

L.N. 126 of 2001

**DEVELOPMENT PLANNING ACT
(CAP. 356)**

Development Notification Order, 2001

IN VIRTUE of the powers conferred on it by article 31 of the Development Planning Act, the Planning Authority has made the following Order:-

1. (1) The title of this Order is the Development Notification Order, 2001.

(2) This Order shall come into force on the 1st June, 2001.

2. (1) In this Order, unless the context otherwise requires -

“Authority” means the Malta Environment and Planning Authority;

“Balconies Improvement Scheme” means the scheme of this name, or any subsequent such scheme, for the financial support of the repair and replacement of timber balconies in specific designated localities;

“designated sites or areas” means any Urban Conservation Area, and other sites and areas identified by Structure Plan policies for protection, conservation or preservation, including areas of archaeological, ecological, geological, palaeontological, architectural, historic, artistic or antiquarian importance, or of natural beauty, or scientific interest, together with any specific areas and sites designated under the Act or declared under Parts Six and Seven of the Environment Protection Act;

“dwelling” means a single family dwelling unit, including, but not limited to, a terraced house, villa, bungalow, flat, penthouse, maisonette or basement permitted to be used for residential purposes in terms of Development Control Policy and Design Guidance 2000;

“environmental impact assessment” means an environmental impact assessment carried out in accordance with the Act or the Environment Protection Act;

“environment planning statement” means an environment planning statement carried out in accordance with the Act or the Environment Protection Act or the Structure Plan;

“footprint” means the space contained within the external walls of a building at ground floor level, including internal yards, shafts, terraces or courtyards totally enclosed or surrounded by the building, but excluding terraces, backyards, yards and

pool decks not totally enclosed or surrounded by the building;

“grade separated junction” means a junction where two or more flows of traffic cross at more than one level;

“highway boundary” means land which consists of any existing road, street, square, court, alley, lane, bridge or footway;

“Outside Development Zone”, hereinafter referred to as ODZ, means development outside the boundary of a temporary provisions scheme or outside the boundary for development in a local plan;

“ridge” means a crest of a hill, the line where two upward slopes meet, and the edge or point where an upward slope or relatively flat area breaks and becomes a downward slope on a valley or hill side;

“scheduled property” means every area, building, structure, remains, individual tree or group of trees or woodland scheduled in terms of articles 46 and 47 of the Act;

“scheme for traffic management” means a scheme including any works or operations for the purpose of controlling, affecting or altering, the direction, rate of flow, and means of movement, of vehicular and pedestrian traffic, and includes, but is not limited to, the alteration of road junctions or kerblines, the parking of vehicles, restrictions on parking, loading and unloading, pedestrianisation, and the installation of traffic lights and pedestrian crossings;

“this Order” includes the Schedule to this Order;

“Temporary Provisions Scheme” means a planning scheme made and approved in accordance with The Building Permits (Temporary Provisions) Act;

“the Act” means the Development Planning Act;

“Urban Conservation Area” means an historic area (village core) as designated in a Temporary Provisions Scheme or other area designated or scheduled in accordance with the Structure Plan and article 46 of the Act, hereinafter referred to as UCA.

(2) In this Order, words and expressions defined in the Act shall have the same meaning as they have in the Act.

“(3) (i) In this Order, wherever reference is made to a period of 30 days, such period shall be deemed as excluding the period of shutdown of the Malta Environment and Planning Authority offices.

(ii) For the purposes of this Order, the period of shutdown of the Authority offices shall have the same meaning as that assigned to it in the Period of Shutdown of the Malta Environment and Planning Authority Offices (Exemption from Period mentioned in Article 36) Order, 2002.”
Amended by L.N. 343 of 2002.

3. (1) Subject to the provisions of this Order, development permission is hereby granted for the classes of development described as permitted development in the Schedule to this Order.

(2) Any permission granted by subarticle (1) of this article is subject to any relevant exception, limitation or condition specified in the said Schedule.

(3) Nothing in this Order shall permit development contrary to any condition or limitation imposed by any development permission granted on an application made in accordance with Part IV of the Act.

(4) The permission granted by subarticle (1) of this article shall not authorise any development which -

(i) except in relation to development permitted by sub-paragraphs (i) and (ii) of paragraph 1 and sub-paragraph (i) of paragraph 2 of Class 3, requires or involves the formation, laying out or material widening of a means of access to an existing road; or

(ii) creates an obstruction to the view of, or a distraction to, persons using any road used by vehicular traffic, so as to be likely to cause danger to such persons; or

(iii) in the case of development permitted by Classes 3 to 18, where the development requires an environmental impact assessment or an environment planning statement, or which is located in or within 50 metres of any scheduled property or designated sites or areas, except where provided in the Schedule;

(iv) runs counter to policies and plans approved according to the Act, applicable at the time of the notification;

(v) involves the demolition of any wall constructed in random rubble (*sejjeigh*) or random uniform rubble (*laqx*); unless the developer shall have complied with the procedure of notification specified in article 6(1) and such wall is replaced by a wall constructed in similar material and style as soon as practicable.

(5) The exemption under subarticle (1) of this article shall not dispense from the requirement of any other permission, including any permit from the sanitary authorities or a Government department or agency, required by law.

4. If the Planning Authority is of the opinion that development described in the Schedule to this Order should not be carried out unless permission is granted for it on an application, the Authority may by notice in the Gazette direct that the permission granted by article 3 shall not apply to -

(a) all or any development of class or classes specified in the notice in an area or areas so specified; or

(b) any particular development, falling within a class specified in the notice;

and thereupon article 3 of this Order shall cease to apply to such development.

