

## **Megalithic Temples of Malta (Malta) (C132 bis)**

### **Proposal for a Minor Boundary Modification – establishment of buffer zones**

Further to the State Party's boundary clarification submitted in 2005 concerning the buffer zones of the World Heritage property the 'Megalithic Temples of Malta' and in response to the World Heritage Centre's request of 3<sup>rd</sup> September 2012 to propose a minor boundary modification concerning the establishment of buffer zones for the said inscription, please find below a proposal for a minor boundary modification in accordance with Annex 11 of the Operational Guidelines.

#### 1. Area of the property (in hectares)

##### a) area of property as inscribed:

Ġgantija (132-001):	0.715 ha
Ħaġar Qim (132-002):	0.813 ha
Mnajdra (132-003):	0.563 ha
Ta' Ħaġrat (132-004):	0.154 ha
Skorba (132-005):	0.103 ha
Tarxien (132-006):	0.807 ha

##### b) area of the proposed buffer zone:

Ġgantija (132-001):	33 ha
Ħaġar Qim (132-002):	63 ha – buffer zone is shared with Mnajdra
Mnajdra (132-003):	63 ha – buffer zone is shared with Ħaġar Qim
Ta' Ħaġrat (132-004):	60 ha – buffer zone is shared with Skorba
Skorba (132-005):	60 ha – buffer zone is shared with Ta' Ħaġrat
Tarxien (132-006):	11 ha

#### 2. Description of the modification

The State Party is proposing that the national buffer zone which exists for all of the six sites in the property is adopted by the World Heritage Committee.

Due to the proximity of Ta' Ħaġrat to Skorba, and of Ħaġar Qim to Mnajdra, these two pairs of sites each share a single buffer zone, bringing the total number of buffer zones to four.

#### 3. Justification for the modification

Buffer zones for the Megalithic Temples will ensure that the setting of these monuments is protected through the strict monitoring and control of development within these areas. Other archaeological remains within the property's buffer zone will also be protected.

#### 4. Contribution to the maintenance of the Outstanding Universal Value:

Scheduling of these sites is enabling Maltese authorities to control development within the established buffer zones. In cases where land within the buffer zone is already developed, such as Tarxien and part of the buffer zone around Ta' Ħaġrat and Skorba, redevelopment is controlled and irreversible changes to the landscape, such as rock-cutting are usually prohibited. In instances where the buffer zone lies outside the area committed to development, a more comprehensive protection of the landscape is permitted. These measures ensure the preservation of the properties together with their setting, allowing appreciation of the monuments even from a distance.

## 5, 6. Implications for legal protection and management arrangements

The principal legal instrument for the protection of cultural heritage resources in Malta is the Cultural Heritage Act (2002 and subsequent amendments) (Annex 5), which provides for and regulates national bodies for the protection and management of cultural heritage resources. Building development and land-use is regulated by the Environment and Development Planning Act (2010 and subsequent amendments) (Annex 6), which provides for and regulates the Malta Environment and Planning Authority. All six megalithic temples are formally scheduled by the Malta Environment and Planning Authority as Grade A archaeological sites, and both sites and their buffer zones are subject to wide-ranging restrictions of building development. The application of these restrictions varies according to the local context. Details on specific restrictions for each site can be found in the following documents:

- Structure Plan for the Maltese Islands [second document, ARC Policies: pgs 113-115]: Annex 7

<http://www.mepa.org.mt/lpg-structureplan>

- Gozo and Comino Local Plan [pgs 112, 160-1]: Annex 8

<http://www.mepa.org.mt/gclp-docs>

- North West Local Plan [pgs 124-125, 214, 263-264]: Annexes 9, 9a

<http://www.mepa.org.mt/nwlp-docs>

- South Malta Local Plan [pg. 55]: Annex 10

<http://www.mepa.org.mt/smlp-docs>

## 7. Maps

Ggantija (132-001):	Annex 1
Haġar Qim (132-002):	Annex 2
Mnajdra (132-003):	Annex 2
Ta' Haġrat (132-004):	Annex 3
Skorba (132-005):	Annex 3
Tarxien (132-006):	Annex 4

## 8. Additional Information

Cultural Heritage Act (2002 and subsequent amendments): Annex 5

Environment and Development Planning Act (1992 and subsequent amendments): Annex 6

Structure Plan for the Maltese Islands: Annex 7

Gozo and Comino Local Plan: Annex 8

North West Local Plan: Annex 9

North West Local Plan Section 2: Annex 9a

South Malta Local Plan: Annex 10

## Malta Environment & Planning Authority

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Bounding Co-Ord. of Map :-

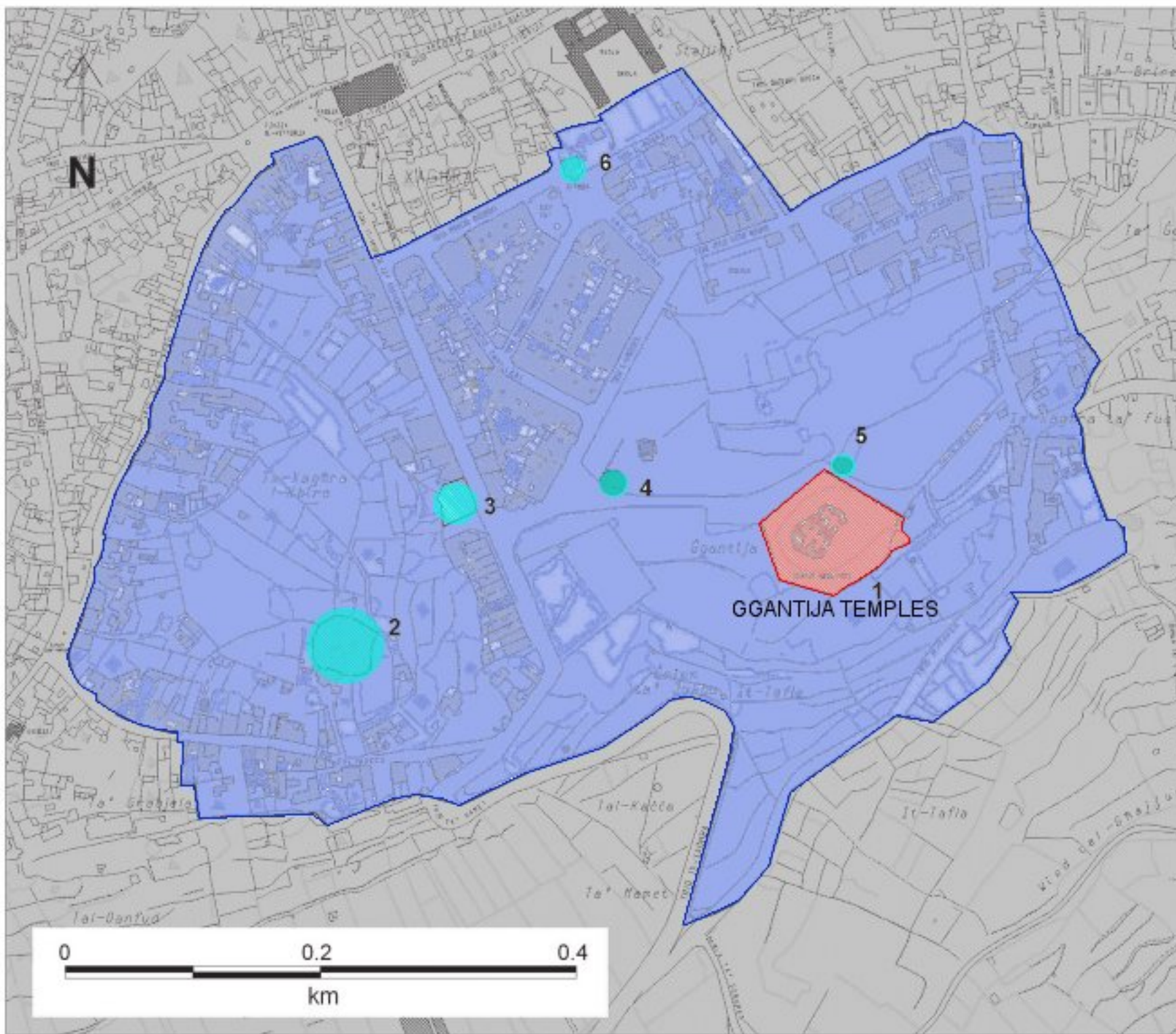
Min E33573, N89244

Max E34499, N90077

Title :-


### Amendment to Scheduling Ggantija Area of Archaeological Importance

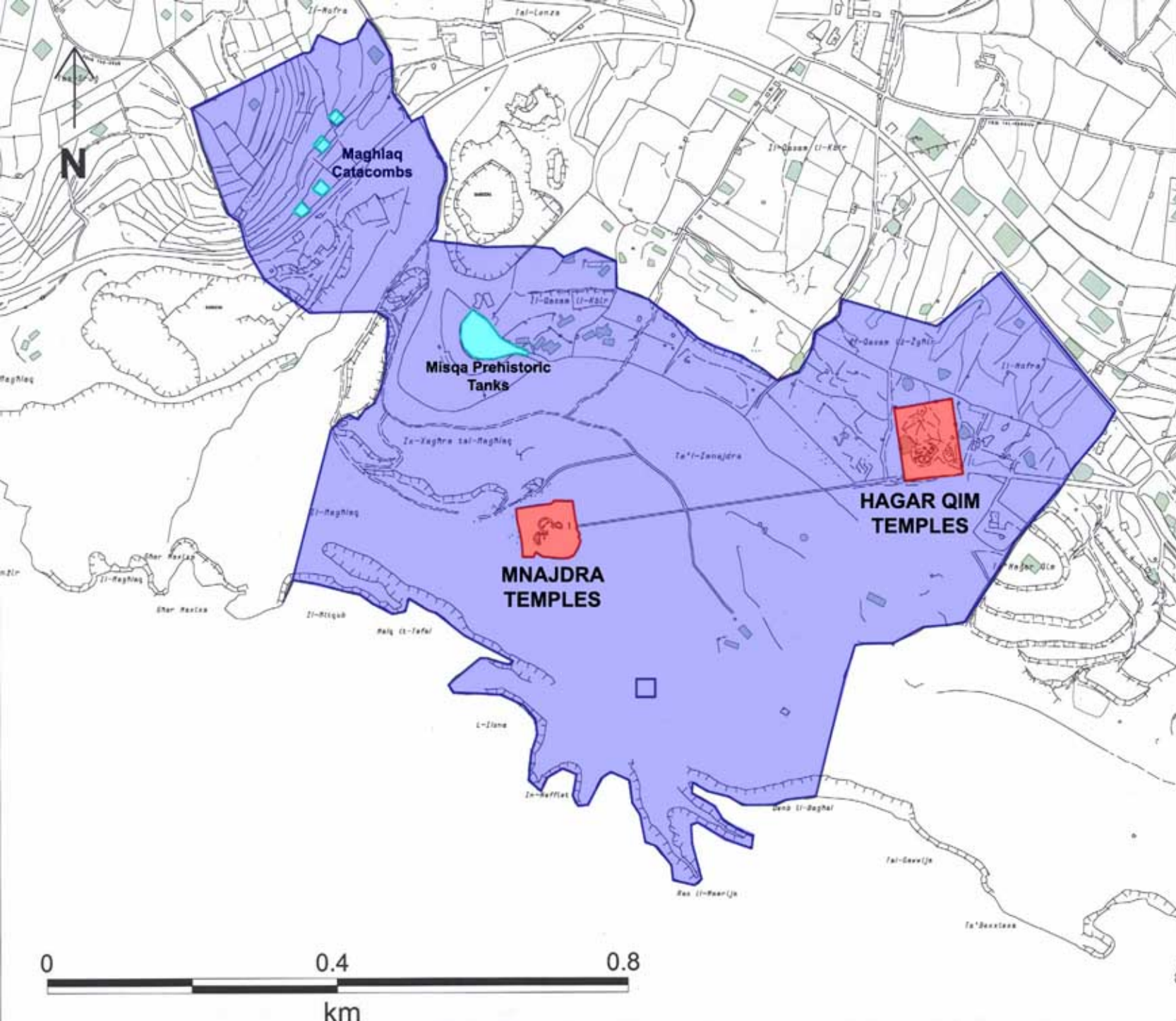
Ref No. :- GF 270/97



 World Heritage Site

 Buffer Zone

 Other Archaeological Sites



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**MALTA ENVIRONMENT  
 AND PLANNING  
 AUTHORITY**

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 Min E48360, N64348  
 Max E50211, N66013

Title :-  
**Hagar Qim & Mnajdra  
 Temples**  
 Ref No. :- GN. No. 241/97

Site scheduled as per GN.  
 No. 241/97 published  
 on 7th April 1997

- World Heritage Site
- Buffer Zone
- Other Archaeological Sites

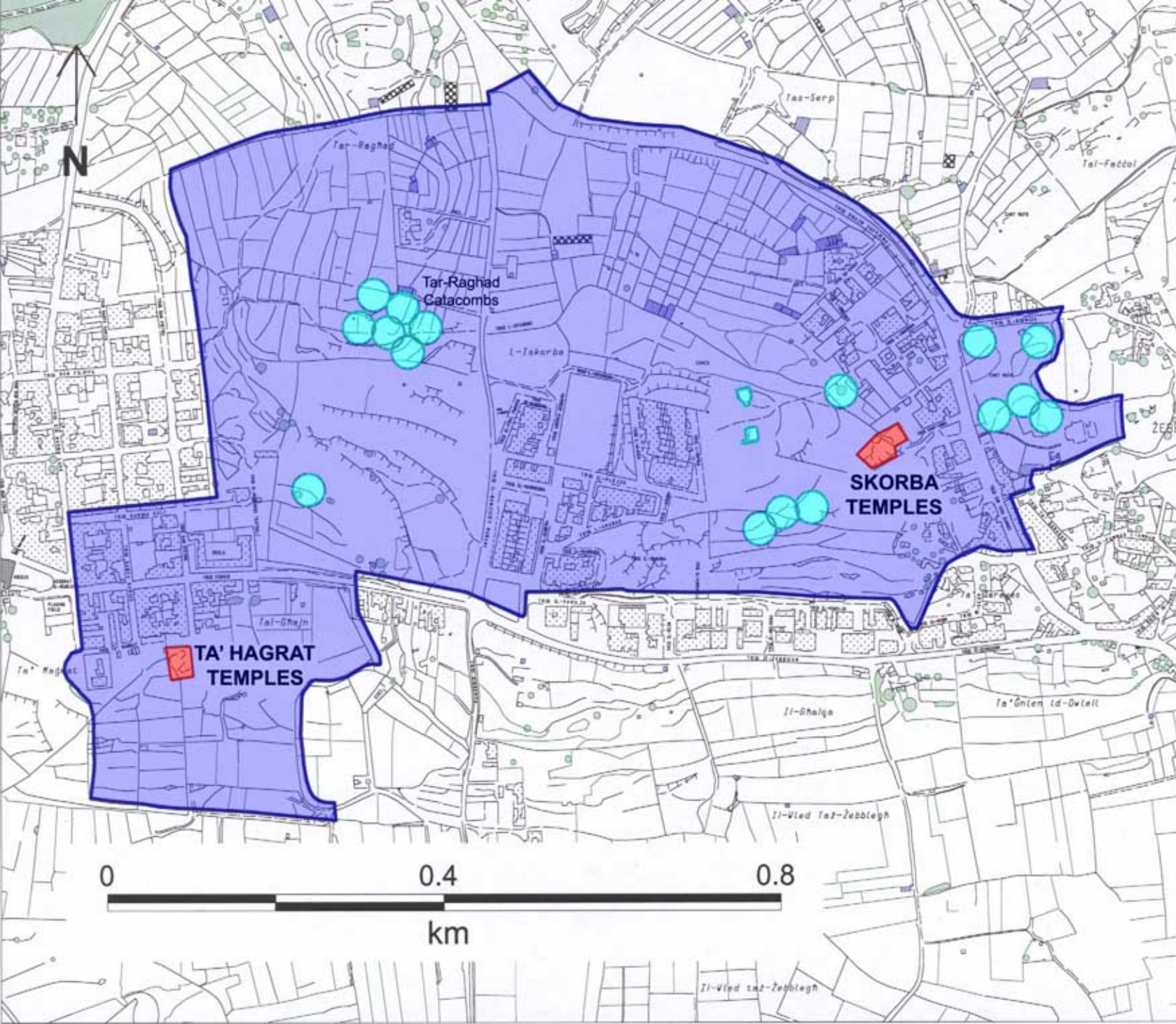


# MALTA ENVIRONMENT AND PLANNING AUTHORITY

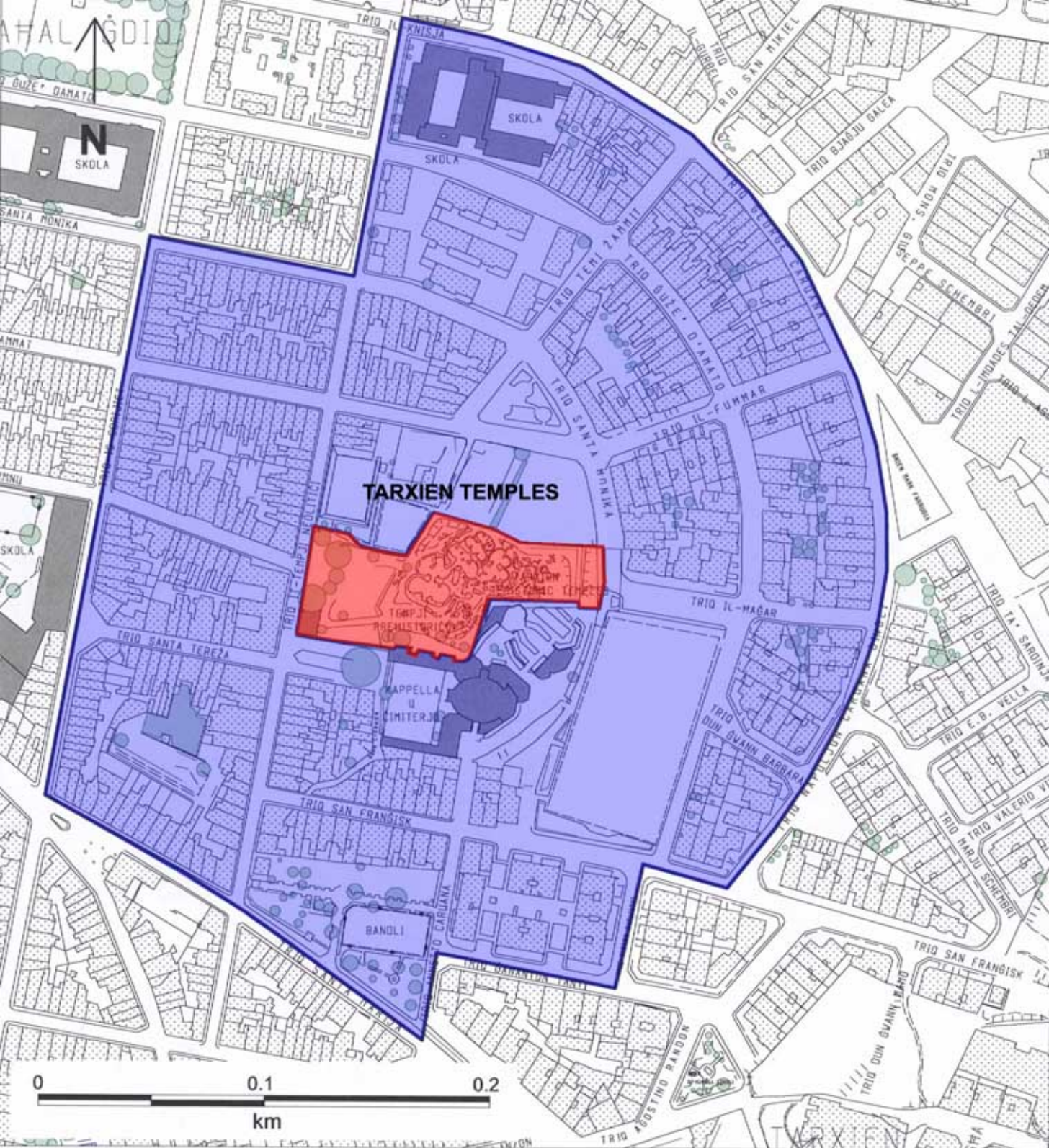
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Min E42656, N74717  
Max E44507, N76382

Title :-  
**Skorba & Ta' Hagraat  
Temples**  
Ref No. :- GN. No. 764/98

Site scheduled as per GN.  
No. 764/98 published  
on 16th August 1998



- World Heritage Site
- Buffer Zone
- Other Archaeological Sites



MALTA ENVIRONMENT & PLANNING AUTHORITY

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Bounding Co-Ords.of Map:- Min E55791, N69534 Max E532141, N699991

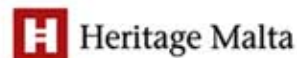
Title :-

Tarxien Temples

Site scheduled as per GN. No. 829/98  
published on 3rd November 1998

- World Heritage Site
- Buffer Zone

Ref No. :- 829/98



**CHAPTER 445****CULTURAL HERITAGE ACT**

*To make provision in place of the Antiquities (Protection) Act, Cap. 54 for the superintendence, conservation and management of cultural heritage in Malta and for matters ancillary thereto or connected therewith.*

3rd May, 2002;  
15th August, 2002;  
21st October, 2002;  
1st January, 2003

*ACT VI of 2002, as amended by Acts XVIII of 2002, II of 2005 and XXXII of 2007; Legal Notice 426 of 2007; and Act XXIII of 2009.*

## Arrangement of Act

	Articles
PART I Preliminary	1-3
PART II Principles and General Duties	4-6
PART III Constitution, Composition and Functions of Entities	7-16
PART IV Administrative and Personnel Provisions	17-19
PART V Financial Provisions	20-30
PART VI Conservation Professionals	31-39
PART VII Special Powers of the State	40-51
PART VIII Religious Cultural Heritage	52
PART IX Offences	53-54
PART X Regulations	55
PART XI Miscellaneous	56-57
SCHEDULE Rate of Export Duty	

## PART I

## PRELIMINARY

- Short title.                   1.     The short title of this Act is the Cultural Heritage Act.
- Interpretation.               2.     In this Act, unless the context otherwise requires:  
*Amended by:*  
*XXXII. 2007.19.*
- "Agency" means the operating agency set up under article 8;
- "Centre" means the Malta Centre for Restoration referred to in article 10;
- "co-ordinate" means exchanging views orally or in writing, before a decision or action is taken, with a view to avoiding conflicts, waste and errors or of putting a remedy thereto;
- "Committee" means the Committee of Guarantee established by article 14;
- "conservation" means any activity required to maximise the endurance or minimise the deterioration of any cultural property as far as possible, and includes examining, testing, treating, recording and preserving any such cultural property or any part thereof;
- "Conservation and Protection Order" shall have the meaning assigned to it in article 47;
- "conservator-restorer" means a professionally qualified person holding a warrant under this Act;
- Cap. 226.                    "contiguous zone" has the meaning as is assigned to it by the [Territorial Waters and Contiguous Zone Act](#);
- "cultural heritage" means movable or immovable objects of artistic, architectural, historical, archaeological, ethnographic, palaeontological and geological importance and includes information or data relative to cultural heritage pertaining to Malta or to any other country. This includes archaeological, palaeontological or geological sites and deposits, landscapes, groups of buildings, as well as scientific collections, collections of art objects, manuscripts, books, published material, archives, audio-visual material and reproductions of any of the preceding, or collections of historical value, as well as intangible cultural assets comprising arts, traditions, customs and skills employed in the performing arts, in applied arts and in crafts and other intangible assets which have a historical, artistic or ethnographic value;
- "cultural property" means movable or immovable property forming part of the cultural heritage;
- Cap. 356.                    "development" has the meaning assigned to it in the [Development Planning Act](#);
- "Entities" means the Superintendence, the Agency, the Centre, the Committee and the Fund, and Entity shall be construed accordingly;
- "exploration" means an activity on land or at sea or in the contiguous zone, carried out with the intention of discovering new data regarding the cultural heritage and which may result in the discovery of movable or immovable items of cultural heritage value



not yet documented on the national inventory of cultural property;

"financial year" means the period of twelve months ending on the 31st December in any year:

Provided that the financial year which commenced on the 1st October, 2007 shall be for a period of fifteen months and shall terminate on the 31st December, 2008;

"Forum" means the National Forum for Cultural Heritage established in article 15;

"function" includes responsibilities, powers and duties;

"Fund" means the Cultural Heritage Fund established by article 16;

"guardianship" and "guardianship deed" shall have the meaning respectively assigned to them in article 48;

"integrated conservation" means the whole range of measures aimed at ensuring the perpetuation of the cultural heritage, its maintenance as part of an appropriate environment, whether man-made or natural, its utilisation and its adaptation to the needs of society. Such an objective is to be achieved through the revitalisation and integration of cultural heritage within the physical environment of present-day society and by assigning a social function to such cultural heritage compatible with its dignity and its setting;

"investigation" means any activity for the purpose of obtaining and recording any information relating to cultural heritage and includes any works for the purposes of identifying, discovering, excavating, revealing, recovering and removing any object or material situated in, on or under any cultural property;

"holder" shall mean the person physically holding a cultural object on behalf of third parties;

"Local Council" means a local council established under the [Local Councils Act](#);

Cap. 363.

