UNIFORM DEVELOPMENT CONTROL REGULATION

CHAPTER I

GENERAL PROVISIONS

Article 1

Purpose of Uniform Development Control Regulation

The Uniform Territory Development Control Regulation (UTDCA) is a regulation adopted by the Council of Ministers with the aim of unifying the form and structure of national or local instruments of territory development to discipline development control on the basis of effective planning instruments.

Article 2

Scope

1. Territory development control regulations shall regulate the process, based on which the local planning authorities shall consider and make a decision whether a development application, or development execution, complies with the provisions of the planning instruments, based on the legal and sub-legal stipulations. They shall hereby define:

a) The process and the manner of enforcing the national and local planning instruments, the accomplishment of national and local policies regarding environmental protection, nature and cultural heritage preservation, health protection, safety and well-being;

b) The territory development control process and manner through model planning regulations;

c) Exhaustive rules, the format and studies/projects for the development applications, permits and inspection, according to the different stages of works

ç) Typology, cases and procedures when development of land and structures on it:

i) is executed based on the development and/or building permit;

ii) is executed based on the infrastructure permit;

iii) is executed based on the preliminary declaration of works;

iv) is exempted from the obligation to be provided with permit and from the preliminary declaration of works;

d) Key content and the results of environmental studies that must be performed to review a development application, in accordance with the stipulations contained in the legislation on strategic environmental assessment and environmental impact assessment;

dh) procedures for conducting continuous inspections of the territory under the jurisdiction of each and every local planning authority in order to identify developments, which fall afoul of the effective planning and development control instruments, and the cooperation relationships between the national and local inspection authorities.

2. The local planning authorities shall be responsible for controlling development in the territory under their jurisdiction, in accordance with the authorities, as defined by Law No. 10119, dated 23.04.2009, "On Territorial Planning". They shall enforce the binding national planning instruments, the national development control regulations, and the building regulations in their administrative territory.

Article 3

Definitions

The terms, as applied in this regulation, shall have the following meaning:

1. **"Territorial planning"** - an inter-disciplinary activity intended to plan land use, and establish the conditions for the development of territory and buildable natural structures on it.
2. **"Planning instruments"-** the policies, the plans and the regulations that apply generally to a territory, to a part of it, or to a type of development.
3. **"Binding instrument"** - a planning instrument, or those parts of it, which set forth binding rules to be implemented or observed by public or private persons.
4. **"Guiding instrument"** - a planning instrument, or those parts of it, which are of a non-binding nature.
5. **"Territorial Policies"** - herein referred to as 'policies', the overarching territory planning act, which helps implement the programs and activities of the field, in order to achieve identified objectives and goals.
6. **"Territorial Plan"**, - herein referred to as "plan", an officially approved planning instrument that contains explanatory text, diagrams and maps, which constitute a single and indivisible aggregate, which applies to all planning actions and solutions.
7. **"Regulation"** - the instrument that contains rules governing land existing and future use and development. The regulation shall set out norms and standards for the development, and contain explanations on the procedures so as to ensure that the proposals put forward by the public and private sector with regard to development comply with the goals and targets of the territory plans.
8. **"Uniform regulations"** – regulations adopted by the Council of Ministers, setting forth unified rules for the form and structure of the national or local planning and development control instruments.
9. **"Development control regulations"** – regulations adopted by the planning authorities to discipline development control based on effective planning instruments. They are adopted on the basis of the uniform regulations, and apply at the national and local level.
10. **"Planning model regulations"** – planning regulations adopted by the Council of Ministers, which are intended to foster territory planning and sustainable development. They are enforceable by the local planning authorities in default of and until the latter adopt the local planning and development control instruments for their administrative territory.
11. **"National planning"** – the planning intended for all or a part of the national territory.
12. **"Local planning"** – the planning intended for all or a part of the local territory, and covers territories coming within the jurisdiction of the municipality, commune and Region.
13. **"Cross-local planning"** – the planning at a local level, which is intended for, or is effective in all or a part of the territory of two or more local government units.

14. **"Integrated planning"** – the planning in the course of which the shared interests of the national and local planning authorities are harmonized into a planning instrument.
15. **"NTPA"** – National Territory Planning Agency established under the Council of Ministers' Decision No. 1190, dated 13.11.2009 "On Organization and Functioning of the National Territory Planning Agency".
16. **"Territory"** – according to the case and the jurisdiction of the responsible planning authorities shall be:
    a) *national*: the geographic ground, underground, water and air space, including the definite international extent of the coastal area, which matches to the state border of the Republic of Albania;
    b) *Local*: the geographic ground, underground, water and air space, which matches to the territorial and administrative divisions of the local government units, pursuant to the law.
17. **"Adapted territory"** – the territory, which provides safe, equal and independent use for all the persons, including the disabled or special groups, which are in need of technical solutions or special equipments.
18. **"Planning authorities"** – the public institution bodies, at the national and local level, which have specified territorial planning responsibilities in accordance with the effective legislation, and exercise them based on this Law.
19. **"Inspection authorities"** – those authorities specified under Law no. 9780 of 16 July 2007, "On construction inspection."
20. **"Central Construction Technical Archive"** – a public institution incorporated into the archive network of the Republic of Albania under Law no. 9154 of 6 November 2003, "On archives."
21. **"Issues of national importance in territorial planning"** – those issues that, under legislation, are identified with or related to national public interests, which have an impact on, or are affected, by territory development/conservation.
22. **"Joint powers authority"** – a committee, board, agency, institution or enterprise, established by two or more local planning authorities and/or national planning authorities, so as to perform or comply with joint tasks or responsibilities, in accordance with the provisions of this Law.
23. **"Work"** – each and every building, digging, demolishing, expansion, repair or renovation activity or process, and woodcutting.
24. **"Structure"** – each and every facility, built or installed on the territory, which is solidly or permanently established and, as per the case, includes the land in, on, and under which the structure is located.
25. **"Development"** – carrying out of any works in the territory intended to modify the use of land and structures on it, the sub-division or merge of parcels, the building of new structures, and the modification in the existing structures.
26. **"Use of land or structures on it"** – the development allowed under an effective planning instrument, which has been undertaken or is suggested to be undertaken by a developer.
27. **"Land use change"** – current land use replacing former land use, the beginning of land use or resumption of land use after period of no use, or same or different use added to former land use, which is still on despite a new land use.
28. **"Non-compliant use"** – the existing or proposed use of land or structure on it, which does not comply with the Land Use Regulation requirements, or its amendment, at the moment of its coming into effect and non-compliant with the required terms of environmental safety of authorized use of land adjacent to it
29. **"Entitlement with regard to development"** – uses and/or intensity of construction allowed for a parcel, under the planning instruments.
30. **"Public infrastructure"** – the aggregate of existing or planned networks, installations and structures on the territory, the aim of which is to provide public services in the areas of transport, power, water administration, telecommunications, education, health, waste

management and environment protection, administration of natural and cultural resources, national and civil defense and defense against fire, and the administration of networks, installations and other structures of public use. Public infrastructure has a national or local character, and is constructed with public or private investment.

31. **"Development control"** – the review process on the basis of which the responsible planning authority conducts an assessment and makes a decision whether a development application, or a development, complies with the binding specifications contained in planning instruments, building regulations, and other specific conditions set for carrying out the development, or the conditions laid down in the effective legislation.
32. **"Development application"** – the application, which is submitted to the responsible planning authority to allow development.
33. **"Preliminary declaration of works"** – the notification submitted to the responsible planning authority for works exempted from permits, under the specifications contained in this Law and the by-laws promulgated pursuant to it.
34. **"Development permit"** – the act of approval of entitlement with regard to development upon an application.
35. **"Building permit"** – the act of allowing works intended for the development of land or the structure on it.
36. **"Silent approval"** – the execution of an act, or the exercise of a right in the event that the relevant decision or position is not taken by the responsible or relevant planning authority within the time-line stipulated in the relevant provisions of this Law, unless otherwise defined by it.
37. **"Use permit"** – the act of allowing use and/or occupancy of the developed land or structure for which the work has been carried out.
38. **"Unauthorized development"** – any work performed without an authorization in compliance with this Law and the by-laws pursuant to it.
39. **"Special development control instruments"** – the instruments, which are adopted and enforced by the planning authorities to ensure a public interest as set forth in Articles 63-71 of the Law No. 10119, dated 23.04.2009, "On Territorial Planning".
40. **"Zone"** – a part of the territory with special, or similar, existing or planned characteristics or uses of the land and structures on it, in accordance with the land use regulations.
41. **"Parcel"** – the real property registered in the register for immovable property.
42. **"Sub-division"** – the division of a parcel into two or more parcels for purposes of development, in accordance with the manner set forth in the planning instruments.
43. **"Merge"** – the consolidation of two or more parcels into a single one.
44. **"Territory planning register",** hereinafter the register, shall mean a public electronic and paper inventory, into which data on land, planning acts and draft acts, development applications, and development, building or use permits, the legal rights or restraints stemming from them, as well as studies or other documents of interest to the public, are entered and managed, as defined by Chapter V of this Law, independently by the national and local authorities.
45. **"Geographic Information System"**, hereinafter referred to as GIS, shall mean a computerized information system for registration of information, based on geographical coordinates arranged into a digital map, serving to the collection, update, modification, storing, processing, depositing, researching and retrieving information on geographic facilities, the characteristics thereof, and other data on the land, aiming at providing interactive solutions or solutions assisting in decision-making, related to the tasks of designing, modeling, analysis, research, management and other objectives regarding a given geographic space.
46. **"GIS database"** – collection and registration of geographic coordinates' data, which are regularly collected and organized in a systemized and methodical manner, and ordered into

individual strata of maps that are prepared using digital means, in line with the GIS principles.