5. Where development consists of, or includes, a scheme for traffic management, the developer shall give notice to the Authority giving a written description of the scheme and a plan indicating the proposed layout of the scheme, and such other details as may be necessary to provide the Authority with a full and accurate description of the scheme, and the development shall become permitted development unless the Authority has, within 30 days of receiving the description, plan and other details aforesaid and having regard to the Structure Plan or any Local Plan in force at the time, and the likely significance or impact of the scheme, given to the developer a notice in writing that the development requires a development permit in accordance with Part IV of the Act, with detailed reasons justifying such a decision.

6. (1) Where provided in the Schedule, development shall be notified to the Authority, prior to the commencement of any work, on the form provided by the Authority, which shall include a declaration of the applicant's title to the property. This form shall be accompanied by two copies of all plans and elevations where necessary to clearly identify the architect and civil engineer in charge, the developer, the site and the nature and extent of the works, and the class permitting such development. A notification may cover works which fall into more than one class or paragraph within a class, where these are to be carried out on the same site.

(2) Where provided in the Schedule, the Authority shall respond in writing to the notification and shall return one copy of all the plans submitted, endorsed to state whether or not the works are permitted development. If the works are not permitted development, the Authority shall give detailed reasons for such a decision.

(3) Where development has been carried out without the notification required in accordance with subarticle (1) of this article, and that development complies with the relevant exceptions, limitations or conditions specified in the appropriate Class in the Schedule, the notification of that development shall be treated as though it were a prior notification in accordance with subarticle (1) of this article.

(4) Where development has been carried out without the notification required in accordance with subarticle (1) of this article, or where a notification has been made and the Authority has not responded to the notification, whether or not required to do so in the Schedule, and that development runs counter to policies and plans approved according to the Act, the Authority shall still have the right to stop works or take enforcement action, in accordance with the Act.

7. The General Development (No. 2) Order, 1997 is hereby repealed.

SCHEDULE

(Article 3)

Classes of Permitted Development

CLASS 1

Alterations to existing dwellings and development within the curtilage of dwellings

1. The following development is permitted development under this Class without the requirement for notification specified in article 6(1):

(i) all internal alterations, other than replacement or reconstruction of roofs, and alterations in scheduled property, that do not increase the number of dwelling units, and do not change the use of the building or parts thereof:

Provided that in designated sites or areas the developer shall have complied with the procedure of notification specified in article 6(1) and the Authority does not, within 30 days of such notification, give to the developer a notice in writing that the development requires a development permission in accordance with Part IV of the Act;

(ii) the installation of water tanks, associated apparatus and the necessary screening on the roof, or on the washroom or stairwell roof, of a dwelling, including a penthouse, provided that -

(a) the water tank and associated apparatus do not exceed a height of more than 1.4 metres (5 courses) measured externally above the level of the roof on which it is situated;

(b) the water tank is set back at least 4.5 metres from the front facade;

(c) a screen made up of a *franka* stone wall of not more than 5 courses is erected around the water tank and associated apparatus; and

(d) where the water tank and associated apparatus is located on the roof of multiple dwellings and penthouses, the area where the water tank and associated apparatus is located and screened shall not exceed 2 square metres measured externally per dwelling,

except that if the tank is situated on the roof of a dwelling other than that of a penthouse, washroom or stairwell, and the tank is not higher than the parapet wall, the tank is not required to be screened;

(iii) the installation of solar heating panels and associated apparatus, provided that -

(a) the height of the installation does not exceed 1.9 metres above roof level;

(b) the installation is not more than 2.5 metres wide;

(c) the installation is set back at least 4.5 metres from the front facade; and

(d) the installation is not located on the roof of a washroom or other structure on the roof;

(iv) the construction or installation of water cisterns or reservoirs, provided that it does not exceed -

(a) a height of 1.7 metres (6 courses) measured externally above ground level; or

(b) 100 square metres net floor area.

2. The following development is permitted development under this Class, except in or on scheduled property or ODZ unless otherwise stated, provided that the developer shall have complied with the procedure of notification specified in article 6(1) and unless otherwise specified, where the site lies in a designated site or area, including a UCA, or within 30 metres of a scheduled property the Authority does not, within 30 days of such notification, give to the developer a notice in writing that the development requires a development permission in accordance with Part IV of the Act:

(i) the erection of a roof structure on the roof of a terraced house or a building containing not more than two maisonettes, provided that -

(a) the number of roof structures is limited to one per maisonette where erected on the roof of a building containing not more than two maisonettes and each roof structure is for the exclusive use of one maisonette;

(b) the roof structure does not exceed a height of 10 courses (2.8 metres) above roof level measured internally and a height of 12 courses (3.4 metres) above roof level measured externally;

(c) the roof structure is set back at least 4.25 metres from the front facade (or the building alignment where the building is located on a corner);

(d) the roof structure or structures, together with any stairwell, room, or other structure on the roof, does not exceed an area of 36 square metres measured externally, except that where the building contains two maisonettes, the area shall not exceed 36 square metres measured externally cumulatively for both maisonettes taken together;

(e) the design of the roof structure is in keeping with that of the building and, in Urban Conservation Areas, it is constructed in natural stone or with a stone finish or finished in a stone colour; and

(f) where the terraced house or building containing not more than two maisonettes is located on a ridge, the roof structure is set back at least 3 metres from the rear facade of the floor below;

(ii) the erection of a washroom on the roof of a semi-detached or detached villa, provided that -

(a) the washroom does not exceed a height of 10 courses (2.8 metres) above roof level measured internally and a height of 12 courses (3.4 metres) above roof level measured externally;

(b) the washroom is set back at least 4.25 metres from the front facade (or the building alignment where the building is located on a corner) and at least 1.8 metres from the side elevations;

(c) the washroom does not, together with the stairwell, exceed an area of 36 square metres measured externally;

(d) the design of the washroom is in keeping with that of the building and, in Urban Conservation Areas, it is constructed in natural stone or with a stone finish or finished in a stone colour; and

(e) where the semi-detached or detached villa is located on a ridge, the washroom is set back at least 3 metres from the rear facade of the floor below;