"Minister" means the Minister responsible for cultural heritage, and includes, to the extent of any authority given, any person specifically authorised by the Minister for any of the purposes of this Act;

"mission" means the purpose and objective of an organization;

"museum" means a permanent institution in the service of society and of its development, and open to the public, which acquires, collects, conserves, researches, documentates, communicates and exhibits for the purpose of study, education and enjoyment of cultural heritage and associated information of humankind and its environment for the public benefit;

"owner" in relation to any cultural property includes the directus dominus, the sub directus dominus, the emphyteuta, the sub emphyteuta, the bare owner and the usufructuary;

"officer" and "employee" includes a public officer detailed for duty in any of the entities, committees or bodies established under

this Act;

Cap. 356. "Planning Authority" means the Authority established under the [Development Planning Act](#);

"possessor" means the person physically holding the cultural object in his own name;

"prescribed" means prescribed under this Act;

"public officer" has the same meaning assigned to it by article 124 of the [Constitution](#);

"restoration" means a highly specialised activity to conserve the integrity of cultural heritage, and to reveal its cultural values and to improve the legibility of its original state, form and design, within the limits of still existing material. Such activity must be based on a critical and historical process of evaluation and not on conjecture;

"right of preference" means the right granted to the Superintendent by and in accordance with article 40;

"Superintendence" means the Superintendence of Cultural Heritage established by article 7 and "Superintendent" means the Superintendent of Cultural Heritage referred to in the same article;

"surveillance" means an activity by the Superintendence which includes an activity related to the control, direction, monitoring, regulation, investigation and recording of cultural heritage, and includes any activity in relation thereto;

"suspension notice" has the meaning assigned to it in article 46;

Cap. 226. "territorial waters" has the meaning assigned to it in the [Territorial Waters and Contiguous Zone Act](#), and includes any waters enclosed between the baselines therein mentioned and the coast;

"warrant means the warrant granted in accordance with Part VI of this Act, and warrant holder shall be construed accordingly.

Objects to which provisions of this Act apply.

**3.** For the purposes of this Act, an object shall not be deemed to form part of the cultural heritage unless it has existed in Malta, including the territorial waters thereof, or in any other country, for fifty years, or unless it is an object of cultural, artistic, historical, ethnographic, scientific or industrial value, even if contemporary, that is worth preserving.

## PART II

### PRINCIPLES AND GENERAL DUTIES

Principles and duties.

**4.** (1) The provisions of the following subarticles of this article and of the other articles of this Part shall not be enforceable in any court of law, however the principles therein contained are fundamental to the protection of the cultural heritage and it shall be the aim of the State to apply the same and to be guided thereby.

(2) Every citizen of Malta as well as every person present in Malta shall have the duty of protecting the cultural heritage as well as the right to benefit from this cultural heritage through learning and enjoyment. The cultural heritage is an asset of irreplaceable

spiritual, cultural, social and economic value, and its protection and promotion are indispensable for a balanced and complete life.

(3) The State in Malta shall have the duty of establishing and maintaining administrative and regulatory structures of superintendence so as to ensure that this heritage is protected and conserved, as well as such other structures as are required for the management of the care, exposition and appreciation of this heritage.

(4) The duty to protect includes the duty to documentate, conserve, maintain, restore and includes the duty to intervene whenever deemed fit, including in circumstances of misuse, lack of conservation or application of wrong conservation methods. Such duty to protect also includes the duty to encourage the sustainable use and maintenance of the cultural heritage resource, in accordance with the principles of integrated conservation, including that of:

- (a) encouraging the integration of conservation and management practices with respect to cultural heritage at all levels of government, local government, the private sector and voluntary sector;
- (b) ensuring that conservation, management and other initiatives affecting cultural heritage take account of policies of social inclusion;
- (c) ensuring that conservation, land planning and other initiatives affecting cultural heritage areas take into account the social fabric of existing communities and strive to improve the living conditions for all levels of society. Such initiatives should ensure, where possible, that they do not precipitate negative changes to the social fabric of the population of any given locality intervened upon;
- (d) promoting public awareness of the richness and extent of cultural heritage as an intrinsic part of humankind's environment, and of the need to prevent the debasement of cultural heritage assets upon which depends the quality of that same environment, and of the cultural, economic and social reasons justifying its protection;
- (e) taking into consideration the special problems of cultural heritage conservation, maintenance and management in anti-pollution policies;
- (f) promoting fiscal and financial policies aimed at encouraging owners of cultural heritage to maintain, conserve, protect and make good use of such property.

(5) The duty to make accessible includes the duty to exhibit, to research, to render accessible for research, study and enjoyment, the cultural heritage and to promote knowledge, appreciation and awareness of this heritage within the principle of social inclusion. The right of access to, and benefit from, the cultural heritage does not belong merely to the present generation. Every generation shall have the duty to protect this heritage and to make it accessible for

future generations and for all mankind.

Conditions.

5. In performing its duty the State may delegate any of the duties set out in article 4 to entities already in existence, or to other public or non-statal entities which may be established for the purpose, provided that the State shall:

- (a) publish the conditions under which such delegation is given;
- (b) reserve the public ownership of all that is put in trust by such delegation;
- (c) reserve the right of superintendence.

Priority of cultural heritage.

6. The protection, promotion and accessibility of the cultural heritage shall be given very high priority in deciding public policy in all fields of activity in Malta.

### PART III

#### CONSTITUTION, COMPOSITION AND FUNCTIONS OF ENTITIES

Superintendence.

7. (1) There shall be a Superintendence of Cultural Heritage, under the responsibility and management of the Superintendent of Cultural Heritage. The mission of the Superintendence is to fulfil the duties of the State to ensure the protection and accessibility of cultural heritage as defined in this Act.

Legal personality and judicial representation.

(2) The Superintendence shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, or suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act.

(3) The legal and judicial representation of the Superintendence shall vest in the Superintendent provided that the Superintendent may appoint any person, including any one or more of the officers or employees of the Superintendence, to appear in its name and on its behalf in any judicial proceedings and on any act, contract, instrument or other document whatsoever.

Appointment of Superintendent.

(4) The Superintendent shall be appointed by the Minister for a period of not more than five years under such terms and conditions as established in his letter of appointment. On the expiry of his term a person may be reappointed for a further term or terms.

Functions and duties of the Superintendence.

(5) It shall be the function of the Superintendence:

- (a) to establish, update, manage and, where appropriate, publish, or to ensure the compilation of, a national inventory of cultural property belonging:
  - (i) to the State or State institutions,
  - (ii) to the Catholic Church and to other religious denominations,

- (iii) to Foundations established in these islands,
  - (iv) to physical and juridical persons when the cultural property has been made accessible to the public, or when such persons have given their consent for such a purpose;
  - (b) to exercise surveillance over the protection, conservation, restoration, maintenance, exhibition and accessibility of cultural property;
  - (c) to promote research in the field of cultural heritage and to conduct excavations and other investigations which may be required so that objects or aspects of cultural heritage be discovered, cared for and appreciated;
  - (d) to authorise excavations, as well as to monitor excavations ensuring that such excavations, their documentation and the exhibition of the results thereof follow scientific methods and employ the best technology possible;
  - (e) to ensure that adequate documentation is kept and archived in relation to excavation, exploration and search for antiquities, the conservation of cultural property and discoveries resulting from environment impact assessments;
  - (f) to promote and ensure the best policies, standards and practices in the conservation and presentation of artefacts, collections, museums, buildings, monuments and sites;
  - (g) to advise and coordinate with the Planning Authority action in safeguarding cultural heritage when considering applications for planning permission relating to development affecting objects, sites, buildings or landscapes which form part of the cultural heritage;
  - (h) to advise the Minister with regard to cooperation with other governments and international organizations in the field of the protection of the cultural heritage;
  - (i) after consulting the Committee, to advise the Minister on the need of enforcing urgent repair or conservation works in accordance with article 42, as well as to the need for the compulsory acquisition of sites or buildings by the Government in accordance with the Land Acquisition (Public Purposes) Ordinance for the better protection of the cultural heritage;
  - (j) generally to advise the Minister on all matters relating to the cultural heritage and cultural property;
  - (k) to perform such other functions under this or any other law as well as such other functions as the Minister may from time to time assign to it.
8. (1) There shall be an operating agency hereinafter in this Operating agency.

Cap. 88.

Act referred to as the Agency to be called "Heritage Malta". The mission of the Agency is to ensure that those elements of the cultural heritage entrusted to it are protected and made accessible to the public as defined in this Act.

(2) The Agency shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, or suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act.

Legal and judicial representation.

(3) The legal and judicial representation of the Agency shall vest in the Chairperson, provided that the Chairperson may appoint the Chief Executive Officer or any one or more of the officers or employees of the Agency, to appear in its name and on its behalf in any judicial proceedings and on any act, contract, instrument or other document whatsoever.

Functions of Agency.

(4) It shall be the function of the Agency:

- (a) to ensure that museums, collections, sites, buildings and property, movable or immovable, forming part of the cultural heritage, owned or administered by it, are conserved, restored, administered, managed, operated, marketed, studied and presented for exhibition, in the best way possible;
- (b) to acquire in property or in trust objects, collections of objects, sites, buildings, for the Museums, collections, sites and buildings;
- (c) to perform or commission, in each case under the surveillance of the Superintendent, the restoration or conservation of cultural property owned or otherwise held or administered by it;
- (d) to coordinate with the Malta Tourism Authority, the Planning Authority and other pertinent bodies, measures which are deemed necessary so that objects, sites and buildings forming part of the cultural heritage are protected and made accessible through any necessary conservation, maintenance, restoration, exhibition and promotion;
- (e) to promote public knowledge, education, appreciation and enjoyment of the cultural heritage;
- (f) in coordination with the Superintendence to consult with Local Councils in the preservation of the cultural heritage in their locality; and
- (g) to perform such other functions which the Minister may from time to time assign to it.

(5) (a) For the purpose of ensuring the better conservation, restoration, management, administration, marketing, exhibition, presentation or study of any particular part of the cultural heritage, the Agency may, with the written approval of the Minister, acting in consultation

with the Superintendent, either delegate any of its functions to any existing entity or to any entity to be established, whether public or private, or a partnership thereof, as may be necessary, and in every case under such conditions as established by the superintendent and approved and published by the Minister in the Gazette, provided that whenever the delegation above-mentioned consists in an act of guardianship there shall be followed the provisions of article 48.

(b) The Agency may, where appropriate, also fulfil its functions directly through its own resources.

(6) The Agency shall give the Superintendent all information that he may require in order to enable him to perform his functions under this Act.

9. (1) The Agency shall be governed by a Board of Directors consisting of not less than five and not more than nine members, one of whom shall be the Chairperson, another the Deputy Chairperson, and a member nominated by the Minister responsible for Gozo.

Board of Directors.

(2) The members of the Board shall be appointed by the Minister for a period of not less than three years but not more than five years as may be determined in their letter of appointment. Members of the Board may, on the expiration of their term of office, be reappointed.

(3) The functions of the Board shall be:

- (a) to determine the policy and strategy of the Agency;
- (b) to employ and manage the human resources required to achieve the aims of the Agency;
- (c) to ensure the proper financial administration of the Agency;
- (d) to ensure the collaboration with other local and foreign bodies necessary for achieving the aims of the Agency.

(4) The Board shall appoint a Chief Executive Officer who shall be responsible to the Chairperson and the Board, and the appointment shall be for a period of not more than three years under such terms and conditions as stated in his letter of appointment. On the expiry of his term a person may be reappointed for a further term or terms.

(5) The meetings of the Board shall be called by the Chairperson, either on his own initiative or at the request of any two of the other members.

(6) Half the number of members for the time being constituting the Board shall form a quorum. Decisions shall be adopted at a meeting at which a quorum is present by a simple majority of the members present and voting. The Chairperson shall have an initial vote and, in the event of an equality of votes, a casting vote.

(7) Any member who has a direct or indirect interest in any contract or other action made or proposed to be made by the

Agency, where such interest exists, shall disclose the nature of his interest at the first meeting of the Board after the relevant facts have come to his knowledge. Such disclosure shall be recorded in the minutes of the meeting, and such member shall withdraw from any meeting while such matter is discussed or decided by the Board.

(8) Subject to the provisions of this Act, the Board may regulate its own proceedings.

(9) Any document purporting to be an instrument made or issued by the Agency and signed by the Chairperson on its behalf shall be received in evidence and shall, unless the contrary is proved, be deemed to be an instrument made or issued by the Agency.

Malta Centre for  
Restoration.  
*Amended by*"  
*II. 2005.50.*

**10.** (1) (a) The Malta Centre for Restoration established by the Minister responsible for education together with the University of Malta is hereby re-established and reconstituted as a body corporate having a distinct legal personality capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, of suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act.

(b) The mission of the Centre is to become a centre of excellence for the teaching, training, research and practice of conservation, restoration, maintenance, management and presentation of the cultural heritage, and to provide conservation and restoration services and consultation as may be required by other bodies, both public and private.

(2) The legal and judicial representation of the Centre shall vest in the Chairperson, provided that the Chairperson may appoint the Director or any one or more of the officers or employees of the Centre, to appear in its name and on its behalf in any judicial proceedings and on any act, contract, instrument or other document whatsoever.

(3) The Centre shall be governed by a Board of Directors consisting of not less than five and not more than nine members appointed by the Minister, one of whom shall be the Chairperson and another the Deputy Chairperson.

(4) The functions of the Board shall be -

- (a) to determine the policy and strategy of the Centre;
- (b) to employ and manage the human resources required to achieve the aims of the Centre;
- (c) to ensure the proper financial administration of the Centre;



(d) to ensure collaboration with local and foreign bodies, necessary for achieving the aims of the Centre.

(5) The Board shall appoint a Director of the Centre who shall be the Chief Executive Officer of the Centre and who shall be responsible to the Chairperson and the Board.

(6) The meetings of the Board shall be called by the Chairperson either on his own initiative or at the request of any two of the other members.

(7) Three members of the Board shall form a quorum at its meetings. Decisions shall be adopted at a meeting at which a quorum is present by a simple majority of the members present and voting. The Chairperson, or other person chairing the meeting, shall have an initial vote and, in the event of an equality of votes, a casting vote.

(8) Any member who has a direct or indirect interest in any contract or other action made or proposed to be made by the Centre, shall disclose the nature of his interest at the first meeting of the Board after the relevant facts have come to his knowledge. Such disclosure shall be recorded in the minutes of the meeting and such member shall withdraw from any meeting while such contract is discussed or decided by the Board.

(9) Subject to the provisions of this Act and to such procedures as may be prescribed, the Board may regulate its own proceedings.

(10) Any document purporting to be an instrument made or issued by the Centre and signed by the Chairperson on its behalf shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Centre.

**11.** The aims and functions of the Centre shall be:

Functions of  
Centre.

- (a) to act as a national consulting agency for both the public and private sectors on all matters related to conservation and restoration;
- (b) to advise, following consultation with the superintendence, the Government on a policy of conservation and restoration which will cover the Maltese islands and identify priority areas and special needs;
- (c) to advise on and arrange for the restoration outside Malta of such artefacts which cannot be restored locally;
- (d) to undertake conservation projects in Malta and abroad and to provide conservation restoration project management services to public and private sector clients in Malta and abroad;
- (e) to set up and maintain all necessary systems, especially conservation databases, required to organise, plan, co-ordinate, control, monitor and generally undertake restoration projects;
- (f) to research and develop restoration project

management methodology;

- (g) to set up and maintain diagnostic science and conservation laboratories;
- (h) to set up and maintain a documentation department charged with the scientific documentation of conservation projects;
- (i) to promote, set up and maintain teaching facilities for training students to internationally recognised, professional standards in the arts and sciences of conservation and restoration;
- (j) to promote and co-ordinate the pursuit of interdisciplinary training at professional, technical and craftsman levels in all aspects of conservation and restoration;
- (k) to promote and organize teaching and certification activities within the parameters of the Malta Professional and Vocational Qualifications Regulations, in such a way as to allow for progression from vocational to professional levels; and
- (l) to identify skills required throughout the cultural heritage sector and the means by which such skills can be developed, while also encouraging and supporting continuing professional development for those persons working in all occupations in the sector.

S.L.343.26

National strategy  
for cultural  
heritage.

**12.** (1) The Minister shall prepare a policy document outlining the National Strategy for Cultural Heritage. In preparing such document the Minister shall consult with all the Entities set up under this Act and those other agencies, whether public or otherwise, as the Minister may deem proper. The Minister shall cause a copy of such document to be laid on the Table of the House as soon as it is ready and the House shall dedicate one sitting for a discussion on it.

(2) The Minister shall review the said strategy as often as may be necessary, and in any case not less than once every five years:

Provided that the first Strategy Document shall be drawn up within twelve months from the coming into force of this Act.

Relations with the  
Minister.

(3) In the exercise of their functions under this Act, the Superintendence, the Agency and the Centre shall:

- (a) give effect, as soon as practicable, to any direction, not inconsistent with any provision of this Act which the Minister may give to the Superintendence, the Agency and the Malta Centre for Restoration in relation to the policy to be followed by them in the discharge of their functions, and in relation to any matter which appears to the Minister to affect the cultural heritage;
- (b) afford to the Minister facilities for obtaining any information with regard to the property and activities of the Superintendence, the Agency and the Centre and for this purpose the Superintendence, the Agency and

the Centre shall each furnish the Minister with returns, accounts and other information with respect to its functions, and afford facilities for the verification of any information furnished, in such manner and at such times as the Minister may require.

**13.** The Superintendence, the Agency and the Centre shall be exempt from any liability for payment of any tax, other than customs or excise duties, or tax on income or duty on documents for the time being in force in Malta. Exemption from certain taxes.

**14.** (1) There shall be a Committee of Guarantee, which shall be composed as follows: Committee of Guarantee.

- (a) a Chairperson appointed by the Minister;
- (b) a person appointed by the Minister responsible for tourism;
- (c) a person appointed by the Minister responsible for the environment;
- (d) a person appointed by the Minister responsible for Gozo;
- (e) the Superintendent *ex officio*;
- (f) the Chairperson of the Agency *ex officio*;
- (g) the Chairperson of the Centre *ex officio*;
- (h) the Chairperson of the Planning Authority *ex officio*;
- (i) a member of the Catholic Cultural Heritage Commission referred to in article 52 appointed by the competent local ecclesiastical authority;
- (j) three other persons appointed by the Minister from amongst persons working in the field of cultural heritage and in non-Governmental organizations dedicated to cultural heritage, and another person active in the commercial sector.

(2) The Chairperson of the Committee and the members referred to in subarticle (1)(i) shall be appointed for a period of three years and may be reappointed for further periods each of three years.

(3) The Committee shall meet at least once every two months. Its meetings shall be called by the Chairperson either on his own initiative or at the request of any three of the other members.

(4) Five members shall form a quorum and decisions shall be adopted by a simple majority of all the members of the Committee. The Chairperson shall have an initial vote and in the event of an equality of votes, a casting vote.

(5) Subject to the provisions of this Act and to such procedures as may be prescribed, the Committee shall regulate its own proceedings.

(6) The Committee shall:

- (a) without prejudice to the provisions of this Act, co-

Functions of the Committee.

ordinate the Entities established under articles 7, 8 and 10;

- (b) ensure and facilitate the collaboration between the different agencies with direct or indirect responsibility for the protection and management of the cultural heritage sector;
- (c) advise the Government on the National Strategy for Cultural Heritage and subsequently oversee and monitor the implementation of the strategy as adopted by Government and as directed by the Minister;
- (d) draw the attention of the Government or of any organisation or person to any urgent action that may be required in the field of cultural heritage;
- (e) meet regularly and consult, at least, every four months, with non-Governmental Organisations working in the field of cultural heritage and with persons operating in the commercial sector;
- (f) advise the Minister on any matter arising from the provisions of this Act and on any other matter referred to it by the Minister.

(7) Any member who has a direct or indirect interest in any contract or other action made or proposed to be made by the Committee, shall disclose the nature of his interest at the first meeting of the Committee after the relevant facts have come to his knowledge. Such disclosure shall be recorded in the minutes of the meeting, and such member shall withdraw from any meeting while such matter is discussed or decided by the Committee.

Cultural Heritage Fund.

**15.** (1) There shall be a Fund to be known as the Cultural Heritage Fund, which shall be a body corporate with a separate legal personality, and which shall receive and manage all monies paid to it under the provisions of this Act or under any other Act, as well as other monies or other movable or immovable properties which may be donated to it by non-governmental sources.

(2) The Fund shall be administered by the Committee of Guarantee.

(3) The monies in the Fund may be used solely for the purpose of research, conservation or restoration of the cultural heritage.

(4) A yearly account of the administration of the Fund shall be submitted to the Minister and laid by him on the Table of the House.

National Forum.

**16.** (1) The Minister shall, once a year convene a National Forum for Cultural Heritage inviting the participation therein of the Superintendence, the Agency, the Centre, the Committee, the Catholic Cultural Heritage Commission, the Religious Cultural Heritage Commissions, if any, other Government departments and entities, the Mayors of each Local Council or their representative, non-Governmental organizations registered with the Superintendence as organizations aiming at the protection of the cultural heritage, the University of Malta, other educational

institutions, specialists, consultants, representatives of the commercial sector, and any other parties registering their interest in writing with the Minister.

(2) The President of the Forum shall be appointed by the Minister.

(3) The Forum shall discuss the state of cultural heritage in general after hearing a report thereon prepared by the Superintendent.

(4) The Minister shall regulate the proceedings of the Forum.

(5) The proceedings of the Forum shall be published and transmitted to the Minister and to the Committee of Guarantee.

(6) The Minister shall give advanced public notice a month before the meeting of the Forum.

#### PART IV

##### ADMINISTRATIVE AND PERSONNEL PROVISIONS

17. (1) Subject to the provisions of the [Constitution](#) and of any other law including this Act applicable thereto, the appointment of officers and other employees of Entities shall be made by Superintendent in the case of the Superintendence, by the Chairperson of the Board of Directors in the case of the Agency, by the Chairperson of the Board of Governors in the case of the Centre, and by the Chairperson of the Committee in the case of Committee or the Fund. The terms and conditions of employment shall be determined by each Entity with the approval of the Minister.

Staff appointments.

(2) Each Entity shall appoint and employ, at such remuneration and upon such terms and conditions as it may in accordance with subarticle (1) determine, such officers and employees as may from time to time be necessary for the due and efficient discharge of its functions.

Appointments and functions of officers and employees.

18. (1) The Prime Minister may, at the request of an Entity, from time to time direct that any public officer shall be detailed for duty with the entity in such capacity and with effect from such date as may be specified in the direction.

Detailing of public officers.

(2) The period during which a direction as aforesaid shall apply to any officer specified therein shall, unless the officer retires from the public service, or otherwise ceases to hold office at an earlier date, be such as may be specified in the direction, unless the direction is revoked earlier by the Prime Minister.

(3) Where any officer is detailed for duty with any Entity in accordance with this article, such officer shall during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Entity but shall for other intents and purposes remain and be considered and treated as a public officer.

Status of public officers.

(4) Without prejudice to the generality of the foregoing, a public officer detailed for duty as aforesaid -

- (a) shall not during the time while such officer is so detailed -
- (i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment under the Government held by that public officer at a date on which he was detailed for duty; or
  - (ii) be so employed that the remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by that public officer at the date he was detailed for duty as aforesaid or which would have become attached to such appointment, during the said period, has such officer not been detailed for duty with the Entity; and
- (b) shall be entitled to have the service with the Entity considered as service with the Government for the purpose of any pension, gratuity or benefit under the [Pensions Ordinance](#), and the [Widows' and Orphans' Pension Act](#), and of any other right or privilege to which that public officer would be entitled, and shall be liable to any liability to which he would be liable, but for the fact that he is detailed for duty with the Entity.

Cap. 93.  
Cap. 58.

(5) Where an application is made as provided in subarticle (4)(a)(i), the same consideration shall be given thereto as if the applicant had not been detailed for duty with the Entity.

(6) Each Entity shall pay to the Government, where applicable, such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with such entities as aforesaid during the period in which such officer is so detailed.

Offers of  
permanent  
employment to  
public officers  
detailed for duty  
with the Entities.

**19.** (1) Each Entity may, with the approval of the Prime Minister, offer to any officer detailed for duty with such entities under any of the provisions of article 18 permanent employment with it at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer.

(2) The terms and conditions comprised in any offer made as aforesaid shall not be deemed to be less favourable merely because they are not in all respects identical with or superior to those enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister offer substantially equivalent or greater benefits.

(3) Every officer who accepts permanent employment with an Entity, under the provisions of subarticle (1), shall for all purposes other than those of the [Pensions Ordinance](#), and of the [Widows' and Orphans' Pensions Act](#), be deemed to have ceased to be in service

Cap. 93.  
Cap. 58.

with the Government and to have entered into service with the Entity on the date of such acceptance and for the purposes of the said Ordinance and of the said Act, so far as applicable to that officer, service with such Entity shall be deemed to be service with the Government within the meanings thereof respectively.

(4) Every such officer as aforesaid who immediately before accepting permanent employment with an Entity was entitled to benefit under the [Widows' and Orphans' Pensions Act](#), shall continue to be so entitled to benefit thereunder to all intents as if service with the entities were service with the Government.

(5) Each Entity shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer who has accepted permanent employment with it as aforesaid during the period commencing on the date of such officer's acceptance.

- (6) (a) For the purposes of this article the posts and salary grades with Entities shall be classified in the most nearly corresponding grades and incremental levels in the service under the Government of Malta by reference to job description, skills, responsibilities and other analogous factors.
- (b) The classification referred to in paragraph (a) shall be carried out by a board composed of a chairperson appointed by the Minister responsible for finance and two other members, one appointed by the Ministry responsible centrally for personnel policies in the public service and one appointed by the relevant Entity. The classification shall be subject to the final approval of the Minister responsible for finance.
- (c) Such classification shall take place within three months of any adjustment of salaries of employees in the Government service, and, or, of employees of an Entity.
- (d) No post shall be classified in a grade higher than that of grade 3 in the service of the Government or such other grade that the Minister responsible for finance may from time to time by notice in the Gazette determine.
- (e) Without prejudice to the provisions of article 113 of the [Constitution](#), no person may, following a classification as aforesaid, be entitled to rights under the said [Pensions Ordinance](#) less favourable than those to which that person would have been entitled prior to such classification.

