



**Bizkaiko Foru
Aldundia**

Hirigintza Saila

**Diputación Foral
de Bizkaia**

Departamento de Urbanismo

STATUTORY DECREE 22 /1999, dated the 2nd of March, for the regulation of subsidies for the preparation of town planning instruments in the year 1999.

EXPLANATION

The 1999 General Budget of Bizkaia Historical Territory, approved by Statutory Law 13/1998 dated the 23rd of December, includes a heading regarding economic aid to Local Councils of Bizkaia Historical Territory in the task of preparing town planning instruments, and it is hereby required to establish the regulatory basis for granting this specific type of aid.

By virtue of the above, and at the proposal of the Statutory Deputy of the Town Planning Department, upon debate and approval by the Government Council of the Diputación Foral de Bizkaia (Bizkaia's Provincial Government),

I HEREBY DISPOSE

Article 1- Objective.

The objective of the present Decree is the regulation of subsidies granted by the Diputación Foral de Bizkaia to the Local Councils of Bizkaia Historical Territory for defraying the costs incurred by the preparation of those town planning instruments listed in Article 4 below.

Article 2.- Subsidies

The subsidies envisaged in the present Decree are included under the non-reimbursable subsidy category.

Article 3- Eligibility

All Local Councils of Bizkaia Historical Territory are eligible to apply for the economic aid envisaged in the present Decree.



Article 4 - Instruments eligible for subsidising.

1. The activities eligible for subsidies will be those whose objective is the preparation of any of the following town planning instruments:
 - a) General Plans and revisions.
 - b) Subsidiary Regulations and revisions.
 - c) Partial plans for approved general planning and which are to be carried out by the co-operation or expropriation systems.
 - d) Special Plans of social interest for approved general planning.
 - e) Expropriation Projects, provided a joint valuation procedure is followed.
2. In addition, translation assignments into the Basque language of the written part of the instruments listed in the previous item will also be eligible for subsidies.
3. The present Decree excludes the following activities:
 - a) Those complementary assignments or studies which, without being integrated in the contract documentation for the preparation of the instrument eligible for subsidising, are not a requirement in accordance to the dispositions of the town planning legislation.
 - b) Those studies carried out for the modification of some of the town planning instruments eligible for subsidising.

Article 5.- Cases eligible for subsidising

To the effects of the present Decree, costs incurred as a consequence of one of the two following cases will be eligible for subsidising:

- a) The cost of awarding the administrative contracts subscribed by the Council for carrying out the instruments which are the object of the subsidy.
- b) The amount approved in the Council's expense budget (chapters I and II) to ensure the correct operation of the municipal office created with the only purpose of carrying out the town planning instrument in question, provided that the mentioned office differs from other municipal administrative units in institutional and budgetary terms.

Article 6.- Amount of the subsidy

1. Depending on whether it is a general planning or a developmental planning, the amount of the subsidy will be a maximum of 100% or 70% of the figure resulting from adding up the following amounts:
 - a) The part corresponding to the budget for the award of the contract or to the Council's expense budget, which, according to the payment and contract fulfilment conditions, or to the budget fulfilment conditions, is expected to be enforced during the current year.
 - b) The cost of the assignments which have been certified or invoiced in previous years.
2. In any case, the amount of the subsidy in concurrence with any other aid granted to defray the costs of preparing the town planning instrument in question, will not surpass 100% or 70% of the cost of the tasks eligible for subsidising, depending on whether it is general or developmental planning.



Article 7.- Documentation to be submitted and deadline

1. Those Councils interested in applying for above subsidies must lodge the following documentation with the register of received documents of the Town Planning Department within one month after the day following publication of the present Statutory Decree.
 - A) For those assignments contracted with external advisory offices:
 - a) Certificate of the municipal resolution whereby it is agreed to apply for the subsidy.
 - b) Attached Subsidy Application form - annex 1 - duly completed.
 - c) Photocopy of the contract, which must include information provided in items 1 to 6 of annex 1.
 - d) Where applicable, certification of the municipal resolution whereby contract annuities are modified.
 - e) Certification listing those invoices which have been approved, indicating those which have already been paid.
 - f) Where applicable, express declaration stating no other subsidies have been applied for or received for the same purpose.
 - B) For those assignments carried out by the municipal office as described in article 5
 - a) Certificate of the municipal resolution whereby it is agreed to apply for the subsidy.
 - b) Attached Subsidy Application Form - annex II - duly completed.
 - c) Photocopy of the municipal resolution whereby the creation of the office is agreed.
 - d) Certification of 1999 expense budget, showing breakdown by chapters, which must have been approved for the operation of the office.
 - e) Certification listing those payments which have been instructed.
 - f) Where applicable, express declaration stating no other subsidies have been applied for or received for the same purpose.
2. When formalising the application, it should be noted that the subsidy will be for up to a maximum amount as established in Article 6 of the present Decree.
3. In the case where required documentation is not attached to application or documentation is incomplete, the concerned Corporations will be required to rectify the situation within ten days, with the warning that should they not do so, it will be understood they are withdrawing their application.
4. In any case, the Town Planning Department can request any supplementary information as it considers necessary for the appropriate understanding and assessment of submitted applications.

