

TA'MASRIJA, MELLIEHA – DRAFT PLANNING POLICY

**Public Submissions on Ta' Masrija, Mellieha –
A Draft Planning Policy**

Respondent/Date	Summary of Comments Received	Ref.	Reply
<p>Aldo Vella & Associates Advocates Obo Mr Mark Vella 28th July 2003</p>	<p>Complains that the submission and approval of one development application is not feasible because of the small size of property in question in relation to the whole of the Ta' Masrija area. Does not agree with criterion vi (Utilities Services) which specifies that no development application for the 'piecemeal' development of the site will be issued prior to the completion of all the works approved through development application for the utilities services and the public roads have been completed up to formation level.</p> <p>Suggests that a master plan for the whole of the Ta' Masrija area be prepared to allow individual owners to apply for a development permit separately according to their needs. The policy should clarify the position where it would not be possible to file one application as intended, where one or more individuals were to decide not to participate in this process. The possibility that some individuals may not intend to develop the property at present would bring the whole project and the Policy itself to a standstill. Suggests also that the final Policy should be more specific as to the contributions that are to be paid by the owners of properties in Ta' Masrija – manner in which the respective contributions will be quantified and to whom these will be payable should be specified. Contributions already paid to the public utilities, are to be taken in consideration when determining additional contributions payable under policy.</p>	<p>TMPC 01</p>	<p>The policy has excluded the small plots from the comprehensive scheme and thus owners can apply separately for a development permit.</p> <p>Consequently the small plot owners will not be required to contribute to any planning gain scheme or bank guarantee that have been imposed on the developers of the larger areas.</p>

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<p>Martin Farrugia A & C E Obo Mr Ray Cassar 30th July 2003</p>	<p>Client objects to participate in one development application by all land owners and suggests that he and the other owners of plots 1 to 7 not be included in local plan for the area. They are willing to comply with any common planning policy guidelines for this area but suggests that they should be entitled to submit individual planning applications as well as pay all relative contributions separately. They feel they should not participate in any one-time lump sum contribution as a planning gain. It is suggested that an amendment should be made to the maps isolating the stretch of road from the other areas. Objects also to participate in the communal underground car park, since they will be providing their own parking.</p>	<p>TMPC 02</p>	<p>Response to TMPC 01 applies to this submission.</p> <p>The policy has also excluded the small plots from contributing towards the creation of communal parking.</p>

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<p data-bbox="232 284 544 368">Golden Head Development, Ballut Blocks Services Ltd & Carmel Vella Ltd</p> <p data-bbox="315 403 461 432">30th July 2003</p>	<p data-bbox="611 284 1205 387">Being the main owners of the properties at Ta' Masrija, they are suggesting that due to the large scale of the site and the various ownership rights in the area, it would be impractical to submit a single full application to cover the whole area.</p> <p data-bbox="611 419 1205 667">They recommend that they develop a master plan and development applications and permissions can be processed, on this basis. MEPA should consider 'piecemeal' applications if the respective application is in conformity with the general parameters of the approved policy [in the Master Plan] including road alignments, heights and zoning. They suggest that parcels of land on Portion C belonging to three separate owners be treated separately as requested by these same owners.</p> <p data-bbox="611 699 1205 802">They recommend that the central vehicular route will be the only binding feature between the various ownerships and that the route taken by this road be shifted slightly northwards when passing through ownership B.</p> <p data-bbox="611 834 1205 1137">They are requesting the height for this area be increased to 4 full floors and a semi-basement, thus achieving the figure of 47,000 sq. m. of total floor space as shown in application PA 4245/00. The distinction between plot area and floor area must be made clear. They stated that a plot area with the same size of a floor area would have greater intrinsic value. Thus the application of the FAR is not a fair solution unless complimented by an increase in the allowable height. Increase in height is also justified when considering the advantages achieved by MEPA and the environment with the submission of a master plan for the whole area.</p> <p data-bbox="611 1169 1205 1217">The fact that the site is large is no reason why the owners should waive off their rights obtained by the DNO.</p>	<p data-bbox="1238 284 1350 308">TMPC 03</p>	<p data-bbox="1373 284 1899 339">The policy did not require the submission of a full development application.</p> <p data-bbox="1373 371 1910 1082">An integrated design solution would produce a good quality residential neighbourhood and assimilate the development with the surrounding residential area, enhancing the overall external environment and the public realm. Comprehensive planning should remain a requirement of the policy for the larger sites. Piecemeal development was allowed by the original policy but only in relation to the identified sites and subject to an approval of a utilities' plan. The policy has now been amended to indicate a time frame within which the planning of the site has to be completed by the developer and then allow phasing of development as indicated in the master plan. The revised policy also allows construction of dwelling units concurrently with the infrastructure provided these are not occupied before all the utilities are in place. This flexibility allows the proper planning and development of the site within reasonable time frames. These principles apply to both large and small landowners.</p> <p data-bbox="1373 1114 1910 1289">In the revised policy, the alignment of the vehicular route is not obligatory provided it links two predetermined points as stipulated by the policy and as long as the stretch of road space providing a frontage to the small plots is ensured.</p>

