

# CIRCULAR PA 4/02

- 1 NEW LEGISLATIVE AMENDMENTS
- 2 DEVELOPMENT CONTROL COMMISSION (DIVISIONS)
- 3 WEB SITE
- 4 LEISURE and RECREATION TOPIC PAPER
- 5 ADOPTION OF GRAND HARBOUR LOCAL PLAN

## INTRODUCTION

This Circular gives summary information about the legislative amendments to the Development Planning Act which have recently come into force; the appointment of a third division of the Development Control Commission; updating of web site; approval of the Leisure and Recreation Topic Paper and adoption of Grand Harbour Local Plan.

## 1 NEW LEGISLATIVE AMENDMENTS

### Timeliness of Decisions

- 1.1 The provisions of the amended Development Planning Act regarding the timeliness of decisions concerning development permit applications as specified in article 36 have come into force as from 25<sup>th</sup> March, 2002. These new provisions are only applicable to applications filed with the Authority on 25<sup>th</sup> March, 2002 or thereafter.
- 1.2 Applications for development which are “within a temporary provisions scheme boundary or a development boundary as indicated in a local plan” and being “in conformity with development plans and planning policies” shall be determined within twelve weeks from validation; provided that such period may be extended by the Authority, by an additional period of twenty-six weeks by posting a registered letter to the applicant giving reasons, based on planning issues, for such an extension.
- 1.3 The periods above mentioned shall not include the period taken for the submission of an acceptable environmental impact assessment or an environmental planning statement, or a traffic impact statement (when so required), or the time taken by consultees to respond to the Authority following consultation on matters included in the application, or when the Authority’s offices are closed (on shut-down). A request

for the carrying out of such assessments or statements or for consultations made with government departments or agencies made later than 28 days prior to the expiry of the original or extended period for determination, shall not be taken into account as interrupting such periods.

- 1.4 The period for determination shall also be suspended during such period, until the applicant at the Authority's request, submits amended plans or new information or a reply to an objection made by the Authority, provided such a request is not made later than 14 days prior to the expiry of the original or extended period for determination.
- 1.5 When the original or extended period for determination has expired, and the Authority has not taken a decision on the application, the applicant may request the Chairman by means of a registered letter that the application be dealt with in terms of article 36 (6). If it is ascertained that such an application was due to be so determined then an application report is drawn up within 5 working days and referred to the Chairman of the Board. The application shall be put on the agenda of the next sitting of the Authority or DCC, as the case may be, and it shall be determined whether it conforms to the provisions of the Act (namely whether it is "within a temporary provisions scheme boundary or a development boundary as indicated in a local plan" and whether it is "in conformity with development plans and planning policies"). If the application satisfies such requirements, a development permit shall be granted forthwith, with or without conditions. If such requirements are not satisfied, then the application is referred back to be processed according to law.
- 1.6 If the application is not brought up for determination after the registered letter has been sent or if the decision is not issued within 4 weeks from a decision taken in terms of such a procedure as aforesaid, then the Secretary shall issue forthwith a relative permit subject to standard conditions normally imposed in development permissions.
- 1.7 When an application does not fall "within a temporary provisions scheme boundary or a development boundary as indicated in a local plan" and is not "in conformity with development plans and planning policies", then it shall be determined within 26 weeks after validation, still subject to interruption of this time when a request for the carrying out of an EIA/EPS or TIS or for consultations made with government departments or agencies made not later than 28 days prior to the expiry of the original or extended period for determination.

**Suspension and Withdrawal of an application.**

- 1.8 The new provisions regulating suspension and withdrawal of an application have also come into force on 18<sup>th</sup> April, 2002. (article 32 (6)) When the Authority requests the applicant in writing, to submit further information or requests amended plans, and two months have elapsed with no communication having been received from applicant, then the Authority shall notify the applicant that the application is being

suspended. If no response is received from applicant after the elapse of two months from the service of such a notice, the application shall be considered as having been suspended *ex lege*. The applicant may request an extension of time for the submission of information or amended plans, in which case the period of two months shall be extended by two months.

- 1.9 An application shall be deemed to be withdrawn if it remains suspended for a period of six months and it is not reactivated by the applicant, by giving notice in writing giving the information or amended plans so requested.

## **2 NEW DEVELOPMENT CONTROL DIVISIONS**

- 2.1 A new DCC division has been appointed and the membership of the three divisions has been reorganised. Different types of applications have been assigned to the divisions as follows:

- 2.2 Division A chaired by Perit Victior Torpiano shall deal with the following types of applications:

- i) Hotels, including extensions and/or additions;
- ii) Sports and entertainment projects with a seating capacity for more than 200 persons;
- iii) Commercial projects with minimum site area of 750m<sup>2</sup> and with a total floorspace area of not less than 3,000m<sup>2</sup>;
- iv) Any industrial use or warehousing with a minimum site area of 1,000m<sup>2</sup> and with a total minimum floorspace area of not less than 4,000m<sup>2</sup>;
- v) Hospitals;
- vi) Schools, including extensions and/or additions to such schools;
- vii) Waste disposal, sewage treatment and recycling plants;
- viii) Residential projects which form part of one complex having not less than 30 residential units and social or public housing projects;
- ix) Projects which fall within a development brief area or within an area identified by a Local Plan for the preparation of a development brief;
- x) Aviation and maritime projects;
- xi) Harbour works;
- xii) Infrastructure and utilities projects;
- xiii) Public transport facilities and traffic management schemes;
- xiv) Public health projects;
- xv) Embellishment of public areas;
- xvi) Community centres;
- xvii) Public education facilities;
- xviii) Old people's homes and caring institutions;
- xix) Places of public worship;
- xx) Large scale distribution centres;
- xxi) Public museums;
- xxii) Telecommunication facilities;
- xxiii) Development to be located outside development zones;
- xxiv) Development to be located in a 'white area', which although being located within the development zone, has no specific designation for development;
- xxv) Development proposed to be located in an area regulated by villa zoning/conditions; and

- xxvi) Development proposed to be located in an area regulated by bungalow zoning/conditions.

2.3 Division B chaired by Perit Carmel Ellul, except for development proposed within an urban conservation area boundary or village core boundary, or listed in any of the developments described above, shall deal with the following types of development permission applications:

- i) Development located within an existing built up area or affecting an existing building located within a development zone boundary;
- ii) Development proposed to be located within terraced house zoning; and
- iii) Development in home ownership schemes.

2.4 Division C chaired by Perit Paul Borg except for developments to be determined by Division A, shall deal with the following types of development permission applications:

- i) Development proposed within an urban conservation area boundary, or village core boundary; and
- ii) Other development permission applications which are not covered by any of the developments as described above.

### **3 WEB SITE DEVELOPMENT**

3.1 The web site has been revamped integrating the Environment Protection Directorate under the newly designated Malta Environment and Planning Authority incorporating a corporate section and links to the environment and planning sections. The new web site address is <http://www.mepa.org.mt>

Some new links to e-magazines have been added as follows together with links to international organisations which should be of interest to architects and planners:

#### **E-MAGAZINES**

KATARXIS, a new webzine dedicated exclusively to Classical and Traditional Architecture and Urbanism, as it is reflected and practiced in many places of the contemporary world.

<http://luciensteil.tripod.com/katarxis/index.html>

Archimagazine - an Italian magazine of architecture and design.

<http://www.archimagazine.com/>

Architecture Ink - a monthly architectural journal which presents ideas, observations, and critiques of the built environment.

<http://www.architectureink.com/>

News, Articles and Publications about architecture from around the net & world

<http://www.plannet.com/>

New Urban News –connecting to the latest developments in new urbanism and smart growth

<http://www.newurbannews.com/>

DESIGN ARCHITECTURE is an excellent and informative web-magazine on contemporary architecture

<http://www.designarchitecture.com/>

ARCHICOOL is a French web-magazine on architecture, urbanism and planning with weekly updated news and in depth articles and interviews.

<http://www.archicool.com/>

A journal of the built and natural environments

<http://www.terrain.org/default.htm>

#### **ASSOCIATIONS & INSTITUTIONS**

I.N.T.B.A.U, the International Network for Traditional Building Arts & Urbanism, promotes cooperation between all those who design, make or enjoy traditional buildings, architecture and places.

<http://www.intbau.org/>

A vision of Europe – Architecture and a human approach for the European City

<http://www.avoe.org/>

## **4 LEISURE and RECREATION TOPIC PAPER**

- 4.1 Leisure and recreation, whatever their scale, have become an undeniable fact of modern life. The amount of free time, the quest for open spaces and the level of disposable income have increased over the last decades in Malta, in line with prevailing trends in the western world. This has resulted in increased demand for leisure facilities, especially within urban areas.
- 4.2 Within this context, the Planning Authority has just completed a study on leisure and recreation as part of the Structure Plan Review process. Leisure and recreation facilities are broadly subdivided into five categories, namely land-based/nautical sports, outdoor rural recreational areas, outdoor urban recreational areas, catering establishments and cultural/entertainment attractions. The study examines the distribution of such recreational facilities from a predominantly strategic perspective, and includes a detailed assessment of the need for future provision for various recreational activities.
- 4.3 The study suggests that the Structure Plan Review will need to address the following land use issues (amongst others):
  - enhancing the standards of provision for urban recreational facilities;
  - catering establishments in town centres and selected neighbourhood centres;
  - the multi-use, sharing and upgrading of existing sports facilities, together with the better utilisation of sports facilities located in schools;
  - provision of new sports facilities at a local and national level;

- channelling the demand for the provision of coastal facilities and premises towards coastal areas that are already developed/ committed with such facilities;
- avoiding conflicting watersport activities, discouraging the provision of beach concessions, whilst restricting the construction of boathouses and/or beachrooms;
- need to provide more varied primary and secondary attractions, to upgrade the existing offer; and
- encourage leisure initiatives (like the construction of cinemas and theatres) to vary the product offer and/or revitalise night-time activities in town centers/specific locations.

## **5 ADOPTION OF GRAND HARBOUR LOCAL PLAN**

- 5.1 The Grand Harbour Local Plan has now been approved by Minister and therefore adopted as an approved development plan as from 26<sup>th</sup> April, 2002. The document is available on the web site in Official Manual.

**Godwin Cassar**  
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30<sup>th</sup> April, 2002