(iii) the erection of a washroom or washrooms on the roof of a building containing more than one flat or more than two maisonettes, provided that -

(a) the number of such washrooms is limited to one for each dwelling unit;

(b) the washroom does not exceed a height of 10 courses (2.8 metres) above roof level measured internally and a height of 12 courses (3.4 metres) above roof level measured externally;

(c) the washroom is set back at least 4.25 metres from the front facade (or the building alignment where the building is located on a corner);

(d) the washroom, including the area of the stairwell, does not exceed an area of 14 square metres measured externally;

(e) where more than one washroom is erected, the washrooms are not

connected by covered corridors or passageways;

(f) the design of the washroom is in keeping with that of the building and, in Urban Conservation Areas, it is constructed in natural stone or with a stone finish or finished in a stone colour; and

(g) where the building is located on a ridge, the washroom is set back at least 3 metres from the rear facade of the floor below;

(iv) the erection of lift wells and engine rooms provided that if they are at roof level they -

(a) do not exceed a height of 1.4 metres measured externally above the finished roof level of any washroom or penthouse;

(b) are set back at least 4.25 metres from the front facade or the building alignment where the building is located on a corner; and

(c) do not exceed an area of 8 m² measured externally,

and provided that in UCAs, the structures shall be abutting to any existing structures;

(v) the creation of one level of basement to an existing dwelling and limited to its footprint, and:

(i) does not involve the creation of a new access to a road;

(ii) is to be used for a purpose ancillary to the use of the dwelling; and

(iii) does not exceed 10 courses in height measured internally;

(vi) the provision, within the backyard of a dwelling, of any building or other structure required for a purpose incidental to the enjoyment of the dwelling, or the maintenance, improvement or other alteration of such a building:

Provided that any development as aforesaid shall not be permitted if:-

a) it exceeds 9.5 square metres floor area measured externally or would, together with any existing building or other structure in the backyard of the dwelling, exceed 9.5 square metres floor area measured externally; or

b) it exceeds 2.5 metres (nine courses) in height, when measured externally, above existing ground level; or

c) there would be a permanent access to the roof of such building or

structure; or

d) it is located within the minimum permissible backyard (measured from the rear wall of the dwelling) as defined in paragraph 4 of this Class; or

e) it is located within the backyard of property that lies ODZ or within a backyard that lies ODZ;

(vii) the erection of an extension or extensions, whether or not to the footprint, to a single dwelling unit in UCAs, set back at least 4.25 metres from the facade, where the accumulated floor area of such extensions as measured externally does not exceed a total of 22 square metres, provided that such extensions -

(a) do not exceed an external height of 12 courses (3.4 metres) measured from the external roof level if situated at roof level;

(b) do not exceed the height limitation for the area;

(c) together with existing structures would not exceed 36 square metres measured externally in total if situated at roof level;

(d) do not result in the creation of a separate dwelling; and

(e) do not exceed the site coverage, habitable floor space and height limitations applicable to the site;

(viii) the erection of an extension or extensions to a building containing more than one dwelling unit and used solely for dwelling purposes, not being in UCAs, provided that the extension or extensions -

(a) is set back at least 4.25 metres from the facade;

(b) does not exceed 22 square metres floor area measured externally for each individual unit, which shall relate to such dwelling and shall not be cumulative;

(c) does not exceed the height of the last habitable floor of the building;

(d) does not result in the creation of a separate dwelling; and

(e) do not exceed the site coverage, habitable floor space and height limitations applicable to the site:

Provided that extensions exceeding 22 square metres floor area measured

externally in total shall not be allowed to any one unit on the strength of this subparagraph;

(ix) the provision of not more than one satellite dish antenna including in ODZ for each dwelling on the roofs of dwellings, or on the roof of a washroom or stairwell, or on a penthouse roof, or at ground floor level within the backyard:

Provided that a satellite dish antenna shall not exceed 120 cms in diameter and shall not exceed a height of 1.5 metres from the roof of the last habitable floor, when placed on the roof, or from the washroom, stairwell or penthouse roof when placed on a washroom, stairwell or penthouse roof, and shall not exceed 220 cm in diameter and shall not exceed a height of 2.5 metres from the ground level, when placed at ground level within the backyard. In all cases they shall be set back at least 3 metres from the front facade;

Provided further that, where located on a washroom, stairwell or penthouse roof, the satellite dish antenna shall be screened by a *franka* stone wall of not more than 1.4 metres (5 courses); and

Provided further that where located in a UCA or ODZ, the developer shall comply with the procedure of notification specified in article 6(1) and will not require the Authority's endorsement.

3. The following development is permitted development under this Class, except in or on scheduled property, provided that the developer shall have complied with the procedure of notification specified in article 6(1) and the Authority does not, within 30 days of such notification, give to the developer a notice in writing that the development requires a development permission in accordance with Part IV of the Act:

(i) the erection of an extension or extensions to a single dwelling unit, excluding detached and semi detached villas and bungalows, not being in ODZ or UCAs, set back at least 4.25 metres from the facade and with a cumulative floor area of not more than 36 square metres measured externally :

Provided that, where erected at roof level,

(a) such extensions do not exceed an external height of 12 courses (3.4 metres) measured from the external roof level;

(b) such extensions do not exceed the height limitation for the area except that where erected on the roof of a terraced house the extension may exceed the height limitation for the area;

(c) the cumulative area of extensions and any existing roof structure, including an existing washroom, shall not exceed 36 square metres floor area measured externally in total;

(d) do not result in the creation of a separate dwelling;

(e) the site coverage and habitable floor space applicable to the site are not exceeded; and

(f) where the dwelling is located on a ridge, the extension is set back at least 3 metres from the rear facade of the floor below.