Article 8.- Processing of applications

1. Resolution of applications will be decided by Statutory Order of the Statutory Deputy of the Town Planning Department, at the suggestion of the Town Planning General Manager, upon receiving report from the Legal and Technical-Town Planning Services of the mentioned Department.



2. Submitted applications will be passed resolution within a maximum of three months after the end of the deadline for submission of the required documentation as established in Article 7 above. Nevertheless, this deadline can be extended in those cases envisaged in article 42.2 of Law 30/1992 dated the 26th of November. Upon expiry of initial deadline, and where applicable, of the extension, should no express resolution be passed, it will be understood applications have been rejected.
3. At the request of the Councils concerned or of the Statutory Town Planning Department, the granting of the subsidy can be formalised by means of an administrative document for the due record of the mutual commitments undertaken by the parties.

Article 9.- Concession Scheme

1. Subsidies will be granted by the following priority order:
 - 1º.- Planning assignments which have already been submitted
 - 2º.- Planning assignments in developing process
 - 3º.- Translations which have already been submitted
 - 4º.- Translations currently being carried out.
2. Within each of the priorities established, those tasks which refer to planning instruments of higher rating will have priority over those of lower rating, and, between instruments of the same rating, simple attendance procedure will be apply, whereby criteria used will be by order of submission of the applications.

Article 10.- Payment of the subsidy

1. The amount of aid granted will be effective upon presentation of corresponding certifications or invoices. For this purpose, the municipal administration must forward the following documents to the Town Planning Department:
 - a) Payment request issued by the corresponding organism.
 - b) Certification, invoice or relevant document, together with Act of Acceptance of the assignments submitted or replacing document.
 - c) Where applicable, certification detailing those payments which have been instructed for the adequate operation of the municipal office.
2. The deadline for submission of payment requests at the Town Planning Department will be the 15th of December of the current year, and it will be understood that the beneficiary Councils forfeit the amount of the subsidy granted if this has not been justified by the above mentioned date by means of presentation of the above mentioned documentation.

Article 11.- General Regulations

Subsidies included under the present Decree will be governed by the dispositions in the same Decree and by the general regulations of subsidies and public subsidies of Bizkaia Historical Territory.



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STATUTORY DECREE 22 /1999, dated the 2nd of March, for the regulation of subsidies for the preparation of town planning instruments in the year 1999.

ADDITIONAL DISPOSITIONS

First.-

The Statutory Deputy for Town Planning is empowered to issue as many dispositions as necessary for the enforcement and fulfilment of the articles disposed in the present Decree.

Second.-

Subsidies which may be granted on the grounds of the present Decree, will be for a maximum of 115,000,000 Pesetas (691,163.92 Euros). For this purpose, this has been authorised in the budget provisions under the following headings: 1999 budgetary year, programme 430201; item-sub-item 732.99; organism 11.03; order number 01457.

FINAL DISPOSITION

Single disposition.-

The present Decree will come into force the day after its publication in the Official Gazette of Bizkaia.

THE STATUTORY DEPUTY FOR TOWN PLANNING

Josu Montalbán Goicoechea

THE GENERAL DEPUTY

Josu Bergara Etxebarria

SUBSIDY APPLICATION FORM FOR THE PREPARATION OF TOWN PLANNING INSTRUMENTS

Statutory Decree No. /1999, dated the of

Applicant - local entity

_____.

Municipal Representative

_____.

Subsidy requested (Pesetas)

_____.

(Please note disposition under Article 6 in regards to Article 10.2)

Details of administrative contract subscribed by the Council:

- 1.- Award agreement: _____.
- 2.- Purpose: _____.
- 3.- Adjudicatee: _____.
- 4.- Budget for the award: _____.
- 5.- Finishing deadline: _____.
- 6.- Annuities: _____.

Year	199__.	199__.	199__.	____.
Pesetas				

- 7.- Agreement for the modification of annuities:: _____.

Year	199__.	199__.	199__.	____.
Pesetas				

8.-Payments completed:

Year	199__.	199__.	199__.	____.
Pesetas				

9.- Approved certifications or invoices which are pending on payment:

Year	199__.	199__.	199__.	____.
Pesetas				

10.- Granted subsidies:

Granting Entity	Year	Pesetas

In _____, this _____ day of _____, 1999

Signed:

SUBSIDY APPLICATION FORM FOR THE PREPARATION OF TOWN PLANNING INSTRUMENTS

Statutory Decree No. /1999, dated the of

Applicant - local entity

_____.

Municipal Representative

_____.

Requested subsidy (Pesetas)

_____.

(Please note disposition under Article 6 in regards to Article 10.2)

Details of the municipal office:

1.- Creation agreement: _____.

(type and date of resolution)

2.- Name of the office:

:-

3.- Name of Budgetary Programme:

:-

4.- Expense budget approved by the Council (Chapters I and II):

Years	199__.	199__.	199__.	____.
Pesetas				

5.- Instructed payments:

Years	199__.	199__.	199__.	____.
Pesetas				

6.- Granted subsidies:

Granting Entity	Year	Pesetas

In _____, this _____ day of _____, 1999.

Signed.