

PA CIRCULAR 2/17

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INTRODUCTION

In a continuous bid to facilitate application processes, increase public participation, work towards paperless practices, whilst reducing the need for Periti to physically visit its offices, the Authority is including Compliance Certification Requests and Development Notifications in the eApplications system. This Circular outlines, and provides guidance on, the submission requirements for these types of applications through the online portal. Meanwhile, a number of procedures are also being set in place as described further in this circular.

1 ONLINE SUBMISSION OF REQUESTS FOR COMPLIANCE CERTIFICATION

1.1 Requesting Compliance Certification

Article 102(2) of the Development Planning Act, 2016 stipulates that no new electrical or water service can be provided without the issue of a Compliance Certificate. As of 31 July 2017, new applications for Compliance Certification (CMPs) may be submitted through the Authority's eApplications System, however the Authority will continue to accept new applications in physical format until 31 August 2017. The new system retains all the existing requirements in principle but every document, plan, photo, certificate/clearance/report which used to be submitted in printed form will now have to be submitted electronically.

1.2 Application Submission

Requests for compliance certificates must be submitted by a warranted perit and all submissions must be made through the Authority's eApplications system. The online application process is designed to guide periti so as to ensure that all the required information is submitted for an application to be considered complete.

All required sections of the application form must be filled online. All sections of the form shall be filled in correctly in the electronic submission. Where a yes or no or similar answer is required, one of the alternatives shall be correctly selected. The original signed application form shall be retained by the perit who submitted the application and a scanned copy of the original signed application form shall be uploaded on the electronic system.

Unless a perit is submitting his/her own personal application, the applicant's contact details (name, address, mobile number, valid email address and identity card number or passport number), must be provided. These details may not be substituted by a repetition of the perit's own contact details.

The "**Full address for which this request relates**" must clearly indicate the full address of the development / unit to which the request for Compliance Certificate is referring to and is to include also the floor level in which the development is located.

Example: “Flat 1 at ground floor level, Orion Court, New Street, Safi”.

It has to be noted that this address as declared by the *perit* in the compliance application form will be extracted to the compliance certificate as issued. Once the compliance certificate is eventually issued, this address cannot be altered for any reason, even if required by Arms Ltd. If any change to this address is required on behalf of applicant / *perit*, then a new application will have to be submitted.

A separate compliance certificate application needs to be submitted for each individual unit. An administrative fee of sixty euro (€60) is applicable for each request for a compliance certificate. The system will prompt for payment during the initial submission process of the application. Fees must be settled online for the application process to be completed.

The Planning Authority shall vet all applications received. If not all the necessary information/documentation is submitted, the Authority will inform the *perit* to submit the remaining information/documentation within 3 months. If the requested information is not submitted within the 3 month period the application will be deemed as invalid, no refund will be due and a fresh application would have to be submitted with the relevant application fees. All communication with the Authority shall be in electronic format (through the eApplications system between the Authority and the *Perit* and via email between the Authority and the applicant.

1.3 Submission Requirements

The application process is standard for all types of requests for compliance certificates. It is important that prior to submitting a request for compliance, the *Perit* must ensure that:

- A valid commencement notice was submitted (prior to commencement of works),
- All Works carried out on site, abide with the approved drawings/documents,
- All conditions of the permit have been adhered to (including release of any bank guarantees and uploading of all necessary clearances / certificates),
- Apertures are fixed on site as per permit requirements,
- Setting out of alignment concluded on site,

The following documentation needs to be submitted, along with the application form / *perit*'s declaration:

1.3.1 – General Requirements

Site Plan – A copy of the site plan approved with the development, for which a compliance certificate is being requested, shall be submitted. If this is unavailable or unclear, a site location plan at a scale of 1:2500, as an A4 extract of the latest map, is to be submitted instead.

The full extent of the application site must be outlined in red. The marked part must include yards / curtilage, landscaped areas or adjoining fields; where applicable (not just the built structures).

