Authority itself.

2.3. Without prejudice to the Authority's right to determine any application itself, before determining any application where the site of the proposed development does not fall within the boundary of an approved planning scheme, or a development boundary as defined in an approved local plan, the Development Control Commission shall inform the Authority of the application.

2.4 Where the Authority considers that an application, which is due to be determined by the Development Control Commission or the Director of Planning, falls within one or more of the classes specified in Regulation 2.2 above, it shall give notice that it requires the application to be referred to it for determination. This notice, which shall be recorded in the minutes of the Planning Authority, shall be a written notice given to the Development Control Commission or the Director of Planning as appropriate, and, in all cases, to the Director of Planning.

3 Functions delegated to the Commission

3.1 Save as hereinafter in this instrument provided, all applications the determination of which have not been reserved to the Authority, and all requests for reconsideration of applications determined otherwise than by the Authority, shall be determined by the Development Control Commission and such determination is hereby delegated to that Commission.

3.2 The following applications for quarry, minerals related and waste disposal development shall be delegated for determination by the Commission, except where the application is subject to an environmental assessment (when the application shall be determined by the Authority in accordance with paragraph 2.2(c))

i) applications for quarry development;

ii) applications for mineral processing facilities;

iii) applications for infilling quarries with waste and for other forms of waste disposal;

iv) applications for any development in a quarry which would conflict with any requirement of a restoration condition or scheme for the quarry

3.3 In respect of an application for development by a Government department or an agency of Government, the powers of the Commission shall be limited to approving the application; and if in the opinion of the Commission the application should not be approved it shall be referred to the Authority for decision.

4 Functions delegated to designated officers

4.1 The following categories of applications shall be delegated by the Authority for determination by designated officers of the Planning Directorate, provided that there are no objections which relate to significant and legitimate material planning considerations, from consultees or third parties, and subject to determination by the Commission where the recommendation on any application is for refusal and, or, the application is for development which is outside boundaries of a temporary provision scheme or a dvelopment boundary as defined in an approved local plan.

4.2 The applications aforesaid are :-

a) applications for alterations or additions to dwellings, known also as householder applications;

b) applications for change of use; c) applications for fixing satellite dishes or telecommunication antennae; d) applications for alterations to the external appearance of a building unless it is scheduled property or is a building within an urban conservation area; e) applications in respect of which fresh plans have been submitted where the principle of development has been already determined by the Commission and the proposal conforms with the alterations or modifications required by the Commission; f)(i) applications for the renewal of permissions where the works have not been taken in hand, provided there has been no change of circumstances or of policy since the application was originally approved, (ii) application for the renewal of permissions where works have started during the validity period of a previous permission, notwithstanding that there may have been a change of policy since the application for renewal was submitted; g) applications for the construction of boundary walls and other minor development, including changes to shopfronts, swimming pools and other similar forms of development; h) applications for new dwellings and residential buildings with 8 or less units on not more than 6 floors and with a total habitable floorspace of not more than 1250 m2 within built up areas, primary development zones and temporary provisions schemes; i) applications for new buildings of less than 500 m2 floor space	

within built up areas, primary development areas and temporary provisions schemes;

j) applications for the display of advertisements.

k) applications for full development permission, following the granting of outline development permission, where the proposal conforms to the conditions of that outline permission and where the original outline application was not determined by the Planning Authority.

l) applications within an urban conservation area (but not a scheduled property) where there is no objection from the Heritage Advisory Committee and relating to:

i) alterations to the external appearance of a building;
ii) swimming pools;
iii) satellite dishes;
iv) internal alterations;
v) changes to shopfronts;
vi) washrooms / other single room additions.

4.3 The delegation conferred by the foregoing provisions of this paragraph may at any time be withdrawn by the Authority or made subject to confirmation by it on the recommendation of the Commission. Any delegation so withdrawn shall again have effect if the Authority so determines as aforesaid.

5 Endorsement of decisions

5.1 All applications determined by a designated officer shall be signed or countersigned by the Director of Planning and shall as soon as practicable be submitted to the Commission for confirmation by it.

5.2 All development permissions and all decisions refusing such permissions or the reconsideration of any such decision, other than those issued or taken by the Authority itself, shall be signed by the Secretary of the Commission or on his behalf.

6 Advice of Heritage Advisory Committee

6.1 Where an application is in respect of development in urban conservation areas or of development which may affect scheduled property, no determination on such applications shall be made unless the advice of the Heritage Advisory Committee has first been sought and considered.

7 Repeal

7.1 All previous delegations made by the Planning Authority in virtue of subsection (4) of section 5 of the Act for the purposes of subsection (2) of section 13 of the same Act are hereby repealed.

12 July 1997