

**PHYSICAL PLANNING (APPLICATION FOR
DEVELOPMENT PERMISSION) REGULATIONS, 1998**

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**PHYSICAL PLANNING (APPLICATION FOR
DEVELOPMENT PERMISSION) REGULATIONS, 1998**

[L. N. 138/1998.]

**PHYSICAL PLANNING (APPLICATION FOR
DEVELOPMENT PERMISSION) REGULATIONS, 1998**

[L. N. 138/1998, L.N. 51/2000.]

1. Short title

These Regulations may be cited as the Physical Planning (Application for Development Permission) Regulations, 1998.

2. Application

These Regulations shall apply to all land to which section 2 of the Act applies.

3. Interpretation

In these Regulations, unless the context otherwise requires—

“**Act**” means the Physical Planning Act;

“**development**” has the meaning assigned to it by section 3 of the Act and “**develop**” shall be construed accordingly;

“**land**” has the meaning assigned to it by section 3 of the Act;

“**liaison committee**” means a committee established under provisions of section 7 of the Act;

“**local authority**” has the meaning assigned to it in the Local Government Act (Cap. 265);

“**Minister**” means the Minister for the time being responsible for Physical Planning;

“**subdivision**” has the meaning assigned to it by section 3 of the Act and “**subdivide**” shall be construed accordingly.

4. Development permission

(1) All applications for development permission shall be made on forms issued by the local authority or liaison committee and shall include such particulars and shall be accompanied by such plans and drawings as may be required by directions indicated thereon.

(2) In the case of an application for determination whether any operations on land or any change of extension in the use of any land or building would constitute development of that land or building, it shall not be necessary to furnish plans and drawings other than a plan sufficient to identify the land to which the application relates in any case where the proposal is sufficiently described by the particulars together with the plan.

(3) All applications for development permission shall be in the prescribed form and accompanied by a certificate of compliance in form P.P.A. 5 set out in the Schedule hereto, and shall be submitted to the liaison committee through the local authority having jurisdiction in the area to which the application relates and the necessary application forms may be obtained from that local authority.

5. Consultations

(1) Before granting permission for development in either of the following cases whether unconditionally or subject to conditions, the local authority or liaison committee, shall consult with the following authorities—

- (a) where it appears to the local authority or liaison committee that the development is likely to affect adversely any land in the area of any other local authority, with such local authority;

- (b) where it appears to the local authority or liaison committee that the development is likely to create or attract traffic which may result in a material increase in the volume of traffic entering or leaving a main road or using a level crossing over a railway, with the appropriate highway or railway authority;
- (c) where it appears to the local authority or liaison committee that any development is likely to affect adversely adjacent airports or seaports, the appropriate airport or seaport authority.
- (a) The local authority or liaison committee shall give not less than thirty (30) days' notice to the authority required to be consulted that such an application is to be taken into consideration and shall not determine the application until after the expiration of the period mentioned in such notice.
- (b) In deciding the application the local authority or liaison committee shall take into account any representations or objections received from the authority referred to in paragraph (a).

8. Reference of application to liaison committee

On referring any application to the liaison committee pursuant to a direction in that behalf under the provisions of section 35 of the Act, a local authority shall within seven (7) days of the receipt of the direction by the committee serve on the applicant notice of the terms given by the liaison committee for issuing the direction and such notice shall inform the applicant that the application has been referred to the liaison committee which shall, if the applicant so desires, afford the applicant or his representative an opportunity of appearing before and being heard by the committee.

9. Notification to application

The local authority or liaison committee shall in every case serve notice on the applicant of its decisions in accordance with section 33(2) of the Act.

10. Register of applications other than subdivisions

The local authority or liaison committee as the case may be shall keep a register containing the following information—

- (a) particulars of any application for permission to develop made to it in respect of any land, including the land reference number of the property, and the road, district and town in which it is situated, the name and address of the applicant and registered number and date of receipt of the application and brief particulars of the development forming the subject of the application;
- (b) particulars of any direction given under the Act in respect of the application;
- (c) the decision of the local authority or liaison committee in respect of the application and the date of such decision;
- (d) the date and effect of any decision of the liaison committee in respect of any application referred to it under section 35 of the Act;
- (e) the date and effect of any determination or order of the liaison committee in respect of an appeal against a decision of the application;
- (f) the date and effect of any decision of the National Liaison Committee in respect of an appeal against the determination of the local liaison committee; and
- (g) the date and effect of any decision of the High Court in respect of an appeal against the determination of the National Liaison Committee.

11. Index to register

A register may contain an index in the form of cards and each card shall contain the land reference number of the property which is the subject of the application and the road, district or town in which it is situated, the name and address of the applicant and the registered number of the application, and shall be filed in numerical sequence according to the land reference number.

12. Entry in register

Every entry in the register shall be made within seven (7) days of the happening of the event in respect of which an entry is required to be made.

13. Inspection of register

The register shall be kept at the offices of the local authority or the secretary to the liaison committee and made available for inspection by the public during normal hours of official business.

14. Any notice or other document to be served or given under these Regulations shall be served or given in accordance with the provisions of section 45 of the Act:

Provided that any notice of an unconditional grant of development permission which is to be served under regulation 8 may be served in accordance with the provisions of section 45 of the Act as though the word "registered" were deleted from the said section.

SCHEDULE

[L.N. 51/2000.]

Form P.P.A. 5

(Rule 4(3))

CERTIFICATE OF COMPLIANCE

Certificate No.

Name and address of applicant

Type of development (industrial, commercial, etc.)

On L.R./Parcel No. situated in

Locality (Municipality, Township, etc.)

Received from (Local Authority) by Ref. No.

of

This is to certify that the application above is in compliance with—

(a) Approved Development Plan No.

(b) Approved Subdivision Plan/Advisory Plan No.

(c) Special conditions specified in the Notification of Approval (Form P.A.A. 2) date.....

with respect to Registered Application No.

Issued by

(Name of Officer)

Signature

for Director of Physical Planning

DEPARTMENT SEAL