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<p>Golden Head Development, Ballut Blocks Services Ltd & Carmel Vella Ltd 30th July 2003</p>	<p>The owners are strongly against this restriction especially when the height limitation is also being restricted. Such concession may only be considered as against an increase in the height limitation.</p> <p>With regards to public play spaces as shown on MAP 5, they disagree with the suggestion that these are not to be utilized in applying the FAR. Besides, Section 1.7 of the DC 2000 notes the total site boundary as forming the basis of FAR calculation. They disagree with the open space assigned on each ownership after collating the front gardens because the shared surfaces, the pedestrian areas and the neighbourhood center will provide ample open space for the area and because the treatment of the elevation overlooking the Mellieha By-Pass will invariably require some form of landscaping and internal pedestrian access. Therefore the owners are requesting the flexibility to decide how to design the open spaces. In view that some areas are being categorized as public open spaces, the landscaping and maintenance of such areas will be carried out privately thus cost should be borne by local/central government.</p> <p>The owners object to the limitation on the excavation outside quarry areas and suggest that limitation should not be included in policy.</p> <p>Regarding criterion vi (Utilities Services) they do not agree with this, since such a restriction will make it impossible to develop the site until all services are completed.</p> <p>Although the owners may agree that co-ordination will be required through the form of a master plan, they disagree with the submission of a separate full application. This calls for the developer to make payment towards ISC. They object also to the lump sum contribution since the permit application will include the DPF. This is not the case with the current TPS.</p> <p>They object to contributing towards the improvement of roads since these are located in government land. Such improvements are outside ownership limits and MEPA is excluding the possibility of any direct access to the by-pass.</p>	<p>TMPC 03</p>	<p>The gross floor spaces indicated in the policy are more than the floor spaces, which would have been achieved, had the site been developed under the conditions of the TPS. The increase of the building height to four floors is not relevant because it is the gross floor spaces, which are being controlled by the policy and not the maximum heights. Buildings heights should be determined as part of a three-dimensional design concept which takes into the account the characteristics of the site as described in the policy.</p> <p>The adoption of the FAR is guided by other MEPA policies and there is no justification to formulate a new approach just for this site.</p> <p>DNO rights become applicable AFTER the buildings have been constructed and not at application stage. The policy established maximum gross floor spaces for the site and gave an indication of the number of dwellings, which could be constructed together with a requirement for a holistic three-dimensional design. It is imperative that the benefits of this approach are not eroded by incremental additions at roof level by different owners in the future.</p> <p>The requirement for pedestrian areas on certain parts of the sites was considered as public open space when such space was distributed between the different sites.</p>

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		TMPC 03	<p>The treatment of the elevation overlooking the by pass does not “invariably require some form of landscaping and internal pedestrian access”. Access from the by pass is prohibited by the policy for traffic safety reasons and should the developer wish to include a landscaped strip between the by-pass and the buildings, this should not be deducted from the minimum amount of play spaces required. The location and design of the open spaces are up to the developer but MEPA needs to ensure that the open spaces are functional and usable by the community. Hence they cannot be fragmented into smaller spaces or converted into green strips as buffers to the by pass.</p> <p>The construction and landscaping of the public open spaces is a planning gain but the responsibility for maintenance does not need to remain with the developer.</p> <p>Limitation on excavation outside the quarry area has been removed.</p> <p>Policy has been reviewed to allow construction of dwellings concurrently with the dwelling units, subject to an agreed phasing programme. MEPA needs to ensure that dwellings are not occupied before the basic utilities are in place and therefore the policy seeks to control the issue of compliance certificates tied to a bank guarantee.</p>

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		TMPC 03	<p>The policy does not require any additional payments for the provision of the infrastructure. Only normal ISC payments will apply.</p> <p>In applying the legal provisions of the Development Planning Act of 2001 in relation to planning gain, MEPA has to ensure that the public gain is visible and tangible to the immediate community and its scale (cost) is closely related to the scale of the project. The junction improvements, the pedestrian areas, and the public play spaces will clearly enhance both the safety and amenity of the area and will result in an improved quality of life for the community. It will also benefit the developer through enhanced property values.</p> <p>Although the policy does not go into the details of the costs, as this would be subject to information and negotiations with the developer at the time of the processing of the development application, MEPA is aware that the scale of these works are justified when compared to the scale of the whole development project (around 500 dwellings, a commercial centre, and associated car-parking) on a prime site.</p>