## PART V

### FINANCIAL PROVISIONS

Entities to met  
expenditure out of  
revenue.

**20.** (1) Without prejudice to the following provisions of this article, Entities shall so conduct their affairs that the expenditure required for the proper performance of their functions shall, as far as practicable, be met out of their revenue.

(2) For such purpose each Entity shall levy such fees, rates and other payments prescribed or deemed to be prescribed by or under this Act or any other law.

(3) Each Entity shall also be paid by Government out of the Consolidated Fund such sums as the House may from time to time authorise to be appropriated to meet the costs of specified works to be continued or otherwise carried out by it, being works of infrastructure or a similar capital nature, or to meet any of its expenditure which it cannot meet out of its revenue.

(4) Any excess of revenue over expenditure shall, subject to such directives as the Minister, after consultation with the Minister responsible for finance, may from time to time give, be applied by each Entity to the formation of reserve funds to be used for its purposes, and without prejudice to the generality of the powers given to the Minister by this subarticle, any direction given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of the fees, rates and other payments levied in accordance with subarticle (2) or any such excess as aforesaid.

(5) Any funds of an Entity not immediately required to meet expenditure may be invested in such manner as may from time to time be approved by the Minister.

Power to borrow  
capital.  
*Amended by:*  
*L.N. 426 of 2007.*

**21.** (1) For the purposes of any requirements of a capital nature, an Entity may, with the approval in writing of the Minister in consultation with the Minister responsible for finance, borrow or raise money in such manner, from such person, body or authority, and under such terms and conditions as the Minister, after consultation as aforesaid, may in writing approve.

(2) An Entity may also from time to time borrow, by way of overdraft or otherwise, such sums as it may require for carrying out its functions under this Act:

Provided that for any amount in excess of one hundred and sixteen thousand and four hundred and sixty-eight euro and sixty-seven cents (116,468.67), there shall be required the approval of the Minister in writing.

Advances from  
Government.

**22.** The Minister responsible for finance may, after consultation with the Minister, make advances to an Entity of such sums as the Minister responsible for finance may agree to be required by such entity for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as the Minister responsible for finance may, after consultation as aforesaid, deem appropriate. Any such advance may be made by the Minister responsible for finance out of the Consolidated Fund, and without further appropriation other than this Act, by warrant, authorising the Accountant General to make such advance.



23. (1) The Minister responsible for finance may, for any requirements of a capital nature of an Entity, contract or raise money, or incur liabilities, for such periods and on such terms and conditions as the Minister responsible for finance may deem appropriate; and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

Borrowing from  
Government.

(2) Notice of any loans, liabilities or advances made or incurred under the provisions of subarticle (1) shall be given by the Minister to the House as soon as practicable.

(3) Pending the raising of any such loan as is mentioned in subarticle (1), or for the purpose of providing an Entity with working capital, the Minister responsible for finance may, by warrant, and without further appropriation other than this Act, authorise the Accountant General to make advances to it out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(4) The proceeds of any loan raised for the purposes of making advances to an Entity and any other moneys to be advanced to an Entity under this article, shall be paid into the Fund.

(5) Sums received by the Accountant General from an Entity in respect of advances made to it under subarticle (3) shall be paid, as respects of amounts received by way of repayment into the Treasury Clearance Fund and, as respects of amounts received by way of interest into the Consolidated Fund.

24. (1) Each Entity shall cause to be prepared in every financial year, and shall not later than eight weeks before the end of each financial year adopt, estimates of its income and expenditure for the next following financial year:

Estimates of the  
Entities.

Provided that the estimates of an Entity for its first financial year shall be prepared and adopted within such time as the Minister may by notice in writing specify to the Entity.

(2) In the preparation of such estimates an Entity shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act or an appropriation Act or of any other law; and it shall so prepare the said estimates as to ensure that its total revenues are at least sufficient to meet all sums properly chargeable to its revenue account including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made in such forms and shall contain such information and such comparisons with previous estimates as the Minister may direct.

(4) A copy of the estimates shall, upon their adoption by an Entity, be sent forthwith by the Entity to the Minister and to the Minister responsible for finance.

(5) The Minister shall, at the earliest opportunity and not later than six weeks after he has received a copy of the estimates of the Entities, or, if at any time the House is not in session, within six

weeks from the beginning of the next following session, cause such estimates to be laid before the House together with a motion that the House approves the said estimates. Not more than one sitting shall be allotted for the debate in the House on such motion and both the motion and the approval of the estimates by the House may be with or without amendment to the estimates.

Expenditure according to the approved estimates.

**25.** (1) No expenditure shall be made or incurred by an Entity unless it has been approved by the House as provided in article 24.

(2) Notwithstanding the provisions of subarticle (1) -

- (a) until the expiration of six months from the beginning of a financial year, or until the approval of the estimates for that year by the House, whichever is the earlier date, an Entity may make or incur expenditure for carrying out its functions under this Act not exceeding in the aggregate one-half of the amount approved for the preceding financial year;
- (b) expenditure approved in respect of a head or sub-head of the estimates may, with the approval of the Minister, be incurred in respect of another head or sub-head of the estimates;
- (c) in respect of the first financial year, an Entity may make or incur expenditure until the approval of the estimates for that year by the House not exceeding in the aggregate such amounts as the Minister responsible for finance may, after consultation with the Minister, allow;
- (d) if in respect of any financial year it is found that the amount approved by the House is not sufficient, or if a need has arisen for expenditure for a purpose not provided for in the estimates, an Entity may adopt supplementary estimates for approval by the House and pending such approval, such Entity may in special circumstances and with the approval of the Minister, incur the relative expenditure or part thereof as the said Minister may so approve, and in any such case the provisions of this Act applicable to the estimates shall, as near as practicable, apply to the supplementary estimates.

Publication of approved estimates.

**26.** All estimates and supplementary estimates approved by the House shall, as soon as practicable, be published in the Gazette.

Accounts and audit.

**27.** (1) Each Entity shall cause to be kept proper books of account and other records in respect of its operations and shall cause to be prepared a statement of accounts in respect of each financial year.

(2) The accounts of each Entity shall be audited by an auditor or auditors to be appointed by it and approved by the Minister:

Provided that the Minister responsible for finance may require the books and other records of an Entity to be audited or examined by the Auditor General who shall for this purpose have

power to carry out such physical checking and other verification, and may require such information, as the Auditor General may deem necessary.

(3) After the end of each financial year, at the same time as a copy of the estimates of an Entity is forwarded to the Minister under article 24, the Entity shall cause a copy of the statement of accounts duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditor or auditors on that statement or on the accounts of the Entity.

(4) The Minister shall cause a copy of every such statement and report to be laid before the House together with the motion laid before the House under article 24(5).

**28.** (1) All moneys of an Entity shall be paid into a bank or banks appointed as bankers by it. Such moneys shall, as far as practicable, be paid into the banks from day to day, except for such sum as the Entity may require to retain to meet petty disbursements and immediate payments.

Deposit of revenues and payment by the entities.

(2) All payments out of the funds of each entity, except petty disbursements not exceeding such sum as may be fixed by the respective Entity with the approval of the Minister, shall be made by such officer or officers of that entity as shall be appointed or designated for the purpose.

(3) Cheques against and withdrawals from any bank account of an Entity shall be signed by such officer of that Entity as may be appointed or designated by that Entity for that purpose and shall be countersigned by the authorised member or officer of that Entity as may be authorised by that Entity for that purpose.

(4) Each Entity shall also make provision with respect to -

- (a) the manner in which and the officer or officers by whom payments are to be authorised or approved;
- (b) the title of any account held with the bank or banks into which its monies are to be paid, and the transfer of funds from one account into another;
- (c) the method to be adopted in making payments out of its fund; and
- (d) generally with respect to any matter which is relevant to the proper keeping and control of the accounts, books and other records and the control of its finances.

**29.** An Entity shall not enter into any contract for the supply of goods or materials or for the execution of work or for the rendering of services, to or for the benefit of the Entity, which is estimated by it to involve an expenditure exceeding six thousand and nine hundred and eighty-eight euro and twelve cents (6,988.12), except after notice of its intention to enter into such contract has been published and competitive tenders have been issued.

Contracts of supply and of works.  
Amended by:  
L.N. 426 of 2007.

**30.** Each Entity shall, not later than six weeks after the end of each financial year, make and transmit to the Minister and to the

Annual report.

Minister responsible for finance a report dealing generally with its activities during that financial year and containing such information relating to its proceedings and policy as either of the said Ministers may from time to time require. The Minister shall cause a copy of every such report to be laid on the Table of the House together with the estimates as provided for in article 24.

## PART VI

### CONSERVATION PROFESSIONALS

Qualifications for  
warrant.

**31.** (1) No person shall exercise the profession of conservator-restorer unless he is the holder of a warrant under article 33.

(2) A person shall not qualify for the award of warrant unless -

- (a) he is a citizen of Malta or is otherwise permitted to work in Malta under any law;
- (b) he is of good conduct;
- (c) he is of full legal capacity; and
- (d) he satisfies the Board that -

- (i) he is in possession of academic qualifications obtained after successful completion of a course of study of at least three years full-time duration, or equivalent part-time duration at such university or academic institution as may be recognised by the Board referred to in article 34, being a course which contains those minimum core subjects in the field of conservation and restoration as the Minister may prescribe;
- (ii) for a period of not less than two years after obtaining the academic qualifications referred to in subparagraph (i), he has trained in Malta under the supervision of a practising warrant holder, in accordance with such guidelines as the Minister may prescribe:

Provided that where the academic qualifications referred to in subparagraph (i) are obtained after full-time academic courses in conservation of a duration in the aggregate of at least six years, and which contain such level of practical training as may be approved by the Board, the condition for supervised training shall be deemed to have been fulfilled:

Provided further that with the approval of the said Board such training may, for a period not exceeding one year, in the said period of two years, be undergone in a State outside Malta with a professional in related disciplines duly qualified to practise in such State;

- (iii) he has been duly examined and approved by the

Board in an examination or examinations for the purpose, as the Minister may prescribe:

Provided that the Board may exempt a person who obtained the academic qualifications from the University of Malta or from such other University or academic institution approved by the said Board, from all or part of such examination or examinations.

**32.** Notwithstanding the provisions of article 31, a person may be granted a warrant if he possesses:

Special circumstances.

- (a) the qualifications listed in article 31(2)(a), (b) and (c) and has, prior to the first of January 2000, practised as a conservator-restorer in Malta or outside Malta for a period of not less than fifteen years, and is in the opinion of the Board referred to in article 34 of the required competence and academic ability; or
- (b) the qualifications listed in article 31(2)(a), (b), (c) and (d)(ii) and (iii), is in possession of academic qualifications obtained after a course of studies as is mentioned in the said paragraph (d)(i) which however does not contain all the minimum core subjects in the fields of conservation and restoration but has successfully undergone such tests that the Board referred to in article 34 may deem necessary from case to case to make good for such deficiency.

**33.** (1) The warrant to practise the profession of conservator-restorer shall be granted by the Minister on the recommendation of the Board referred to in article 34 to any person who satisfies the requirements of articles 31 or 32:

Warrant to practice as a conservation professional.  
Amended by:  
XXIII. 2009.126.

Provided that the decision of the Minister to grant or to refuse an application shall be notified in writing to the applicant within four months from the date of receipt of the application. Failure to notify the applicant about the decision regarding an application for a warrant within the time established shall be deemed, for reasons of public interest, to be a refusal of the warrant applied for. Where no decision has been notified to the applicant within the time established, such applicant may appeal before the Court of Appeal constituted as provided in article 41(6) of the [Code of Organization and Civil Procedure](#):

Cap. 12.

Provided further that an application for a warrant shall not be deemed to have been filed by an applicant unless it is duly filled in and accompanied with all required information and documentation.

(2) A warrant holder may use the designation Conservator-Restorer with his name.

Temporary provision of services.

*Added by:*

*XVIII. 2002.10.*

*Substituted by:*

*XXIII. 2009.127.*

Cap. 451.

**33A.** (1) Without prejudice to the Mutual Recognition of Qualifications Act and notwithstanding the provisions of article 31 of this Act, any person established in another Member State may practise the profession of a restorer in Malta on a temporary and occasional basis provided that such person:

- (a) is legally established in another Member State for the purpose of pursuing the restorer's profession in that Member State; and
- (b) has pursued the restorer's profession for at least two years during the ten years immediately preceding the provision of services where the restorer's profession is not regulated in that Member State.

(2) Persons referred to in subarticle (1) shall inform the Board by means of a written declaration to be made in advance, which declaration shall include the following:

- (a) the details of an insurance cover or other means of personal or collective protection relative to professional liability. This declaration shall be made once a year if the service provider intends to provide temporary or occasional services during the year;
- (b) proof of the nationality of the service provider;
- (c) an attestation certifying that the warrant holder is legally established in a Member State for the purpose of pursuing the activities concerned and that he is not prohibited from practising the profession of a restorer even temporarily, at the moment of delivering the attestations;
- (d) evidence of professional qualifications; and
- (e) where applicable, any means of proof that the service provider has pursued the restorer's profession for at least two years during the previous ten years immediately preceding the provision of services.

(3) Where the Board, in exercising its authority under this article, deems that there is a substantial difference between the professional qualifications of the service provider and the academic qualifications required under article 31, to the extent that the difference is such as to be harmful to public health, safety and security, the Board shall give the service provider the opportunity to show, in particular by means of an aptitude test, that he has acquired the knowledge or competence which he lacks.

(4) The Board shall assess the temporary and occasional nature of the provision of the services on a case by case basis.

(5) The Board shall, within one month from the date of receipt of the declaration referred to in subarticle (2), inform the service provider either of its decision not to check his qualifications or of the outcome of such check. Whenever a decision cannot be given during the established time, the Board shall notify this information to the service provider within the period established in this subarticle. The Board may extend this period only once for another period of one month.

(6) In the event that the Board does not give its decision within the period referred to in subarticle (5), the restoration services may be provided.

(7) A person exercising the profession under this article shall be deemed to be a warrant holder and the provisions of this Act and of any other applicable law shall apply to him in the same manner and to the same extent as with any other warrant holder.

**34.** (1) There shall be a Board, to be known as *Bord tal-Warrant tar-Restawraturi* (hereinafter in this article referred to as the Board) which shall consist of:

*Bord tal-Warrant  
tar-Restawraturi.*

- (a) a Chairperson to be appointed by the Minister from among persons who are or have been qualified to be appointed judges in Malta;
- (b) two members appointed by the Minister from among persons who in his opinion have the necessary knowledge and experience and of whom one shall be from among the academic staff of the University of Malta and one from persons accredited under this Act;
- (c) the Superintendent or his representative;
- (d) a member appointed by the Board of Governors of the Centre from among persons who in the opinion of the said Board of Governors have the necessary knowledge and experience.

(2) The Chairperson shall be appointed for a term of three years and under such conditions as may be set out in his letter of appointment.

(3) The other appointed members of the Board shall hold office for a term of two years, and under such conditions as may be set out in their letter of appointment.

(4) Where any vacancy in the Board occurs, the Minister shall as soon as practicable, in the case of the Chairperson, or a member appointed by him, appoint another person to fill the vacancy; in the case of a member appointed by the Centre, request the Centre to appoint another person to fill the vacancy.

(5) The number of members necessary to form a quorum shall be three, but, subject to the presence of a quorum, the Board may act notwithstanding any vacancy amongst its members.

(6) The Minister may also delegate a public officer to act as secretary to the Board, and such secretary shall not have a vote.

(7) Save as aforesaid the Board may make its own rules and otherwise regulate its own procedure.

(8) Notwithstanding the provisions of this article, for a period of one year from the date of coming into force of this part of this Act, the first Board to be appointed shall consist of:

- (a) a Chairperson to be appointed by the Minister from among persons who are or have been qualified to be appointed judges in Malta; and

Functions of the Board.

- (b) two other persons, appointed by the Minister not being themselves persons who will apply for a warrant, and who in his opinion possess the competence to assess the first applicants for the warrant.
- 35.** (1) The functions of the Board are to -
- (a) consider applications for the issue of a warrant, and make its recommendations thereon to the Minister;
  - (b) organise and regulate, and determine requests for exemptions from the professional warrant examination in accordance with articles 31 and 32;
  - (c) regulate the conditions of practical training abroad in accordance with the provisions of article 31;
  - (d) approve universities or academic institutions in accordance with article 31;
  - (e) organise and regulate the appropriate tests and periods of practical training, as provided for in article 32;
  - (f) consider and determine applications by warrant holders, other professionals and other persons in the field of conservation and restoration for accreditation to perform particular work, interventions or procedures in connection with cultural property, and to grant or withhold accreditation accordingly;
  - (g) to draw up a code of ethics and guidelines of practice for warrant holders and persons accredited under this subarticle;
  - (h) encourage initiatives that ensure programmes of continued professional training and development for warrant holders and persons accredited under this article; and
  - (i) advise the Minister in connection with any matter relating to the profession of conservator-restorer and to accreditation.
- (2) In the exercise of its functions the Board may also consult with such persons as it may deem appropriate and may also appoint committees, of which the Chairperson shall be a member of the Board, for the carrying out of such duties or other work as the Board may assign to them.
- (3) The Board shall keep a register of warrant holders and shall, not later than three months after the end of each year, publish in the Gazette a list of persons who, on the 31st December of the said year, were registered as holders of a warrant issued under this Act.
- (4) The Board shall keep a register of persons accredited under this article indicating with respect to each person registered there in the work, intervention or procedure for which such person is accredited, and shall at the end of each year, publish in the Gazette, a list of persons who, on the 31st December of the said year, were accredited indicating with respect to each person the work, intervention or procedure for which he is accredited.



(5) The provisions of articles 36 to 38 shall apply *mutatis mutandis* with regard to accreditation under this article as they apply with regard to a warrant and shall apply *mutatis mutandis* with regard to an accredited person as they apply with regard to a warrant holder.

**36.** (1) The Minister may, by order in writing, suspend, revoke or cancel a warrant if the warrant holder:

Suspension or revocation of warrant.

- (a) has been found guilty, after an inquiry by the Board referred to in article 34 of the following acts or omissions:
  - (i) dishonesty, misconduct or gross negligence in the exercise of his profession;
  - (ii) conduct that goes against the code of ethics and guidelines for practice as provided for in article 35(1)(g);
  - (iii) failure to comply with regulations with respect to professional standards or practices; or
  - (iv) failure to comply with any condition attached to a warrant issued under the provisions of article 38; or
- (b) has been found guilty by a competent court of an offence under the provisions of this Act or of any regulations made thereunder; or
- (c) has been found guilty by a competent court of a crime affecting public trust or of fraud or of knowingly receiving property obtained by theft or fraud.

(2) A decision of the Board under subarticle (1)(a) shall be subject to appeal before the Court of Appeal constituted as provided in article 41(6) of the [Code of Organization and Civil Procedure](#).

Cap. 12.

(3) The Minister responsible for Justice may make regulations prescribing the fees that shall be payable in the registry of the courts in connection with appeals under this article:

Provided that until such time as fees are so prescribed by the Minister responsible for justice, the fees payable with respect to appeals to that Court shall be the fees applicable to the Court of Magistrates (Malta).

(4) The Board established under article 29 of the [Code of Organization and Civil Procedure](#) shall make rules establishing the form of such appeals, the time within which they are to be filed and generally any other matter relating to such appeals.

**37.** Where a warrant under this Act is withdrawn, suspended or revoked, the person to whom the warrant was issued shall cease to be a holder of such warrant, or shall be suspended from the exercise of his profession as the case may be and he shall cease to use the designation *Konservatur-Restawratur*.

Effects of revocation or suspension of warrant.

**38.** The Minister, acting on the recommendation of the Board, referred to in article 34 may, after the expiration of one year from

Minister may issue fresh warrant.

the date of the revocation or withdrawal of a warrant, issue a fresh warrant subject to such conditions as the Minister on the recommendation of the Board may deem necessary.

Conservation  
technician.

**39.** (1) The Board mentioned in article 34 shall keep a register with the details of every person, being a person trained or with experience of specific conservation procedures or who has experience of specific aspects of preventive conservation and who is in possession of a certificate of conservation technician awarded under the regulations that establish standards and levels regarding professional and vocational qualifications.

(2) For the purposes of this Act -

- (a) a person shall not be deemed to practise the profession of conservator-restorer if he acts as an employee of, or assistant to, and under the supervision of a warrant holder and does not issue any certification of a conservation-restoration nature under his name;
- (b) to such extent as may be prescribed, a person shall not be deemed to exercise the profession of a warrant holder if he is in such employment or holds or acts in such office or performs only such work, services, acts or functions as may be prescribed;
- (c) a conservator-restorer shall however endeavour to ensure that all assistants employed or engaged by him shall have successfully completed training to such levels as are or may be prescribed by the [Malta Professional and Vocational Qualifications Regulations](#).

S.L.343.26

## PART VII

### SPECIAL POWERS OF THE STATE

Right of  
preference.

**40.** (1) In the case of sale, export, exchange, emphyteutical grant or lease of an object of cultural property the Superintendent shall have the right, with the approval of the Minister in consultation with the Committee of acquiring the same, in preference to all others on equal conditions including consideration as that concluded between the parties:

Provided that in the case of the export of an object of cultural property the Government shall acquire the same by title of sale.

(2) This right of preference may be exercised not later than two months from the date of the receipt of notice of such sale, export, exchange, transfer or lease by any of the parties thereto, or from the date when the Superintendent shall come to know of the said sale, export, exchange, transfer or lease, which ever is the earlier.

(3) In exercising the right of preference, where the consideration of the transfer cannot be otherwise established the value of the cultural property in question shall be established in accordance with the provisions of article 55 of this Act.

**41.** (1) No person may export or re-export any cultural property without the written permission of the Superintendent.

Control of exportation and re-exportation.

(2) The export and re-export, when permitted shall be subject to the payment of the *ad valorem* duty as set out in the Schedule to this Act and shall be subject to such other conditions as may be imposed by the Superintendent.

(3) Permission for export and re-export may be granted for a limited period and without the payment of the duty referred to in subarticle (2) for the purpose of restoration, exhibition or study. The Superintendent may, in granting such permission impose guarantees for the return of the cultural property so exported or re-exported at such amount as shall be fixed by the Superintendent.

(4) The value of the objects for the purpose of the payment of the duty referred to in subarticle (2) shall be fixed by one or more experts to be appointed by agreement between the Minister and exporter or, in default of agreement, by the Court of Appeal (Inferior Jurisdiction) on the demand of the exporter, to be made by an application. The cost of the evaluation shall be borne by the exporter.

(5) In lieu of the payment of duty, the exporter may, with consent of the Superintendent, give to the Government by way of *datio in solutum*, one or more objects of a value equivalent to the duty due.

(6) It shall be competent to the Government to acquire any object proposed to be exported, at such price as may be fixed in the manner laid down in this article within two months from the making of the valuation referred to in this article after notice of the intended export is given to the Superintendent. All expenses in connection with the valuation shall, in such cases, be at the charge of the Government.

**42.** The Superintendent may after consulting the Committee by notice inform any person being the owner, holder or possessor of cultural property that such cultural property, is in urgent need of repair or restoration and shall in such notice fix a time limit in which such repair or restoration shall be effected, failing which, the Superintendent, may effect the said works at the expenses of such person.

Repair and restoration by Government.

**43.** (1) Archaeological or palaeontological excavations or explorations on land as well as in the territorial waters or in the contiguous zone of Malta can only be made by the Superintendent, or with the written permission of the Superintendent and in accordance with any condition attached thereto:

Exclusive right to excavate.

Provided that without prejudice to the provisions of article 45(4), it shall be lawful for the Superintendent to undertake or cause excavations to be carried out for the purposes of this Act in any part of Malta, whenever such excavations are considered to be expedient and subject to any regulations laid out in article 55(d).

(2) Any person who, even accidentally, discovers any object, site or building to which this Act applies in accordance with article 3, shall immediately inform the Superintendent, keep the object

found in situ, and shall not for a period of six working days after informing the Superintendent proceed with any work on the site where the object of cultural property is discovered.

(3) The Superintendent shall inspect the site of discovery within the said six working days and may direct the person responsible to desist from any further work on the site or any part thereof by giving him a notice to stop work.

(4) Any person who following a notice to stop work suffers any damage because of the interruption of the works shall have a right to be compensated for such damages by the Superintendent.

Cap. 88.

(5) Within three months of a notice to stop the works the Government shall institute procedures to acquire the site in accordance with the [Land Acquisition \(Public Purposes\) Ordinance](#), or the Superintendent shall release the site. Upon the institution of proceedings to acquire the site as aforesaid no further compensation shall be due in accordance with subarticle (4).

(6) Every movable object forming part of the cultural heritage discovered in any location within Malta, its territorial waters, and its contiguous zone whether found in authorised or illegal excavations or exploration or accidentally in the course of any work or any other manner shall belong to the State.

(7) The original or a full copy of the records of the progress of any excavation or exploration, whether carried out in accordance with this article or otherwise, shall be given by the person responsible for such excavation or exploration to the Superintendent.

Development  
permissions and  
cultural property.  
Cap. 356.

**44.** (1) The Superintendent may commend for scheduling to the Planning Authority such sites and buildings which he deems should be scheduled within the meaning of the [Development Planning Act](#).

(2) The Superintendent shall make use of the list of scheduled property for the purpose of the inventory under article 7(5).

Permit for  
interventions on  
cultural property.

(3) No person shall make any interventions on such cultural property or classes thereof without first having obtained a permit therefor from the Superintendent as may be prescribed in regulations issued under this Act.