47. **"Stakeholder"** – any private physical or legal person and any public authority or its body, that has an interest in, or that may be affected by the development in the territory, or by a specified planning or development control instrument.
48. **"Public hearing"** – an open meeting, which is organized at appropriate venues by the planning authority, based on the public notification effective for the stakeholders and/or the overall or sensitive public, so as to solicit their objections and proposals on the draft of the planning or development control instrument, prior to decision taking.
49. **"Public notification"** – preliminary notification, delivered in sufficient time and by each and every effective means, of stakeholders and/or the overall public about the time, venue and purpose of public hearing, as defined by this Law.
50. **"Objection"** – the presentation of an opposing opinion in relation to the planning solutions, or a presumption regarding failure to respect the legal and sub-legal provisions in the course of the planning process.
51. **"Management of development"** – the guidance by means of administration, supervision, analyzing and planning of the development in a territory, or specified parts of it, on the basis of natural, economic and human resources, in accordance with the stipulations contained in this Law. Direction of development is the responsibility of all the levels of communal/municipal, Region and national government.
52. **"Category of land use"** is the category of permitted development in accordance with an applicable planning instrument, which is carried out or proposed to be carried out by a developer.
53. **"The base category and subcategory of use of land and structures on it"** are categories and subcategories of use as set forth in the model planning regulation.
54. **"Conditioned category of land use"** is an authorized category of development, which is prohibited in a zone by means of applicable planning instrument or which is permitted on condition.
55. **"Prohibited category of land use"** is the category of prohibited development in an area.
56. **"Zoning"** is the division of a territory in zones for the purpose of planning and development control of the territory.
57. **"Rezoning"** is the repeated zoning that aims to modify the current use or the one as proposed by an applicable planning instrument.
58. **"Land use zoning"** is the division of a territory in zones in accordance with categories of use of land or structures on it for the purpose of territorial planning and control development.
59. **"Spatial typology of land use"** is the character of a zone based on the compactness combination of type and volume of structures, the way of their establishment in a territory, road scheme, and public spaces.
60. **"Activity"** is the current use of land or structures on it describing what is occurring in a parcel or in an object while they are monitored.
61. **"Function"** is the economic purpose that the land or the structures on it are or should be serving to. A function may be realized through several different activities established in the land characterized by that function. In general, the functions and the activities determine the various categories of land use.
62. **"Homogenous"** use is the use characterized by the existence of structures that serve to the same function, by a function similar to the entire surface of land, and by compatible activities that serve to the same function. In many cases, the structures may also be uniform.
63. **"Family"** is a small unit of social life organization, consisting of husband, wife, children or other close people, who live together (to be updated as per the concept of residences for one or more families)
64. **"Detailed Local Plan"** is the territory development control instrument drafted in reliance of

and according to specifications of the General Local Plan on Territory Planning or in conformity with the Model Planning Regulation.

65. **Intensity of Structure Use -**

CHAPTER II

DETAILED LOCAL PLAN

Article 4

Designation and Purpose of the Detailed Local Plan

1. The Detailed Local Plan (DLP) is the territory development control instrument drafted in reliance of and according to specifications of the General Local Plan on Territory Planning (GLPTP).

2. DLP is also drafted in the absence of GLPTP in case a development application is submitted as stipulated in this regulation. In this case, DLP is drafted in conformity with the Model Territorial Planning Regulation.

3. A Detailed Local Plan, in its general form, seeks to:

a) Elaborate sufficiently detailed for application the General Local Plan on Territorial Planning of the local government unit and, as case may be, even the General Cross-Local Plan, from the viewpoint of technical solutions in the territory and designation of instruments for implementing the plan;
b) Determine the development control instruments of the intended zone;
c) Coordinate public and private interest in the land use;
d) Serve as a reference platform for development projects included in development applications.

Article 5

Scope of Detailed Local Plan

1. The surface studied in a Detailed Local Plan, when this plan is drafted in accordance with GLPTP, is similar with a structural subunit or, depending on the case, with the sum of several subunits.

2. The surface studied in a Detailed Local Plan, when this plan is drafted in accordance with Model Planning Regulation, is similar with a structural subunit or, depending on the case, with the sum of several subunits as specified in the criteria set forth in Article 20 of the Model Planning Regulation.

3. If the planning authority needs to review the GLPTP only for a part of the local unit's territory, this process is not considered as drafting of Detailed Local Plan and the local unit shall follow the procedures and form of review of local plan in accordance with the simplified procedure laid down in Article 50 of the Law No. 10119, dated 23.04.2009, "On Territorial Planning".

Article 6

Process, Authority and Roles

1. A Detailed Local Plan is drafted by public and private entities. Groups of experts on architecture and urban planning, construction and hydro technical engineers and other professionals, as necessary, are engaged in the drafting process.

2. The initiative to draft DLP shall be endorsed by the mayor of the local government unit (LGU) based on the priorities of territorial development specified in the General Local Plan. Others that can undertake this initiative through the mayor include:

a. Bodies and institutions under the jurisdiction of LGU and interested parties from public sector, who, when they deem it necessary, may request the mayor of LGU to take the imitative.

b. Interested parties from private sector, individuals or juridical private subject, in support of their development application or applications, may also request the mayor of LGU to take the initiative.

3. Any request or initiative is explained, documented or reviewed in a public consultation process.

4. The request for starting the process of drafting DLP shall include:

i. Boundaries of territory, for which DLP is drafted, which are presented in geo-reference systems as stipulated in the Council of Ministers' Decision No. 459, dated 16.06.2010, "On Approval of Joint Geodesic and GIS Standards" for the Territory Registry;

ii. Action plan on ensuring horizontal coordination and involvement of stakeholders;

iii. Declaration of proprietors of 2/3 of the territorial surface under study in the DLP, in case the initiative comes from private sector representatives, stating that they accept the drafting of DLP in accordance with points 2a and 2b of this Article and other general provisions of this section.

5. When initiative comes from third parties, as provided for in point 2 of this Article, the mayor of LGU shall review the proposed initiative and decide to:

a) Initiate the process of drafting the DLP;
b) Postpone the review in case he finds out that the facts are insufficient, inaccurate, or inappropriate for the initiation of the drafting process of local planning instrument. In such case, the council organizes at least one public hearing session to solicit objections and proposals from stakeholders.

6. The decision of the mayor of LGU on drafting the DLP shall be published in the register.

7. The decision of the mayor on drafting the DLP together with the action plan shall be sent to NTPA within 15 days from its approval.

8. The local planning authority periodically informs NTPA on the progress of the drafting process of DLP.

9. The authority responsible for drafting the DLP shall ensure a process of dialogue and horizontal and vertical cooperation and coordination with each and every planning authority and stakeholder, at the start of the process and in the course of drafting the planning instrument.

10. NTPA may provide support and guidance on drafting of local planning instruments.

11. Coordination and consultation of the draft of the DLP, based on the specific situations and its complexity, shall be performed according to the following stages:

a. Consultation of the idea and specific parts of the draft;

b. Comprehensive consultation of the draft.

12. The authority responsible for drafting the instrument shall choose, as necessary, whether it performs the consultation and coordination in one or two stages.

13. The deadlines for the other planning authorities and stakeholders to state their position shall start as of the next day of publishing the final draft of the DLP in the register and according to the traditional means of information by the authority responsible for its drafting, and they shall be 30 days.

14. Each and every planning authority, according to the scope of jurisdiction and responsibility, as defined by the effective legislation, or stakeholder, shall be entitled to the right of making proposals or objections about/to the DLP over the time of its coordination and consultation. Proposals and objections shall be published in the register and according to the traditional means of information.

15. Each and every objection must be argued, and must be combined with explicit suggestions, in order to provide the authority responsible for drafting the instrument with the opportunity to become familiar with its content, and to be able to make the corresponding amendments so as to reasonably address the objection.

16. Failure to present objections and proposals by the deadline set forth in this Article, shall be deemed as silent acceptance of the DLP, except cases of impossibility due to justifiable causes, and causes independent of the concerned topical issue, which must be duly notified in compliance with the stipulations contained in the Administrative Procedure Code regarding the setting of a new deadline.

17. For the purpose of ensuring coordination and consultation, the authority responsible for drafting the DLP shall consider the proposals or objections of other planning authorities, stakeholders or the public within 30 days from the termination of deadlines set forth in this Article.

18. In cases where, as a result of the coordination and consultation process, the objections and proposals made significantly affect its substantial elements and core content of the DLP, the authority responsible for drafting the DLP shall conduct, largely or upon the request of the planning authorities and stakeholders, a second process of coordination or consultation, based on the stipulations contained in this Article. It shall consider the comments and objections and amend the draft, or state its justified position for failing to incorporate the objections and proposals into the draft ahead of its presentation for adoption.

19. A summary of the comments and objections made in the course of the coordination and consultation process shall be attached to the DLP submitted for approval, and shall be published along with it in the register and according to the traditional means of information.

20. The authority responsible for drafting the DLP shall hold within 30 days following the termination of the deadline of the anticipated coordination and consultation process, one public hearing. The public hearing shall take place prior to each and every case of planning decision-making, and shall be repeated, as necessary, for stakeholders' full information and settlement of disputes. On the day of the publication of the DLP in the register and according to the traditional means of information, the responsible authority shall announce the venue, date and time of each and every public hearing. Public notification shall be sent, at least, 30 days prior to public decision-making, and shall be published in the register and in the two larger circulation newspapers or in other media.

21. The stakeholders and the public shall, over the time ranging from the notification date, according to previous paragraph of this Article, up to the set date of public hearing, be entitled to have access to the materials and information connected with the national planning instrument, including the summary of the coordination process and consultation made, as defined by Article 35 of this Law, as well as the objections and proposals made, and the conclusions reached, in the course of this process. Their access shall be ensured in advance, in sufficient time and effective manner, through the register, according to the traditional means of information and in the premises of the responsible authority over the business hours.

22. In cases where the DLP is reviewed by the responsible authority based on the objections and proposals made in the course of the public hearing with regard to substantial issues of its content, the responsible planning authority shall conduct an additional public hearing in conformity with the above provisions of this Article.

23. The summary of the objections or proposals during the public hearing session shall be attached to the DLP that has been submitted for approval, and shall be published together in the register, in accordance with the traditional means of information.

24. Physical or legal persons, who are based in the planning area, or who have information or data about it, shall be obliged to provide, when asked and to the extent possible, to the respective planning authority or any authorized person, without compensation, the information available to them, and which may be needed in the course of the process of drafting the DLP. The planning authority or the authorized person shall ensure safeguarding and administration of the information collected during the process of drafting the DLP, and shall provide the public with opportunities for access to information.

25. The local planning authority shall post the final draft in the institution premises, and publish it in the register and according to the traditional means of information.

26. The DLP shall be submitted to the respective council of the LGU. The final version of DLP submitted for approval shall include the declaration of the owners of at least 2/3 of the area under treatment of DLP, in case drafting of DLP is a private initiative, according to which signers give their full consent to the content of the final DLP as submitted for approval.

27. The LGU council shall decide to:

a) Approve the Detailed Local Plan;

b) Return it for reconsideration, along with the relevant objections, in the event that it finds that:

I. coordination, consultation and public hearing have not been conducted, or other binding planning procedures have not been observed, according to the stipulations contained in local plans and model regulations;

II. DLP is non-compliant with local plan, model regulations, or the effective legislation.

In these cases, the council shall hold, at least, one public hearing in order to solicit the stakeholders' objections and proposals. Authorities shall consider the presented proposals and objections within 10 days from the date of the public hearing session.

28. Irrespective of other stipulations and obligations set forth by law, the local government unit shall send, 15 days of its adoption, a copy of the local planning instrument, along with the decision on the adoption and any other additional modification in it, to the NTPA and the Central Construction Technical Archive. They shall be published in the register and according to the traditional means of information, within 15 days from the date of the approval.