Permit – A copy of the original permit, for which a compliance certificate is being requested, shall be submitted. When works on site deviated from what was approved in the original permit, a copy of the permit / amendment, that approved said alterations, is also to be submitted. The latter includes approved minor amendments; DNO notifications; CTB concessions, Regularization permits or additional PA permits (such as Amended Applications, for which a permit was granted), as applicable.

Drawings – Copies of the drawings approved in the original permit shall be included with the submissions. As a minimum these should include: the plan/s, elevation/s and section/s on which the unit being applied for, is shown. However, when conditions (such as landscaping schemes) refer to other approved drawings, then these need to be submitted as well (such as the block plan on which the landscaping scheme was approved).

If other permits / amendments were included in the submission (due to deviations from original permit), then the approved drawings from these permits / amendments, also need to be submitted. In these cases the drawings are to show the approved amendments in conventional colours.

The unit for which a compliance certificate is being requested, needs to be clearly outlined on all the relevant drawings.

Approved drawings shall always be uploaded in full, as approved, with all stamps showing on the drawing.

Supporting Documents – Where conditions in permit/s refer to clearances or licences from other entities, the relevant certifications, clearances and / or licences, need to be uploaded in the PA stream, prior to applying for any compliance certificate.

1.3.2 – Specific Requirements

1.3.2.1 – Pre-1968 (old building) certificates

Survey Sheet – In addition to a recent site plan (as described in the general requirements), a signed copy of the relevant 1968 Survey Sheet, shall also be submitted. The old building / structure needs to be marked on the 1968 survey sheet extract, in a clearly distinct colour. The survey sheet number is to be cited.

1967 Aerial Photo – Alternatively an extract from the 1967 aerial photo can be submitted. Extract shall cite Photo and Run reference numbers. The old building / structure still needs to be marked on the aerial photo extract.

Drawings – In view that, in these cases, approved drawings do not exist, Plan/s; Elevation/s and Section/s (as Existing) need to be provided. The submitted existing drawings shall accurately reflect the building as built on site. The existing use/s is to be marked on plan/s.

Photos – Recent photos (shot in daylight) that clearly portray the old building/structure in its current state must be attached to all applications for a pre-1968 certification. Submitted photos should be taken from multiple angles, both internally and externally.

Licence – When the use indicated on the drawing/s is of a commercial nature, a pre-1992 trading or police licence, relative to the indicated use must be submitted.

1.3.2.2 – For pre 1989 Government buildings

Site Plan – A site location plan at a scale of 1:2500, as an A4 extract of the latest map, shall be submitted. The full extent of the application site must be outlined in red. The marked part must include yards / curtilage, landscaped areas or adjoining fields; where applicable (not just the built structures).

Survey Sheet / Aerial Photo – An extract of the 1988 aerial photo relevant to the site where the certificate is being requested, is to be uploaded with the application. Alternatively an extract of the 1988 survey sheet on which the site is visible, can be submitted instead. In both cases, the building needs to be clearly indicated.

Drawings –Layout Plan/s; Elevation/s and Section/s (as Existing) need to be provided. The submitted existing drawings shall accurately reflect the building as built on site. The existing use/s is to be marked on plan/s.

Photos – Recent photos, external (left, centre and right) and also of the internal (in case of ODZ structures) - shot in daylight - that clearly portray the old building/structure in its current state must be attached to all such applications.

Licence – When the use indicated on the drawing/s is of a commercial nature, a pre-1992 trading or police licence, relative to the indicated use must be submitted.

Statement – In addition, a statement from the government estate management division confirming that the development was built by the government prior to 1989, is to be submitted.

1.3.2.3 – Temporary Service Certificates

Site Plan – A site location plan at a scale of 1:2500, as an A4 extract of the latest map, shall be submitted. The full extent of the application site must be outlined in red. The marked part must include yards / curtilage, landscaped areas or adjoining fields; where applicable (not just the built structures).