(4) Before determining an application under subarticle (3) the Superintendent may require such information including the results of such tests, examinations or inspection by such persons accredited under this Act for the purpose as may be required by the Superintendent, and such research on the history, composition provenance or other aspects of the relevant cultural property as he may consider necessary for the purpose.

(5) In the grant of such permit the superintendent may impose such conditions as he may consider appropriate, including without prejudice to the generality of the foregoing that the work or any part thereof shall be carried out in accordance with such protocol as may be prescribed or as may be attached to the permit, that the work and the various phases thereof be photographed or otherwise

documented or recorded, that a report on the work be delivered to the superintendent at such times as may be stated in the permit, and that the work or any part thereof as may be stated in the permit is carried out, by or under the supervision as shall be stated in the permit, of such warrant holder, professional or other person accredited under this Act for such work.

45. (1) Any officer or employee of the Superintendence duly authorised in writing by the Superintendent may enter any area, property, site under investigation or building if the Superintendent considers it necessary to do so in the discharge of any function under this Act or if he considers that there are reasonable grounds to believe that an offence against this Act or any other regulation, licence condition or conditions made thereunder has been or is about to be committed.

Power of entry and inspection.

(2) Where entry is for the purpose of inspection or documentation purposes, the Superintendent shall serve a written notice to the occupier of cultural property of the intended entry, and thereupon the officer or employee authorised as aforesaid shall be given access to such cultural property where conservation, restoration or development is taking place.

(3) The Superintendent shall cause an inspection to be carried out in cases of reported discoveries of cultural property in order to establish whether preservation or excavation works are required.

(4) The Superintendent shall have the right to enter and occupy any cultural property in order to conduct archaeological excavations therein, provided that:

- (a) a written notice is served upon the occupier or owner of the cultural property in question at least three days before the commencement of such excavations;
- (b) the expected duration of the occupation is stated in the notice, and at least three days notice is further given of any extension of the duration of the occupation;
- (c) the owners or occupier of cultural property occupied in accordance with this article shall be entitled to compensation for any loss of profit, damage sustained during archaeological excavations or the reinstatement of excavated areas.

(5) Discoveries made during a period of occupation by the Superintendent shall be the property of the Government.

(6) For the purpose of exercising any of his rights under this article the Superintendent may request the assistance of the Police.

46. (1) Where any development or other work is being carried out in respect of any cultural property in contravention of any of the provisions of this Act, or any person holding a licence to carry out archaeological excavations under this Act does not conform to any condition attached to such licence, the Superintendent may serve a suspension notice on the owner, possessor or holder of the cultural property or any other person carrying out the development works or excavation and thereupon the person served with the order

Suspension notices.

shall suspend all activity in connection with the development work or excavation.

(2) The Superintendent may revoke any such suspension notice either absolutely or subject to such conditions as the Superintendent deems appropriate.

Conservation and protection order.

47. (1) The Superintendent may in the case of any infringement of any of the provisions of this Act or of any regulations made thereunder serve a conservation and protection order on the owner or occupier or possessor of cultural property, requiring such action as may be specified in the notice, including the discontinuance of anything being done or carried on, to be taken within such time as may be specified in the order.

(2) If any action required to be taken by a conservation and protection order has not been taken within the time specified therein, the Superintendent shall have the right to enter the cultural property and may for such purpose request the assistance of the Police Force and take the required action, where applicable at the expense of the owner or the occupier or the possessor.

Cap. 319.

(3) Saving the provisions of article 46 of the [Constitution](#) or of article 4 of the [European Convention Act](#) no precautionary order or warrant may be issued by any court restraining the Superintendent from issuing an order under this article or of doing anything which he is authorised to do by this article.

Guardianship.

48. (1) The Superintendent may with the authority in writing of the Minister, in concurrence with the Minister responsible for lands, enter by public deed, into a guardianship contract with a local council or with a non-government organization whereby the custody and administration of immovable cultural property is passed over to the local council or the non-government organisation, as the case may be, in accordance with the provisions of this Act and of such regulations as may be prescribed and to such conditions not inconsistent therewith as may be contained in the deed. The guardianship deed shall state the term for which it is entered, which term shall be approved by the Superintendent on a case by case basis, following the careful consideration of the feasibility and scale of undertaking of each proposal.

(2) The Minister shall, however, within four weeks after its publication, or if the House is not then in session, within four weeks of the date when the House next meets, lay a copy thereof on the Table of the House, and the guardianship deed shall be subject to the condition that if on a motion tabled not later than twenty-eight days after the laying on the Table of the House of the copy of the guardianship deed the House resolves that the guardianship deed shall be rescinded, the deed shall be automatically rescinded upon the passage of the resolution.

(3) Before authorising the Superintendent to enter into a guardianship deed the Ministry shall seek the views of the Committee as to the conditions to be included in the guardianship deed; such conditions shall in particular address the following matters:

- (a) the protective measures that are to be taken to safeguard the cultural property subject to the guardianship deed; and
- (b) the conservation and management plan relative to the cultural property, and the organisational, operational and financial arrangements in connection therewith, and the organisational, operational and financial resources to be dedicated therefor.

(4) A guardianship deed shall not prejudice any powers of any Entity under this Act with regard to the cultural property subject to the guardianship deed.

(5) The cultural property subject to the guardianship deed shall remain the property of the Government.

(6) The Minister after consulting the Superintendent and the Committee may at any time by Order in the Gazette rescind a guardianship deed if any conditions stipulated therein or the provisions of this Act or of any regulations made thereunder are not observed by the other party.

(7) Not later than six weeks after each anniversary of a guardianship deed the party in whose custody the cultural property is placed shall transmit to the Minister, the Superintendent and the Committee a report of its activities in relation to the cultural property and on the way it has executed the guardianship deed during the previous year. A copy of such report shall be laid on the Table of the House by the Minister.

(8) The Minister may make regulations generally prescribing rules in relation to guardianship.

**49.** The powers and duties under this Act shall be exercised in conformity with any international convention, treaty, agreement or instrument concerning the proper use and conservation of national or world cultural property to which Malta may be a party.

International conventions, etc.

**50.** (1) The Government is hereby authorised to ratify and become a party to the Unidroit Convention on Stolen or Illegally Exported Cultural Objects (Rome, June 1995).

Return of stolen and illegally exported cultural property.

(2) The Minister may, after consulting the Committee, by regulations prescribe rules to give effect to any of the provisions of the said Convention and the provisions of any such regulations shall have effect notwithstanding the provisions of any other law to the contrary.

**51.** Any person who feels aggrieved by a decision of the Superintendent under articles 40 to 42, 46 and 47 shall have a right of appeal as may be prescribed under article 55. An appeal shall not suspend the decision appealed from.

Right of appeal.

## PART VIII

## RELIGIOUS CULTURAL HERITAGE

Provisions  
regarding religious  
cultural heritage.

**52.** (1) Without prejudice to any other law that may be in force, and until such time when there may be reached an agreement between the competent civil and ecclesiastical authorities, cultural property belonging to the Catholic Church, including to Catholic Religious Orders, and destined or used for religious purposes shall fall under the exclusive regulation and superintendence of the Catholic Cultural Heritage Commission to be appointed every two years by the President of the Malta Episcopal Conference, and to consist of not less than five experts one of whom shall be so appointed after consultation with the Minister.

(2) Cultural property belonging to, and destined or used for religious purposes by any denomination other than that mentioned in subarticle (1) may be placed by the relevant and competent religious authority under the exclusive regulation and superintendence of a religious cultural heritage commission. Each such religious cultural heritage commission shall be appointed for a period of two years by the relevant and competent religious authority, and shall consist of three experts one of whom shall be so appointed after consultation with the Minister.

(3) The commissions referred to in subarticles (1) and (2) shall have the same powers and duties with regard to the cultural property under their superintendence as the Superintendent, and shall give a report about their work to the Forum:

Provided that where such commissions are not so appointed the regulation and superintendence of the property falling under their competence will vest in the Superintendent.

(4) The Minister, after full consultation with the President of the Malta Episcopal Conference mentioned in subarticle (1) or with the relevant and competent religious authorities mentioned in subarticle (2), may prescribe rules regulating the powers and duties of, and the procedures and practices which should be followed by the commissions mentioned in subarticles (1) and (2).

## PART IX

## OFFENCES

Wilful damage or  
destruction of  
certain property.  
*Amended by:*  
*L.N. 426 of 2007.*

- 53.** (1) Any person who:
- (a) wilfully, or through negligence, unskillfulness or non-observance of regulations causes damage to or destroys any cultural property whether or not such cultural property has been registered in any inventory in accordance with this Act, and even if such cultural heritage property is owned by the person who has caused the damage or destruction, or is lawfully administered by such a person;
  - (b) carries out any activity or does any act in contravention of the provisions of this Act or of any



regulation made thereunder or of the conditions of any licence or permit issued under this Act or fails to do anything which he is required to do under this Act, regulation or licence; or

- (c) acts as a conservator-restorer when he is not in possession of a warrant under Part VI of this Act; or
- (d) fails to abide with any suspension notice issued in accordance with article 46 or with a conservation or protection order made in accordance with article 47; or
- (e) receives or retains any cultural property knowing that it has been illegally removed in Malta or illegally exported from any other country; or
- (f) hinders, obstructs, molests or interferes with, or attempts to hinder, obstruct, molest or interfere with, any officer or employee of the Superintendence, or of the Agency, or of the Centre, or of the Committee or any police officer, in the execution of duties provided for under this Act, or fails to comply with any lawful order by any such officer or employee or police officer as aforesaid, or knowingly furnishes such officers or employees with false information or neglects or refuses to give any information required by or under this Act; or
- (g) makes a declaration for any of the purposes of this Act which is false, misleading or incorrect in any material respect,

shall be guilty of an offence against this Act and shall be liable, on conviction, to a fine (*multa*) of not less than one thousand and one hundred and sixty-four euro and sixty-nine cents (€1,164.69) and not exceeding one hundred and sixteen thousand and four hundred and sixty-eight euro and sixty-seven cents (€116,468.67), or to imprisonment for a term not exceeding six years, or to both such fine and imprisonment:

Provided that, subject to the above maximum, the minimum fine (*multa*) to which an offender shall become liable under this article shall not be less than the value of any work required to remedy the effects of the offence.

(2) The liability of an offender under subarticle (1) shall be without prejudice to the liability of the offender to pay to the Superintendent any cost incurred in the reintegration, or restoration of the cultural property caused by the offence, or to pay into the Fund the value of the cultural property destroyed or damaged when the same cannot be reintegrated or restored. Such payment may be recovered by civil suit by the Superintendent against the offender or his heirs.

(3) The Court, besides awarding the punishment referred to in this article, shall order the convicted offenders to remove the causes of the offence and to undo anything which was done without any permit required under this Act or to comply with the conditions imposed in such a permit, as the case may be, within a time sufficient for the purpose and in any case not exceeding three

months from the date of the judgement and, if the offender fails to comply with any such order within the time so fixed, he shall be liable to a further fine (*multa*) of not less than fifty-eight euro and twenty-three cents (58.23) and not more than one hundred and sixteen euro and forty-seven cents (116.47), as the court may fix, for every day the default continues after the expiration of the said time.

Power to prosecute and to assist the Police and other officers.

**54.** (1) In prosecutions for offences against this Act or against regulations under this Act, officials of the Superintendence shall have the right to assist the police, and to plead the case before the Courts of Magistrates.

(2) Officers of the Superintendence may assist the Police, Customs or any other Government body, when the same are exercising powers conferred under any other laws, in the exercise of any of their powers to prevent the commission of an offence against this Act or to secure evidence concerning any such offence.

## PART X

### REGULATIONS

Power to make regulations.

**55.** The Minister may make regulations to give effect to any of the foregoing provisions of this Act, or to regulate or otherwise provide for any matter relating to activities affecting cultural property, and may in particular, but without prejudice to the generality of the foregoing, make regulations for any of the following purposes:

- (a) to establish any fees and dues which may be payable by or under, or for services rendered pursuant to, the provisions of this Act;
- (b) to ensure the better fulfilment of the functions of the Entities;
- (c) to regulate the appointment of officers and employees with any of the Entities;
- (d) to regulate any excavation and exploration;
- (e) to establish guidelines for best conservation and restoration practice;
- (f) to provide for any forms or procedures which may be necessary or expedient and for which no express procedure is contained in this Act;
- (g) to regulate trade and commerce in cultural property;
- (h) to regulate movement of cultural property;
- (i) to prescribe rules to give effect to the provisions of any international convention concerning the protection of the cultural heritage, ratified by the Government of Malta; or for the compliance with international obligations contracted by the Government of Malta regarding heritage;
- (j) where not otherwise provided in this Act, to prescribe

rules regulating the powers and duties of, and the procedures to be followed by, any entity, commission, committee or board established by or under this Act;

- (k) to set out and publish the requirements for accreditation as established in article 35;
- (l) to establish the parameters within which, and the types of cultural property in respect of which, the powers under articles 40 and 41 shall be exercised;
- (m) to grant to persons feeling aggrieved by any action undertaken under the provisions of articles 40 to 42, 46 and 47, procedures whereby to contest such exercise and obtain a remedy if successful;
- (n) to establish an appeal board and to regulate all procedure in respect of the same, for putting into effect the provisions of the preceding paragraph;
- (o) to provide for the form and procedure in respect of applications and the grant of permits for interventions in cultural property under article 44, and to provide for appeals from decisions of the Superintendent on the same;
- (p) to prescribe anything else which may or is to be prescribed under this Act.

## PART XI

### MISCELLANEOUS

**56.** Any regulations made under the Antiquities (Protection) Act, repealed by this Act, shall continue in force and have effect as if made under this Act, and may be amended or repealed accordingly, and the provisions of this Act shall apply to any contravention of such regulations as if they were made under this Act. Saving.

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### SCHEDULE

(Article 41)

#### RATE OF EXPORT DUTY

<i>Value of object</i>	<i>Export Duty</i>
On the first €232.94 or part thereof	10 per cent.
On the second €232.94 or part thereof	20 per cent.
On the third €232.94 or part thereof	30 per cent.
On the fourth €232.94 or part thereof	40 per cent.
On any further value	50 per cent.

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*Substituted by:  
L.N. 426 of 2007.*



**ENVIRONMENT AND DEVELOPMENT PLANNING ACT****ARRANGEMENT OF ACT**

		Articles
Part I	Preliminary	1 - 2
Part II	Duty to Protect the Environment	3 - 5
Part III		
	1 Administration	6 - 33
	2 Committees, Commissions, Boards and Tribunals	34 - 43
	3 Common Provisions	44 - 46
Part IV	Environment and Development Planning	
	1 Plans and policies	47 - 50
	2 Strategic Plan for the Environment and Development	51 - 53
	3 Subsidiary Plans and Policies	54 - 59
	4 Regulations and Orders	60 - 64
	5 Environment and Development Brief	65
Part V	Environment Protection and Development Control	
	1 Requirement of licences and permission	66 - 76
	2 Revocation or modification of permission, licence or authorisation and Discontinuance or Removal Orders	77 - 78
	3 Charges and contribution	79 - 80
	4 Scheduling and Conservation	81 - 82
Part VI	Powers of the Authority and Enforcement of Control	
	1 Right of Entry	83
	2 Enforcement of Control	84 - 93
Part VII	Offences	94 - 95
Part VIII	Miscellaneous	96 - 97

**SCHEDULES**

First Schedule	Provisions with respect to the Authority and the Environment and Planning Commission
Second Schedule	Proceedings before the Environment and Planning Review Tribunal and appeals therefrom
Third Schedule	The Directorates of the Authority
Fourth Schedule	The Standing Committee on Environment and Development Planning
Fifth Schedule	The Registration Board
Sixth Schedule	Applications which fall under the provisions of article 70
Seventh Schedule	
Eighth Schedule	

## CHAPTER 504

ENVIRONMENT AND DEVELOPMENT PLANNING  
ACT

*To protect the environment, to make provision for the planning and management of development and for the establishment of an authority with powers to that effect and for matters connected therewith or ancillary thereto.*

30th November, 2010<sup>\*</sup>

31st December, 2010<sup>†</sup>

11th March, 2011<sup>‡</sup>

17th February, 2012<sup>§</sup>

*ACT X of 2010, as amended by Legal Notices 57 of 2011 and 229 of 2012.*

## PART I

## Preliminary

- Short title.           **1.** The short title of this Act is the Environment and Development Planning Act.
- Interpretation.       **2.** In this Act, unless the context otherwise requires:
- "advertisement" means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction, including any boarding or similar structure used or adapted for use for the display of advertisements;
- "agency of Government" means a body corporate established by law and a company in which the Government or such body corporate, or a combination thereof has a controlling interest or which is a subsidiary of such a company;
- "application" means a permission or licence application;
- "application report" means the final permission or licence application report;
- "the Authority" means the Malta Environment and Planning Authority established under article 6 and includes any body or other person acting on its behalf under powers delegated by the Authority under this Act, and the Minister may, by order in the Gazette, designate different bodies or persons as a competent authority for different provisions and different purposes of this Act or any regulations made thereunder;
- "biological diversity" or "biodiversity" means the variability among living organisms from all sources, including inter alia, terrestrial, marine and other aquatic ecosystems and the ecological

<sup>\*</sup>See article 1(2) of the Act, as originally enacted, and [Legal Notice 511 of 2010](#).

<sup>†</sup>See article 1(2) of the Act, as originally enacted, and [Legal Notice 511 of 2010](#).

<sup>‡</sup>See article 1(2) of the Act, as originally enacted, and [Legal Notice 91 of 2011](#).

<sup>§</sup>See article 1(2) of the Act, as originally enacted, and [Legal Notice 78 of 2012](#).

complexes of which they are part, and includes diversity within species, between species and of ecosystems;

"building" includes any structure or erection and any part of a building, but does not include plant or machinery comprised in a building;

"building or work" includes waste materials, refuse and other matters deposited on land;

"building operations" includes rebuilding operations, structural alterations of or additions to buildings, and other operations normally undertaken by a person carrying on business as a builder;

"the Chairman of the Board" means the Chairman of the Authority appointed in terms of article 6;

"the Chief Executive Officer" means the officer appointed under the provisions of article 13;

"conservation" in relation to environment protection means a series of measures required to maintain or restore the natural habitats and the population of species of wild fauna and flora at a favourable status and for cultural heritage means any activity required to maximize the endurance or minimize the deterioration of any cultural property as far as possible and includes examining, testing, treating, recording and preserving any such cultural property or any part thereof;

"the Commission" means the Environment Planning Commission established under article 35;

"derivatives" means parts of any specimen, whether processed by man or not;

"development permission" means a permission to carry out development granted by the Authority either on an application in that behalf or in a development order;

"discharge" includes emission, deposit, dumping, disposal, addition or introduction into the environment of a substance or energy, directly or indirectly from any point source or diffuse source, whether stationary or mobile, and whether caused or permitted intentionally or otherwise and whether continuous or intermittent or once only;

"energy" includes all types of radiation forming part of the electromagnetic energy spectrum, or resulting from a nuclear source, as well as all vibrations and noise;

"engineering operations" includes any physical changes to the land surface to the site topography, or the formation or laying out of roads and of means of access to roads;

"environment" means the whole of the elements and conditions, natural or man made, existing on earth, whether together or in isolation, and in particular:

- (a) the air, water and land;
- (b) all the layers of the atmosphere;
- (c) all organic and inorganic matter and all living

organisms;

(d) all ecosystems; and

(e) the landscape;

"erection" in relation to buildings, includes extension, alteration and re-erection;

"fauna" means all types of animals and other biota including akaryotes, prokaryotes and eukaryotes, dead or alive, in whole or in part and their derivatives;

"flora" means all types of plants and other biota including akaryotes, prokaryotes and eukaryotes, dead or alive, in whole or in part and their derivatives;

"functions" includes responsibilities, powers and duties;

"genetically modified organism" means any of the following:

(a) an organism derived from the formation of a combination of genetic material by any means other than natural means;

(b) an organism inheriting such combination of genetic material;

(c) an organism that results from the replication of an organism as derived in paragraph (a); or

(d) such other organism as may be prescribed by the Minister under this Act;

"land" includes a building;

Cap. 363.

"local council" means a local council established under the [Local Councils Act](#);

"minerals" includes all minerals and substances (including oil and natural gas) in or under land of a kind ordinarily worked for removal by underground or surface working;

"the Minister" means the Minister responsible for the environment;

"natural resources" means any component of nature and includes air, water, land, soils, minerals, energy, living organisms and genetic resources;

"owner" means -

(a) a person who in his own right or as agent for another is entitled to receive the rent of the land or, where the land is not let, would be so entitled if it were let;

(b) where the land is subject to usufruct, bare owner or usufructuary;

(c) an emphyteuta;

(d) any one of the spouses, where the land to which the development relates forms part of the community of acquests;

"plan" means a plan approved in accordance with the provisions of the Act;



"policy" means a policy approved in accordance with the provisions of the Act;

"pollution" means the direct or indirect introduction by man, or due to natural processes, into the environment of substances, organism, genetic material or energy that cause or are likely to cause hazard to human health, harm to living resources or to ecosystems, or damage to amenities, or interfere with other legitimate uses of the environment;

"position statement" means a statement issued by either the Minister or the Authority in order to provide a detailed technical explanation justifying a position with respect to a specific planning issue;

"precautionary principle" means the principle whereby appropriate measures are taken to protect the environment and to ensure sustainable management of natural resources in the absence of absolute or conclusive scientific proof of the need for such measures;

"prescribed" means prescribed by regulation, rule, order or other instrument made as provided in the provisions of this Act empowering the making of any such instrument;

"public officer" has the meaning assigned to it by article 124 of the [Constitution](#);

"road" means any highway or road, whether public or private, and includes any street, square, court, alley, lane, bridge, footway, passage or quay, whether thoroughfare or not;

"scheduled buildings" has the meaning assigned to it by article 81;

"specimen" means any species, whether alive or dead, any part or derivative thereof, and includes any goods which from an accompanying document, the packaging, mark or label or from other circumstances appear to be parts or derivatives of animals or plants;

"Standing Committee" means the Standing Committee on Environment and Development Planning established in terms of article 34;

"subsidiary plans" includes subject plans, local plans, action plans or management plans;

"substances" means any matter, chemical, mixture, compound or product and including fuels, combinations of elements, mixtures or compounds of a chemical reaction, as well as the mixture of substances of different molecular identities;

"Temporary Provisions Schemes" means a planning scheme prepared and approved in accordance with the Building Permits (Temporary Provisions) Act\*;

"Tribunal" means the Environment and Planning Review Tribunal established under the provisions of article 40 of the Act;

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\*repealed by Act I of 1992.

"use", in relation to land, does not include the use of land by the carrying out of any building, engineering, mining or other operations thereon;

"waste" means any thing, substance or object which the holder discards or intends to discard, or is required to keep in order to discard, and includes such other thing, substance or object as the Minister may prescribe.

## PART II

### Duty to Protect the Environment

Duty of every person to protect the environment.

**3.** It shall be the duty of every person together with the Government to protect the environment and to assist in the taking of preventive and remedial measures to protect the environment and manage natural resources in a sustainable manner.

Duty of Government to protect the environment.

**4.** It shall be the duty of the Government to protect the environment for the benefit of the present and future generations and to that effect:

- (a) to manage the environment in a sustainable manner by integrating and giving due consideration to environmental concerns in decisions on socio-economic and other policies;
- (b) to take such preventive and remedial measures as may be necessary to address and abate the problem of pollution and any other form of environmental degradation in Malta and beyond, in accordance with the polluter pays principle and the precautionary principle;
- (c) to collaborate with other governments and entities in the protection of the global environment;
- (d) to disseminate information on the environment and to facilitate the participation of the public in decisions that affect the environment;
- (e) to apply scientific and technical knowledge and resources in determining matters that affect the environment;
- (f) to ensure the sustainable management of wastes and to promote its reduction and the proper use, re-use and recovery of matter and energy;
- (g) to safeguard biological diversity;
- (h) to combat all forms of pollution;
- (i) to consider the environment as the common heritage and common concern of mankind; and
- (j) to provide incentives leading to a higher level of environmental protection.

Application of articles 3 and 4.

**5.** The provisions of articles 3 and 4 shall not be directly enforceable in any court, but the principles therein contained are this notwithstanding fundamental to the Government of Malta and those principles shall be employed in the interpretation of the other

provisions of this Act or of any other law relating to matters governed by this Act.

### PART III

#### 1. Administration

6. (1) There is hereby established an authority, to be known as the Malta Environment and Planning Authority which shall consist of not less than thirteen and not more than fifteen members, of whom one shall be the Chairman of the Authority.

Establishment of the Malta Environment and Planning Authority.

(2) Save as hereinafter provided, the members of the Authority shall be appointed by the Prime Minister as follows:

- (a) not more than three public officers representing the Government being persons who have experience or qualifications in matters concerning any of the following: planning, the environment, the infrastructure, social policy in so far as it relates to land use, economic affairs, agriculture, tourism and transport;
- (b) not more than eight members (hereinafter called the "independent members") shall be chosen from amongst persons of known integrity and with knowledge of and experience in:
  - (i) the Environmental Voluntary Organisations sector and, or civil society;
  - (ii) commerce, economy and industry;
  - (iii) cultural heritage;
  - (iv) and the rest being persons with knowledge of and experience in matters relating to environment, development, social and community affairs.
- (c)\* two members who shall be chosen from amongst the chairpersons of the Environment and Planning Commission;
- (d)\* two members who shall be members of the House of Representatives and of which one shall be appointed by the Prime Minister and the other by the Leader of the Opposition:

Provided that the Authority shall be properly constituted and may function notwithstanding any failure to appoint either or both members of the Authority under this sub-article.