29. National Territorial Council shall review and give final approval for DLPs for national importance zones, which are not covered in the adopted local plans and in which development is permitted.

30. The approval acts and relevant DLP shall be published in the register and according to the traditional means of information, within 15 days from the date of the approval.

Article 7

Structure and Format

1. Detailed Local Plan shall be drafted upon a request, which shall also include the territorial boundaries under study, action plan, and, as necessary, the declaration of proprietors of at least 2/3 of the zone surface under study, as provided for in paragraph 4 of Article 6 of this regulation.

2. DLP structure and format changes dependent on specific features of each and every zone under review. DLP shall consist of two parts, which are:

a. Document of draft plan;

b. Annex of maps of draft plan

3. Both parts are bound to consider, but will not be limited to, the following points:

i. Facts that demonstrate the need to draft a DLP, including their analysis and reasoning;
ii. Guidelines of General Local Plan on Territory Planning on the zone, including norms and standards of the regulation of GLPTP, if any, and, in each and every case, a description of the concept on the development of the area;
iii. A detailed plan on the use of land and structures on it in compliance with the categories and subcategories and in accordance with the model planning regulation as well as with GLPTP planning regulation, including volumetric views of the future structures;
iv. A technical plan of subdivision and merge of parcels, accompanied with a list of cadastral items of proprietors affected by the application of special development control instruments;

v. Allocation of development intensity, various typologies of buildings and their establishment regarding the borders of properties and roads, balancing of interests and an explicit description of how costs of proceeds will be allotted and shared and how various parcels will be affected by the application of tax of impact on infrastructure;
vi. A technical plan on infrastructure and services of the zone, including the budget for the realization of works in infrastructure and services;
vii. Spaces for structures of public interests and volumetric guidelines on their treatment from the urban planning viewpoint
viii. The Strategic Environmental Assessment or Environmental Impact Assessment as stipulated in the effective legislation;
ix. A plan of buildings foreseen to be demolished, repaired, or renovated accompanied with their typology;
x. An exhaustive economic-financial assessment for the implementation of DLP;
xi. DLP implementation program

4. DLP maps, as prepared for all content points, in dependence of area under study, shall be presented at a scale of 1:1000 – 1:2500.

Article 8

Obligation for Drafting a DLP

Cases in which drafting of DLP is obligatory include:

1. The initiative for DLP shall be endorsed by planning authority to carry out developments for purposes of public interest, such as central station for local and cross-local public transport, university, hospitals, schools, power substation, social residential areas, etc.
2. These developments may include structures and permitted use of land as stipulated in this regulation, and which fall in at least one of the following cases:

a. Have considerable surface and comparable with that of a small structural subunit;
b. Cover areas with intensive development, in development pressure, areas with natural and historic values for conservation and protection in conformity with the applicable legislations, residential areas as per category A of base categories, or new and currently undeveloped or agricultural areas;
c. Cover privately-owned areas, which, for development purposes, undergo a preliminary application of at least one of the special development control instruments;
d. Cover public or private areas and are considered non-compliant for the neighboring structural unit or subunit, in accordance with the specifications provided for in the model planning regulation;
e. Are proposals for rezoning and modification of permitted use of land and structures on it as specified in the base categories and subcategories set forth in this regulation and/or detailed categories of effective planning instruments and are or can be classified as conditioned or forbidden uses for the subunit proposed for development;
f. The entire intended development in the selected zone constitutes an important public project, such as conservation program, regeneration program, etc., proposed in the effective

planning instruments by local unit or identified on the basis of local planning policies or development strategies as approved by local council;

2. An initiative for DLP may be taken by private individuals or entities as a base for LGU to review and adopt the development application in accordance with the terms and conditions laid down in point 4 of Article 6 of this regulation.

Article 9

Cases in Which Drafting of DLP Is Not Obligatory

Irrespective of stipulations in the above article, it is not obligatory to draft a DLP as a condition for reviewing and approving a development application, regardless of whom undertakes the initiative, if:

1. The DLP for the zone has already been approved, the development application does not differ with regard to the conditions and terms established by the approved DLP, and when there is no signed initiative of proprietors of 2/3 of area surface for the review of DLP, in conformity with the provisions of this regulation.
2. The LGU has to apply a public easement, construct or carry out works for the maintenance of parts of public infrastructure network, and in each and every case it does not modify the development intensity, functions, activities, or uses in the selected zone;
3. All cases that do not constitute a development, in accordance with the specification of this regulation, except for:
    a. Cases foreseen in point 10, Article 13, of this regulation, when these instruments are established in the absence of a planning instrument in conformity with uniform planning regulation, or after the planning instrument has been drafted, in pursuance of the guidelines provided for in the Law No. 10119, dated 23.04.2009, “On Territorial Planning” as we as of other sub-regulatory acts on the establishment of special development control instruments;
4. The building of structures for a given homogenous use, in the parcel for this use, through a complete reasoning accepted and approved by the stakeholders or affected parties, is predetermined and designated to be developed for homogenous use in the effective planning instruments, and when other elements have been predetermined, such as connection of parcel with the infrastructure network, permitted environmental impact of the new structure, height, rate of utilization of parcel and permitted overall volume of structure as well as other necessary parameters on the development intensity;
5. Construction includes schools, kindergartens, baby homes, healthcare centers, ambulances, small recreational parks, playground for children, green parks, retail stores in the first floor of the residential buildings or one-storied side annexes to buildings, coffee shops and small hotels classified as small and family business, as long as these buildings meet one of the following conditions:
    a. Are built in residential zones proposed for base category A or for base subcategories B.1, B.2, and B.4 and are foreseen in the effective local instrument by means of

parameters and standards of the planning regulation, and for whom the connection with the infrastructure network is foreseen;

b. Are built in existing residential zones of base category A in the absence of the local planning instrument, do not exceed the existing development intensity and specifications of point 5 of this Article, and are accepted by at least 51% of the heads of families in the community of the zone through a signed declaration, which is then presented to the local government unit;

6. The cases of construction of residences as provided for in the base subcategory A.1 and generally with no more than 4 stories, in the absence of local planning instrument, in zones that have a current use A.1 or B.1, when not exceeding the existing development intensity and height parameters, when the overall volume of building does not surpass that of the closest neighboring property;
7. Works for the restoration of an existing object of cultural and historic importance and which is registered as a monument of culture and if 90% of the object will have to be reconstructed;
8. Structures of base category C as long as they do not conflict with any of the other existing base categories even with a single structure, are built in zones that meet the criteria for distance from zones of other base categories in conformity with the applicable sectoral and environmental legislation and that do not cause an environmental impact beyond parameters laid down in the environmental legislation;
9. Cases of base category D, when they do not necessitate rezoning or modification of existing use of land registered in another base category. In general, the base category D may be covered by planning, technical design, and implementation instruments in accordance with the needs and requirements of the sector and respective sectoral legislation.

Article 10

If the DLP is a private development initiative, the developer shall implement the tertiary network infrastructure, public spaces within the area under development, and the connection with the existing network of the residential center.

CHAPTER III

PERMITS

SECTION I

DEVELOPMENT

Article 11

Development

Development is each and every building, digging, demolishing, expansion, repair or renovation activity or process, and woodcutting, which leads to:

i. Modification of use of land and structures on it;

ii. Parcel subdivision or merge;

iii. Building of new structures,

iv. Modification of existing structures.

Article 12

Works or Processes That Do Not Constitute Development

The following do not constitute development:

1. Modification of the constructive system of a structure, which does not modify the use, volume, dimension, use intensity, and outer appearance of the structure;
2. Works for maintenance, repair, renovation of a road or railway track, which have limited work process for engineering design and where works are carried out within the existing space and boundaries of the structure;
3. Works for the inspection, repair, maintenance, reconstruction of existing public infrastructure intended to provide public services in the field of transport, power supply, water administration, telecommunications, fire protection and civil defense as long as these works do not exceed the occupied space and existing physical boundaries of the structure and do not change its use;
4. Works for the maintenance, repair, or modification of a structure, if these works affect only the internal part of the structure and in each and every case do not modify the use and intensity of use of the structure;
5. Establishment of provisional structures, for use as dwelling location of a surface not more than $10m^2$ and for a stay in land or parcel for a limited time but no longer than 3 months;
6. Exploitation of forests regulated by a separate law;

Article 13

Modification of Land Use

Modification of use of land and structures on it shall include:

1. Initiation of a process of digging in a parcel with the aim of building a new structure, extraction of materials for construction and for operation of industries and other economic activities;
2. Building of a new structure, whose use is in compliance with the cases set forth in paragraph 27 of Article 3 of the Law No. 10119, dated 23.04.2009, "On Territorial Planning";
3. The beginning or resumption of land use after period of one year or longer of no use;
4. Physical change, even if the use does not change, of a stream, reservoir, lake, riverbed, or water line, water shore, …;
5. Modification of position of a structure for advertisement in a parcel;
6. Change of use as set forth in the definition in paragraph 27 of Article 3 of the Law No. 10119, dated 23.04.2009, "On Territorial Planning", and which is accompanied with the formation of solid and liquid waste as well as modification of level of noises, air pollution, thermal conditions, soil and underground pollution, damage and pollution or modification of the existing biodiversity in the moment of change;
7. Modification of development intensity in conformity with the specifications of paragraph 'b' of Article 22 of the Law No. 10119, dated 23.04.2009, "On Territorial Planning" and in compliance with stipulations of model territorial planning regulation;
8. Modification of categories or subcategories of use of land and structures on it in a zone, in conformity with the specifications of paragraph 'a' of Article 22 of the Law No. 10119, dated 23.04.2009, "On Territorial Planning" and in compliance with stipulations of model planning regulation;
9. Subdivision of a parcel in two or more parcels and merge of two or more parcels in one for development purpose, in conformity with the specifications of paragraph 'c' of Article 22 of the Law No. 10119, dated 23.04.2009, "On Territorial Planning" and in compliance with stipulations of model planning regulation;
10. Cutting of trees.

Article 13

Modification of Existing Structures

1. Reconstruction, complete or partial renovation, complete or partial demolition of the structure;
2. Repair and renovation of structure when they are part of the change of outer appearance of the structure and/or modification of aim and intensity of use of the structure;
3. Modification of overall dimensions, shape, and volume, construction materials in the external parts of the structure, change of external volume elements;
4. Modification of constructive scheme of the structure that affects the outer appearance of the structure or the purpose of its use;
11. Modifications of use of structure as anticipated in point 26 of Article 3 of the Law No. 10119, dated 23.04.2009, "On Territorial Planning" and the structure's change of intensity of use;
5. Change of a structure's installation position for advertisement to an existing structure;
12. Change of structure when associated with creation of solid and liquid waste in the location of the structure as well as with pollution of air, water, and soil, with the harm or

modification of biodiversity in the area where the structure is located.