4. For the purpose of the development permitted above-

“front facade” means the facade or facades of a dwelling facing a road or roads;

“minimum permissible backyard” means that the backyard, unless otherwise permitted by law or by the sanitary authorities, is not less than the measurements given hereunder depending on the number of habitable floors, that is to say -

10 feet first floor	(3.05 metres)	if there is only a ground floor or a ground and
13 feet	(4.43 metres)	if there is a ground and two floors
16 feet	(5.45 metres)	if there is a ground and three floors
19 feet	(6.475 metres)	if there is a ground and four floors
22 feet	(7.5 metres)	if there is a ground and five floors
25 feet	(8.52 metres)	if there is a ground and six floors
28 feet	(9.54 metres)	if there is a ground and seven floors
31 feet	(10.565 metres)	if there is a ground and eight floors;

“purpose incidental to the enjoyment of the dwelling” includes the keeping of poultry, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwelling;

“roof level” means the level of the lowest part of the roof on which the structure is to be located;

“roof structure” includes a residential room at roof level conforming to specifications in Development Control Policy and Design Guidance 2000; a washroom or a stairwell or stairhood;

“washroom” means a structure at roof level conforming to specifications in Development Control Policy and Design Guidance 2000.

CLASS 2

Minor operations

1. The following development is permitted development under this Class, except in or on scheduled property, without the requirement for notification specified in article 6(1)

(i) the alteration or replacement of windows, doors, balconies except for timber balconies, gates and similar parts of any building, including in UCAs, in the same traditional style, design and materials as existing;

(ii) the erection of walls in the following areas and under the following conditions:

(a) In ODZ - boundary walls provided that:

- the wall does not exceed 1.2 metres above existing soil level along its whole perimeter provided that where there is a difference between the soil level on either side of the wall, the overall height of the wall shall not exceed 2.4 metres from the lower soil level and 1.2 metres from the higher soil level, at any point along its perimeter; and

- the wall is constructed in or faced with whole rubble stone (*sejjiagh*), but not clad with split or sectioned rubble stone.

(b) In UCA - boundary walls, other than walls abutting on the street, and parapet walls not on the facade of a building provided that:

- the walls are not higher than 2.8 metres, above the highest soil level, except where located on a ridge, where the walls shall not be higher than 2.4 metres above external soil level; and

- the walls are constructed in the same style as the building and in *franka* stone.

(c) In all other areas -

(i) boundary walls, other than walls abutting on the street, and parapet walls, provided that the walls are not higher than 2.8 metres, above the highest soil level, except where located on a ridge, where the walls shall not be higher than 2.4 metres above external soil level,

(ii) boundary walls abutting the street and enclosing open and undeveloped land shall be not higher than 1.4 metres and constructed in pointed *franka* stone and in accordance with the official street alignment;

(iii) the maintenance of building or other structures, except where the maintenance involves the replacement of building elements in a building which is in an UCA or ODZ with elements of different material or different style, and provided that the maintenance or replacement of a boundary wall is in the same materials, style and height;

(iv) the shoring up of a dangerous building or structure, including others affected by its state, until such time as the danger is removed.

2. The following development is permitted development under this Class, except in or on scheduled property, without the requirement for notification as specified in article 6(1), provided that where the site lies in a designated site or area, including a UCA, or ODZ, or within 30 metres of a scheduled property, the developer shall have complied with the procedure of notification specified in article 6(1) and the Authority does not, within 30 days of such notification, give to the developer a notice in writing that the development requires a development permission in accordance with Part IV of the Act:

(i) the painting of the exterior of a building or work, except where-

(a) the painting is for the purpose of advertisement, announcement or direction;

(b) the painting involves the whole or a substantial part of a building, which is located in an UCA or is ODZ and involves also a change in colour from the colour in which the building is then painted, unless it is being repainted in a stone colour or colours; or

(c) the Planning Authority has given notice in writing to the developer of the building or works that, having regard to its location or other material consideration, the permission of the Authority given on an application made under Part IV of the Act is required for the painting of its exterior;

(ii) except in Urban Conservation Areas, changes to size, style, form and materials of doors, windows, and other similar elements of the facade, excluding timber balconies, where such changes do not alter materially the character and/or context of the building and its surroundings;

(iii) the replacement of timber balconies in the same traditional style, design and materials as existing, provided that notification as specified in article 6(1) shall not be required where the replacement of the balcony has been agreed in accordance with the Balconies Improvement Scheme;

(iv) the erection or reconstruction of front garden walls provided that -

(a) the wall does not exceed a height of 1.4 metres above finished road level; and

(b) the wall is constructed in the same style, design and materials as the rest of the building;

(v) the installation of air conditioning units on the exterior of a building, unless the air conditioning unit is located on the facade of a building facing a road or roads

or is visible from a road;

(vi) the replacement or reconstruction of roofs, provided that if the building is located within an UCA, the reconstruction involves only the replacement of a composite roof made up of:

(a) steel joists and stone slabs (*xorok*); or wooden beams and stone slabs (*xorok*),

(b) and that in the case of (b), the replacement is with the same materials.

3. The following development is permitted development under this Class, except on or in scheduled property or ODZ, provided that the developer shall have complied with the procedure of notification specified in article 6(1) and the Authority does not, within 30 days of such notification, give to the developer a notice in writing that the development requires a development permission in accordance with Part IV of the Act:

(i) the creation of a swimming pool together with its ancillary reservoir and pump room, except on the roof of a building;

(ii) the erection of boundary walls abutting the street and enclosing open and undeveloped land within the development boundary as defined in local plans or the Temporary Provisions Schemes, not higher than 2.4 metres and constructed in *franka* stone.

4. For the purpose of the development permitted under this Class -

“same style, design, and materials” means the style and design, and the type, form and colour of the materials, used in the formation or construction of the works which are to be replaced and “same style” or “different style” shall be construed accordingly.