(3) The chairman of the Authority shall be chosen by the Prime Minister from amongst the independent members of the Authority, and may occupy any other post within the Authority, whereas the chairpersons of the Environment and Planning Commission appointed as Members of the Authority shall be appointed as

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\*when originally enacted, paragraphs (c) and (d) were mistakenly enacted as sub-articles (3) and (4). As a consequence of the correction made under the [Statute Law Revision Act](#), 1980, sub-articles (5) to (12), both included, as originally enacted, have been re-numbered as sub-articles (3) to (10).

Deputy chairpersons.

(4) Save as provided in sub-article (2), no person shall be qualified to be appointed as, or remain, a member of the Authority if he:

(a) is a public officer:

Provided that the Chairman and the Chairperson of the Environment and Planning Commission, shall not be considered as public officers for the purposes of this sub-article;

(b) is an employee of any department, agency, Corporation or Authority of the Government, provided that for the purposes of this paragraph a member of the academic staff of the University shall be excluded;

(c) is a Minister, Parliamentary Secretary or a member of the House of Representatives, of the European Parliament, or of a local council;

(d) is a judge or magistrate of the courts of justice; or

(e) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of his functions as a member of the Authority:

Provided that the Minister may determine that the person's interest is not likely to affect the discharge of his functions and upon such determination that person shall be qualified to hold the office of member of the Authority provided that the declared interest and the Minister's determination are published in the Gazette; or

(f) is interdicted or incapacitated; or

(g) is convicted of an offence affecting public trust, or of theft or fraud, or of knowingly receiving property obtained by theft or fraud or of bribery or of money laundering; or

(h) is subject to disqualification under article 320 of the [Companies Act](#).

Cap. 386.

(5) The independent members shall hold office for such period, being not less than three years, as may be specified in the letter appointing them and if no such period is specified shall remain in office for three years. In determining such period of office the Prime Minister shall, as far as practicable, ensure a measure of rotation.

(6) Without prejudice to the provisions of sub-article (4), the independent members may resign by letter addressed to the Prime Minister but may not be removed from office except by a resolution of the House of Representatives on the ground of misconduct or inability to perform the duties of their office.

(7) The other members of the Authority shall hold office until they are replaced by the Prime Minister, and as long as they remain public officers or members of the House, as the case may require. Members of the House may also resign from office by letter

addressed to the authority appointing them.

(8) A person who has ceased to be a member of the Authority shall if he is otherwise qualified, be eligible for reappointment; but no person shall in the aggregate be a member of the Authority for more than seven consecutive years.

(9) The provisions of the First Schedule shall apply to the Authority and regulate its proceedings.

(10) The Authority shall transmit a copy of the agenda, minutes and relative enclosures of its meetings to the Minister for his information.

7. (1) The Authority shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, of suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act, including the lending or borrowing of money.

Authority to be  
body corporate.

(2) The legal and judicial representation of the Authority shall jointly vest in the Chairperson and the Chief Executive Officer:

Provided that the Authority may appoint any one or more of its other members or any one or more of its officers or employees to appear in the name and on behalf of the Authority in any proceedings and in any act, contract, instrument or other document whatsoever, or in the case of any vacancy in the post of Chairman or Chief Executive Officer.

(3) In the absence of the chairman, or if the chairman is unable to perform the functions of his office, whether under this or any other provision of this Act, any one of the deputy chairpersons shall perform those functions and shall rotate the chairmanship of the Authority between them as far as practical.

8. (1) The Authority shall be the principal means whereby the Government shall implement its duties under this Act.

Functions of the  
Authority.

(2) The functions of the Authority shall be the following:

(a) to perform and succeed in the functions, assets, rights, liabilities and obligations of the competent authority established under the provisions of article 3 of the Development Planning Act\* and article 6 of the Environment Protection Act\*;

Cap. 356.  
Cap. 435.

(b) the formulation and implementation of policies relating to the promotion of sustainable development, protection and management of the environment and the sustainable management of natural resources, and on such other matters as may be necessary for the better carrying out of the provisions of this Act;

\*although these two Acts were repealed by article 97(1) of this Act, they are still reproduced in the Revised Edition of the Laws of Malta, as a consequence of this paragraph.

- (c) the promotion of proper planning and sustainable development of land and at sea, both public and private;
- (d) the control of such development in accordance with plans and policies approved in terms of this Act;
- (e) the carrying out of national mapping, including carrying out land surveys of specific areas and keeping up to date the national geographical database to undertake the functions mentioned in this sub-article;
- (f) the regulation of alignment and levelling schemes and their interpretation on site.

(3) In carrying out its functions under sub-article (2) the Authority shall:

- (a) seek to co-operate or to make arrangements with other entities or persons to enable it to better monitor the implementation of and compliance with the provisions of this Act;
- (b) establish long and short term objectives and strategies;
- (c) make or advise the Minister on the making of environmental standards, guidelines and the making of regulations under this Act as well as on the formulation and implementation of contingency and emergency plans to safeguard the environment;
- (d) issue any licence or permit that may be required by or under this Act under such conditions as it may, subject to any other provision of this or any other law, deem necessary to control and manage activities having an impact on the environment;
- (e) establish threshold levels of discharge from production, management, use, possession or any other activity involving products, substances and the production of or use of energy;
- (f) monitor the quality of the environment and for such purpose establish methodologies, maintain and disseminate information related to the environment; and
- (g) publish, at intervals not exceeding three years, a report on the state of the environment.

(4) For these purposes, and subject to the provisions of this Act, the Authority shall be responsible for:

- (a) ensuring that environmental audits and environmental assessments as may be prescribed are properly carried out;
- (b) the preparation of the plans and policies including any other matter ancillary, incidental or conducive thereto, and the updating thereof following their approval in terms of this Act;
- (c) the conduct of consultations with Government

departments, non-governmental organizations, private organisations and international organizations and other persons relating to environmental protections and the sustainable management of the environment and natural resources and planning, and to undertake and promote research on such matters;

- (d) the provision of support and advisory services relating to environment protection, to Government and local authorities in relation to the performance of their functions;
- (e) the provision of, either alone or in collaboration with others, education, training and public awareness programmes relating to environmental protection, and the sustainable management of the environment and natural resources;
- (f) the publication and updating, as circumstances may warrant, of an official manual containing such matters as the Minister may prescribe and which shall be made available to the public, provided that:
  - (i) no policy or amendment thereto approved in terms of sub-article (2)(b) shall have effect unless it is approved in accordance with the provisions of this Act and published in the official manual;
  - (ii) a policy or an amendment thereto, as the case may be, shall be published in the official manual within one month from the date of its approval in terms of this Act;
  - (iii) the official manual may be published and updated in electronic form or in any other format as the Authority may approve;
- (g) the performance of such other functions as may from time to time be assigned to it by the Minister, including the functions required to give effect to any international obligation entered into by Malta relative to matters regulated by this Act.

(5) In the execution of its functions under Part III and Part IV, the Authority shall consult with the Minister, and it shall have and may exercise all or any one or more of the powers vested in it or entrusted to it by this Act.

(6) The Authority may also exercise all powers of control over the environment and development as may from time to time be delegated to it in writing by the Minister on behalf of any department or agency of Government.

(7) It shall be the Minister's function to ensure that the Authority is fully informed of Government's strategic directions relative to development, and to monitor the proper execution of such policies.

(8) The Authority shall execute its duties, functions and responsibilities in accordance with Government's strategic

directions relating to development and the environment as well as such policies relating to the environment as are applicable to Malta.

(9) In the pursuance of its functions under this Act, the Authority shall, as far as possible, make reference to European best practices and emulate them.

(10) The Authority shall also ensure that it keeps an audit trail of all its files, including all documentation and reports.

Delegation of power.

**9.** Saving the provisions of article 72 and subject to retaining overall control and supervision, and otherwise observing the provisions of this Act, the Authority may, with the approval of the Minister, delegate any one or more of its functions under this Act under such conditions as it may deem appropriate. In particular, but without prejudice to the generality of the foregoing, the Authority may delegate as aforesaid to, or exercise concurrently with, the Commissioner of Police, or any local council, or any other body, authority or contractor, any of the functions vested in it in terms of Part VI and the Authority shall also have the power to delegate any of its enforcement powers, including the levying of penalties established in this Act, to local wardens appointed in terms of the provisions of the [Private Guards and Local Wardens Act](#) in terms of such procedure as the Minister may in agreement with the Minister responsible for local councils prescribe. Notice of any such delegation shall be published in the Gazette.

Cap. 389.

Appointment of advisory boards and committees.

**10.** The Authority may with the approval of the Minister appoint advisory boards and committees to assist it in the performance of its functions under this or any other law. The functions of the said boards and committees shall be prescribed by the Authority with the approval of the Minister.

Conduct of the affairs of the Authority.

**11.** (1) Subject to the other provisions of this Act, the affairs and business of the Authority shall be the responsibility of the Authority, but save as aforesaid, the executive conduct of the Authority, its administration and organisation and the administrative control of its Directorates and of its officers and employees, shall be the responsibility of the Chief Executive Officer of the Authority, who shall also have such other powers as may from time to time be delegated to him by the Authority.

(2) The Authority and each of the Directorates may exercise any one or more of their functions or responsibilities either directly or through any of their officers or employees authorised for the purpose.

(3) Where in this Act anything is to be done by or against or with respect to the Authority, or any notice is to be or may be given to the Authority, any such thing or notice may also be done by or against or with respect to or be given to the Directorates under whose jurisdiction the matter falls by reason of a delegation of function to such Directorate; and for the purposes aforesaid any reference in this Act to the Authority includes a reference to the appropriate Directorate.



**12.** (1) There shall be established the Directorates designated in the Third Schedule which shall have the respective responsibilities described in the same Schedule.

Establishment of Directorates.

(2) The Authority shall in writing vest in the Directorates established under sub-article (1) and subject to the overall supervision and control of the Authority and of the Chief Executive Officer, such of its functions as relate or are ancillary to the matters for which they are responsible as will enable the said Directorates to give effect to the strategies, policies and directives of the Authority and to otherwise discharge effectively and efficiently the functions of the Authority in their respective areas of operation.

(3) Each of the Directorates established under sub-article (1) shall be headed by a person having adequate experience or knowledge in the respective area of operation who shall either be a public officer detailed for duty with the Authority or any employee of the Authority, or a person detailed to work for the Authority in accordance with an agreement made between the Authority and a public or private undertaking.

(4) Such Directors shall be appointed by the Authority with the approval of the Minister for a period of three years which may be extended for further periods of three years each.

**13.** (1) The Authority shall appoint a Chief Executive Officer with the approval of the Minister. Such appointment shall be for a period of three years which may be extended for further periods of three years each.

Appointment of Chief Executive Officer.

(2) The Chief Executive Officer shall be responsible for the implementation of the objectives of the Authority in the exercise of its functions and without prejudice to the generality of the foregoing shall -

- (a) assume full responsibility for the overall supervision and control of the Directorates;
- (b) with the approval of the Authority, assign to the Directorates such duties which are by, or in accordance with, the provisions of this Act vested in such Directorates;
- (c) co-ordinate the workings of the Directorates;
- (d) develop the necessary strategies for the implementation of the objectives of the Authority;
- (e) advise the Authority on any matter it may refer to him or on any matter on which he considers his advice necessary or expedient; and
- (f) carry out such other functions and duties as the Authority may assign to him from time to time.

(3) The Chief Executive Officer may be dismissed by the Authority at any time for a just cause and it shall be a just cause if the Authority determines that he has not achieved the targets and objectives set for him by the Authority.

Other matters relating to officers of the Authority.

**14.** (1) The Chief Executive Officer and each Director shall, himself or his representative, have the right to be present and participate at all meetings of the Authority, of the Commission and of all the meetings held by all the boards and committees appointed by the Authority:

Provided that the Authority may if it so deems fit, require the Chief Executive Officer or any of the Directors not to attend any of the meetings or any part of a meeting.

(2) The Authority shall also appoint one of its officers to act as secretary of the Authority. The secretary shall have the duty of calling meetings and keeping minutes and such other duties as the Chairman may delegate to him.

(3) The Authority shall also appoint one of its officers as the Internal Auditor. The Internal Auditor shall:

- (a) provide oversight of the systems of internal control and risk management of the Authority and to assist and support the Authority in discharging its responsibilities in relation thereto;
- (b) provide the communication link with external auditors and to evaluate and coordinate the audit and financial reporting process of the Authority;
- (c) scrutinize and evaluate any transaction to be entered into by the Authority with a value exceeding two hundred and fifty thousand euro (€250,000); and
- (d) review and assess the effectiveness of the management of the Authority in its compliance with policies and in the discharge of its regulatory and compliance functions.

(4) The Internal Auditor shall report directly and exclusively to the Authority in accordance with procedures established by the Authority.

Staff appointments.

**15.** (1) Subject to the provisions of the Constitution, any other enactment applicable thereto, and without prejudice to the other provisions of this Act, the employment and appointment of officials and other employees of the Authority shall be made by the Authority and the terms and conditions of their employment and appointment shall be established by the Authority with the concurrence of the Minister.

(2) The Authority may, with the approval of the Minister given after consultation with the Minister responsible for finance, establish a scheme or schemes, whether by contributory or non-contributory arrangements or partly by one and partly by the other, for the payment of pensions, gratuities and other like benefits to its officers and employees on their retirement, death or injury, or to their dependants.

Disclosure of interests.

**16.** (1) Where any member of the Authority, the Chief Executive Officer or a member of the staff of the Authority, or a consultant, advisor or other person engaged by the Authority, has any interest in, or material to, any matter which falls to be

considered by the Authority, he shall -

- (a) disclose to the Authority the nature of his interest at the first meeting of the Authority after such interest is acquired or in advance of any consideration of the matter, whichever is the earlier, and in accordance with directives issued from time to time by the Authority;
- (b) neither influence nor seek to influence the processing and the decision in relation to such matter;
- (c) take no part in any consideration of such matter; and
- (d) not attend nor participate in any meeting on such matter.

(2) Where a question arises as to whether or not a course of conduct, if pursued by a person, would constitute failure by him to comply with the requirements of sub-article (1), the question shall be determined by the Authority and the decision and its motivation shall be recorded in the minutes of the meeting during which the decision was taken and such person to be duly informed.

(3) Where a disclosure is made to the Authority pursuant to sub-article (1), particulars of the disclosure shall be recorded in the minutes of the relative meeting.

(4) Where a person to whom sub-article (1) applies fails to make the required disclosure, the Authority shall decide the appropriate action to be taken which may include the removal from office or termination of the contract of the person concerned.

**17.** The Authority shall appoint and employ, at such remuneration and upon such terms and conditions as it may, in accordance with article 15, determine, such officers and employees of the Authority as may from time to time be necessary for the due and efficient discharge of the functions of the Authority.

Appointment and functions of officers and employees of the Authority.

**18.** (1) The Prime Minister may, from time to time, direct that any public officer shall be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction.

Detailing of public officers for duty with the Authority.

(2) The period during which a direction as aforesaid shall apply to any officer specified therein, shall, unless the officer retires from the public service, or otherwise ceases to hold office at an earlier date, or unless a different period is specified in such direction, end on the happening of any of the following events, that is to say:

- (a) the acceptance by such officer of an offer of transfer to the service of, and permanent employment with, the Authority made in accordance with the provisions of article 20; or
- (b) the revocation of such direction by the Prime Minister, in relation to such officer:

Provided that in relation to a public officer detailed for duty with the Authority with effect from such date as the Prime Minister may in a direction as aforesaid establish, the detailing of such

public officer shall cease to have effect after one year from the effective date of such direction, unless the direction is revoked earlier by the Prime Minister.

(3) Where a direction as aforesaid is revoked by the Prime Minister in relation to any officer, the Prime Minister may, by further direction, detail such officer for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction, and the provisions of sub-article (2) shall thereupon apply to the period of duration of such detailing by any such further direction in relation to such officer.

Status of public officers detailed for duty with the Authority.

19. (1) Where any public officer is detailed for duty with the Authority under any of the provisions of article 18, such officer shall, during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Authority but he shall for all intents and purposes remain and be considered and treated as a public officer.

(2) Without prejudice to the generality of the foregoing, an officer detailed for duty as aforesaid -

(a) shall not during the time in respect of which he is so detailed -

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment held by him under the Government on the date on which he was so detailed for duty; or

(ii) receive remuneration and be subject to conditions of service which are less favourable than those attached to the appointment under the Government held by him on the date aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Authority; and

(b) shall be entitled to have his service with the Authority considered as service with the Government for the purposes of any pension, gratuity, or benefit under the [Pensions Ordinance](#) and the [Widows' and Orphans' Pensions Act](#) and for the purpose of any other right or privilege to which he would have been entitled, and liable to any liability to which he would have been liable, but for the fact of his being detailed for duty with the Authority.

Cap. 93.  
Cap. 58.

(3) Where an application is made as provided in sub-article (2)(a)(i) the same consideration shall be given thereto as if the applicant had not been detailed for service with the Authority.

(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the

Authority as aforesaid during the period in which he is so detailed.

20. (1) The Authority may, with the approval of the Prime Minister, offer permanent employment with the Authority to any officer detailed for duty with the Authority under any of the provisions of article 18 at remuneration and on terms and conditions not less favourable than those enjoyed by such officer on the date of such offer.

Offer of permanent employment with the Authority to public officers detailed for duty with the Authority.

(2) The terms and conditions of any permanent employment offered by the Authority under the provisions of sub-article (1) shall not be deemed to be less favourable merely because they are not in all respects identical or superior to those enjoyed by the officer concerned on the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister offer substantially equivalent or greater benefits.

(3) Every officer who accepts permanent employment with the Authority offered to him under the provisions of sub-article (1) shall, for all purposes other than those of the [Pensions Ordinance](#) and of the [Widows' and Orphans' Pensions Act](#), and saving the provisions of article 44, be deemed to have ceased to be in service with the Government and to have entered into service with the Authority on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the Authority shall be deemed to be service with the Government within the meanings thereof respectively.

Cap. 93.  
Cap. 58.

(4) Every such officer as aforesaid who, immediately before accepting permanent employment with the Authority was entitled to benefit under the [Widows' and Orphans' Pensions Act](#), shall continue to be so entitled to benefit thereunder to all intents as if his service with the Authority were service with the Government.

Cap. 58.

(5) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer who has accepted permanent employment with the Authority as aforesaid during the period commencing on the date of such officer's acceptance.

(6) In the case of a public officer detailed for duty with the Authority with effect from the date established under the proviso to article 18(2)(b) and who subsequently accepts permanent employment with the Authority the foregoing provisions shall apply subject to the following provisions of this article.

(7) For the purposes of the [Pensions Ordinance](#) the pensionable emoluments on retirement of any public officer to whom sub-article (6) applies shall be deemed to be the pensionable emoluments payable to an officer in Government service in a grade and at an incremental level corresponding to the post occupied and incremental level on the date on which the officer retires from the Authority.

Cap. 93.

(8) (a) The classification referred to in sub-article (7) shall be carried out by a board composed of a chairperson appointed by the Ministry responsible for finance and

two other members, one appointed by the Ministry responsible for personnel policies in general in the public service and one appointed by the Authority. The classification shall be subject to the final approval of the Minister responsible for finance.

- (b) Such classification shall take place within three months of any adjustment of salaries of employees in Government service and, or of employees of the Authority.
- (c) Without prejudice to article 113 of the [Constitution](#), no person may, following a classification as aforesaid, be entitled to rights under the said Pensions Ordinance less favourable than those to which he would have been entitled prior to such classification.

Cap. 93.

Engagement of consultants and advisers.

**21.** The Authority may engage such consultants or advisers, as it may consider necessary to assist it in the fulfilment of its functions.

Authority to meet expenditure out of revenue.

**22.** (1) Without prejudice to the following provisions of this article, the Authority shall so conduct its affairs that the expenditure required for the proper performance of its functions shall, as far as practicable, be met out of its revenue.

(2) For the purposes of sub-article (1) the Authority shall levy all fees, rates and other payments prescribed or deemed to be prescribed by or under this Act or any other law providing for matters falling under the powers and functions vested in the Authority by or under this Act.

(3) The Authority shall also be paid by Government out of the Consolidated Fund such sums as Parliament may from time to time authorise to be appropriated to meet the costs of specified works or activities to be continued or otherwise carried out by the Authority.

(4) Subject to such directives as the Minister may give from time to time after consultation with the Minister responsible for finance, any excess of revenue over expenditure shall be applied by the Authority to the formation of reserve funds to be used for the purposes of the Authority. Without prejudice to the generality of the power of the Minister to give directives under this sub-article, any directive given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of the fees, rates and other payments levied in accordance with sub-article (2).

(5) Any funds of the Authority not immediately required to meet expenditure may be invested by the Authority in such manner as may from time to time be approved by the Minister.

Power to borrow or raise capital.

**23.** (1) For the purpose of carrying out any of its functions under this Act, the Authority may, with the approval in writing of the Minister given after consultation with the Minister responsible for finance, borrow, including by way of overdraft or otherwise, or raise money in such manner, from such person, body or authority, and under such terms and conditions as the Minister, after

consultation as aforesaid, may in writing approve.

(2) The Authority may also, from time to time, borrow, by way of overdraft or otherwise, such sums as it may require for carrying out its functions under this Act:

Provided that for any amount in excess of one million euro (€1,000,000) there shall be required the approval of the Minister in writing.

**24.** The Minister responsible for finance may, after consultation with the Minister, make advances to the Authority of such sums as he may agree to be required by the Authority for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as he may, after consultation as aforesaid, deem appropriate. Any such advance may be made by the Minister responsible for finance out of the Consolidated Fund, and without further appropriation other than this Act, by warrant under his hand authorising the Accountant General to make such advance.

Advances from  
Government.

**25.** (1) The Minister responsible for finance may, for any requirements of the Authority of a capital nature, contract or raise loans, or incur liabilities, for such periods and on such terms and conditions as he may deem appropriate; and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

Borrowing from  
Government.

(2) Notice of any loans, liabilities or advances made or incurred under the foregoing provisions of this article shall be given to the House of Representatives as soon as practicable.

(3) Pending the raising of any such loan as is mentioned in sub-article (1), or for the purpose of providing the Authority with working capital, the Minister responsible for finance may, by warrant under his hand, and without further appropriation other than this Act, authorise the Accountant General to make advances to the Authority out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(4) The proceeds of any loan raised for the purposes of making advances to the Authority, and any other moneys to be advanced to the Authority under this article, shall be paid into a fund specially established for the purpose and which shall be known as the "Authority Loan Fund".

(5) Sums received by the Accountant General from the Authority by way of repayment of advances made to the Authority under sub-article (3) shall be paid into the Treasury Clearance Fund and sums received by the Accountant General by way of interest on such advances shall be paid into the Consolidated Fund.

**26.** (1) The Authority shall cause to be prepared in every financial year, and shall not later than four weeks before the end of such year adopt, estimates of the income and expenditure of the Authority for the following financial year distinguishing, in particular, between each of such Directorates as may be established under the provisions of this Act:

Estimates of the  
Authority.

Provided that the estimates for the first financial year of the Authority shall be prepared and adopted within such time as the Minister may by notice in writing to the Authority specify.

(2) In the preparation of such estimates the Authority shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act or of an appropriation Act or of any other law; and the Authority shall so prepare the said estimates as to ensure that the total revenues of the Authority are at least sufficient to meet all sums properly chargeable to its revenue account, including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made out in such form and shall contain such information and such comparisons with previous years as the Minister responsible for finance may direct.

(4) A copy of the estimates shall, upon their adoption by the Authority, be sent forthwith to the Minister and to the Minister responsible for finance.

(5) The Minister shall, at the earliest opportunity and not later than six weeks after he has received a copy of the estimates from the Authority, approve the same with or without amendment after consultation with the Minister responsible for finance.

Expenditure to be according to approved estimates.

**27.** (1) No expenditure shall be made or incurred by the Authority unless provision therefor had been made in the estimates approved as provided in article 26.

(2) Notwithstanding the provisions of sub-article (1) -

- (a) until the expiration of six months from the beginning of a financial year, or until the approval of the estimates for that year by the House, whichever is the earlier date, the Authority may make or incur expenditure for carrying on its functions under this Act not exceeding in the aggregate one-half of the amount approved for the preceding financial year;
- (b) expenditure approved in respect of a head or subhead of the estimates may, with the approval of the Minister given after consultation with the Minister responsible for finance, be made or incurred in respect of another head or subhead of the estimates;
- (c) if in respect of any financial year it is found that the amount approved in the estimates is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Authority may adopt supplementary estimates for approval by the Minister and in any such case the provisions of this Act applicable to the estimates shall as near as practicable apply to the supplementary estimates.

Publication of approved estimates.

**28.** The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of the estimates and supplementary estimates of the Authority, or if at any time during



that period the House of Representatives is not in session, within eight weeks from the beginning of the next following session, cause such estimates to be laid on the Table of the House of Representatives, together with a motion that the House approve the said estimates. One sitting day shall be allotted for the debate in the House on such motion; and both the motion and the approval of the estimates by the House may be with or without amendment to the estimates.

**29.** (1) The Authority shall cause to be kept proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of accounts in respect of each financial year.

Accounts and audit.

(2) The accounts of the Authority shall be audited by an auditor or auditors to be appointed by the Authority and approved by the Minister:

Provided that the Minister responsible for finance may, after consultation with the Minister, require the books and accounts of the Authority to be audited or examined by the Auditor General who shall for the purpose have the power to carry out such physical checking and other verifications as he may deem necessary.

(3) The Authority shall not later than three months after the end of each financial year cause a copy of the statement of accounts duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.

(4) The Minister shall cause a copy of every such statement and report to be laid before the House as soon as practicable.

**30.** (1) All monies accruing to the Authority shall be paid into a bank or banks appointed as bankers of the Authority by a resolution of the Authority. Such monies shall, as far as practicable, be paid into any such bank from day to day, except such sum as the Authority may authorise to be retained to meet petty disbursements and immediate cash payments.