SECTION II

SUBDIVISION AND MERGE OF PARCEL

Article 14

Cases of Subdivision of Parcels for Development Purposes and Obligations

1. The following cases shall be considered subdivision for development purpose if:

   a. An agricultural land parcel proposed by effective planning instruments as land for non-agricultural development with a surface of at least twice as large as the minimal surface specified in the local planning instruments is subdivided;
   b. A parcel with a surface of at least twice as large as the minimal surface specified in the local planning instruments is subdivided, undeveloped and within the zones belonging to urban system use in accordance with the specifications of the model planning regulation.
   c. A parcel intended for urban regeneration in a degraded industrial/urban area is subdivided, with a surface of at least twice as large as the minimal surface of parcel specified in the local planning instruments
   d. In the absence of local instruments or in zones for which the minimal surface of parcel has not been defined, the minimal surface of parcel for development resulting from the subdivision shall not be smaller than $500m^2$.

2. In each and every parcel subdivision, the new parcels created by the subdivision process shall have direct access to road and public infrastructure in compliance with the road categories and infrastructure specified in the general local plan or in DLP, conforming to the model planning regulation and uniform development control regulation.

3. The subdivision plan shall be presented as an integral part of the detailed local plan and shall be subject to approval of the local council together with this plan.

4. The new parcels created by the subdivision shall be registered at the Immovable Property Registration Office upon completion of the road network and infrastructure for each newly-created parcel in conformity with the subdivision plan as part of the DLP adopted by the local council.

5. If a DLP is not required, as set forth in this regulation, the subdivision will be carried out in compliance with the specifications of this section and in conformity with the permitted and binding norms of the respective sectoral legislation. The subdivision plan shall be approved by the local council.

Article 15

Cases of Merge of Parcels for Development Purposes and Obligations

1. The following cases shall be considered subdivision for development purpose if:

   a. A developer buys, or rents for at least a 5-year period for development purpose, two or more neighboring and undeveloped parcels, merges them, and develops the new parcel obtained

from the merge, in compliance with the guidelines and requirements of the local planning instrument and DLP;

b. The proprietors of several parcels agree on their own free will to merge their parcels for development purpose. In conformity with the effective local planning instrument and DLP, the new development modifies the use and/or development intensity in the parcel created from the merge. The proprietors and/or developer shall use the cost and profit allocation approaches in accordance with the provisions stipulated in the uniform development control regulation;

c. The parcel merge proposed in a DLP, which is drafted as a supportive and binding instrument for the review of a development application as provided for in the model planning regulation and uniform development control regulation, is confirmed through a declaration signed by the proprietors of 2/3 of surface of the area for which DLP was drafted, and if the merge does not affect more proprietors than those interested in the development, as a result of DLP's compliance with the norms, standards and specifications for development of the zone and the effective planning instruments;

d. Two or more parcels merge to carry out a new development or change the existing intensity of the development in the zone; are under the same ownership; at least one of the parcels is undeveloped; and, does not meet the criterion of minimal surface as stipulated in the local planning instrument;

2. In any case, the developer of the parcel created from the merge shall ensure, through DLP, the necessary infrastructure and services for the development and shall realize it in conformity with the provisions of the uniform development control regulation and the effective local instruments.

3. In case the merge produces parcels whose development does not necessitate DLP, the proprietor shall similarly ensure that the new parcel with the new development has access to roadways, public infrastructure and does not affect the indicators of free space in the zone.

4. In case of merge of parcels in arable land, for agricultural development purpose, by preserving the character and the existing intensity of development or in conformity with the use permitted from the applicable local instruments, the new parcel shall acquire the infrastructure necessary for the intended development in compliance with the effective local planning instruments and with the criteria, norms, standards, and legislation on agriculture and environment.

SECTION III

Article 16

Cases of Application for Permit

1. Each and every physical or legal person, local or foreign, who intends to carry out a new development in the Republic of Albania in territories, which are his property or private or public property, for which he enjoys legal rights in accordance with the current legal framework in force, must be provided with development permit, in accordance with the provisions of the Law No. 10119, dated 23.04.2009, "On Territorial Planning", and the effective national and local planning and development control instruments, for any land development, or development of the structures on it, or the carrying out of works for their development, except for the cases where such thing is ruled out under this Law.

2. A building permit shall only be given upon completion of review and certification of compliance of the application with the effective building regulations and/or the stipulations contained in the development permit.

3. In cases stipulated in Article 12 of this regulation, development of land and structures on it shall be performed with or without the preliminary notification of the responsible planning authority. Notification shall be made through the preliminary declaration of works, according to the form provided for in Annex X of this regulation.

4. An infrastructure permit shall be given for works on the public infrastructure networks, national or local, in accordance with the specifications contained in the effective legislation, and for structures relating to their functioning in the areas of transport, energy, water administration, telecommunications, land protection, and public and national defense and security

5. At the end of the development process, the responsible planning authority shall issue the use permit to the structure that confirms, as per the case, the completion of works in compliance with the development permit and/or building permit conditions, or conforming to the requirements contained in the planning and development control instruments for cases where works are carried out through preliminary declaration of works.

e) All types of permits defined in this regulation are contained in Chapter V, point 2 of the Annex of the Law No. 10081, dated 23.03.2009, “On Licenses, Authorizations and Permits in the Republic of Albania”. They shall be issued in compliance with the provisions of this chapter.

Article 17

According to the types specified in the provisions of this chapter, the permits shall be issued:

a) To proprietor or proprietors, their representatives or physical or legal persons duly authorized by him for carrying out the works;

b) In case of co-ownership, to one or more co-owners or their representatives;

c) To the person undertaking a project, investment or object of public interest, in conformity with the law, as a consequence of expropriation or because of the use of the right of transfer, in compliance with Article 67 of the Law No. 10119, dated 23.04.2009, “On Territorial Planning”.

SECTION IV

DEVELOPMENT PERMIT

Article 17

Development Permit

1. Development permits are classified in compliance with the following reviewing and adoption procedure:

a) Development permit for each work, except for those referred to in this point, letter “b,” which are reviewed and adopted under procedure stipulated in Articles 18 through to 20 of this regulation;

b) Development permits for works posing high hazard to environment, public safety or health or life safety, for which the specific criteria and procedure, stipulated by Article 21 of this regulation, are applied.

2. A development permit shall be issued based on a development application, which shall be reviewed in accordance with this regulation.

3. Adoption of permit takes place through a decision of the responsible planning authority, or based on silent approval, in accordance with the provisions of this Law.

Article 18

Development Application

1. The development application shall include:

Comment [AGJ1]: If another document is needed, it must be specified in point d.

a) The document that confirms the applicant's identity;
b) The documents, which certify:
   i) the applicant's property rights and the applicant's right to apply for a development in the property or territory specified in the application, including plausible restrictions on real property stemming from Articles 64 ,65, 66 and 68 of the Law No. 10119, dated 23.04.2009, "On Territorial Planning";
   ii) The agreements with the co-owners, or third parties, when such a thing constitutes a prerequisite to be entitled to the right of developing the property;
c) The goal, the nature and adequate descriptions of the required development, as well as the time-line needed to carry out the development works;
ç) Each and every document, analysis, study, draft, and assessment provided for in the development control regulations, which confirm that the development application complies with the binding rules of development across that territory.
d) Other documentation provided with sub legal acts and in the regulation of territory development control issued pursuant to the Law No. 10119, dated 23.04.2009, "On Territorial Planning".

2. All the documentation required to submit a development application in accordance with this Law, shall be available in the public premises of the responsible planning authority and in the register

Article 19

Submission and Consideration of a Development Application

1. The development application shall be lodged in:

   a. municipality/commune in the territory of which the development is required;

   b. When the development, which is required, is envisaged to occur in the territory of more than one local government unit, or when it is indivisible based on two or more such territories, the application shall be logged in either municipality/commune.

2. Reviewing of a development application and adoption of a development permit shall be an administrative act enacted by the mayor of the municipality/commune, or the official duly

authorized by him through delegation, with the professional and technical support of the planning and development control staff.

3. The authority responsible for reviewing the application at the municipality/commune level shall within 5 days of its receipt review the documentation while only looking at compliance in terms of the form, and shall provide the applicant or shall mail to his address the certificate confirming acceptance of the application, which shall include the date when the application has been received, and data that identify the application and documents attached to it. Where the responsible authority fails to send a reply to the applicant's address by the time limit contained in this point, the application shall be considered as approved upon silent approval, and its processing continues. The municipality/commune shall post the application in its public environments, and shall publish it in the register and according to the traditional means of information, within the afore-mentioned time limit.

4. When the binding documentation for a development application is incomplete, the local government unit delivers notification to the applicant on the documentation required, as per the shortcomings observed, and what they have to do to complete it. It shall allow a time limit of not more than 30 days from the termination of the deadline referred to in this Article, point 3, for the applicant to complete them. In the event that the applicant fails to complete the documentation within the above deadline, the application shall not be accepted and a certificate confirming non-acceptance of the application, along with the relevant reasons is delivered to the applicant. Application resubmitted following refusal shall be handled as a new application.

5. Within five days from the reception date of the request by the responsible authority according to items 3 and 4 of this article, the applicant posts a public announcement in visible places in the vicinity of the parcel of land where the development will take place and inside it

6. Within 20 days from its publication in the register, as prescribed by point 3 contained in this Article, each and every national and/or local authority interested in planning, and stakeholder, shall state their objections, proposals or claims. The stakeholders shall be entitled to consult all the studies conducted for reviewing the development application. Failure to state a position within the afore-mentioned deadline shall be considered as no objection to the application. The objections received in accordance with this point shall be attached to the development application, and shall be reviewed by the responsible development control structures and the mayor of the local government unit, or the official duly authorized by him through delegation.

7. Adoption or refusal of each and every development application shall only take place following its reviewing and legal and technical assessment by the structures responsible for development control and the planning authorities' juridical issues. Not later than 20 days from the termination of the deadline set under point 6 in this Article, the persons in charge of the above-mentioned structures shall review and assess the practice surrounding the development application, sign the report containing the proposal for adopting it with or without objections or conditions, or refusing it, and publish it in the register and according to the traditional means of information, and shall forward the decision-making practice to the mayor of the local government unit, or the official duly authorized by him through delegation.

8. The mayor of the local government unit, or the official duly authorized by him through delegation, shall, not later than 10 days from the termination of the deadline set in this Article, point 7, as per the case, review only the compliance of the application with:

a) The effective national and local planning instruments, and shall request, in relation to the required development, the application of criteria set forth by these instruments;

b) The model regulations and the criteria set forth by the binding national planning instruments, if required development is located in an area for which the local planning authority has not adopted a local planning instrument.