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Dr Angelo Farrugia & Associates Obo Owners of Plots 5, 6, & 7 28 th July 2003	States that plots 1 and 2 have been granted permission according to the scheme but then the scheme was changed. He adds that a permit was also issued on Plot 7 but this was later withdrawn. He objects to this withdrawal of permit.	TMPC 04	The justification for decisions on individual planning applications is not the remit of the Plan Making and Policy Development Unit. The response given on these issues in the letter from MEPA dated 4 th November 2003 referred.
Mr Mark Vella, Mr Ray Cassar & Mr Johann Chetcuti 26 th July 2003	Messrs Vella, Cassar and Chetcuti as owners of Plots 5, 6, and 7 state that, prior to signing contracts they were assured by their architects and various members of MEPA that their land was inside building scheme for terraced houses. Application no PA 953/03 for plot 7 was approved by DCC on 9 th June 2003 but decision was changed to a refusal a few days later. They propose that they should be excluded from this policy especially when MEPA has already created a precedent when application number PA 2603/00 for plots 1 and 2 was approved. They state that they should pay any contributions according to the current scheme. They propose that their applications will be determined on the same grounds as PA 2603/00 for Plots 1 and 2.	TMPC 04	Structure Plan policy SET 8 makes it a requirement for Local Plans to review the layouts and other provisions of the Temporary Provisions Schemes. The North West Local Plan published in July 2001, and consequently the Planning Policy for <i>Ta' Masrija</i> published in June 2003, made proposals for this site and hence the policy context within which decisions on individual applications have to be taken has changed. Response to TMPC 01 applies to this submission with regards to the objections raised on the merits of the policy.

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<p>Mellieha Local Council 27th August 2003</p>	<p>Council is pleased that pedestrian areas are being given importance by MEPA and highly recommends safe public play spaces.</p> <p>Council showed concern on future maintenance costs for the proposed landscaped areas and junctions. They are requesting MEPA to suggest the cost for the development and maintenance of the junctions, namely Old Mill Street and Triq il- Mizieb as well as the recreational areas. They also suggest that a rainwater reservoir be built from funds from the Planning Gain.</p> <p>Reference is made to the underground communal car parks and they suggest that size of parking space is proportionate to the number of residential units. Moreover, height of buildings should be determined before actual development commences to ensure ample parking space.</p> <p>They also agree with the proposal of a Day Nursery/Kindergarten, but suggest that size of such facility should be established in the Policy as this could create traffic problems.</p>	<p>TMPC 05</p>	<p>In applying the legal provisions of the Development Planning Act of 2001 in relation to planning gain MEPA has to ensure that the public gain is visible and tangible to the immediate community and its scale (cost) is closely related to the scale of the project. The junction improvements, the pedestrian areas, and the public play spaces will clearly enhance both the safety and amenity of the area and will result in an improved quality of life for the community.</p> <p>Although the policy does not go into the details of the costs, as this would be subject to information and negotiations with the developer at the time of the processing of the development application, MEPA is aware that the scale of these works are justified when compared to the scale of the whole development project (around 500 dwellings, a commercial centre, and associated car-parking) on a prime site. MEPA is of the opinion that once the developer has borne the costs of the junction improvements, pedestrian areas and open spaces, which will become completely public, future costs related to maintenance, should be borne by the public sector. However, this does not preclude the Council to make detailed submissions on this issue when the development application is being processed.</p>