Deposit of revenues and payments by the Authority.

(2) All payments out of the funds of the Authority, other than petty disbursements not exceeding a sum fixed by the Authority, shall be made by such officer or officers of the Authority as the Authority shall appoint or designate for that purpose.

(3) Cheques against and withdrawals from any bank account of the Authority shall be signed by such officer of the Authority as may be appointed or designated by the Authority for that purpose and shall be countersigned by the Chairperson or such other member or officer of the Authority as may be authorised by the Authority for that purpose.

(4) The Authority shall also make provision with respect to -

- (a) the manner in which and the officer or officers by whom payments are to be authorised or approved;
- (b) the title of any account held with the bank or banks into which the monies of the Authority are to be paid, and the transfer of funds from one account to the other;

- (c) the method to be adopted in making payments out of funds of the Authority, and generally with respect to any matter which is relevant to the proper keeping and control of the accounts and books, and the control of the finance, of the Authority.

Contracts of supply or works.

**31.** The Authority shall not award or enter into any contract for the supply of goods or materials or for the execution of works, or for the rendering of services, to or for the benefit of the Authority, except in accordance with regulations in force regulating the procurement of all goods and services in the public sector.

Annual Report.

**32.** The Authority shall, not later than three months after the end of each financial year, make and transmit to the Minister and to the Minister responsible for finance a report dealing generally with the activities of the Authority during that financial year, distinguishing, in particular, between each of such Directorates as may be established under the provisions of this Act and containing such information relating to the proceedings and policy of the Authority as either of the said Ministers may from time to time require. The Minister shall cause a copy of every such report to be laid on the Table of the House as soon as practicable.

Exemption from tax.

**33.** The Authority shall be exempt from any liability for the payment of any tax on income or duty on documents for the time being in force in Malta.

## 2. Committees, Commissions, Boards and Tribunals

Standing Committee on Environment and Development Planning.

**34.** (1) There shall be a Standing Committee on Environment and Development Planning which shall consist of five members appointed by the House, of whom three shall be members supporting the Government, one of whom shall be appointed as Chairman, and the other two shall be members from the Opposition.

(2) The Standing Committee shall:

- (a) review any plan referred to the House of Representatives in terms of this Act. The Standing Committee shall also recommend to the House whether the plan should be approved, with or without amendments, or rejected;
- (b) discuss any report referred to it by the Minister relating to the structure plan or any review thereof;
- (c) discuss any other plan or policy referred to it by the Minister and report thereon to Parliament. Such a report may also include any dissenting opinion on the plan or policy. The Minister shall take cognisance of the said report and shall forward the report to the Authority for its consideration in the determination by the Authority of the plan or policy if the said plan or policy has not yet been approved by the Authority:

Provided that where the said Standing Committee fails to report to Parliament within the period by which it was requested to do so, the Minister may request the Authority to finalise the said plan or policy, and the Minister may also approve the said plan or

policy as forwarded to him by the Authority.

(3) When notice of a motion, as is referred to in article 53(2), is given by the Minister, that motion shall be referred to the Standing Committee of the House, and the said Standing Committee shall discuss the said motion and report thereon to the House.

(4) Not later than one month after a notice as is referred to in sub-article (3) has been referred to the Standing Committee of the House, the said Standing Committee shall discuss the structure plan or any review thereof, and shall, not later than one month after the said plan or review thereof has been referred to it, report thereon to the House:

Provided that where the said Standing Committee fails to report to the House within the said period of one month, the House may pass on to discuss the motion.

(5) Where the report of the Standing Committee on a motion is unanimous, the House shall proceed to vote on such motion and on any amendments that are proposed in the said report without debate.

**35.** (1) There shall be a commission, to be known as the Environment and Planning Commission, which may have such number of divisions as the Prime Minister may by order in the Gazette prescribe. Each division shall deal with such types of applications, not being specific to a geographical area, as the Minister may after consulting the Authority prescribe:

Environment and  
Planning  
Commission.

Provided that no two divisions thereof shall deal with the same types of applications.

(2) Each division of the Commission shall be appointed by the Prime Minister and shall consist of five members, included its Chairman. Each division shall be composed of members chosen from amongst persons of known integrity and with knowledge of and experience in matters relating to environment and development. The members of the Commission shall hold office for a period of four years. They shall be eligible for reappointment of another term of four years. The provisions of article 6(4) shall apply to the members of the Commission, and its members may also be removed by the Authority for reasons of gross misconduct or breach of their duties.

(3) Subject to sub-article (1) and to article 72 the functions of the Commission shall be such of the functions of the Authority with respect to environment and development control, including enforcement, as the Authority may from time to time delegate to it and require it to perform, subject to such conditions as the Authority may deem appropriate.

(4) The decisions of the Commission including any permission or licence issued by it, shall be deemed to be, and shall have the same force and effect as the decisions of the Authority, except in respect of matters which the Authority expressly reserves to itself or requires to be referred to it for determination, and the expression "decision of the Authority" wherever it appears in this Act, shall be construed accordingly.

(5) The decisions of the Commission shall only be binding if they are supported by the votes of not less than three of its members; and they shall be published as soon as practicable after the meeting at which they are taken.

(6) The Commission shall transmit to the Chief Executive Officer and the Directors a copy of the agenda of its meeting prior to the meeting and a copy of the minutes and relative enclosures of its meetings immediately after the meeting. The Chief Executive Officer and any Director, or his representative, may attend the meeting of the Commission and may make submissions on any matter under consideration.

(7) Subject to the foregoing provisions, and to any rules that may be prescribed by the Authority, the Commission may regulate its own procedures.

(8) The staff of the Commission shall consist of officers and employees of the Authority detailed to service the Commission; and the Authority shall further provide the Commission, out of its own resources, with such other support as the Commission may reasonably require to carry out its functions.

(9) The Commission may at any time draw up reports, which shall be discussed by the Authority:

- (a) on any issue relevant to environment and development planning, including on any application;
- (b) concerning the environment protection and development control process; and
- (c) on any subject which should be addressed by the Authority by means of a new policy or an amendment to an existing one.

Establishment of  
the Users'  
Committee.

**36.** (1) There shall be a Committee, to be known as the Users' Committee, which shall consist of not less than seven and not more than eleven members being not more than one representative from each of the interested national constituted bodies recognized by the Minister for the purpose of this article. The Users' Committee shall be autonomous from the Authority and shall be appointed by and be responsible to the Minister to whom it shall report at least every six months, or earlier as the need arises.

(2) The Users' Committee shall supervise the general functioning of the Authority particularly to ensure, in the interest of the general public an expeditious and fair process and transparency and uniformity in the Authority's decisions and acts. For these purposes the Users' Committee shall monitor the running of the Authority and shall propose, to the Authority or the Minister as the case may be, such changes to administrative processes and practices as it may deem appropriate.

The Heritage  
Advisory  
Committee.

**37.** (1) There shall be a committee to be styled the Heritage Advisory Committee, which shall consist of two panels.

(2) One panel shall deal with Cultural Heritage and shall be known as the Cultural Heritage Panel, and shall be constituted as follows:

- (a) a chairman and three other members appointed by the Minister responsible for culture, and
- (b) three other members appointed by the Minister after consulting the Authority.

(3) One panel shall deal with Natural Heritage and shall be known as the Natural Heritage Panel, and shall consist of a chairman and six other members appointed by the Minister after consulting the Authority.

(4) Four members of a panel shall constitute the quorum at the meetings of a panel and eight members shall constitute a quorum at a joint meeting of the two panels. The chairman at a meeting shall have an original vote and, in the case of equality of votes, a casting vote.

(5) It shall be the function of the panel, each in the field dealt by it, to provide professional and expert advice to the Authority on matters relating to the conservation of the cultural and natural heritage in an integrated process. Each panel shall also provide advice on the application process in particular with regard to the conservation of property or areas that may be affected by an application for permission.

(6) Each panel shall make available for public inspection any recommendation made by it to the Authority and shall, every six months, report to the Authority and to the Committee of Guarantee set up under the [Cultural Heritage Act](#).

Cap. 445.

(7) Each panel may call upon any person to give it expert or professional advice on any matter being dealt by it.

(8) Either chairman shall convene a joint meeting of both panels when matters affecting both the cultural and the natural heritage are involved, and in such case the joint meeting of the two panels shall be chaired by the chairman of the panel convening the meeting. The provisions of sub-article (7) shall apply also to such meetings.

(9) Subject to the foregoing provisions of this article and to any rules prescribed by the Minister with the concurrence of the Minister responsible for cultural heritage, the committee and the panels may regulate their own procedure.

**38.** (1) The Authority shall set up a fund, hereinafter referred to as the Environment Fund.

The Environment Fund and other funds.

(2) The Environment Fund shall be administered by the Authority.

(3) The Environment Fund shall be used to finance projects, programmes and schemes related to, and costs intended to enforce and manage, the aims and objectives of this Act, as well as works which may be needed for that purpose or to remedy any harm caused to the environment in connection with any contingency or emergency plan, or to finance such other activities, including activities organised by nongovernmental organizations, as the Minister in consultation with the Authority may prescribe:

Provided that, without prejudice to the aforesaid, the Environment Fund shall not be used to finance other costs of the Authority:

Provided further that the Authority may charge the Environment Fund for any services rendered by it to the Environment Fund.

- (4) There shall be paid into the Environment Fund:
- (a) any sums appropriated by Parliament for the purpose;
  - (b) any donations or grants made to the Environment Fund by individuals or institutions;
  - (c) sums received by the Authority for the purpose of being placed in the Environment Fund;
  - (d) such other sums or monies as may from time to time be provided by or under this or any other law or regulations.

(5) The Environment Fund shall keep a proper account of its revenue and expenditure and the Authority shall, without prejudice to the powers of the Auditor General and of the Minister responsible for finance under any law, each year cause the accounts of the Environment Fund to be audited by suitably qualified public auditors and accountants appointed by it with the concurrence of the Minister.

(6) The Environment Fund shall every financial year deliver to the Minister, through the Authority, a copy of its duly audited balance sheet together with a report of its activities during the previous financial year. The Minister shall lay a copy of the balance sheet and of the report on the Table of the House within a month of the receipt of the same from the Authority.

Cap. 123.  
Cap. 364.

(7) The revenue of the Environment Fund shall not be subject to tax under the [Income Tax Act](#) and the Environment Fund shall not be liable to tax under the [Duty on Documents and Transfers Act](#).

(8) The Minister after consulting the Authority may make regulations prescribing the procedure to be followed by the Authority and otherwise regulating the Environment Fund.

(9) The Authority may set up other funds and prescribe what shall be paid into such funds and how the said funds shall be administered and used. The provisions of sub-articles (4), (5), (6), (7) and (8) shall apply *mutatis mutandis* to such other funds.

Mediators.

**39.\*** (1) There shall be such officers, to be known as the Mediators, whose function shall be to act as a mediator between an applicant for permission or licence and the Authority.

(2) The Authority shall appoint a mediator at the request of either the applicant for permission or licence or at the request of any of the Chief Executive Officer or of Directors of the Authority.

(3) There shall be a panel of Mediators appointed by the

\*this article is not yet in force.

Minister after consultation with the Authority and the Malta Mediation Centre. A Mediator shall be appointed from among persons versed in environmental matters or in planning or in architecture and civil engineering or in any other relevant discipline.

(4) Subject to the foregoing provisions and to any regulations made under sub-article (7), a Mediator may regulate his own proceedings.

(5) No appeal shall lie to the Tribunal in terms of article 41 from anything done by the Mediator.

(6) If a mediator has been appointed, all the submissions in relation to the procedures that have or ought to have been followed, including the commissioning of studies related to the matter under the Authority's consideration, shall be made before the said mediator.

(7) The Minister may, after consultation with the Authority, make regulations to give better effect to the provisions of this article and, without prejudice to the generality of the foregoing, he may:

- (a) establish the procedure to be followed by a Mediator;
- (b) prescribe those types of applications which an applicant may not refer to a Mediator;
- (c) prescribe the procedure to be followed by the Director during consultation meetings with the applicant and his representative;
- (d) prescribe the procedure to be followed in the formulation of an application report by the Director.

**40.** (1) There shall be a Tribunal, to be known as the Environment and Planning Review Tribunal, consisting of three members, one being a person versed in environment or development planning, who shall preside, and a lawyer and an architect, each of whom shall be appointed by the President acting on the advice of the Minister.

Environment and  
Planning Review  
Tribunal.

(2) The President, acting on the advice of the Minister, may also appoint panels of members and in such case the composition of the Tribunal for any one or more appeals to be heard by it shall be the responsibility of the secretary to the Tribunal who shall, as far as is practicable, determine such composition on the basis of rotation.

(3) A member of the Tribunal shall be disqualified from hearing an appeal in such circumstances as would disqualify a judge in a civil suit; and in any such case the member shall be substituted by another person either appointed for the purpose by the President acting on the advice of the Minister or chosen from the appropriate panel so appointed.

(4) The members of the Tribunal shall hold office for a period of four years. They shall be eligible for reappointment of another term of four years.

(5) In the exercise of their functions under this Act, the Chairman and the members of the Tribunal shall not be subject to the control or direction of any other person or authority, and may be removed from office by the President acting on the advice of the Minister for the reasons provided for in article 97(2) of the [Constitution](#).

(6) The Tribunal shall have an administrative secretariat independent from the Authority, consisting of a secretary and such other officers or employees as may be necessary for a prompt and efficient determination of the matters within the Tribunal's jurisdiction. The secretary shall be appointed by the Minister and the other members of the secretariat shall be chosen and appointed by the secretary.

(7) The expenses incurred in connection with the administration of the Tribunal, including the payment of the honorarium to the Chairman and members of the Tribunal and the salary of the Tribunal's Secretary and the Tribunal's staff shall be paid out of the Consolidated Fund without the necessity of any further appropriation.

Functions and  
procedures of the  
Tribunal.

**41.** (1) Subject to those articles which specifically exclude the right to appeal before the Tribunal, and to articles 81(14), 82(4) and 86, the Tribunal shall have jurisdiction to:

- (a) hear and determine all appeals made by the applicant or a person aggrieved by a notice issued under the provisions of Part VI on any decision of the Authority on any matter of development control, including the enforcement of such control, or appeals made by any person on any decision of the Authority relating to environment protection, including environment assessments, access to environmental information and the prevention and remedying of environmental damage:

Provided that the Authority shall not be construed as any person for the purposes of this paragraph;

- (b) exercise such functions as are vested in it in terms of Articles 48, 49, 57, 58, 63 and 77 and hear and determine appeals made in terms of articles 42, 76, 77, 81, 91, 92 u 93 and such other functions assigned to it under the provisions of this Act;
- (c) hear and determine an appeal lodged by an interested third party from a decision of the Authority on any matter of development control, provided that:
- (i) such an appeal may only be made by an interested third party who had submitted written comments in terms of article 68(4) when the application to carry out the development is published,
- (ii) no appeal shall lie by an interested third party from any development control decision concerning a development which is specifically



authorized in a development plan,

- (iii) a local council in whose locality the development is intended to be carried out shall always be deemed for all intents and purposes of law to be an interested third party provided that the said council has complied with the provisions of article 68(4) and it is acting in the interests of the locality,
- (iv) the Government and any department, agency, authority or other body corporate wholly owned by the Government shall always be deemed for all intents and purposes of law to be an interested third party:

Provided that the Authority shall not be construed as an interested third party for the purposes of this sub-paragraph.

(2) Unless otherwise provided under any provision of this Act, an appeal may be lodged before the Tribunal within thirty days from date of notification of the decision or order by the Authority.

(3) In case of a development listed in the Seventh Schedule, at the request of the appellant made concurrently with the application for the appeal, through a partial decision, the Tribunal may suspend the execution of the development, in whole or in part, as approved by the development permit subject of the appeal, under those terms, conditions and other measures it may deem fit:

Provided also that the application is not for a development which, in the opinion of the Minister is of strategic significance or of national interest, related to any obligation ensuing from a European Union Directive, affects national security or affects interests of other governments.

(4) In the cases referred to in sub-article (3), the Tribunal shall hold its first hearing be within six working days from receipt of the appeal, and shall not suspend the execution of such a permit unless it is satisfied, after hearing all the parties, that unless the execution of the permit is suspended the prejudice that would be caused would be disproportionate when compared with the actual doing of the thing so permitted or if the request is deemed as frivolous or vexatious:

Provided that the Tribunal shall justify the decision suspending the execution of the development and shall grant its final decision on the merits of the appeal within three months from the date of the first hearing of the appeal:

Provided further that the suspension of the execution of such a permit may not be more than three months from the date of the first hearing of the Appeal before the Tribunal, and the suspension order shall be deemed to have elapsed *ipso iure* after the lapse of such a period.

(5) In all other appeals, the first hearing of the Tribunal shall be held within three months from receipt of the appeal.

Cap. 12.

(6) The decisions of the Tribunal shall be final. An appeal by the appellant or any of the appellate parties to the appeal shall lie to the Court of Appeal constituted in terms of article 41(6) of the [Code of Organization and Civil Procedure](#) from such decisions only on points of law decided by the Tribunal in its decision. An appeal from a partial decision of the Tribunal may only be filed together with an appeal from the final decision of the Tribunal. An appeal to the Court of Appeal (Inferior Jurisdiction) shall be submitted within twenty days from when the decision of the Tribunal is delivered in public and such an appeal shall be regulated by the rules of court made under article 29 of the [Code of Organization and Civil Procedure](#).

(7) The decisions of the Tribunal shall be binding if they are supported by the opinion of two of its members, and the dissenting member, if any, may express his opinion separately; and all decisions of the Tribunal shall be delivered in public and shall be published as soon as practicable after the sitting at which they are given.

(8) Where a hearing is held by the Tribunal, other than in those cases referred to in sub-articles (3) and (4), advance notice of not less than fourteen days shall be given of the first sitting of the Tribunal to the parties, and those interested third parties who registered their interest during the processing of the application before the Authority, in such manner as the Tribunal may deem appropriate or as may be provided in the Second Schedule:

Provided that in cases of urgency the said time limit of fourteen days may be abridged by order of the Tribunal if the Tribunal is satisfied that the party requesting urgency has given a valid reason in writing therefor.

(9) The sittings of the Tribunal shall be open to the public, subject to the power of the Tribunal to exclude any member of the public if it deems it necessary so to do for the maintenance of order.

(10) The Tribunal may require any department or agency of the Government to provide the Tribunal with such information or advice as the Tribunal may deem necessary for the proper execution of its functions.

(11) Subject to the above and to article 74, appeals to the Tribunal and the conduct of the business of the Tribunal shall be made in accordance with the rules contained in the Second Schedule; and in the absence of such rules on any matter, the Tribunal may regulate its own procedure.

Cap. 319.

(12) Where judicial proceedings are instituted against the Tribunal before a court of civil jurisdiction, the Secretary shall represent the Tribunal in such proceedings; and, saving the provisions of article 46 of the [Constitution](#) and article 4 of the [European Convention Act](#), no precautionary act may be issued against the Tribunal by any court.

(13) The Tribunal, if it decides to grant a permission or licence may impose a penalty, the payment of fees and contributions and other conditions, which the Authority may impose when granting a

permission or licence; and the Tribunal shall ensure that it complies with the provisions of article 69 in reviewing decisions of the Authority.

(14) When the Tribunal modifies a decision taken by the Authority and orders the issue of a permission or licence, or in any other manner changes the decision of the Authority, the Authority shall, unless an appeal has been lodged to the Court of Appeal (Inferior Jurisdiction) from the Tribunal's decision, issue the permission or licence or comply with the decision of the Tribunal within one month from the Tribunal's decision, or, if in the Tribunal's decision a condition has been imposed or a penalty inflicted, within one month from compliance by the appellant with such condition or payment of such penalty inflicted by the Tribunal in its decision.

42. (1) There shall be a Registration Board whose function shall be to evaluate applications for registration in the Register of Consultants eligible to carry out environment assessments and other assessments.

The Registration Board.

(2) The Board shall be composed of a minimum of three members and a maximum of five members, one of whom shall be the Chairman and who shall be appointed by the Minister.

(3) The members of the Board shall be independent members and who are not involved in any way in the preparation of environmental or other assessments falling within the jurisdiction of the Board.

(4) The Board shall assess applications for such registrations and approve those that meet the requirements for registration. The Board shall give reasons for its decisions.

(5) The decision of the Board to grant or to refuse an application for registration in the Register kept by the Authority shall be notified in writing to the applicant without delay.

(6) The Board may direct the Authority to update the Register at such regular intervals as it may deem fit by the inclusion of other disciplines in the Register, which disciplines might have in the meantime evolved.

(7) The decisions of the Board shall be final. An appeal shall lie to the Tribunal only on the grounds that the Board has, in its decision, wrongly applied the provisions of this Act or any regulations issued thereunder, or the decision of the Board constitutes an abuse of discretion or is manifestly unfair, and without prejudice to the aforesaid, the discretion of the Board may not, so long as it has been exercised properly, be queried by the Tribunal. An appeal from a partial decision of the Board may only be filed together with an appeal from the final decision of the Board.

(8) The decision of the Board shall be binding if it is supported by the opinion of a majority of its members, and the dissenting member or members, if any, may express his opinion separately; and all decisions of the Board shall be delivered in public and shall be published as soon as practicable after the sitting at which they

are given.

(9) The Minister may, after consultation with the Board, make regulations to give better effect to the provisions of this article and, without prejudice to the generality of the foregoing, he may:

- (a) establish criteria that applicants are expected to meet in order to qualify for registration;
- (b) establish the procedure to be followed by a Board;
- (c) prescribe a tariff of fees for registration with the Board.

Powers of the  
Registration  
Board.

**43.** (1) The Registration Board may, out of its own motion, or at the request of the Authority, cancel any certificate granted under the provisions of article 42 or refuse any application for a renewal of the registration, when the holder of that certificate:

- (a) is found guilty by a court of criminal jurisdiction of a crime being a crime committed through imprudence, carelessness, un-skillfulness in an art or profession, or non-observance of regulations; or
- (b) is found guilty by a court of criminal jurisdiction of any offence under the provisions of the Act or of any regulations made there under; or
- (c) has, in the opinion of the Authority and the Board, submitted sub-standard or deliberately misleading work in an assessment; or
- (d) has participated in the preparation of an assessment when he was not registered in the Register; or
- (e) was the recipient of a certificate issued under the provisions of article 42 based on information given by the applicant which is false or misleading; or
- (f) fails to pay the yearly renewal fee.

(2) Notwithstanding the provisions of sub-article (1), the Board may opt for a suspension, rather than cancellation of the certificate, in the circumstances specified in sub-article (1)(d) and (f).

(3) Notwithstanding the provisions of sub-article (1), if a person participates in the preparation of an assessment without being registered in the Register, he shall subsequently be barred from registering or participating in any assessments in Malta for a period to be decided by the Board which period shall in no case be less than three years.

### 3. Common Provisions

Members of the  
Authority, etc., to  
be deemed public  
officers for certain  
purposes.  
Cap. 9.

**44.** (1) For the purposes of the [Criminal Code](#) and of any provision of a penal nature in any other law, the members of the Authority and of any committee, board, commission or other body or office established by this Act, and every officer or employee thereof, shall be deemed to be and be treated as a public officer.

(2) The members, officers and employees of the Authority in the performance of their functions under this Act or under any other law administered by the Authority, shall not be liable for any

loss or damage suffered by any person by reason of anything done or omitted to be done in good faith in the course of the administration of this Act or of any other law.

**45.** The Authority, any commission, committee, tribunal or Board may consult with any officer of the Authority or any other person or entity whose advice is considered relevant to any matter under its consideration. Such consultations shall be duly recorded.

Consultations.

**46.** (1) Every member of the Authority, the Environment and Planning Tribunal, the Environment and Development Planning Commission, The Chief Executive Officer and each Director shall submit a declaration of assets in accordance with the procedures established for this purpose by the Minister.

Declaration of assets, code of conduct and publication of names.

(2) The Minister shall in consultation with the Authority and the Environment and Planning Tribunal, issue, publish and review a code about the conduct expected of the members of the Authority, the members and officers of the Environment and Planning Tribunal and of the Environment and Planning Commission and any other committee, board, commission or other body established by this Act, The Chief Executive Officer, Directors and officers of the Authority in connection with the performance of the Authority's functions.

(3) The provisions of the code of conduct shall be taken into account in deciding whether any such member or officer is unfit to perform the duties assigned to him under this Act or whether his term of office is to be renewed.

(4) The names of all the members of the Authority, and of any committee, board, commission or other body established by this Act, including the panels from which the Tribunal is constituted, and any other change in such membership shall be published in the Gazette.

## PART IV

### Environment and Development Planning

#### 1. Plans and Policies

**47.** Without prejudice to the provisions of this Act, the effective management and planning of the environment and development shall be regulated by plans, policies and regulations, which are prepared and amended from time to time in accordance with the provisions of this Act.

Plans, policies and regulations.

**48.** (1) The Authority shall, either out of its own motion, but after consultation with the Minister, or if so requested by the Minister, make a plan or a policy on any matter relating to the environment and development planning.

Request by the Minister to the Authority to prepare a plan or policy.

(2) The Authority may also, either out of its own motion, but after consultation with the Minister, or if so requested by the Minister, review a plan or a policy which is already in force.

(3) The Minister shall, upon making such a request in writing, send to the Authority the reasons for making such a request together with a statement of goals and objectives to be attained by

the plan or policy or a revision of such plan or policy.

(4) The preparation and review of the structure plan shall be regulated by the provisions of articles 51 to 53 whereas the preparation or review of any other plan or policy shall be regulated by the provisions of article 58:

Provided that the Minister may, without prejudice to the provisions of articles 51 to 53 and article 58, set out any additional procedure that the Authority ought to follow, including the carrying out of assessments, and may also carry out any assessments and, or consultations, including public consultations, he may deem necessary.