9. Prior to each and every decision on a development application, as per letter "b" of point 1 contained in this Article, the responsible planning authority shall conduct, at least, one public hearing with all stakeholders in order to solicit their objections and proposals.

Article 20

Decision-Making Regarding a Development Application

1. Upon completion of review of a development application, the mayor of the local government unit, or the official duly authorized by him through delegation, shall make a stated decision on the application, as follows:

a) The application has been approved;

b) The application has been approved with the responsible authority establishing conditions, which require, without affecting its substance, the enforcement of the binding rules set forth in the planning and development control instruments;

c) The application has been rejected due to its failure to conform to one or more requirements of the binding planning and development control instruments.

The decision shall contain, in its explanatory part, the reasons for refusal. In this case, the applicant may meet the criteria and submit a new development application;

Similarly, the mayor of the LGU or an office duly authorized by him shall announce the decision taken by the NTC for cases set forth in the last paragraph of point 8 of Article 19 of this Regulation.

2. In the conditions of development permit and dependant on the type of the structure, the obligation shall be defined on the adoption of control on the realization of development, according to the phases specified in the development control regulation.

Comment [AGJ2]: Have we specified the phases yet?

3. The municipality/commune shall provide a response in writing to the applicant, along with a copy of the decision made on the approval, or rejection of the development application not later than 55 days from receipt of the development application. The decision on the approval or rejection of the development application shall be published in the register and according to the traditional means of information, by the same deadline. In case of failure to provide a response by the afore-mentioned deadline, and no objections or claims, as per point 6 of Article 19 of this regulation, have been submitted, the development application and, consequently, the development permit, shall preliminarily be deemed as approved upon silent approval, except for the cases, as defined in the Article 17, point 1, letter "b," of this regulation.

4. Within 5 days from the termination of the deadline prescribed by point 3 contained in this Article, the developer shall put up notices at prominent places in the vicinity of the parcel of land in which the development will take place, and inside it, and shall publish the notification in the register and in a newspaper. In default of stakeholders' objections or claims, within 10 days from the date of publication and notification by the developer, the development permit shall finally be considered as approved upon silent approval, except for the cases set forth by Article 17, point 1, letter "b," of this regulation. The responsible development control structure must issue the

respective development permit approved upon silent approval not later than 5 days from the termination of the deadlines prescribed by this point, and must publish it in the register and according to the traditional means of information.

5. Within 10 days from receipt of development permit, the developer shall put up signage in the construction-site containing data on the permit issued, and shall start works not earlier than 30 days from receipt of permit. In terms of developments for which building regulations specify the obtaining of building permit, the above-mentioned time limits under this point shall be calculated as of the date of the obtaining of building permit.

6. Over the period from the date of adopting the permit to the date of the start of works, administrative appeal, and later on, judicial appeal, as provided for under legislation, may be filed.

7. Entitlement with regard to development shall be exercised within 1 year from the date of receiving the development permit, under this Article or Article 21, of this regulation. In terms of developments for which the building regulations prescribe the provision with building permit, the afore-mentioned time limit provided for in this point shall be calculated as of the date of the adoption of the building permit. Following termination of the above-mentioned time limit, a new development application and/or application for building shall be submitted. Minimum and maximum timescales for the carrying out of different works shall be provided in the development control regulations.

8. During the development application reviewing stage and after making the respective decision, the planning authority shall in the institution premises provide the appropriate conditions for informing the stakeholders and inspection authorities about and ensuring their access to the documentation associated with the development application, including the objections and proposals made on it.

Formats

Article 21

Specific Procedure

1. Approval of permit upon silent approval, pursuant to Article 74, points 3 and 4, and Article 76, point 4, of this Law, shall not apply to works specified in the development control or building regulations, which, on account of the nature of their volume, pose high hazards to:

a) Environment;
b) Public safety or health;
c) Life safety
ç) National and cultural heritage
d) Block of natural drainage system
dh) Protected or polluted areas

1. Prior to administrative review of the request for development on the above works, the respective local planning authority submits for approval according to specifications of control and development regulations to the responsible line minister the development request, right after the publication in the register according to item 3 of Article 20 of this regulation. The technical staff of the ministry, after reviewing and assessing the documentation, drafts the technical report that is delivered to the minister for review within 30 days from the submission of the request and

publishes it in the register. The responsible line minister replies within 10 days from the above period.

SECTION V

Article 22

Building Permit

1. A building permit shall only be given upon completion of review and certification of compliance of the application with the effective building regulations and/or the stipulations contained in the development permit.

2. Each and every building permit shall be issued based on a specific application, which may be lodged at the same time with the development application, if the development control regulations allow such thing.

Building permits in national zones and in state-owned properties not transferred to local government units shall be approved by the NTC.

Building permits in squares used for services provided for by the state for education and healthcare, for non-public construction, shall be approved by the NTC.

3. The maximum and minimum deadlines for performing different works are specified in the development control regulations

4. 4. The building permit shall be issued in accordance with provisions of Articles 18 through to 21 of this regulation, and in accordance with the effective legislation on building activities. Formats

SECTION VI

Article 23

Infrastructure Permit

1. An infrastructure permit shall be adopted by the line Minister responsible for the national infrastructure, and the mayor of the municipality/community for the local one, in accordance with the procedure outlined in this Article, point 4, in cases where public infrastructure is provided for in an effective planning instrument.

2. The responsible authority may, under this Article, point 2, endorse, according to circumstances and importance, infrastructure projects, which break down the forecasts and the effective planning instruments to the extent that this has been delegated to them by their adopting authority.

3. For these works, after having verified the compliance of the project with the binding planning and development control instruments, and the respective effective building regulations, under point 2 in this Article, the responsible authority shall deliver public notification, including publication in the register and according to the traditional means of information, and shall receive the claims and objections by other planning authorities or stakeholders within the time-limit defined in the Article 19, point 6. Where the responsible authority deems it necessary to conduct a two-staged project review and adoption process for major projects, the time limit, under the afore-

mentioned phrase, shall be applicable for either stage separately. With the termination of this time limit the responsible planning authority shall decide to start works, and delivers public notification within 60 days from the date of publication.

The public notification shall contain all the documenting features of a development application, and shall be published in the register and according to the traditional means of information. Works shall start not earlier than 60 days from the date of coming into effect of this decision.

Formats of application

SECTION VII

Article 24

Use Permit

1. The use permit shall be issued if the records of control confirm the performance of works in conformity with the permit conditions, according to the stages laid down by the development control regulations regarding, but not limited to, the foundation, framing, mechanical, plumbing and insulation works, final touches and outside systems.

2. In the event of refusal of the use permit, the non-compliance observation act shall be issued, which, in its explanatory part, shall refer to the documents, the records of control mentioned in this Article, point 2, the data and the elaborate arguments on the lack of compliance and their importance. It shall describe the approach about how this conclusion has been reached, and shall put forward suggestions about ensuring compliance by the developer

3. The use permit shall be reviewed, and shall be given in accordance with the procedure and time limits provided for in the legislation on control and disciplining of the building works.

4. Within the time limits stipulated by this Article, point 4, the responsible planning authority shall deliver official notification through the recommended delivery service about the act confirming non-compliance of works with the development permit, building permit and/or the preliminary declaration of works. The notification shall also refer to the applicable sanctions. The notification may be sent electronically to the given account if such thing has been agreed to in the application. In this case, it shall be considered that the notification has been received on the date when it is consulted by the receiver based on the electronic confirmation. In the absence of the latter, the notification shall be deemed to have been received within 8 days of being sent by the planning authorities.

5. In the cases where a decision has not been made within the time-limits prescribed by this Article in point 4, the use permit shall be deemed as approved upon silent approval, and shall be granted by the responsible planning authority within 15 days of their conclusion, upon the request of those concerned, and shall be published in the register and according to the traditional means of information.

6. The permit of use for public infrastructure works is issued according to procedure and terms provided with article 23 of this regulation.

7. Works carried out pursuant to this Law, which change ownership, shall, under the law, be recorded in the registers for immovable property, based on the use permit issued in accordance with the stipulations set forth by this regulation.

SECTION VIII

Unified application, format of development, building, infrastructure project, and VNM

Application forms are attached as annexes

Comment [AGJ3]: To be complete by Co-Plan

CHAPTER IV

NORMS AND STANDARDS OF DEVELOPMENT INTENSITY

Article x

Norms, Rules, and Indicators of Development Intensity

1. The norms, rules, and indicators of the development intensity are an important and indispensable technical and practical element of the territorial plans and projects of development. They shall be binding to all local or foreign, urban planning and design experts, entities and subject. Consideration and adoption of plans and projects shall be conducted, among others, on norms, rules, and indicators of development intensity.

2. The norms, rules, and indicators of the development intensity may change according to the current and proposed character of the zone under study with regard to the land use, types of structures, spatial typologies, functions, activities and upon specific conditions and terms imposed by the sectoral legislation.

3. The indicators of the development intensity are specified in the model planning regulation and are divided in four groups:

a. Density indicators
b. Height indicators
c. Distance indicators
d. Quality indicators

4. Standard norms shall be determined for indicators of points a, b, and c, which shall be considered in the process of territorial planning and design.

5. Besides standard norms, a set of associating rules shall be defined for quality indicators to be considered in the process of territorial planning and design.

Article x

Norms and Rules for Residential Areas

1. The norms of indicators for point a, b, and c of Article x are provided for residential zones and mixed zones with dwelling prevalence. These norms change according to dwelling areas categorized in the following population groups:

1.	Group I	up to	10,000 inhabitants
2.	Group II	10,001 –	20,000 inhabitants
3.	Group III	20,001 –	50,000 inhabitants
4.	Group IV	50,001 –	100,000 inhabitants
5.	Group V	100,001 –	200,000 inhabitants
6.	Group VI	over	200,000 inhabitants

2. The residential area must ensure healthy living conditions for the population. Therefore, in their planning and design, the following indicators as well as their monthly, seasonal, and annual values must be considered in compliance with the studies, observations, and mensuration of the responsible institutions:

a. sunlight;
b. air temperature;
c. air speed and direction;
d. air humidity;
e. precipitation;

3. The following elements shall be considered for measuring the current values in the residential areas in accordance with the model planning regulation or for planning in the residential areas. They shall be determined in compliance with the base categories and subcategories of the model planning regulations and in conformity with the definitions of this regulation:

a. residential territory
b. social territory
c. green territory
d. sports territory
e. public spaces including squares, roads, and parking

4. At structural subunit level, whose use is residential or mixed with residential prevalence, the standard values of quality indicators of the elements mentioned in point 3 of this Article are:

a.	Net dwelling territory	14.5 m^2/inhabitant
b.	Playground for children as part of social territory	1.5 m^2/inhabitant
c.	Territory for other social facilities	2.0 m^2/inhabitant
d.	Territory for sports activities	1.5 m^2/inhabitant
e.	Streets and squares among blocks	3.0 m^2/inhabitant
f.	Total	24 m^2/inhabitant

5. If commercial and public services have been established in separate facilities, the norm for their territory is 1 m^2/inhabitant and is added up to the norm of the structural residential subunit of 24 m^2/inhabitant.