CLASS 3

The formation, laying out, alteration or improvement of roads by Government Agencies and Local Councils

1. Subject to paragraph 3 of this Class, the following development is permitted development under this Class, without notification as set out in article 5:-

(i) The formation or laying out of roads and pavements as indicated in a Temporary Provisions Scheme provided that all works for this purpose are within the Temporary Provisions Scheme boundary; and

(ii) The widening, improvement or maintenance of an existing road within the highway boundary, unless such widening would result in the creation of an extra lane or lanes.

2. Subject to paragraph 3 of this Class, the following development is permitted development under this Class, subject to the notification scheme set out in article 5:-

(i) The improvement or alteration of junctions, unless such improvement or alteration involves the improvement or alteration of a grade separated junction or a significant alteration in the direction of traffic flow;

(ii) The embellishment or enhancement of roundabouts unless it involves the display of a sign or advertisement;

(iii) The alteration or creation of pavements (other than as provided in paragraphs 1 and 3 of this Class); and

(iv) The installation of traffic lights to control a pedestrian flow and only one traffic flow, except where they are:-

(a) within 25 metres of any junction; or

(b) within 100 metres of an arterial or distributor road.

3. Notwithstanding anything contained in the provisions of paragraphs 1 and 2 of this Class, any development described therein shall not be permitted development if:

(i) it involves the formation, laying out or widening of a road, or the formation, laying out, widening, replacement or other alteration of a pavement, or the improvement of a junction within an UCA or ODZ; or

(ii) it involves the demolition of any building or rubble wall, that is to say a wall constructed in random rubble (*sejjeigh*) or random uniform rubble (*laqx*); unless the developer shall have complied with the procedure of notification specified in article 5 and such wall is replaced by a wall constructed in similar material and style as soon as practicable.

CLASS 4

Minor Infrastructure Development

1. The following development is permitted development under this Class without the requirement for notification as specified in article 6(1), provided that where the site lies in a designated site or area, including a UCA, or ODZ, or in or within 30 metres of a scheduled property, or within a distance of 50 metres from the shoreline, the developer shall have complied with the procedure of notification specified in article 6(1) and the Authority does not, within 30 days of such notification, give to the developer a notice in writing that the development requires a development permission in accordance with Part IV of the Act:

(i) the erection or construction, and the maintenance, alteration or other improvement, of lamp standards, public seats, refuse bins or baskets, bollards, barriers and similar works or structures;

(ii) the installation of posting boxes or self service machines; and

(iii) the erection of telephone boxes or booths, provided that the structure shall not exceed 1 square metre in area measured externally and a height of 2.4 metres measured externally:

Provided that any development described in this Class shall not be permitted development if it would create an obstruction to any road, including a footway.

CLASS 5

Repairs to Services

The following development, including where the site lies in a UCA, is permitted development under this Class without the requirement for notification as specified in article 6(1) -

The carrying out of any works for the purpose of inspecting, maintaining, repairing or renewing any sewer, main, pipe, cable or other apparatus, including breaking open any land for that purpose, provided that the land is returned to its original condition once the works have been completed.

CLASS 6

Development for the Provision of Water Services

The following development, including where the site lies in a UCA, is permitted development under this Class without the requirement for notification as specified in article 6(1) -

(i) Development not above ground level required in connection with the supply of water or for conserving, redistributing or augmenting water resources, unless -

(a) it includes the construction of a reservoir; or

(b) it involves works on or under land ODZ or in or under streets outside a Temporary Provisions Scheme or not formed at the time this Order comes into force; or

(c) it involves erection, construction, engineering or other operations for, or in connection with, the installation of a main distribution network, with a main pipe of 30 cms in diameter or more; or

(d) it involves the supply of water to agricultural land for the purposes of irrigation.

(ii) The installation in a water system of a booster station, valve house, meter or switch gear house, unless such development involves any of the matters contained in sub-paragraphs (c) and (d) of the foregoing paragraph of this Class.

CLASS 7

Development for sewage and sewage disposal

1. Subject to paragraph 2 of this Class, the following development including where the site lies in a UCA, is permitted development under this Class without the requirement for notification as specified in article 6(1):

(i) Any development, including excavation, not above ground level which is required in connection with the provision, improvement, maintenance or repair of a sewer or associated apparatus, and the maintenance or repair of an outfall pipe;

(ii) The construction, provision or improvement of inspection chambers above ground level unless such chamber exceeds -

(a) 1 square metre in floor area measured externally; or

(b) 1.5 metres (5 courses) in height measured externally above ground level.

2. Notwithstanding the provisions of paragraph 1 of this Class, any development therein described shall not be permitted development if it involves:

(a) works on or under land ODZ or in or under streets which are outside a Temporary Provisions Scheme; or

(b) erection, construction, engineering or other operations for, or in connection with, the installation of a main sewage network or system with a main pipe 30 cms in diameter or more; or

(c) erection, construction, engineering or other operations for, or in connection with, the construction of a new sewage treatment works, or sewage outfall.

CLASS 8

Development for installation of electrical services

1. The following development except where the site lies in a UCA unless otherwise specified, is permitted development under this Class without the requirement for

notification as specified in article 6 (1) :

(i) The laying underground of pipes, cables or any other apparatus, including excavations for such purpose, unless such works involve -

a) erection, construction, engineering or other operations for, or in connection with, the installation of a main electricity distribution network or system with a power line capacity of 33 KVs or greater; or

b) works on or under land ODZ or in or under streets outside a Temporary Provisions Scheme;

(ii) The installation of service lines to individual customers from an electric line, including in UCAs;

(iii) The installation of feeder or service pillars or transforming or switching stations or chambers.

2. The following development is permitted development under this Class provided that the developer shall have complied with the procedure of notification specified in article 6 (1) and the Authority does not, within 30 days of such notification, give to the developer a notice in writing that the development requires a development permission in accordance with Part IV of the Act :

i) The laying underground of pipes, cables or any other apparatus, including excavations for such purpose, involving works on or under land ODZ or in or under streets outside a Temporary Provisions Scheme, or in Urban Conservation Areas;

ii) The installation of feeder or service pillars or transforming or switching stations or chambers in Urban Conservation Areas.