(5) If the Authority, upon a request by the Minister in terms of sub-article (1), informs the Minister, within thirty days of receipt of such a request, that it is unable, for whatever reason, to prepare such a plan or policy, the Minister shall instruct the Authority to delegate such functions in terms of article 9 with regard to that particular plan or policy and in so doing it shall ensure that the provisions of this Part are complied with.

Minister may request the preparation by any person of a plan, policy or revision thereof.

**49.** (1) Where the Authority is unable to prepare a plan or policy or fails to delegate such function as is envisaged in article 48(5), the Minister shall request any person, including any government agency, other than the Authority, to prepare on his behalf a plan or policy or a revision of such a plan or such policy.

(2) The Minister shall consult the Authority on the terms of reference which are to form the basis of the preparation of a plan or a policy or a revision of such plan or policy by the said person. The Minister shall then furnish the said person with the relative terms of reference and shall also indicate to the said person the documentation which shall be presented to the Minister when the plan, policy or a revision of such plan or policy is drawn up. On receipt of such documentation, the Minister shall forward a copy of such documentation to the Authority.

(3) The Minister shall also request the said person to comply with article 58(2)(a) and (b) and, for the purposes of the said paragraphs, the expression "the Authority" shall be construed as a reference to the said person and such person shall revise, if necessary, the plan, policy or a revision thereof after taking into consideration the representations he may have received in terms of article 58(2)(b).

(4) If the Authority agrees with such a plan, policy or revision thereof, it shall adopt it for submission to the Minister for his approval; and the provisions of article 58(2) shall, *mutatis mutandis*, apply.

(5) If the Authority does not agree with the said plan, policy or revision of such plan or such policy, it shall draw up a position statement indicating the changes to be made to the said plan, policy or revision thereof and shall refer both the said plan, policy or revision of such plan or such policy and its position statement to the Minister; and the provisions of article 58(2)(i) to (n) shall *mutatis mutandis* apply.

(6) The plan, policy or the revision of such plan or policy shall only be prepared by or under the direction of an expert in the environment or spatial planning having such qualifications as the Minister may prescribe.

**50.** Without prejudice to his powers under the provisions of this Act, the Minister may direct that the Authority or any department, agency, corporation or authority established by law to subject any plan, policy or strategy adopted or planned to be adopted by it to a Strategic Environment Assessment or any other assessment, and may by regulations prescribe and regulate the procedures and methods to be adopted in such assessments.

Strategic  
Environment  
Assessment and  
other assessments.

## 2. The Strategic Plan for the Environment and Development

**51.** (1) The Strategic Plan for the Environment and Development:

The Strategic Plan  
for the  
Environment and  
Development and  
its preparation and  
review.

- (a) is a strategic document regulating the sustainable management of land and sea resources;
- (b) shall be based on an integrated planning system that ensures the sustainable management of land and sea resources together with the protection of the environment;
- (c) must set out policies in relation to the development and use of land and sea and shall be illustrated by diagrams as necessary and accompanied by an explanatory memorandum giving a reasoned justification for each of the policies and proposals contained in the plan;
- (d) must ensure that:
  - (i) plans, policies and programmes issued under this Act are spatial, holistic and comprehensive so that all factors in relation to land and sea resources and related environment conservation are addressed and included and to balance demands for development with socio-economic considerations and the need to protect the environment;
  - (ii) sectoral policies, activities and inputs are integrated and coordinated with each other, combining the inputs of all disciplines and groups;
  - (iii) all actions are based on a clear understanding of the natural and legitimate objectives and needs of individual land users;
  - (iv) it follows other national policies and plans.

(2) The Authority shall monitor the Strategic Plan for the Environment and Development and review it as often as may be necessary, provided such review does not take place within a period of less than five years. Every such review shall be made in accordance with the goals and objectives of a revision of the Strategic Plan for the Environment and Development as may be

approved by Cabinet and take effect as provided in the following provisions of this Part. In order to achieve the objectives set out in this article, Cabinet shall take the necessary measures intended to coordinate and improve the spatial impacts of other sectoral policies and their relation to, or inclusion in, the Strategic Plan for the Environment and Development.

(3) Notwithstanding the provisions of sub-article (2), the Strategic Plan for the Environment and Development can be reviewed in parts as the need arises by means of a Resolution of the House of Representatives, and shall come into force in accordance with the following provisions of this Part. Such a partial review of the Strategic Plan for the Environment and Development shall not adversely affect a development permission validly issued in favour of any person before the date of the coming into force of such a review.

(4) Cabinet may approve a statement of goals and objectives to be achieved by a partial review of the Strategic Plan for the Environment and Development, and, or, a proposal together with a position statement with regard to that review. After such approval, the Minister shall send to the Authority that statement of goals and objectives, and, or, that proposal and position statement. When the Authority receives that statement of goals and objectives and, or, the proposal and position statement, it shall conform with the procedure laid down in sub-articles (5) to (7), if the matters referred to therein have not already been carried out, in the same manner as if the proposal had been initiated by the Authority; and the provisions of sub-article (3) and of article 52 shall apply. If the Authority disagrees with the Minister's proposal or with his position statement, it shall prepare its position statement indicating the changes that it proposes or its reactions thereto. The Minister shall then conform with the provisions of article 53 and, for the purposes of article 52(1), the expression "representations" shall include the Authority's position statement.

(5) For the preparation or review of the Strategic Plan for the Environment and Development the Authority shall carry out surveys of those matters which affect the character and quality of the environment, its conservation and its development, including, but not limited to:

- (a) demographic considerations;
- (b) the agricultural, industrial, commercial, touristic and other existing and, or projected economic activities of the country including the employment patterns arising therefrom;
- (c) leisure and recreation;
- (d) social and community services and facilities;
- (e) communications, traffic and transport;
- (f) public utility services;
- (g) the conservation and preservation of natural and man-made resources;
- (h) the state of the environment report, nitrate vulnerable



zone mapping, flood sensitivity mapping, other issues emanating from water, air quality and waste framework regulations;

- (i) such other matters as may be required by the Government or which may be deemed necessary by the Authority.

(6) In preparing or reviewing the Strategic Plan for the Environment and Development, the Authority shall have regard to:

- (a) the current economic policies affecting development;
- (b) the current social policies affecting development;
- (c) the environmental policies affecting development;
- (d) the policies of the Government with respect to the matters set out in sub-article (5);
- (e) the resources likely to be available for the implementation of the plan;
- (f) all possible land and sea-use options in selecting the best use for a given area of land or sea.

(7) During the preparation or review of the Strategic Plan for the Environment and Development the Authority shall make known to the public the matters it intends to take into consideration and shall provide adequate opportunities for individuals and organisations to make representations to the Authority.

(8) A partial review of the Strategic Plan for the Environment and Development which is necessitated by the adoption of or an amendment to a subsidiary plan need not comply with the provisions of sub-articles (5) and (6) if the matters referred to therein and that are relevant to the partial review have already been carried out in the preparation of the subsidiary plan.

**52.\*** (1) When the Strategic Plan for the Environment and Development or a review thereof has been completed, the Authority shall publish the plan together with a statement of the representations it has received and the responses it has made to those representations.

Publication of the strategic plan of the Environment and Development or its reviews.

(2) The Authority shall invite representations on the plan to be submitted to it within a specified period of not less than six weeks.

(3) The Strategic Plan for the Environment and Development, or any review thereof, together with all representations made to the Authority, shall, as soon as practicable, after the expiry of the period specified in sub-article (2), be referred to the Minister.

(4) The Minister may refer back the Strategic Plan for the Environment and Development, or review thereof to the Authority where he does not agree with the Strategic Plan for the Environment and Development, or any review thereof and he shall prepare a position statement stating the changes he proposes to it or his reactions to the Strategic Plan for the Environment and Development, or review thereof.

\*this article is not yet in force.

(5) Where the Strategic Plan for the Environment and Development, or any review thereof, has been referred back to the Authority, the same procedure as far as practicable shall be followed with respect to any further draft prepared and published by the Authority, except that reference back to the Authority shall not be made more than once.

Final consideration and approval of plan or review.

**53.\*** (1) At the conclusion of the procedures set out in the foregoing provisions, the Strategic Plan for the Environment and Development, and any review thereof, shall be considered by the Cabinet of Ministers together with the Minister's position statement and the representations made with respect to the plan or its review.

(2) Subject to article 34(2)(a), (3) and (4), the Minister shall then cause the Strategic Plan for the Environment and Development, or a review thereof as originally prepared, or as revised, by the Authority, together with the Minister's position statement, to be laid before the House together with a motion for a resolution that the Strategic Plan for the Environment and Development, be approved by the House, with such amendments, if any, as may be specified in the resolution.

(3) The Strategic Plan for the Environment and Development, and any review thereof as approved by the House shall have effect as from such date as may be specified for that purpose by the Minister by order in the Gazette; and for the purposes of this Act, other than those provisions relative to the preparation, consideration and submission of the Strategic Plan for the Environment and Development, or its review, the expression Strategic Plan for the Environment and Development and any reference to a review thereof means the Strategic Plan for the Environment and Development, and any review thereof, as approved by the House of Representatives.

### 3. Subsidiary Plans and Policies

Subject Plan.

**54.†** (1) A subject plan is a plan that deals with a specific environmental or development planning policy or matter setting out detailed specifications intended for its implementation.

(2) A subject plan shall consist of a written statement supported by such documents, maps and diagrams as may be considered necessary.

(3) Except as otherwise stated in the plan, a subject plan shall apply to all relevant areas of the environment and of the Strategic Plan for the Environment and Development, whether or not such areas are also covered by another plan or policy.

Local Plan.

**55.‡** (1) A local plan is one which is made by the Authority for any area where the Authority considers that the rate of development or re-development cannot be satisfactorily managed, or where special factors cannot be taken into account solely on the basis of

\*this article is not yet in force.

†this article is not yet in force.

‡this article is not yet in force.

the Strategic Plan for the Environment and Development.

(2) A local plan shall consist of a map or maps of a suitable scale supported by a written statement and by such diagrams as may be necessary.

**56.** (1) An action plan or a management plan is made by the Authority for an area where the Authority considers that it has to pay particular attention in order to better manage it or where special factors have to be taken into account which otherwise cannot be taken.

Action plan or management plan.

(2) An action plan may form part, or be the whole of, a local plan.

(3) In addition to the information required to be contained in a local plan, an action plan made in terms of sub-article (1)(b) shall also show the land which is in public ownership and the land which is intended to be brought into public ownership.

**57.** (1) Where the Authority considers that for the proper and effective management and protection of the environment and of development or for the proper protection and development of land and sea it is necessary to prepare more detailed policies or plans and guidance other than those already contained in a plan or policy, the Authority may prepare and adopt such policies or plans as it considers appropriate subject to the provisions of this article.

Other policies or plans.

(2) Such policies or plans shall be in a form which the Authority considers appropriate to the subject matter, and may be supported by such documents, assessments, maps, diagrams, drawings and illustrations as may be considered necessary by the Authority.

(3) When the Authority adopts a policy or plan (be it a new policy or plan or a revision of an existing policy or plan), it shall refer it to the Minister for his approval and the procedure mentioned in article 58(2) shall *mutatis mutandis* apply.

**58.** (1) In the preparation or review of a subsidiary plan or policy, the procedure set out in this article shall be followed with respect to the said plan or policy.

Procedure for subsidiary plan and policies.

(2) Where the Authority prepares a subsidiary plan or policy or review thereof as aforesaid, it shall seek the Minister's approval in terms of the following procedure:

- (a) during the preparation or review of a subsidiary plan or policy, the Authority shall make known to the public the matters it intends to take into consideration and shall provide adequate opportunities for individuals and organisations to make representations to the Authority;
- (b) when the subsidiary plan or policy or a revision thereof has been prepared, the Authority shall publish the plan or policy together with a statement of the representations it has received and the responses it has made to those representations. The Authority shall

invite representations on the plan or policy to be submitted to it within a specified period of not less than six weeks; where in such a subsidiary plan or revision thereof it is proposed that any land be excluded from a development boundary as indicated in a local plan, the Authority shall publish in the Gazette and in two local daily newspapers a notice showing the land that is to be excluded:

Provided that where minor modifications not affecting the substance of a planning policy are being proposed, the said period shall be a period of not less than three weeks;

- (c) the Authority shall adopt the subsidiary plan or policy after taking into consideration all the representations submitted to it as aforesaid;
- (d) the Authority shall refer the subsidiary plan or policy to the Minister. It shall also forward to the Minister:
  - (i) the statement of representations;
  - (ii) the responses and amendments it has made as a result of those representations;
  - (iii) a precise indication of all other amendments it has made to the plan or policy; and
  - (iv) all the relative documentation and studies in relation to the preparation of the subsidiary plan;
- (e) the Authority shall also publish the plan or policy and invite representations on the matters indicated in paragraph (d)(iii) to be submitted within a specified period of not less than six weeks;
- (f) the Authority shall adopt the subsidiary plan or policy after taking into consideration all the representations submitted to it as aforesaid and shall refer the subsidiary plan or policy to the Minister for his approval. It shall also forward to the Minister:
  - (i) the statement of representations;
  - (ii) the responses and amendments it has made as a result of those representations;
- (g) where the Minister agrees with the subsidiary plan he shall approve it as submitted by the Authority and the Authority shall upon such approval publish the same together with the statements, responses, documentation and studies referred to in paragraphs (d) and (f);
- (h) where the Minister does not agree with the subsidiary plan as adopted by the Authority in accordance with paragraph (f), he shall prepare a position statement stating his proposed changes or his reactions to the Authority's subsidiary plan and shall refer back the subsidiary plan to the Authority together with his position statement; where in such a subsidiary plan or revision thereof it is proposed that any land be

excluded from a development boundary as indicated in a local plan, the Authority shall publish in the Gazette and in two local daily newspapers a notice showing the land that is to be excluded;

- (i) where the Authority does not agree with the Minister following the referral back to it of the subsidiary plan by the Minister, it shall draw up a position statement and shall refer it back to the Minister;
- (j) the Minister shall then issue a final position statement. He shall forthwith communicate it to the Authority;
- (k) the Authority shall forthwith amend the subsidiary plan in accordance with the Minister's final position statement and submit the same for the Minister's final approval;
- (l) Upon such approval by the Minister, the Authority shall publish the subsidiary plan together with its own position statements and those of the Minister together with the advice of the Tribunal given in terms of paragraph (n), if any, and together with the statements, responses, documentation and studies referred to in the preceding paragraphs;
- (m)\* where the subsidiary plan or any part thereof extends the scope of or is in conflict with the Strategic Plan for the Environment and Development, the Minister shall comply with the provisions of articles 51 to 53 with regard to such subsidiary plan or any part thereof, provided that those parts of the subsidiary plan that do not extend the scope of or are not in conflict with the Strategic Plan for the Environment and Development shall come into force on the date of approval by the Minister;
- (n)† if doubt arises as to which procedure should be followed in respect of a subsidiary plan or as to whether a subsidiary plan or a position statement extend the scope of, or are in conflict with, the substance of the structure plan, the matter may be referred at any time by the Authority or by the Minister to the Tribunal, provided that where the Authority is of the opinion that the Minister's final position statement extends the scope of or is in conflict with the substance of the Strategic Plan for the Environment and Development, it may refer the matter to the Tribunal within one month from the date of receipt of the Minister's final position statement. The Tribunal shall rule within one month from the date of referral to it of the matter as to which procedure shall apply and the decision of the Board shall be final.

\*this paragraph is not yet in force.

†this paragraph is not yet in force.

Review of  
Subsidiary Plan or  
policy.

59.\* (1) Every subsidiary plan or policy shall be reviewed as frequently as may be necessary or as may be made necessary by a review of the structure plan:

Provided that subject to the provisions of sub-article (3), a local plan may not be reviewed before the lapse of two years from its last review unless such review is necessitated by a review of the structure plan:

Provided further that in the case of a partial review of the local plan, the above-mentioned two-year moratorium shall only apply to that part of the plan forming part of the partial review.

(2) Where as a result of such a review the Authority proposes to alter a plan or policy in any significant respect, or where it is proposed that a plan or policy be withdrawn, any such proposal shall be subject to the same procedures, and shall be treated, as a new plan or policy.

(3) Minor modifications not affecting the substance of a local plan may be carried out by the Authority at any time either on its own motion when it considers to do so in the interests of proper planning of the area or following a minor modifications application submitted to it by any person. Modifications shall not be considered to be minor when they would alter the general thrust of the plan or affect a development boundary indicated in a local plan.

(4) For the purpose of sub-article (3), the following shall be considered to constitute minor modifications:

- (a) changes in the alignment of roads and buildings in a local plan; and
- (b) changes in zoning, other than:
  - (i) changes in height limitations; and
  - (ii) changes in zoning of a site which is not designated for the purpose of development.

(5) Where the Authority is considering a minor modification in terms of sub-article (4)(a), the provisions of article 68 shall apply *mutatis mutandis* to such a modification.

(6) Where the Authority is considering a minor modification in terms of sub-article (4)(b), it shall follow the following procedure:

- (a) where the proposal for such a minor modification originates from the Authority itself, it shall comply with the provisions of article 58(2);
- (b) where the proposal for such a minor modification originates in a minor modifications application, the Authority shall publish such proposal and invite representations on the said application within a specified period of not less than six weeks. The Authority shall then decide the application after taking into consideration all representations submitted to it. The provisions of article 49(4) and (5) shall also apply.

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\*this article is not yet in force.

(7) No appeal from a decision concerning a minor modifications application shall lie to the Tribunal.

#### 4. Regulations and Orders

**60.** Without prejudice to the provisions of article 6 of the [Interpretation Act](#), any power conferred by this Act to make regulations, rules, orders, lists, schedules and any other instrument of like nature, includes the power from time to time to revoke, replace, amend, alter or add to any such instrument as aforesaid.

Power to make regulations, etc., to include power to revoke etc. Cap. 249.

**61.** (1) The Minister may, acting in accordance with the provisions of article 62, make regulations for the better carrying out of the provisions of this Act and may in particular by such regulations appoint the Authority or any person or body to be the designated authority for the purposes of any international obligation to which Malta may be a party.

Power to make regulations.

(2) Without prejudice to the generality of the provisions of sub-article (1) such regulations may, in particular:

- (a) prescribe the charges and fees that may be levied by the Authority for services rendered by it under this Act, or in respect of any matter for which it is considered that a fee should be payable;
- (b) provide for the procedure to be applied by the Authority and the applicant before and after the submission of an application for permits or licences under this Act, as well as fees chargeable therefor, as well as the procedures to be used by the applicant and the Authority in processing of the said application, including, but not limited to, the advertising, communication and vetting of the said application, and the general conditions under which the Authority may require the giving of financial guarantees or the provision of assurance to make good for any damage that may be caused to the environment by any activity which may require a licence under this Act;
- (c) prescribe what type of information held by the Authority shall be accessible to the public as well as to establish the procedure concerning access thereto and the relative fees to be paid to obtain copies of such information;
- (d) give effect to any international treaty or instrument, including directives, regulations and decisions, relating to any matter governed by this Act to which Malta may from time to time be a party or subject and to set up structures and make other provisions for the implementation thereof;
- (e) establish, co-ordinate and enforce environment quality control systems and make provisions for the carrying out of assessments of environmental risks of both new and existing establishments as well as to provide for the effective prevention and remedying of environmental damage;

- (f) provide for the collection, processing, comparison and interpretation of data related to the environment and to provide that such persons carrying out such activities that may affect the environment as may be prescribed give such information and data to the Authority in a regular or other basis as may be prescribed in order to enable the Authority to monitor and safeguard the quality of the environment;
- (g) prescribe the techniques to be used in the monitoring of the environment;
- (h) prescribe, in collaboration with the Civil Protection Department, the circumstances in which an environmental emergency may be declared, and the effect of such a declaration may have on any activity requiring a licence under this Act;
- (i) set objectives, issue directives and establish codes of practice, all in relation to the environment, to the reduction, reuse, recovery, treatment, storage and disposal of materials as may be prescribed, to all human activity which effects the environment and to ensure sustainable development, and such regulations may in particular:
  - (i) formulate objectives laying down quantitative and qualitative terms, the goals to be achieved in the effort to control the environment;
  - (ii) give directives with regard to such uses of the environment as may be prescribed;
  - (iii) establish the maximum quantities or concentrations of discharge or emission, or use of such substances as may be prescribed during works, undertakings or activities of any nature and ensure the enforcement and monitoring of these standards;
  - (iv) establish codes of practice determining procedures, methods, limits of discharge and emission of substances applicable to works and activities as may be prescribed both with regard to the time when such works and activities are taking place as well as with regard to the time when the works and activities have been completed; and
  - (v) establish for the purposes of this Act, the best available technique not entailing excessive cost with regard to any work, activity or process;
- (j) with regards to integrated pollution prevention and control:
  - (i) establish systems which ensure such prevention and control;
  - (ii) prescribe measures to control, prevent, manage or reduce pollution and degradation of the environment;



- (iii) control the keeping, management, trading in or use of substances and other activities which may cause or facilitate pollution;
  - (iv) set standards including maximum of permitted levels in quantitative or qualitative terms, of discharge and emissions into the environment of materials, substances or energy and with regard to the use of any technology, equipment, matter, substance, method or procedure in relation thereto;
  - (v) establish methodologies to be used in the monitoring of discharge and emission of substances and, or energy into the environment and to regulate the use of information gathered during such monitoring;
  - (vi) prevent, control, reduce, remedy or otherwise manage situations which may lead to environmental emergencies and to prevent, control, reduce, remedy or otherwise manage any adverse effects on the environment resulting therefrom;
- (k) in relation to waste management:
- (i) classify waste and prescribing rules in relation thereto in accordance with the type and category thereof;
  - (ii) regulate the management and disposal thereof;
  - (iii) establish quotas, in quantitative and qualitative terms, of permitted generation of waste, as well as otherwise provide for the prevention and reduction of waste;
  - (iv) provide for the registration and, or, licensing of waste management operations;
- (l) in relation to the protection of biodiversity:
- (i) provide for the monitoring and management thereof;
  - (ii) declare any species to be a protected species and establish rules for its protection;
  - (iii) declare any species to be an invasive species and establish rules for its control;
  - (iv) regulate the use of and otherwise protect specimens of fauna or flora; and in particular prohibit and, or, control possession, exhibition, artificial propagation or captive breeding of such specimens of flora and fauna as may be prescribed;
  - (v) provide for the conservation, protection and management of protected sites and particular habitats or categories thereof in order to safeguard biological diversity;
  - (vi) declare any areas or sites on land or in the

- internal or territorial waters, or beyond such waters where Malta may have jurisdiction for the purpose of the protection and control of the environment, to be protected areas and to provide for their protection and to regulate their management;
- (vii) control and regulate any activity that may interfere with the conservation status of biological diversity;
  - (viii) regulate trade in and the transit, import or export of specimens of flora and fauna as may be prescribed;
- (m) control, manage and regulate the transport, introduction of, use (including contained use), release or placing on the market or in the environment of genetically modified organisms;
- (n) in relation to environmental audits and assessments:
- (i) require any person conducting such activities as may be prescribed or running or operating such facilities as may be prescribed to carry out environmental audits and assessments and to submit to the Authority environmental audit and assessment reports; which shall include:
    1. a detailed description of the activity or facility;
    2. a detailed description of the environmental impact of the activity or facility;
    3. plans to prevent and reduce risks of adverse effects and to remedy any adverse effects caused; and
    4. a contingency plan to deal with any emergency;
  - (ii) require any person to comply with any plan provided for in points 3 and 4 of sub-paragraph (i);
- (o) in relation to development planning, in order to regulate or otherwise provide for any matter relating to development or other activities affecting land or sea, and to give fuller effect to the provisions of this Act, and in particular, but without prejudice to the generality of the aforesaid:
- (i) regulate buildings and the construction, demolition or alteration thereof, as well as any other matter relating thereto, taking account of all relevant considerations, including safety, aesthetics, health, environment and sanitation;
  - (ii) prescribe the manner in which a building levy or other charge made under this Act is to be established, made, reviewed, collected, utilised or otherwise dealt with;

- (p) in relation to enforcement:
- (i) to authorise and regulate clamping, towing, removal and storage by the Authority of any object used for or in connection with anything contrary to the provisions of this Act or any regulation issued thereunder;
  - (ii) to exclude the Authority from any liability, other than liability for gross negligence, incurred in connection with the execution of its duties under the said regulations;
  - (iii) providing for the disposal of such objects when the said objects are not claimed by their owners within such time as may be prescribed;
  - (iv) establishing fees payable to the Authority for the removal of clamps, for towing, for the storage of such objects and for the auction or other form of disposal of such objects;
  - (v) establishing the circumstances where such objects can be confiscated and to establish the relative procedure for their confiscation and disposal;
  - (vi) establishing offences and the relative punishments in relation to matters referred to in sub-paragraphs (i) to (v), which punishments shall not exceed a maximum fine (*multa*) of twelve thousand euro; and
  - (vii) specifying the type of illegal activity the provisions of articles 90 and 93 shall apply to and for establishing the relative penalty;
  - (viii) article 21 of the [Criminal Code](#) and the provisions of the [Probation Act](#) shall not apply to any offence established under paragraph (vi);
- (q) amend, substitute, add to or otherwise alter anything contained in the Schedules;
- (r) for any other purpose for which regulations are authorized or required to be made otherwise than by the Authority;
- (s) prescribe the form of any notice, order or other document authorised or required by this Act to be made, served or given;
- (t) to regulate how any notice or communication to or from the Authority which in terms of this Act shall be in writing may be made in electronic form;
- (u) provide that any person who acts in contravention of any regulation under this Act shall be guilty of an offence against this article, and establishing such penalty, being a penalty not greater than a fine (*multa*) of two hundred and thirty-three thousand euro or to imprisonment for a term not exceeding two years, or both such fine and imprisonment, to which any person

Cap. 9.  
Cap. 446.

so guilty may be liable:

Provided that such regulations may provide that a person, who having been sentenced for an offence against the same regulation by a judgement which has become absolute, commits a further offence in contravention of the same regulation within such time as may be prescribed, shall be liable to pay a higher fine (*multa*), not exceeding double the fine (*multa*) which would otherwise have been inflicted, and for the purpose of this proviso the maximum fine that may be established by such regulations shall be four hundred and sixty-six thousand euro:

Provided further that such fine shall in all cases be due to the Government as a civil debt, and that where the person guilty of the offence is a director, secretary or manager of a body corporate for the economic benefit of whom the offence was committed, such body corporate shall be liable *in solidum* with the offender for the payment of the said civil debt; and

(v) prescribe any other matter that is to be or may be prescribed.