6. If public parking is provided for in streets and squares, the norm of 3 m^2/inhabitant is added up to the norm of parking determined as the ratio of total parking surface with the number of inhabitants. The total surface is calculated as the norm of x parking lots per inhabitant multiplied with the surface of a parking lot, which varies according to its shape.

Comment [RT4]: Does the Traffic Code contain a provision on this?

7. For territory of other social facilities, the necessary surface has been calculated for parcels of baby homes and kindergarten at 0.3-0.4 hectare per facility, and for parcels for 9-year schools at 0.6-1 hectare per facility. The service distance for these facilities within urban areas with intensive development is 500 m for baby homes and kindergarten and 1 km for 9-year schools, considered to be walking distances. All these norms are relied on demographic studies, which have defined the respective age groups in functional need for baby homes, kindergartens, or schools. They can be detailed according to the standards imposed by the Ministry of Education in the respective sectoral legislation.

8. The territory of other social facilities can include, as necessary, middle schools and healthcare centers. Indicators laid down in the effective legislation and sectoral regulations are applied for

these facilities at structural subunits. However, these indicators shall not be demoted to lower than the norms of point 7 of this Article, adding up the norms specified earlier for the residential structural subunits.

9. Norms for green territories in structural subunits and at city level are:

a. parks or gardens for structural subunit 1-2 m^2/inhabitant;
b. parks or public gardens 2 m^2/inhabitant;
c. Roadside and waterside greenery 1 m^2/inhabitant;
d. Greenery at social facilities 2 m^2/inhabitant;

10. The norm for sports territory at structural unit and subunit level is 1.6 m^2/inhabitant, and for quality sports activity territories and structures, such as stadium, sports palace, gym, swimming pools, etc., constructed in the town in compliance with the design norms and preliminary feasibility studies, the norm shall not be smaller than 1 m^2/inhabitant.

11. All the norms stipulated in this article shall be considered when drafting planning instruments and DLPs.

Article x

Overall Norms at City Level and Structural Unit and Subunit for Dwelling

1. Overall norms at city level and structural unit and subunit for dwelling are provided in the following tables:

a. Table 1: Indicative norms for constituent elements of residential zones – data at city level

Dwelling centers	Residential zone	Social zone	Green territory	Sports Territory	Roads and squares	Total
	m^2/inhabitant	m^2/inhabitant	m^2/inhabitant	m^2/inhabitant	m^2/inhabitant	m^2/inhabitant
Up to 10,000	52-46	5	3-4	4	6-7	70-66
10,000 – 20,000	46-41	5-6	4-5	4-3	7-8	66-63
20,000 – 50,000	41-36	6-7	5-6	3-2	8-9	63-60
50,000 – 100,000	36-30	7	6-7	2	9	60-55
100,000 – 200,000	30-27	8	7	2-2.4	9-10	55
Over 200,000	26.5	12	7	2.5	12	60

b. Table 2: Dwelling density at structural subunit according to number of floors in residential buildings

Number of dwelling floors	Net and gross dwelling density, in inhabitant/hectare, according to the unoccupied surface of 12 m^2/inhabitant			
2	Gross	100-170	Net	140-220
3	Gross	280-300	Net	500-530
4	Gross	300-350	Net	540-600
5	Gross	360-380	Net	650-750

6	Gross	380-400	Net	750-780
7	Gross	420-440	Net	780-820
8	Gross	420-440	Net	780-820
9	Gross	440-460	Net	850-900

c. The unoccupied surface of 12 m^2/inhabitant shall only include unconstructed surface among buildings, the norm of 4 m^2/inhabitant of greenery among buildings, and the roads of service to the buildings. This norm shall not include the surface of sports sites of structural units and subunits, local roads and those of higher categories, arranged green areas and those of service to the structural units and subunits as well as the parcels of social and public service facilities.

d. Table 3: Norms for 2-3-storeyed individual buildings

Description	**Consecutive joined buildings**	**Joint dwelling, established in pairs**	**Separate buildings**
Parcel surface in m^2	150 -190	200-300	300 - 500
Gross density (inhabitants/ha)	170	130	100
Net density (inhabitants/ha)	220	170	140
Development intensity	1.3 – 0.8	0.85 – 0.5	0.8 – 0.3

Comment [RT5]: This should be reviewed, because it is unclear as to how it is measured: in m^2/m^2 or in m^3/m^2. According to the definition of building intensity in the model planning regulation, this should be measured in m^3/m^2 – as taken from the current urban planning regulation. However, the table in this regulation states m^2/m^2.

c. About 20 to 40 parcels of a surface of 150-500 m2 can be located in a territory of one hectare and intended for dwelling dependent on composition, typology of building as provided in Table 3 and its connection.

d. Table 4: Indicative norms for elements of residential zone at structural unit level

Units and elements	Residential territory m^2/inhabitant	Social territory m^2/ inhabitant	Green territory m^2/ inhabitant	Sports territory m^2/ inhabitant	Roads and squares m^2/ inhabitant	Total m^2/ inhabitant
Structural unit	12 – 14	2.5 – 3	5	1.6 – 2	3.5 – 6	25 – 32

e. Table 5: Net population density and net building intensity, according to number of stories per residential structural unit and subunit

Density Indicator	**2 stories**	**3 stories**	**4 stories**	**5 stories**	**6 stories**	**7 stories**	**8 stories**	**9 stories**
Net population density	140-220	500-530	540-600	650-720	730-760	780-820	780-820	850-900
Net building intensity	0.3-0.8	0.5-0.7	0.7-0.9	1-1.3	1.2-1.4	1.3-1.6	1.3-1.6	1.6-1.8

2. All the norms stipulated in this article shall be considered when drafting planning instruments and DLPs.

Article x

Quality Indicators for Zones with Homogenous Use, Function or Activity at City Level

1. The homogenous zone of hospitals is composed of the entirety of healthcare buildings, such as pathological, pediatrics, surgery, maternity hospitals, etc. The norm for this zone is the summation of the norms of its constituent hospital buildings. The size of hospital zone is proportional to the size of the dwelling area. In dwelling areas of category I, II, and III, there shall be only one zone, whereas in dwelling areas of categories IV, V, VI, there can be two or more hospital zones. About 15% of the territory of the hospital zone may be occupied with buildings, while the rest shall be intended for greenery, roads, and economic services. The norms and standards for these zones shall comply with the respective legislation and regulations of the Ministry of Health.

2. The homogenous hospital zone must have good connection with the center and the main roads of the city; must be located close to natural system zones, but away from recreational locations, cemeteries, poultry farms, and heavy traffic crossroads, in areas well-protected from wind and with good sunlight, in locations protected from noise, smoke, dust and any other industrial and agricultural pollution. There shall be at least two separate entries to the hospital zone. The morgue shall have a separate entry and exit and the hospital incinerator must be equipped with all filters and technology required to eliminate the discharge of pollution as stipulated in the applicable hospital and environmental legislation and regulations.

3. Green area at city level is composed of:

a. Overall social greenery;
b. Limited social greenery;
c. Special greenery;

4. Overall social greenery consists of:

a. Greenery at residential structural unit and subunit	1.5 m^2/inhabitant;
b. Massive greenery in parks and public garden in residential areas	1.5 – 3.5 m^2/inhabitant;
c. Greenery at roadside, boulevards, squares and waterside	2 m^2/inhabitant;
d. Total of a+b+c	5 – 7 m^2/inhabitant;
e. Greenery of recreational area at suburban park	8-14 m^2/inhabitant;

5. The limited social greenery includes green areas of structures for social use, mainly services, as well as the greenery around the individual one-family dwellings. The norm of quality indicator is 1 – 2 m^2/inhabitant and the area shall be used only by the users of the structure, such as patients using the green space in a hospital, etc.

6. Special greenery includes structures and zones of functions such as botanical garden, zoo, seedling farms, sanitary isolating land belts, etc. In this case, the norms are:

a. Botanic garden	0.3 – 0.5 m^2/inhabitant;
b. Zoo	0.6 – 1 m^2/inhabitant;
c. Sapling nursery and/or sanitation zone	0.8 – 2 m^2/inhabitant;

7. There is no norm of quality indicators for the parks and gardens in the ownership of private physical and juridical persons.

8. In sapling nurseries and sanitary isolating land belts, the norm for planting shall be no less than one sapling per 100 m^2. For the sapling nursery zone, the norm provided for in point 6 of this article

is subdivided as follows:

a. Surface for tree saplings and flowering shrub 0.6 – 1.5 m^2/inhabitant;
b. Surface for greenhouses and floral decoration 0.2 – 0.5 m^2/inhabitant;

9. The size of sanitary protective land belts depends on the level of pollution from industrial facilities, relief of territory, and direction of winds. In terms of width, the sanitary protective land belts are classified in five groups:

a. The first group, with a width of the sanitary protective zone not smaller than 700 m;
b. The second group, with a width of the sanitary protective zone not smaller than 500 m;
c. The third group, with a width of the sanitary protective zone not smaller than 300 m;
d. The fourth group, with a width of the sanitary protective zone not smaller than 100 m;
e. The fifth group, with a width of the sanitary protective zone not smaller than 50 m;

10. The zoo and/or botanical garden shall be located in zones of rich natural greenery, in territories with favorable hygiene-sanitation conditions and with very good access to infrastructure and services, with panoramic view and close to natural and/or artificial water sources, in accordance with the studies intended for this use. The connection to the dwelling center must be quick and direct through the low traffic roads. Heavy traffic roads must not use this zone, which should also include parking and stations for public transport.

11. Recreational zones consist of territories for inhabitants' mass active and passive recreation. In various dwelling centers, there may be different characteristics that relate to the geographic position, climate, nature, etc. They can be part of the green zone of the town in the form of suburban parks, panoramic locations, forests, etc. They must be connected as best as possible with the residential areas and furnished with various public service facilities, such as entertaining, cultural, and sports facilities, playgrounds for children and adults, commercial facilities, street for pedestrians, escalators, etc.

12. The norms for sports territories are specified in Article x. The zones intended for sports shall be located in territories unfit for residential buildings and must be protected from wind, must have sunlight, and be possibly located close to water sources.

Comment [RT6]: Article of norms, rules, and indicators for residential areas

13. The homogenous zone of universities and scientific research institutions consists of facilities of vocational education, university education as well as other research institutions of various fields. The size of this zone is proportional to the number of facilities it houses and to the number of students it serves. The norms for these zones shall be based on the regulations, legislation and policies of the Ministry of Education and Science. The homogenous university zone shall have good and direct access to the main road network and to the entire general public infrastructure and services.