CLASS 9

Development related to public transport

The following development including where the site lies in a UCA, is permitted development under this class without the requirement for notification as specified in article 6(1):

i) The installation of telephone cables and apparatus, stop signs, other signs and posts required in connection with the operation of public service vehicles, unless such development involves the erection or display of any sign which is greater than one square metre in area or the sign is illuminated; and

ii) The erection or construction, and the maintenance, improvement or other alteration of passenger shelters or barriers for the control of people waiting to enter public service vehicles, except where the development involves the erection,

construction or provision of a new bus stop:

Provided further that any development described in this paragraph shall not be permitted development if it involves or consists in development of the type referred to in article 5 of this Order.

CLASS 10

Development related to telecommunications

The installation, alteration or replacement of any telecommunications apparatus is permitted development under this Class without the requirement for notification as specified in article 6(1) , unless it involves -

- a) the erection or alteration of buildings; or
- b) the installation, alteration or replacement of a mast with a height exceeding 10 metres; or
- c) the installation, alteration or replacement of a microwave antenna, satellite television apparatus or similar apparatus.

CLASS 11

Development related to agriculture

1. The following development is permitted development under this Class without a requirement for notification as specified in article 6(1):

- i) The carrying out of engineering operations reasonably necessary for the purpose of agriculture, including works for the irrigation of land, unless the works or operations involve:
 - a) the erection of a building, or are related to the erection of a building or to the intensive raising of animals or crops; or
 - b) the construction of a new reservoir wholly above ground; or
 - c) the creation of a pond; or
 - d) the deposit of waste material on land whether for the purpose of the creation or improvement of agricultural land or otherwise.
- ii) The levelling and maintenance of existing farm roads carried out by or on behalf of the Department of Agriculture.

2. The following development is permitted development under this Class, provided that the developer shall have complied with the procedure of notification specified in article 6(1) and the Authority does not, within 30 days of such notification, give to the developer a notice in writing that the development requires a development permission in accordance with Part IV of the Act:

i) The deposit by the Department of Agriculture of waste material on land for the purpose of the afforestation of the land.

ii) The construction of pumphouses to serve boreholes registered with the Water Services Corporation or existing operational reservoirs, unless the pumphouse

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a) is located more than 1 metre from the reservoir or borehole; or

b) exceeds 1.1 metres (4 courses) in height measured externally; or

c) exceeds 4 square metres in floor area measured externally.

iii) The deposit of soil on agricultural land for the purpose of improvement of the land provided that -

a) the land area does not exceed 1,000 square metres;

b) the existing soil level is not raised by more than 0.5 metres;

c) it does not involve or require an increase in the height of the boundary walls to more than 1.2 metres above the new soil level along its whole perimeter provided that where there is a difference between the level of the land on either side of the wall, the overall height of the wall shall not exceed 2.4 metres from the lower soil level and 1.2 metres from the higher soil level, at any point along its perimeter and the wall is constructed in or faced with whole rubble stone (*sejjegh*), but not clad with split or sectioned rubble stone; and

d) the provisions of the Fertile Soil (Preservation) Act are fully complied with, to the satisfaction of the Department of Agriculture.

iv) The erection of reservoirs partly or wholly below ground level, unless the reservoir -

(a) exceeds a height of 1.7 metres (6 courses) above ground level at any point; or

(b) exceeds 36 square metres in floor area measured externally where partly below ground level; or

(c) it is to be located on land which is not within an existing agricultural

holding; or

(d) where wholly underground, it exceeds 100 square metres floor area measured externally.

3. For the purpose of the development permitted under this Class -

“existing agricultural holding” means land currently used for cultivation at the time the reservoir is constructed;

“waste material” includes waste, refuse, rubble and any soil imported onto the land.

CLASS 12

Temporary Structures

1. The placing on land of a building, moveable structure, works, plant or machinery required temporarily in connection with and for the duration of development operations being, or to be, carried out on, in, under or over that land or on land immediately adjoining that land in connection with or for the purpose of development permitted by a development permission or by this Order, are permitted development under this Class without the requirement for notification as specified in article 6(1), subject to the exceptions and conditions set out in paragraph 2 of this class.

2. The operations described in the foregoing paragraph of this Class shall not be permitted development if:-

(i) the operations are mining operations; or

(ii) the land is in or on scheduled property; or

(iii) not later than six months from the date on which anything placed as indicated in paragraph 1 of this Class or the date on which the operations in connection with which they were so placed have been carried out, whichever is the earlier date:-

a) any building works, plant or machinery placed as aforesaid has not been removed; and

b) any land or adjoining land on which development permitted by this Class has been carried out has not been restored to the condition in which it was prior to such development:

Provided that where the operations are to take place within a UCA or would obstruct a street or pavement, the developer shall have complied with the procedure of notification specified in article 6(1) and the Authority does not, within 30 days of

such notification, give to the developer a notice in writing that the development requires a development permission in accordance with Part IV of the Act.

CLASS 13

Temporary Uses

1. Subject to paragraph 2 of this Class the use of land for any purpose for not more than twenty eight days in any calendar year is permitted development under this Class without the requirement for notification as specified in article 6(1) .

2. Notwithstanding the provisions of paragraph 1 of this Class the use of land is not permitted development if:-

(i) the use of land is for a caravan site; or

(ii) the use of land is for camping; or

(iii) the land is in or on scheduled property; or

(iv) the use of land is for off-road vehicle, motor car and motorcycle racing or rallying, including practising for these events and activities;

and, if the use of the land is for the holding of a market or sale, such use is permitted development only if it is for only seven days in any calendar year.