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<p>Mellieha Local Council 27th August 2003</p>	<p>It is understood that school children coming from other zones would need transportation.</p> <p>Council states that both policy and Map 6 lack sufficient information about the proposed play spaces. They suggest that the proposed area indicated near Triq L. Wettinger should be transferred to another area because this would cause traffic congestion on the By-pass. This applies also to the pedestrian routes as shown on Map 6 and suggests that any access to and from Triq L.Wettinger should be avoided. The only access to this zone should be from Old Mill Street Junction apart from that in Triq Halq ic-Cawl. (Near Belleview)</p> <p>They agree with the idea of a single application for the sub-divided area but enquire whether the smaller landowners would be subject to proposals by the larger landowners.</p> <p>Council requested an artist's impression of the whole development since the policy suggests that buildings higher than three floors plus semi-basement will be allowed. This impression will give an indication of how the development will look like and also the number of dwellings. A long distance view with the development super-imposed would also be beneficial.</p>	<p>TMPC 05</p>	<p>The construction of a reservoir has been included as a requirement of the policy.</p> <p>The provision of car parking has been established by the policy at one space per dwelling. The residential floor space and the number of dwellings have also been set out and therefore the provision of car parking is controlled.</p> <p>The size of the kindergarten has been established at 30 children.</p> <p>The site layout indicated on Map 6 is only indicative and the Council would need to assess the details of the development application, which will be submitted by the developer in the future. However, if the layouts proposed by MEPA were adopted, the location of the play space would not create traffic problems on the by-pass because there would be a difference in level of around 6.5m between the level of the play space and the by-pass. Similarly for the pedestrian route. The MEPA layout proposes the pedestrian route to terminate in a belveder elevated by 6.0m from the level of the by-pass overlooking the valley.</p> <p>The small landowners have been excluded from the comprehensive scheme.</p>

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<p>Mellieha Local Council 27th August 2003</p>	<p>They suggest that a good system for services and rainwater culverts be implemented at Ta Masrija. Culverts should be built in such a way that rain water can be collected and stored in the quarries. This water can be used for watering the soft areas as proposed by MEPA. Facilities for the provision of essential services should not be located outside the site boundary.</p> <p>The Council maintains that the access to Triq il-Mithna l-Qadima is vital for proper traffic circulation in Mellieha. They object to the proposed closure of this junction, as it will increase traffic on residential streets. Council suggests that a new design for the junction should be proposed but not closure.</p> <p>Council supports the proposal for the Mizieb Junction.</p>	<p>TMPC 05</p>	<p>The detailed design of the scheme will be the remit of the developer guided by the policy framework and design guidelines of the policy. MEPA's role will be to ensure that the development abides by the guidelines and will enhance the visual quality of the area. Artist's impressions, long distance views, etc are all proper assessment tools, which MEPA might use when the details of the scheme are known.</p> <p>The planning and provision of a proper infrastructure network for the site remained a priority for the policy.</p> <p>Access to the Mellieha Bypass is not considered to be absolutely necessary. A design accommodating the left turn from the bypass only would reduce the development space and is not required as relatively few motorists do and will undertake this turn.</p>

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<p>Malta Transport Authority 23rd September 2003</p>	<p>The Malta Transport Authority complained that no sections of primary importance were submitted in the policy. They stated that the contents of their report are based on the assumption that there is a considerable change in level between Triq Louis Wettinger and Triq Ta' Masrija.</p> <p>The Authority submitted these proposals:</p> <ul style="list-style-type: none"> ? Due to change in level between the above mentioned roads, assuming that the buildings will be terraced towards Triq L Wettinger, the spine road would have to be wide enough so as to ensure adequate ventilation and lighting levels at the lowest section ? The proposal will exploit the best views affordable which are towards the Mizieb Area along the southern section of the site assuming that the main frontages will be southwards. It will be beneficial to have the spine road linking Triq Izbark tal-Francizi either to Triq il-Mithna l-Qadima or to Triq it-Tgham so as to reduce the number of access points, both vehicular and pedestrian onto the by-pass. There would be improved vehicular flows along Triq ir-Rattan 	<p>TMPC 06</p>	<p>The first two paragraphs and the section headed "The Transportation-Related Proposals" are purely a brief description of the transport elements of the Planning Policy.</p> <p>Issues Related to Urban Planning Concepts.</p> <p>a) 1st bullet point - The design and width of the spine road will take into account considerations such as ventilation and light.</p> <p>b) 2nd bullet point – It is accepted that the spine road could be aligned between Triq il-Mithna l-Qadima and Triq Izbark tal-Francizi. However, this is not a necessity, and such a modification would produce negative effects in terms of site sizes and massing. The Planning Policy will provide some flexibility in the alignment of the spine road, but at this stage it is considered that the illustrated layout is best in terms of balancing urban design and highway/traffic engineering requirements.</p> <p>c) 3rd bullet point – Access to the Mellieha Bypass is not considered to be "absolutely necessary". A design accommodating the left turn from the bypass only would reduce the development space and is not required as relatively few motorists do and will undertake this turn.</p>