14. The public cemetery zone is the territory of cemeteries, whose surface is calculated with the indicator of 1.5 m^2/living inhabitant. This indicator includes the green area and the internal streets of the cemetery. The territory of cemeteries shall be far from residential areas and not closer than 300 m from dwelling buildings.

15. The industrial zone is composed of territories and structures of facilities of industry or extraction of construction materials or minerals. Its size depends on the type of industry, the size of business indented for that industry as well as on the parameters stipulated in the strategic and territorial development policies of the LGU or central government authorities. The industrial zone

shall be connected with all heavy traffic suburban high-speed roads according to the type of activity and environmental indicators in compliance with the effective legislation; shall keep the distance from residential areas; shall be surrounded with sanitary protective land belts; and, shall be positioned in such a way so as the discharges in the air will not be moved forth to the town by the wind, for which it must rely on the wind rose. The network infrastructure of the zone shall be separate from the one of the residential zone and center. The industrial zone shall also incorporate the internal area and solutions for the treatment of all kinds of waste created from the industrial activity.

16. The zone of use of base subcategories F.1 and partly E.1 of the model planning regulation can have a surface of 3-11% of the overall territory of the town as guiding norm. However, the norms for these zones shall be based on the effective sectoral legislation and their parameters may change according to the size of the zone where they will be established, the purpose and number of users it will serve, the options for connection with the infrastructure separately from the residential areas, the options for elimination of environmental pollution as well as the physical attributes and holding capacity of the territory where these uses will be established.

17. In general, the norms, rules and indicators for the zones of use of base category F as laid down in model planning regulations shall be regulated in the effective sectoral legislation and shall not be subject of this regulation, since they are for separate zones of national or regional importance.

18. All indicators and norms stipulated in this article shall be considered when drafting planning instruments and DLPs, in case the respective use is addressed by the instrument.

Article x

Quality and Distance Indicators for Tourist and Coastal Zones

1. The tourist zone consists of areas with great natural, landscape, cultural, sports, health, recreational, etc., values.

2. Tourist zones shall be considered those areas that are used:

a. By visitors for short stays or excursions of one or few days;
b. For vacation in coastal beaches, forest parks, alpine centers, groups of lakes, reservoirs, rivers, etc.;
c. For sports activities, such as races, alpine climbing, ski, golf, excursion, hunting, fishing;
d. For cultural activities, such as shows, visits to centers and monuments of cultural heritage, acquaintance with natural beauties;
e. For business activities, such as seminars, fairs;
f. For state, institutional, and political activities, such as congresses, conferences;
g. For healthcare activities, such as thermal cures, rehabilitation centers;

3. The basic criteria for the design of tourist zones are:

a. Conservation and protection of natural environment and locations of historical and cultural heritage from urbanization and development;

b. Conservation of territories included in the natural system and in the agricultural system, in accordance with the model planning regulation;

c. Controlled urbanization of existing towns and villages located in tourist areas, in harmony with the environment, through compactness and not extension to the territory, without

polluting the water, air, and soil, without changing the local biodiversity values and without producing factors that harm the human health. Structures at seaside shall be built only for purposes that serve the protection of the coast or for uses intended for the coast, such as harbors;

d. No constructions shall be allowed in a belt of 250-300 wide m starting from the highest level of the water surface

e. The constructions by the seaside and in compliance with the distance of restriction to constructions shall not affect the forest belts or spaces;

f. In coastal area, the new transit roads, classified by the Traffic Code as high-speed roads, national interurban roads, secondary interurban roads, and local interurban roads must be built in a distance of not farther than 200 m from the coastal shore. Service roads shall not be established along the shore. In panoramic and mountainous areas, the new roads must not be established outside the forest boundary. Pedestrian streets must enable visitors' entry to the coastal line and tourist territories.

Comment [RT7]: Do we really need this?

4. The norms for planning and design of tourist resorts are:

a. Table 1: Quality and density indicators for tourist resorts

Category and indicators	**Low and medium tourist category**	**High and elite tourist category**
Tourist intensity of tourist resorts	100 – 150 visitor/ha	50 – 100 visitor/ha
Average surface of sand, gravel, and rocky beaches	Not less than 6 m^2/visitor	Not less than 10 m^2/visitor
Length of beach shore	Not less than 0.5 ml/visitor	Not less than 0.7 ml/visitor
Sea surface for sailing	1 ha/motorboat 0.5ha/clipper	1 ha/motorboat 0.5ha/clipper

b. The tourist resorts shall have buildings and structures for dwelling, such as hotels, apartments, villas, bungalows, campers, tents, etc., services like restaurants, bars, disco, shops, offices, playground and sports yards, etc., roads and squares, parks and gardens, parking lots, etc.

c. Territories of forests, sand, gravel and rocky surfaces, water mirrors, common structures of tourist areas, of external road, central parking, cleaning works, etc., cannot be included in the norm of tourist density.

Article x

Distance indicators

1. The following three main factors shall be considered to determine the distance among structures or buildings:

a. orientation
b. neighborhood status
c. hygiene-sanitary requirements

2. The basic condition for the orientation shall be the course to south to the limits up to 40 degree

and 3 hours of sun during 22 March – 22 September.

3. The creation of the necessary and functional spaces among buildings shall be considered for the neighborhood status.

4. The hygiene-sanitary requirements include light, sunlight and air conditions.

5. In pursuance of point 1-4 of this Article, when buildings are established facing one another and have a height of up to 20 meters, the distance shall be:

a. For buildings with 1 story not less than 4 m
b. For buildings with 2 stories not less than 6m
c. For buildings with 3 stories not less than 8m
d. For buildings with 4 stories not less than 10m
e. For buildings with 5 stories not less than 12m
f. For buildings with 6 stories not less than 14m
g. For buildings with 7 stories not less than 16m
h. For buildings with 8 stories not less than 18 m
i. For buildings with 9 stories not less than 20m
j. For buildings with 10 stories not less than 22 m
k. For buildings with 11 stories not less than 24 m
l. For buildings with 12 stories not less than 26 m

6. In pursuance of point 1-4 of this Article, when buildings are established facing one another and have a height of more than 20 meters, the distance shall be:

a. For buildings with 1 story not less than 6 m
b. For buildings with 2 stories not less than 9 m
c. For buildings with 3 stories not less than 13.5 m
d. For buildings with 4 stories not less than 18 m
e. For buildings with 5 stories not less than 20 m
f. For buildings with 6 stories not less than 22 m
g. For buildings with 7 stories not less than 24 m
h. For buildings with 8 stories not less than 26 m
i. For buildings with 9 stories not less than 27 m
j. For buildings with 10 stories not less than 28 m
k. For buildings with 11 stories not less than 29 m
l. For buildings with 12 stories not less than 30 m

7. The distance between two buildings with different number of stories can be determined by using interpolation. Both buildings are considered as having the same number of stories, estimated as the average of the sum of stories of both buildings. For example, if we have two buildings of up to 20 meters high, and one of which is 4-storied and the other 8-storied, the average of stories is (4+8)/2=6. The distance between the two buildings can be determined by using the distance reference for 6-storied buildings specified in point 5 of this article.

8. When multistoried buildings are established one over the other and the side faces are windowless, the distance between them can be up to 1 meter or the buildings can be fully integrated provided that measures are taken for fire protection by allowing for underpasses of 4 meters wide and 5 meters high. The buildings must acknowledge the boundaries of ownership and the full integration can be achieved upon mutual agreement of neighboring proprietors. In any case, both buildings must ensure the necessary public space and comply with all density and distance

indicators.

9. The distance of dwelling buildings from baby homes, kindergartens, schools and healthcare facilities shall be directed to south not less than 1.5 times of the height of the tallest neighboring building, while in the other horizontal directions the distance stipulated in point 5, 6, and 7 of this article shall apply.

10. Blank façades without windows or outlets of any kind in juxtaposed, 2-3-storied, individual, one-family dwelling buildings shall not[1] have a distance of at least 3 m.

11. The protrusion of console at over 50% above the building façade shall be considered as construction façade and will be included in the determination of the distance between buildings, as specified in this article.

12. For buildings alongside the road, any console protrusion will be considered as construction façade and it shall not extend beyond the building line.

Comment [RT8]: We have to redefine the building line.

13**.** When the sloping of a roof allows for the option to utilize more than 50% of the total surface of the last floor of the facility and when the roof has windows, it shall be counted for as one story for the effect of estimation of distances. If the roof utilization is 30-50% and the roof has windows, it shall be considered as half story. If the sloping is over 45 degrees and the roof is windowless, it shall be considered half story for the effects of estimation of distances.

14. If the height of the ground floor is over 5 m above the system baseline, for the effects of estimation of distances, the height of this story shall be considered as 1.5 stories and when this height is over 6 m, it shall be counted for 2 stories.

15. Indicators of sectoral legislation and regulations shall apply in historic zones. In each and every case, the distances between the buildings shall not be smaller than the existing ones.

16. Urban planning and design processes shall consider all quality, distance and density indicators.

CHAPTER V

INSPECTION AND COMPLAINT

Article x

Monitoring of Developments in the Territory

1. Each and every planning authority, in compliance with the scope of its jurisdiction and responsibilities, carries out monitoring actions on the developments across the territory in order to study and assess these developments, to envisage risks or trends, to prevent harmful developments, or to initiate policies, to adopt instruments, or to carry out appropriate actions so as to ensure the sustainable development of the territory.

2. The planning authorities shall cooperate and coordinate their actions among them, and shall cooperate and exchange information and data.

[1] It seems that the negative form in this sentence is inaccurate in the Albanian version. (translator's note)

3. Each and every planning authority shall, by late March, on a yearly basis, draft the annual report on the previous year's developments in the territory with regard to issues and its administrative territory, and shall publish it in the register and according to the traditional means of information.

4. The NTPA, based on other authorities' reports, and on the monitoring performed by it, shall, by the month of June, on a yearly basis, draft and publish the national report on the previous year's developments in the territory, and the report shall be published in the register and in the traditional means of information.

6. The Council of Ministers shall determine the uniform structure of the reports referred to in the above paragraphs of this Article

Article x

Inspection

1. The key mission of inspection shall be to prevent unauthorized developments in the territory, or violations of the permits' conditions, according to the Law No. 10119, dated 23.04.2009, "On Territorial Planning" and other acts issued pursuant to it, in addition to fair punishment of offenders violating the provisions of this Law.

2. Inspection on developments in the territory shall be conducted in accordance with Law no. 9780 of 16 July 2007, "On Construction Inspection," and with provisions of the Law No. 10119, dated 23.04.2009, "On Territorial Planning".