3. For the purpose of this Class “calendar year” means a period of twelve months beginning with the day on which the use is first begun.

CLASS 14

Development in relation with Aviation

1. Subject to paragraph 2 of this Class, the following is permitted development under this Class without the requirement for notification as specified in article 6(1) :-

(i) the carrying out on operational land by an airport operator, or its agent, of development (including the erection or alteration of an operational building) in connection with the provision of services and facilities at an airport, unless such development consists in:-

a) the construction or extension of a runway; or

b) the construction of a passenger terminal; or

c) the alteration or extension of a passenger terminal where the floor space of the building as existing would be exceeded by more than 10 per cent;

or

d) a building which is not an operational building;

(ii) the carrying out on operational land, within the perimeter of an airport, by an airport operator, or its agent, of development in connection with any one or more of the following:-

a) the provision of air traffic control services;

b) the navigation of aircraft using the airport;

c) the monitoring of the movement of aircraft using the airport;

(iii) the carrying out on operational land, outside but within 1 kilometre of the perimeter of an airport, by an airport operator, or its agent, of development in connection with any of the matters set out in sub-paragraph (ii) above, unless such development consists in or includes:-

a) the erection of any building for a use or purpose other than the housing of equipment used in connection with any of the matters set out as aforesaid; or

b) any building exceeding 4 metres in height measured externally; or

c) the installation or erection of any radar or radio mast, antenna or other apparatus exceeding 15 metres in height, or the replacement of any such mast, antenna or apparatus, if the replacement exceeds that height;

(iv) the use of buildings within the perimeter of an airport for purposes connected with air transport services or other flying activities at that airport.

2. Any development described in paragraph 1 of this Class, other than that described in sub-paragraph (ii) of paragraph 1, shall not be permitted development unless the airport operator has provided the Authority with full details of the proposed development at least 30 days before any development is commenced unless such development:-

(a) is in the opinion of the Director of Civil Aviation urgently required for the efficient running of the airport; and

(b) consists of the carrying out of works or the erection or construction of a structure or of an ancillary building, or the placing on land of equipment, and the works, structure, building or equipment do not exceed 4 metres in height measured externally or 100 square metres in floor area measured externally.

3. Any development which requires the airport operator to provide details of the

proposed development to the Planning Authority shall not be permitted development if the Authority within 30 days of the receipt of such information gives notice in writing to the airport operator that the development requires the submission of an application for development permission in accordance with Part IV of the Act.

4. For the purposes of this Class -;

“aircraft” included any type of aeroplane or aircraft

“operational land” or “operational building” mean land or a building used or required in connection with the movement or maintenance of aircraft, or with the embarking, disembarking, loading, discharge or transport of passengers, goods or livestock at an airport, and is land or a building owned by or under the control of the relevant airport operator.

CLASS 15

Lighting of buildings and structures

1. The external lighting of buildings and structures is permitted development, provided that where the site lies in a UCA, ODZ or in or adjoining a scheduled property, the developer shall have complied with the procedure of notification specified in article 6(1) and the Authority does not, within 30 days of such notification, give to the developer a notice in writing that the development requires a development permission in accordance with Part IV of the Act, and unless:-

(a) it involves the lighting of any sign or advertisement; or

(b) the primary purpose of the lighting is that of advertisement, announcement or direction; or

(c) it involves the lighting of an area larger than a building or structure.

CLASS 16

Mineral and Geological Exploration and Surveying

1. The following development is permitted under this Class without the requirement for notification specified in Article 6(1):

Development on any land for a period not exceeding 30 days and consisting of:

(i) the drilling of boreholes; or

(ii) the carrying out of seismic surveys,

unless it is an operation to be carried out within 50 metres of any part of a residential building or other non-commercial building.

CLASS 17

Works to Non-Residential Buildings

1. The following development is permitted under this Class without the requirement for notification specified in article 6(1):

(i) all internal alterations, except those involving or affecting shafts and internal yards;

(ii) maintenance;

(iii) the erection of lift wells or stairwells on the roof of a building, provided that -

(a) the lift well or stairwell is set back at least 4.25 metres from the facade of the building;

(b) the external height of the lift well or stairwell does not exceed 1.4 metres (5 courses) above any roof structure and not more than 3.4 metres (12 courses) above roof level;

(iv) the replacement or installation of plant and machinery for the purpose of an industrial process within industrial buildings or on land within the curtilage of industrial buildings:

Provided that, the new plant or machinery does not result in a change in the processes, operations or activities authorised for that site:

Provided further that, where the replacement or installation of plant or machinery is not within an industrial building -

(a) any plant or machinery would not exceed a height of 15 metres above ground level or the height of anything replaced whichever is the greater;

(b) any part would be within 5 metres of any boundary of the curtilage of the premises:

Provided that the replacement of or installation of plant and machinery within or outside an industrial building shall not be permitted development if the building or industrial land is located outside land zoned for industrial development in the Temporary Provisions Schemes or in a Local Plan; and

(v) the construction or installation of water cisterns or reservoirs, provided that it does not exceed -

(a) a height of 1.7 metres (6 courses) measured externally above ground level; or

(b) 100 square metres floor area measured externally.

2. The following development is permitted development under this Class, except in or on scheduled property, provided that the developer shall have complied with the procedure of notification specified in article 6(1) and where the site lies in a designated site or area, excluding a UCA or ODZ, or within 30 metres of a scheduled property the Authority does not, within 30 days of such notification, give to the developer a notice in writing that the development requires a development permission in accordance with Part IV of the Act:

the installation of not more than one satellite dish antenna on the roof of a building, or on a roof structure or at ground level within the curtilage of a building, provided that -

(a) the satellite dish antenna is set back at least 3 metres from the front facade;

(b) a satellite dish antenna located on the roof of a building shall not exceed 120 cms in diameter and a height of 1.5 metres above roof level;

(c) a satellite dish antenna located on the roof of a structure on the roof of a building shall not exceed 120 cms in diameter and a height of 1.5 metres above the roof level of the structure and shall be screened by a *franka* stone wall of not more than 1.4 metres (5 courses);

(d) a satellite dish antenna located at ground level shall not exceed a diameter of 220 cms and a height of 2.5 metres from ground level;

Provided that where located in a UCA or ODZ, the developer shall comply with the procedure of notification specified in article 6(1) and will not require the Authority's endorsement.