Permit – If request for a Temporary Development Certificate is requested on a site covered by a valid planning permit, a copy of this permit is to be submitted with the request. This documentation is required even if works on site are in the early stages of construction. *Perit* is to make sure that no illegalities exist on site, prior to applying for such a request.

Drawings - Copies of the drawings approved in attached permit/s are also to be included with the submissions (as described in the Generic requirements)

Documents should always be uploaded as one whole, drawings not forming part of a document however, are to be uploaded separately, correctly oriented and each with a separate description.

On issuing a compliance certificate, the certificate will be made available via the eApplications system to both the applicant and the *perit*. Furthermore, the applicant will receive the document via email, while the *perit* will receive notification of the availability of this document. The compliance certificate, drawings, photos, site plans and any other relevant documents will be made available to ARMS Ltd for processing of requests for services. However, if a printed copy of the compliance certificate along with all of its supporting documents is still required, a request for printing can be made at the Planning Authority's front desk, the printing charge will depend on the number and type of prints requested.

2 ONLINE SUBMISSION OF DEVELOPMENT NOTIFICATIONS (DNOs)

As of 7 August 2017, applications for Development Notifications (DNOs) may only be submitted through the Authority's eApplications System. Periti are therefore reminded to submit any applications prepared in physical format by 4 August 2017. The electronic submission of these notifications will now allow the Authority to consult the Environment and Resources Authority in relation to Class 19 notifications.

Three new application forms will be made available through the "Submit new Application" menu of the eApplications System:

- a) A form relating to development falling within Classes 1-18 of Schedule I to LN 211/16;
- b) A form relating to Filming and Activities - Class 19 of Schedule I to LN 211/16; and
- c) A form relating to Change of Use contemplated in Regulation 3(2) of LN 74/14.

The fees payable in relation to such applications will be charged online through the application process, and no additional fees will be billed at a later stage, in relation to these types of applications. The fees payable in relation to applications (a) and (b) above is €60. A €250 online fee is payable in relation to application (c). If it is proposed to carry out both a change of use and physical alterations, then application (c) is to be completed.

Similar to the Planning Application (PA) process, it will be mandatory for every applicant to provide an email address, which will provide the sole means of communication between the Authority and the applicant. This email may not be replaced by the perit's email, unless the perit is also the applicant of the case. Additionally, the original application form, signed by the perit and applicant, is to be retained by the perit and a scan uploaded onto the system.

3 PARKING PROVISION RELATING TO OUTDOOR TABLES & CHAIRS

The Planning Authority Executive Council has decided that in the case of removal of on-street parking spaces for placing of tables and chairs a planning gain shall be imposed. This is to be calculated, as twice the number of parking spaces being removed – the first for the removal of the parking space itself and the other to make up for the additional parking generation. The contribution for each space is to reflect the planning contribution which applies for the area.

4 SUBMISSION OF CHANGE OF PERIT/APPLICANT ON PART OF SITE

Over the past months, the Authority has received a number of Change of Perit or Change of Applicant forms which do not relate to the entire project subject of the permission, but relating to only part of the project.

Stakeholders are alerted that, whilst the form is noted by the Enforcement Directorate, for information purposes, it is important to be aware that the whole site continues to be regarded as one planning unit. Therefore, for instance, if a final compliance certificate is requested, the development over the entire approved site needs to have been completed in accordance with relevant permit conditions, for the certification to be issued. Anyone contemplating selling off part of a site or in some way transferring part of a project to third parties may therefore wish to take the necessary precautions to safeguard his/her interests regarding the matter.

Please note that the Authority's database may only recognize one perit as the perit of the case and therefore all electronic systems will refer to the original perit for the entire case. Consequently, the eApplications system will only allow the submission of correspondence by such perit or his/her delegates (except for the submission of minor amendment to the development, which may be submitted by any perit).

A planning unit may only be officially subdivided, if a separate application, relating to part of an original project, is submitted and approved, and the conditions in the new permission do not tie the project to the rest of the project contained within the original permission.