3. The inspection authorities shall act together and coordinate their inspection activities among them and with the planning authorities in order to enhance inspection efficiency. When notified about the facts, even though they may not come within the scope of its jurisdiction and responsibilities, each and every inspection authority shall immediately inform the other responsible or interested authority.

4. The acts issued by the inspection authorities in the course of their activity, or appeal, shall be published in the register and according to the traditional means of information.

5. Collected information and the conclusions of the inspection activity shall be a part of the annual report on developments in the territory.

Article x

Administrative Violations

Under the meaning of this law, the following violations when not constituting a penal offense, they constitute administrative offense as follows:

1. Failure of a public hearing process and requested consultation for the drafting and approval of the planning instruments of the development control is punishable with a penalty varying from 10 000 Lek up to 50 000 Lek;

2. Approval of the development permit, construction permit, infrastructure permit or permit of use contrary to this law, either through silent consent is punishable with a penalty varying from 50 000 Lek up to 200 000 Lek; failure to act not based on the law resulting to silent consent contrary to the law is punishable with a penalty varying from 100 000 Lek up to 500 000 Lek;

3. Non-publication of acts in the register, for which the publication is obligatory in compliance with this law and the sub legal acts issued pursuant to its implementation is punishable with a penalty varying from 20 000 Lek up to 100 000 Lek;

4. Non-preliminary declaration of the works that are exempted from the obligation to be issued a permit according to item 2 of article 71 of this law is punishable with a penalty varying from 30 000 Lek up to 150 000 Lek;

5. Failure to post the development request according to item 5 of article 74, or of the permit in the parcel of land and surrounding it, where works take place in compliance with items 4 and 5 of article 75 of this law are punishable with a penalty varying from 50 000 Lek up to 200 000 Lek;

6. Violation of the term to start works according to item 5 of article 75 of this law, of the validity or terms of the permit according to article 75, item 7 and article 77, item 3 of this law is punishable with a penalty varying from 50 000 Lek up to 300 000 Lek;

7. Violation of the permit conditions:

a. without consequences in the creation of additions in surface and construction volume is punishable with a penalty varying from 100 000 Lek up to 300 000 Lek;

b. with consequences in the creation of additions in surface and construction volume is punishable with a penalty varying from 200 000 Lek up to:

I) 5% of the total value of works according to specifications provided with the permit up to 5 million Lek;

II) 10% of the total value of works according to specifications provided with the permit over 5 million Lek;

8. Performance of works illegally :

A) without consequences in the creation of additions in surface and construction volume is punishable with a penalty varying from 300 000 Lek up to 30% of the total value of works performed illegally as following:

I) up to 10% for works amounting to 5 million Lek;

II) up to 20% for works varying from 5 up to 10 million Lek;

III)up to 30% for works over 10 million Lek;

9. Entrance in the object or use of the object without the issue of the construction permit according to article 79 of this law is punishable with a penalty varying from 1 000 000 Lek up to 3 000 000 Lek;

10. Continuation of works despite of the administrative decision for their suspension or interruption is punishable with a penalty varying from 2 000 000 Lek up to 5 000 000 Lek

11. The amount of works performed illegally according to item 7, letter “b” and item 8 of this article is calculated according to the average cost of construction specified under the instruction issued by Council of Ministers. Development control regulations according to article 59 of this law enable a subdivision of the penalty rate in compliance with minimum and maximum values specified in this article.

Article x

Execution of Sanctions

1. The fines provided for in Article x of this regulation are imposed by the responsible local inspection authority.

2. National Inspection Authority imposes fines specified according to Article x of this regulation on the violations detected at national level in compliance with specifications provided with this law. The National Inspection Authority inspects implementation of the provisions of this law by Local Inspection Authority and exercises duties of the latter for cases of national importance in the planning and control of territory development, when it detects violations of the provisions of this law and when they are not exercised by the Local Inspection Authority.

3. The amount of fine, in any specific case, shall be commensurate with the nature of the observed violation, with the official' or offender's responsibility and involvement in decision-making, and with the fact whether the offender is a recidivist or not.

4. In case of repetition of violation, the offender shall be punished to twice the amount of fine.

5. Procedures for observing the violation, informing the offender, decision, appeal and other administrative measures against breaches of the Law No. 10119, dated 23.04.2009, "On Territorial Planning", shall be regulated by Law no. 9780 of 16 July 2007, "On Construction Inspection," and the provisions of this Law.

6. For works carried out without permit, or in breach of the permit conditions, under this Law, the inspection authority, besides imposing a sanction for the violations observed, as per Article x of this regulation, shall require the offender to submit to the responsible planning authority an application for the provision of permit for the illegal works, or works carried out in breach of the initial permit conditions. Along with the development application, the offender shall submit the document, certifying payment of the fine levied in accordance with Article x of this regulation, within 30 days of the date of decision on the infraction.

7. During the screening of applications for development permits for the illegal works, under Sections III, IV and V of this Chapter, or for works carried out in breach of the initial permit conditions, under this Article, point 6, the responsible planning authority shall consider the following facts and circumstances:

a) Nature of the extent of the unauthorized development;
b) Damage done to natural or built environment, and the extent of damage inflicted on the owners or the adjacent land proprietors;
c) Benefits from unauthorized development;
ç) Plausible alternative measures that may be taken so as to redress or return unauthorized development to the legal status;
d) Level of responsibility of each and every person who possesses the land where an authorized development has been or is being carried out, and of each and every other person who is carrying out or has carried out an authorized development;
dh) Expected expenditure to return development to the legal status, and their capacity to make these expenditures;
e) If, in all the circumstances, and in compliance with the public interest, it is indispensable, appropriate and favorable to refuse partially or totally the unauthorized development;
ë) Any other issue that the responsible planning authority may deem appropriate.

8. In the decision for the adoption or the partial or total refusal of permit, the responsible planning authority shall require the carrying out of one or all of the following actions with a view to redressing the observed offences:

a) Demolishing or pulling down of the entire or a part of construction;

b) Erecting or re-erecting of a construction on the whole, or in given parts of it;

c) Offering proper access to an unauthorized development, or a nearby development access to which has been removed, obstructed or made inappropriate on account of the unauthorized development;

ç) Making available of land for construction and provision of public services;

d) Upgrading of the unauthorized development;

dh) Returning of the land, to the extent possible, to its appearance and status prior to the carrying out of the unauthorized development, including planting or replanting of each and every tree or other vegetation;

e) Removing and transporting to a specified location of any waste or heaps of waste materials abandoned on the ground, or left on it as a result of an unauthorized development;

ë) Making any waste or heaps of waste materials abandoned on the ground, or left on it as a result of an unauthorized development, hazard-free and reliable;

f) Ceasing the use of any land or structure in the future, or for any definite purpose;

g) Carrying out or undertaking any other action, which is deemed to help redress, upgrade or stop violation.

9. In case of refusal of development permit, as defined by the Article 75, point 1, letter “c,” of this Law, or the offender’s failure to observe or refuse the actions referred to in this Article, point 8, the offender shall within 30 days of the coming into effect of the decision on refusal of the permit or the required timescale in order to carry out the afore-mentioned actions, be obliged, on his own expenses, to return the land or structure to the status prior to the carrying out of illegal works, or works carried out in breach of the initial permit conditions.

10. Failure to comply with the obligation within 10 days from the termination of the time limit sanctioned in this Article, point 9, shall constitute a reason for taking the following measures:

a) Punishment of the offender in accordance with the provisions of this Article, point 4, and obligation to pay the expenses for returning the land or structure to the status prior to the carrying out of illegal works, or works carried out in breach of the initial permit conditions;

b) Entry of the authorized representatives of the responsible planning authority into the construction site with the purpose of returning the land or structure to a legal status, in compliance with the stipulations contained in the above letter.

11. If such development has been in existence for at least 10 years, refusal of permit or the preliminary declaration of works may not serve as a basis for irregularity of the initial development, under the meaning of this Law. This rule shall not apply if:

a) The development, on account of its nature and location, exposes users or third parties to deadly danger or wounding, which cause mutilation or permanent disability;

b) A construction demolition procedure is under way in the framework of the administrative plan, or on account of a court decision, which is not yet final or is not executed;

c) The development is located in protected areas, under the law;

ç) The development is public property;

d) The development has been carried out without permission.

12. The revenues from fines and interests shall be deposited and administered in accordance with the effective legislation.

Article x

Appeal against the Decisions of the National Planning Authorities

Local planning authorities, or stakeholders, may file an appeal with a court to:

a) determine the national importance of a planning issue, in cases where they hold the claim that there is non-compliance with the provisions of this Law, or inconsistency with the responsibilities granted by law to the local government units, after having first followed the mediation procedure, as defined by this Law, with regard to the local planning authorities;

b) appeal against a binding planning instrument, or a development control regulation, if the said binding instrument is not necessary for the accomplishment of the goal, for which is has originally been issued

Article x

Appeal against a Local Planning Instrument

1. The stakeholder, or each and every national planning authority, shall raise their objections to a local planning instrument and its enforcement with regard to them with the council of the local government unit.

2. The council of the local government unit shall state its position within forty-five (45) days.

3. Each and every party may lodge an appeal with the court for failure of the council to act by the deadline, or for each and every decision taken by the council with regard to the appeal.

Article x

Administrative and Judicial Appeal

1. Each and every person shall have the standing to file an appeal, in an administrative manner, if they consider that their rights provided by this Law have been violated. Once the administrative challenge is completed, a complaint shall be filed in court, which shall not suspend the execution of the administrative decision-making.

2. The rules and time limits, under the effective legal provisions, shall apply to the complaint procedures

CHAPTER VI

TRANSITIONAL PROVISIONS

Article x

Duration of Uniform Territorial Development Control Regulation

1. With the exception of point 1 of this Article, this regulation will be subject to modifications in compliance with the provisions of the Law No. 10119, dated 23.04.2009, "On Territorial Planning".

2. The first Uniform Territorial Development Control Regulation, drafted and adopted in enforcement of the Law No. 10119, dated 23.04.2009, "On Territorial Planning" may be undergo modifications/updates, after the realization of the training and information process of planning authorities and public, as set forth in Article x of this regulation.

Article x

Education and Public Awareness

Prior to the coming into effect of this Law and after the full effectiveness of this law and the sub-legislation pursuant to it, the NTPA undertakes according to an action plan, training programs, education and public sensitizing programs, employing all the communication forms so as to raise public interest and cooperation towards facilitation of living conditions and skills of the officials of planning authorities with a view to implementing the provisions of this Law and the sub-legal acts pursuant to it, and informing the public on their content, functions of the public authorities under them, as well as the rights and responsibilities of the stakeholders and the public in this regard..

Article x

Entry into force

This regulation shall take full effect after its adoption by the Council of Ministers as provided for in Article 62 of the Law No. 10119, dated 23.04.2009, "On Territorial Planning".