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<p>Malta Transport Authority 23rd September 2003</p>	<p>? Should an access from the by-pas be considered absolutely necessary, it is recommended that this be only a left-hand turn from the eastbound direction on the by-pass</p> <p>? The play area should be located towards the northern section of the site for safety reasons. As it is proposed in the policy, abutting onto the by-pass it poses a safety hazard for pedestrians where there are currently no pedestrian facilities on the by-pass</p> <p>? It is recommended that the car parking areas be located towards the northern section of the site exploiting the changes in level and access would be onto the spine road</p> <p>? With their proposal to link the spine road to Triq l-Izbark tal-Francizi, the existing community severance of the residential community along such road would be reduced. While with the policy proposal, such community severance would have been increased due to the centre emphasis of the project.</p> <p>? If a pedestrian access is to be implemented, the proposed southern building alignment is to be set-back by a minimum of 3000mm, whereby 1500mm would be a footpath and 1500mm would be a green verge acting as a buffer zone between the highly trafficked by-pass and the pedestrian flows</p> <p>? There are to be no exit/entry points for garage doors for car parks along the southern perimeter of the site</p>	<p>TMPC 06</p>	<p>d) 4th bullet point – The main car parking areas will be located in the quarried areas and will exploit the existing site features. These areas will be served off the spine road.</p> <p>e) 5th bullet point – The whole philosophy of the Policy is to place amenity considerations above traffic management. Unacceptable community severance will not be permitted (see also (b) above).</p> <p>Issues Related to Transportation Concepts.</p> <p>f) 1st bullet point – It is proposed that there will be only two pedestrian points of access to the bypass, that is, at the end of Triq il-Mithna L-Qadima. At the former, pedestrians can already cross the main road without the benefit of facilities; therefore there will be no material difference. At the point below the proposed ‘public play space’ fronting the bypass a single point of pedestrian access can be provided, linked perhaps by a staircase to the open space above. This will be situated close to the widened central median that forms part of the Mizieb junction improvement (see Map 8). The limited amount of pedestrians that are likely to cross the bypass will enjoy some protection at this crossing point.</p>

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<p>Malta Transport Authority 23rd September 2003</p>	<p>? Should there be a two-way access onto the by-pass from Triq il-Mithna l-Qadima, this should be perpendicular to the by-pass so as to maximize visibility</p> <p>? The junction between Triq it-Tgham and Triq Etna is to be well designed for visibility</p> <p>? The mini round-about proposal at Triq it-Tgham c/w Triq l-Gharghar is to be modelled to check for capacity with the proposed development</p> <p>? The proposal is to be analysed in terms of vehicular access taking into consideration:</p> <ul style="list-style-type: none"> - The upgrading works carried out along Main Street - The roundabout at Triq il-Kbira c/w Triq Louis Wettinger - The roundabout at Triq Louis Wettinger c/w Triq Qasam Barrani 	<p>TMPC 06</p>	<p>g) 2nd bullet point – The design of the development will not include doorways etc along the bypass frontage.</p> <p>h) 3rd bullet point – There will be no vehicular access points off the arterial road as this is contrary to established policy.</p> <p>i) 4th bullet point – There will be no junction to the bypass (see also (c) above).</p> <p>j) 5th bullet point – The detailed design of the Triq it-Tgham / Triq Enta junction will ensure that adequate visibility is achieved.</p> <p>k) 6th & 8th bullet points – A development of this size has to be supported by a traffic impact statement (TIS). The terms of reference for the TIS will specify that the mini-roundabout and the other issues and locations are examined.</p> <p>l) 7th bullet point – Agreed.</p>

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<p>Ministry for Justice and Home Affairs – Government Property Division / 6th October 2003</p>	<p>Received plan showing Government property which is leased in red while showing Government property which is vacant in green.</p> <p>Received another site plan showing sites which were issued for sale by tenders. The part hatched red was in the awarding stage, whereas the part edged blue was still in the tendering process.</p> <p>Owing to the proposed draft planning policy regarding Ta’Masrija, the Division is considering to await the approval of the policy before taking further action in the disposal of site edged blue and other sites edged in orange on same plan.</p> <p>In a further correspondence, the Estate Management Department of this Ministry agreed with the proposals indicated in the Policy.</p> <p>Regarding the zoning as shown on Policy Map 6, they request to allow development of the space underlying the Public Play Space at Triq l-Gharghar corner with Triq il-Mithna l-Qadima.</p>	<p>TMPC 07</p> <p>TMPC 07a</p> <p>TMPC 07b</p>	<p>The information on ownership has been noted. The fact that public land has been apportioned and sold off is not a constraint on the planning policy. The new owners of the plots, which have been sold, would need to abide with the requirements of this policy.</p> <p>The policy has increased the amount of developable land on the site owned by Government. The opportunity to provide public open space is surely a consideration when Government disposes of its property. Development beneath open spaces can still be considered in the context of this policy provided other general policies controlling the use of space below ground and policies in the North West Local Plan are complied with.</p>