3. The following development is permitted under this Class provided that the developer shall have complied with the procedure of notification specified in article 6(1) and the Authority does not, within 30 days of such notification, give to the developer a notice in writing that the development requires a development permission in accordance with Part IV of the Act:

(i) the creation of one level of basement, limited to the footprint of the building, provided that the development -

(a) does not involve the creation of a new access to a road or a separate entrance to the basement; and

(b) is to be used for a purpose ancillary to the existing use of the building;

(ii) the erection of an extension,

Provided that -

(a) the floor area of the extension as measured externally does not exceed a total of 36 square metres, where the building is an industrial building, and 16 square metres measured externally where the building is any other non-residential building;

(b) where the extension is located on the roof of a building, the extension shall be set back at least 3 metres from the facade and shall not be higher than 2.8 metres above roof level measured externally; and

(c) only one extension not exceeding the total floor area permitted in (a) shall be allowed:

Provided further that an extension to an industrial building shall not be permitted development if that building is located outside land zoned for industrial development in the Temporary Provisions Schemes or in a Local Plan.

4. Provided that, unless otherwise specified, any development described in this Class shall not be permitted development if :-

(a) it involves or includes any development in an UCA, or in a scheduled property, or within 30 metres of scheduled property, or ODZ; or

(b) it results in the creation of additional, separate units or in a change of use;
or

(c) it requires an increase in parking provision.

5. For the purposes of this Class,

“non-residential building” means a building used for a purpose falling into Classes 2, 3, 4, 5, 6, 7, 8, 9, 11 and 12 of the Development Planning (Use Classes) Order, 1994, and includes also a hotel.

CLASS 18

Development related to Storm Water

The provision, construction and renewing of any storm water culvert under an existing road or within the highway boundary of any road indicated in a Temporary Provisions Scheme is permitted development under this Class, provided that where the site lies in a UCA or within 30 metres of a scheduled property the developer shall have complied with the procedure of notification specified in article 6(1) and the Authority does not, within 30 days of such notification, give to the developer a notice in writing that the development requires a development permission in accordance with Part IV of the Act; and provided further that the road or land is returned to its original condition and all operations are carried out within the highway boundary.

CLASS 19

The Placing of Tables and Chairs

1. The placing of tables and chairs, together with umbrellas, on public open space to serve an establishment falling into Class 6, Food and Drink, of the Development Planning (Use Classes) Order, 1994 (or as may be subsequently amended) is permitted under this Class provided that the developer shall have complied with the procedure of notification specified in article 6(1) and the Authority does not, within 30 days of such notification, give to the developer a notice in writing that the development requires a development permission in accordance with Part IV of the Act; and provided further that:

(i) where situated in a pedestrian area, a passage for pedestrians of at least 1.5m in width is left clear and unobstructed between any group of tables and chairs belonging to one establishment and

(a) any other such group belonging to any other establishment;

(b) any physical obstruction or building;

(ii) where situated on a pavement, a passage for pedestrians of at least 1.5m in width is left clear and unobstructed between any group of tables and chairs belonging to different establishments; and between the tables and chairs and the facade of any building or physical obstruction, or between the tables and chairs and the edge of the pavement;

(iii) the tables and chairs would not impair visibility at a road junction or otherwise pose a threat to the safety of pedestrians or vehicular traffic;

(iv) the tables and chairs are not placed on a highway used by vehicular traffic;

(v) the tables and chairs are not separated from the premises which they serve by a highway used by vehicular traffic, unless all three of the following conditions are satisfied:

- (i) the volume of traffic is less than 60 vehicles per hour in both directions;
- (ii) the speed of traffic is restricted to a maximum of 20 kilometres per hour and proper traffic calming measures are implemented to ensure that this speed is not exceeded (both the speed limitation and the traffic calming measures are to be approved beforehand by the Malta Transport Authority); and
- (iii) along the length of the road, there should be no car parking or other obstruction higher than 1.10 metres along the crossing area and up to 4 metres from each end;”.

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(vi) the tables and chairs do not obstruct access to any adjoining property;

(vii) any physical means of enclosing a group of tables and chairs shall be appropriately designed and maintained, and shall comply with the above subparagraphs; and

(viii) any umbrellas shall be sited within the group of tables and chairs and comply with the above subparagraphs.

2. For the purposes of this Class,

“pedestrian area” means a pedestrianised, piazza or other area to which vehicles do not access, but does not include a pavement;

“public open space” means a pavement, piazza, pedestrianised area or other area used predominantly by pedestrians.

CLASS 20

Tented structures

1. The erection of tented structures on land for not more than 6 months in any one calendar year is permitted under this Class provided that the developer shall have complied with the procedure of notification specified in Article 6(1) and the Authority does not, within 30 days of such notification, give to the developer a notice in writing that the development requires a development permission in accordance with Part IV of the Act; and provided further that -

(i) the use of the land covered by the tented structure is ancillary to the existing use of the land or building where it is to be placed;

(ii) the tented structure would not impair visibility at a road junction or otherwise pose a threat to the safety of pedestrians or vehicular traffic;

(iii) the tented structure is not placed on a highway used by vehicular traffic;
and

(iv) the tented structure does not obstruct access to any adjoining property.

2. For the purpose of this Class,

“calendar year” means a period of twelve months beginning with the day on which the use is first begun;

“tented structure” means a structure made of fabric with open sides.