(3) Notwithstanding the other provisions of this Act or of any other law, Schedules annexed to regulations made under this Act may be made or published in the English language only.

Procedure for making of regulations.

**62.** (1) Regulations under this Act shall be made by the Minister after consultation with the Authority and except for regulations under article 61(2)(a), (b) and (u) and in the cases referred to in sub-article (2) hereof shall not be made unless a draft of the said regulations has been issued for public consultation thereby allowing any person a period of at least four weeks to make representations to the Minister or to the Authority or to both stating how in his opinion the proposed regulations could be improved to reach their ultimate aim.

(2) The provisions of sub-article (1) with regard to consultation with the Authority and with regard to the publication of a draft of the regulations for public consultation shall not apply in respect to any regulations, which the Minister declares to be urgent or when a form of public consultation was carried out before the date of coming into force of this Act.

(3) Any person may, in the circumstances referred to in sub-article (1) in respect of draft regulations, not later than six weeks after the promulgation of any regulations made in accordance with sub-article (2) make submissions to the Minister and, or to the Authority stating why and how the regulations should be revoked or amended.

(4) The Authority shall consider any representations made to it under sub-articles (1) and (3) and shall report thereon, after hearing such persons or taking such expert advice as it considers expedient, to the Minister together with any other views it may have on the draft published under sub-article (1) or the regulations made under

sub-article (2), and the Minister may, upon receipt of the report by the Authority and any representations received by him, proceed to revise the draft regulations and to promulgate such regulations in accordance with such revision, or to amend any regulations already promulgated; provided that where the Authority has not after the lapse of four weeks after the end of the period for representation referred to in sub-article (1) has elapsed, not made the report or has not given its views to the Minister, the Minister may proceed to promulgate the regulations contained in the draft with or without changes as he may deem expedient, without prejudice to the possibility of making any changes upon the receipt of such report and views when made.

(5) When the Minister makes regulations concerning the procedure before the Authority or any board, commission or other body established under this Act, he shall also consult the Authority or such board, commission or body:

Provided that regulations concerning the procedure before the Court of Appeal and appeals before it under this Act shall be made by the Minister responsible for Justice who shall not be required to consult with the Authority:

Provided further that regulations concerning the establishment or variation of any fee shall be made by the Minister with the concurrence of the Minister responsible for finance.

**63.** (1) The Authority may make orders regulating development and other activities which may otherwise require the submission of an application prior to their carrying out, including any notification thereof, or any aspect thereof, in such circumstances and under such conditions as may be specified in the order, being development and activities within the scope of, and not in conflict with, the proposals contained in any plan or policy approved under this Act.

Orders.

(2) An order shall be published in the Gazette and shall have effect from the date specified or indicated therein. The development or any aspect thereof regulated by such an order shall be called "exempt works" or "exempt activity" and an order regulating development shall be called "development order".

(3) The provisions of article 58(2)(n) shall apply to an order as they apply to subsidiary plans.

(4) An order may include works and activities of a relatively minor or temporary nature, or works and activities deemed compatible with the area in which they are being carried out, and may include internal works, minor additions to existing buildings, minor variations during construction, repairs to dangerous structures, and reconstruction of damaged buildings which repairs and reconstruction are to be carried out in the existing style or according to development plans or planning policies.

(5) The order may enable the Authority to require the removal of an illegal development of whatever nature, or the discontinuance of an activity has been carried out in breach of the provisions of this Act and in contravention of any order or provision aforesaid,

and for applying any of the provisions of this Act with respect to enforcement, subject to such adaptations and modifications as may be specified in the order, or otherwise provide for the enforcement of the order and of any notices issued thereunder.

(6) The Authority shall periodically review the orders.

(7) Development orders shall be made and reviewed by the Authority after consultation with the Chamber of Architects and the Chamber of Planners.

(8) Works carried out under development orders, under the supervision of a person holding a warrant of perit or under the supervision of such other persons who are competent for the purpose as the Minister may by regulations prescribe and where required in the order, exempt works and activities, are to be notified in writing to the Authority.

(9) An order may regulate:

- (a) development or an activity described as permitted in an order which does not require that written notification of such development or activity be given to the Authority;
- (b) development or an activity described as permitted in an order provided that written notification of such development or activity is to be given to the Authority;
- (c) development or an activity described as permitted in an order provided that written notification of such development or activity is to be given to the Authority and the Authority has endorsed such development as being permitted.

(10) No new development or activity in terms of an order may be carried out on a site if on the said site there exists an illegal development of whatever nature, or if an activity has been carried out in breach of the provisions of this Act, unless that new development or activity is one which the Authority may prescribe and which is covered by an order as mentioned in sub-article (9).

Access to  
information.

**64.** (1) The Minister shall, in consultation with the Authority, by regulations under this article provide that members of the public or such categories of persons as may be prescribed shall be entitled to request from such Government departments, authorities, public corporations or other persons as may be prescribed such information that they may have in their possession and relating to the environment and development planning. Without prejudice to the generality of the foregoing, such regulations may prescribe:

- (a) the nature of the information that may be requested;
- (b) the circumstances in which such information may be requested;
- (c) the circumstances in which such information may be withheld by the requested entity and the publication of the reasons for which such information is withheld;
- (d) the fees that may be charged in respect of any such

information; and

- (e) the time within which such information is to be supplied.

(2) Without prejudice to the generality of sub-article (1), the Authority shall keep and make available for public inspection at such reasonable times as it may determine, a register or registers:

- (a) of all applications for a licence or development permission received by it containing the name of the applicant and details of the proposal including documents and detailed plans; and
- (b) of all decisions including documents and detailed plans made on such applications.

### 5. Environment and Development Brief

**65.** (1) An Environment and Development Brief is a document setting out detailed planning guidance for the development of a specific site or small area where the Authority, either of its own motion, or at the request of an applicant, considers such guidance is necessary to secure proper and orderly environmental management or development of that site or area, or to implement a policy or policies in a plan.

Environment and  
Development  
Brief.

(2) A brief shall consist of a written statement supported by such maps and diagrams as may be considered necessary.

(3) A brief shall contain guidance and information on the following matters as may be considered necessary:

- (a) a description of the site and its location;
- (b) guidelines on the development of the site, including:
  - (i) land uses and site layout,
  - (ii) building form, heights and design,
  - (iii) any building and landscape features to be retained,
  - (iv) access, parking and circulation requirements,
  - (v) landscaping and nature conservation aspects;
- (c) environmental matters and constraints including the necessity of any environmental assessment;
- (d) tenure of the site;
- (e) services and infrastructure;
- (f) the format and content of submission requirements;
- (g) any other information which may be relevant to the site and to the purpose of the development brief.

(4) The Minister may, after consultation with the Authority, make regulations to give better effect to the provisions of this article and, without prejudice to the generality of the foregoing, he may:

- (a) establish the procedure to be followed by an authority in its consideration and determination of the Brief;

- (b) prescribe those matters on which a brief may be prepared;
- (c) prescribe a tariff of fees.

## PART V

### Environment Protection and Development Control

#### 1. Requirement of licences and permission

Licences.

**66.** No person shall carry out any of the following activities unless he is in possession of a licence from the Authority:

- (a) in relation to biodiversity:
  - (i) for whatever purpose, trade in, sell, buy, exchange, transfer or dispose, transport, import, export or re-export such specimens of flora or fauna, as may be prescribed whether dead or alive in whole or in part, including any derivatives thereof;
  - (ii) have such specimens of flora or fauna as may be prescribed in transit;
  - (iii) have in his possession such specimens of flora or fauna as may be prescribed;
  - (iv) handle such specimens of flora and fauna as may be prescribed, in any manner including the ringing and tagging thereof;
  - (v) mount/stuff, trap, shoot or capture such specimens of fauna as may be prescribed;
  - (vi) deliberately pick, collect, cut, destroy, kill, pursue, take, damage, capture such specimens of flora or fauna as may be prescribed;
  - (vii) uproot, fell, prune or carry out any surgical interventions on such specimens of flora as may be prescribed;
  - (viii) use prohibited means of capture and killing as may be prescribed;
  - (ix) manage invasive and alien species as may be prescribed;
  - (x) introduce or reintroduce species as may be prescribed;
  - (xi) carry out activities in protected areas considered to have an effect on biological diversity and the integrity of the site;
  - (xii) carry out any activity which goes counter to the principles of ecological restoration or species and protected area management, as may be prescribed, including but not limited to:
    - 1. activities which are expected to cause permanent alterations to the protected area,
    - 2. afforestation or planting,



3. activities expected to generate noise and light,
  4. activities involving fires/fireworks,
  5. activities considered to have an effect on biological diversity,
  6. off-roading activities or events;
- (xiii) modify, endanger the stability of or demolish rural structures affording a habitat for flora and fauna as may be prescribed;
- (xiv) manage biological diversity as may be prescribed;
- (b) in relation to waste management:
- (i) store, treat, collect, transfer, recover or otherwise manage or handle such waste as may be prescribed;
  - (ii) act as broker for the carrying out of the functions mentioned in sub-paragraph (i);
  - (iii) trade in, import or export waste;
  - (iv) have such waste as may be prescribed in transit;
  - (v) operate waste management facilities;
- (c) in relation to pollution control, conduct operations that discharge or cause or permit to be discharged such substance or energy as may be prescribed into the environment;
- (d) in relation to genetically modified organisms:
- (i) trade in genetically modified organisms;
  - (ii) manage or otherwise have in his possession genetically modified organisms;
- (e) in relation to any other activity as may be prescribed by regulations.

**67.** (1) Subject to the provisions of this article and to the following provisions of this Part, no development shall be carried out except with development permission.

Development to require permission.

(2) For the purposes of this article, and, unless the context otherwise requires, for all other purposes in this Act, "development" means the carrying out of building, engineering, quarrying, mining or other operations for the construction, demolition or alterations in, on, over, or under any land or the sea, the placing of advertisements, or the making of any material change in use of land or building other than:

- (a) maintenance operations, which affect only the interior of a building or do not materially affect the external appearance of the building:

Provided that such maintenance works are not contrary to any order made under this Act in relation to the building:

Provided further that maintenance operations shall not

include demolition and rebuilding works, irrespective of where such demolition and rebuilding works are carried out;

- (b) the use of land for agriculture, animal husbandry and forestry (including afforestation), except where such use consists of:
    - (i) the erection of buildings or amounts to intensive raising of crops or animals; or
    - (ii) the reclamation of land for agriculture by the deposit of material on such land; or
    - (iii) the conversion to agricultural use of land which is not currently used for agricultural purposes; and
  - (c) in the case of buildings or other land that are used for a purpose of any class specified in an order made by the Authority under this Act, the use thereof for any other purpose of the same Class.
- (3) For the purpose of this article:
- (a) the use of a building resulting in an increase or a reduction in the number of dwelling units in which the building was previously used; or
  - (b) the deposit of materials on land; or
  - (c) the use for the display of advertisements of any external part of a building that is not normally used for the purpose,

involves a material change in the use of that building or land, or part thereof, without prejudice, in the case of advertisements, to any regulations or order made under this Act with respect to their control.

(4) For the purpose of this article, development includes clearing of valleys from accumulated sediment and development in relation to the sea includes land reclamation from the sea, aquaculture and beach developments and their related uses.

Application for  
licences and  
permission.

**68.** (1) Any person, including a department of government or a body corporate established by law, wishing to carry out any activity referred to in article 66 or a development referred to in article 67, not being an activity or development for which a licence or permission is given in an order and to be carried out in accordance with the provisions thereof, shall apply to the Authority for such licence or permission, in such manner, on such form and giving such information as the Authority may prescribe.

(2) Any person may also apply to the Authority for a determination as to whether a proposal requires a licence or development permission.

(3) An applicant for development permission shall certify to the Authority that:

- (a) he is the owner of the site or that he has notified the owner of his intention to apply by registered letter of

which a copy has been received by the Authority and that the owner has granted his consent to such a proposal, or

- (b) he is authorised to carry out such proposed development under any other law or through an agreement with the owner:

Provided that where:

- (i) the applicant is the Government of Malta, or any department, agency, authority or other body corporate wholly owned by the Government; or
- (ii) the applicant is not the owner of the site, but he holds the site under title agricultural lease, or holds the premises under a title of lease and he is carrying out the works under a scheme of a Government entity,

the applicant must still notify the owner of his intention to apply by registered letter of which a copy has been received by the Authority, but need not certify that the owner has granted his consent to such a proposal.

(4) Any person may declare an interest in a development and, on the basis of issues relevant to environment and planning, make representations on the development. Such declaration of interest and representations shall be in writing and is to be received by the Authority within such period as established by the Authority.

(5) During the processing of the application, the Authority shall consider representations made by interested registered parties in accordance with the provisions of sub-article (4).

(6) The Authority shall inform the registered interested parties where fresh plans have been filed and the registered interested party shall be notified of the Authority's sitting when such application shall be discussed:

Provided that such submissions may be made in any format deemed appropriate by the Authority, and shall include submissions received by post or by hand and electronic submissions:

Provided further that if the last day for submissions as set out by the Authority is a public holiday or a day when the offices of the Authority are closed for the public, the time limit for such submissions shall be deemed to expire on the next following working day.

**69.** (1) In its determination upon an application the Authority shall:

Licence and permits.

- (a) with respect to an application for a development permission apply the following:

- (i) plans:

Provided that the height limitation may only be modified by applying a policy which deals with the maximum building height which may be permitted on a site, which policy may take into

consideration the site coverage, the building volume which may be permitted on a site or any other material consideration;

(ii) policies:

Provided that subsidiary plans and policies shall not be applied retroactively so as to adversely affect vested rights arising from a valid development permission;

(b) with respect to any other application apply such plans, policies and regulations issued under this Act as it may deem relevant and appropriate.

(2) In its determination upon an application the Authority shall also have regard to:

(a) any other material consideration, including, environmental, aesthetic and sanitary considerations, which the Authority may deem relevant:

Provided that no such material consideration including commitment from other buildings in the surroundings may be interpreted or used to increase the height limitation set out in a plan;

(b) representations made in response to the publication of the development proposal.

(3) The Authority shall have power to grant or to refuse a licence or development permission, and in granting such licence or permission the Authority shall be entitled to impose such condition which it may deem appropriate:

Provided that upon a refusal or the imposition of particular conditions, the Authority shall give specific reasons based on existing plans, policies and regulations or other material considerations for such refusal or for any particular conditions that may have been imposed:

Provided further that the execution and validity of a permit in case of a development mentioned in the Seventh Schedule shall be automatically suspended and no works as approved by the said development permit may commence before the lapse of the time period established in paragraph (1) of the Second Schedule, and shall remain so suspended until the Tribunal appoints its first hearing on an appeal from such a permit, if any, under the provisions of article 41(3), and this without prejudice to the provisions of article 41(3).

(4) A licence or a development permission may be granted for a limited period or in perpetuity, but shall in all cases cease to be operative if activity or development has not been completed within five years of its issue, provided that the Authority may, on the application of the person holding the licence or development permission, extend the said licence or permission to such further period or periods as it may consider reasonable.

(5) In granting a licence or development permission, the Authority may require the activity or development to be completed

within a specified period of time as it may establish provided that the Authority shall state the reasons justifying such requirement.

(6) Except as may be otherwise provided in the permission, a development permission shall ensure for the benefit of the land and for all persons for the time being interested therein, but without prejudice to the other provisions of this Act affecting its validity or operation. The permission shall automatically pass on to new owners.

(7) In granting a licence or development permission, the Authority may require the applicant to carry out the activity or development in stages. The Authority shall inform the applicant in the said licence or permission which are the said stages and, following the completion of each stage, the applicant shall request the Authority to carry out an inspection of the activity or works carried out; and, if following such an inspection, it is found that the activity or works have been carried out in terms of the licence or development permission, the Authority shall authorize the applicant to carry out the next stage of the activity or development.

(8) Where the Authority, in the case of major projects, considers it appropriate to closely monitor specific conditions in a licence or development permission by appointing a person competent for the said purpose, it shall do so at the expense of the applicant.

(9) Without prejudice to the provisions of this article, where an application to develop land consists in the mining of minerals the Authority may, and, where planning and environmental standards so require, shall, require the applicant to provide a scheme for the treatment of the working and surrounding areas during the working period and for the treatment of the said areas when working is completed.

(10) The Authority shall not grant permission for the mining of minerals unless it is satisfied that planning and environmental standards will be met and the site will be kept and eventually left in acceptable conditions.

(11) Where the Authority has required a scheme to be submitted as provided in sub-article (1), the scheme, as accepted by the Authority, shall be made a condition of any permission granted by it; and the Authority shall further require such guarantees to be given by the applicant as it deems necessary to ensure that the scheme will be adhered to.

**70.** (1) In any case in which the Authority may under this Act grant permission to develop land, other than in the case of a development listed in the Sixth Schedule, it may grant permission for the retention on land of any buildings or works constructed or carried out thereon, or for the continuance of any use of land, without permission under this Act or after such permission has ceased to be valid or operative; and references in this Act to permission to develop land or carry out any development on land, and to applications for such permission, shall be construed accordingly:

Supplementary provisions regarding permissions and licences.

Provided that any application or permission under this sub-article shall not be processed or granted unless the applicant or his predecessor in title has:

- (a) forthwith upon being required so to do, ceased to carry out any works he was required to interrupt; and
- (b) paid such fines or made such other payments as may be due on the site subject of the application.

(2) A permission under this article may be granted so as to take effect from the date on which the buildings or works were constructed or carried out or the use was commenced, or from the date the development permission ceased to be valid or operative, as the case may be.

(3) A development permission may specify the purposes for which a building may be used; and if no purpose is specified the permission shall be construed as including permission to use the building for the purpose for which it is designed.

(4) Where a development permission is given for a limited period only, nothing in this Act shall be construed as requiring permission to be obtained thereunder for the resumption, at the expiration of that period, of the use of the land for the purpose for which it was normally used before the permission was granted, but no account shall be taken of any use made in contravention of this Act.

(5) The Authority may, prior to the issue of or in issuing a development permission or licence, demand from the person in whose favour the permission or licence will be issued, as a condition for the issue of the development permission or licence, to provide a bond in favour of the Authority in order to guarantee compliance with the conditions of the permission or licence once issued, or in order to guarantee payment in respect of damages which may be caused to the environment or to the infrastructure. The Authority may, after the issue of a development permission or licence, if the development or activity is not being carried out in accordance with the permission or licence, or is otherwise causing damage to the environment or the infrastructure, demand the said person in whose favour the permission or licence has been issued, as a condition for the continuance of the development permission or licence, to provide a bond in favour of the Authority in order to guarantee compliance with the conditions of the permission or licence, or in order to guarantee payment in respect of damages which may be caused to the environment or to the infrastructure:

Provided that nothing in this sub-article shall be interpreted as authorizing the Authority to demand a bond in an amount not commensurate with the nature of the development project or activity:

Provided further that such a bond may only be forfeited by the Authority if there is clear evidence that the applicant has not complied with the conditions of the development permission or licence and the reasons for forfeiting the bond shall be communicated in writing to the applicant.

- 71.** (1) Decisions on applications shall be taken without delay. Decisions to be taken without delay.
- (2) The Minister may, after consultation with the Authority, make regulations to give better effect to the provisions of this article and, without prejudice to the generality of the foregoing, he may:
- (a) establish the procedures to be used by the Authority and the applicant in the processing and determination of applications;
  - (b) establish the procedures to be used by an applicant prior to the submission of an application;
  - (c) establish time limits within which submissions have to be made and decisions have to be taken and communicated.
- 72.** The Authority shall not delegate to the Commission or to any other body or person the determination of the following applications: Applications the decisions of which cannot be delegated.
- (a) applications in respect of an activity or development of a national or strategic significance or affecting matters of national security or other national interests;
  - (b) applications in respect of an activity or development which could affect the interests of other governments;
  - (c) applications in respect of development which is subject to an environmental impact statement;
  - (d) requests for reconsideration where the decision to be reconsidered was taken by the Authority itself.
- 73.** (1) If an applicant considers that conditions imposed upon a licence or a development permission is unreasonable, he may, without prejudice to his right of appeal, request the Authority or the Commission, as the case may be, to reconsider such conditions. Reconsideration.
- (2) A request for a reconsideration shall be made within thirty days from notification of the decision of the Authority or of the Commission, as the case may be, and may not be made concurrently with an appeal. The request for a reconsideration shall include a written document containing the reasons for such a request.
- (3) The Authority shall inform the registered interested parties where a request for a reconsideration has been filed and the registered interested party shall be notified of the Authority's sitting when such a request for a reconsideration shall be discussed.
- (4) No reconsideration may be demanded by a registered interested party, even if such interested party has made written objections in accordance with the provisions of article 68(4).
- 74.** (1) If an applicant considers that the conditions imposed upon a licence or a development permission, or a refusal of such an authorisation or permission, is unreasonable, he may lodge an appeal with the Tribunal under article 41. An appeal under this sub-article, shall be made within thirty days of notification of the Appeal.

decision of the Authority or of the Commission, as the case may be. The request for an appeal shall include a written document containing the reasons for such a request.

(2) Where a request for reconsideration has been made, an appeal may be made to the Tribunal within thirty days of notification of the decision taken in the reconsideration.

Call in procedure.

75. (1) Where an appeal is lodged by an applicant or by an interested third party from any decision of the Authority referred to in sub-article (2), the Secretary of the Tribunal shall inform the Minister of such an appeal within fifteen days from its receipt. In such case, the Minister may, within fifteen days from the date when he has received such information, either instruct the Tribunal to proceed with the determination of the appeal or decide to refer the application to the Cabinet of Ministers for determination. Where the Minister does not decide to refer an application to the Cabinet of Ministers as aforesaid within the said period, it shall be deemed for all purposes and effects of law that he has opted to refer the said appeal to the Tribunal for its decision.

(2) The Minister may refer to the Cabinet of Ministers applications called in by him in terms of sub-article (1) where such applications are:

- (a) applications in respect of development which appears to him to be of a strategic significance;
- (b) applications in respect of development which appears to him to affect matters of national security or national interests;
- (c) applications in respect of development which appears to him likely to affect the interests of other governments;
- (d) applications in respect of development which is subject to an environmental impact assessment and which in his opinion is of national interest;
- (e) applications in respect of which the applicant is a department of Government or a body corporate established by law.

(3) Where the Minister decides to refer to the Cabinet of Ministers an application called in by him, he shall request the Tribunal to draw up its recommendation on that application after having heard the parties and the Tribunal shall send its recommendation on that particular application to the Minister who shall refer it to the Cabinet of Ministers. Such recommendation shall be available to the public.

(4) The Cabinet Secretary shall, within fifteen days from the date of such decision, communicate the decision of the Cabinet of Ministers to the Authority together with the reasons in justification thereof and the Authority shall comply therewith, publish the decision of the Cabinet of Ministers in such manner as it may deem fit or as it may be prescribed and shall communicate the decision of the Cabinet of Ministers to the parties within fifteen days from the receipt of such decision.



76. (1) An environment and planning obligation may be entered into in those cases where the Authority, in connection with a grant of a licence or development permission, seeks to impose on the applicant an obligation:

Obligations.

- (a) to carry out an activity or works:
  - (i) on the land in respect of which development permission is sought, or
  - (ii) on any other land or area, or
  - (iii) on the land or area mentioned in both subparagraphs (i) and (ii); or
- (b) to make some payment or confer some extraneous right or benefit, where the Authority considers it to be more appropriate. The Authority shall seek to obtain these benefits or gains by means of conditions attached to a grant of the licence or development permission or by means of an environment and planning obligation entered into by a public deed made by the applicant for the licence or development permission with the Authority.

(2) Any person may, by agreement with the Authority, enter into an environment and planning obligation:

- (a) restricting the development or use of that land in any specified way;
- (b) requiring specified operations or activities to be carried out, in, on, under or over that land or area;
- (c) requiring that land or area to be used in any specified way; or
- (d) requiring a sum or sums to be paid to the Authority on a specified date or dates or periodically.

(3) The Minister may, in consultation with the Authority, make regulations for giving better effect to the provisions of this article and may, without prejudice to the generality of the foregoing:

- (a) prescribe the procedure how an environment and planning obligation may be entered into, enforced, modified and discharged;
- (b) establish any restrictions, conditions or the payment of any sums of money which may be imposed in such an environment and planning obligations; and
- (c) regulate appeals to the Tribunal made in terms of sub-article (4).

(4) The applicant and any person interested in land may appeal to the Tribunal from a planning obligation entered into in terms of sub-article (1).

## 2. Revocation or modification of permission, licence or authorisation and Discontinuance or removal orders

77. (1) The Authority or the Tribunal may, only in the cases of fraud or where public safety is concerned or where there is an error on the face of the record, by a decision revoke or modify any

Revocation and  
modification.

licence or development permission granted under this Act, including any clearance issued by the Authority under an Order, stating in such decision its reasons for so doing; and, prior to deciding to revoke or modify a licence or development permission in terms of this sub-article, the Authority or the Tribunal, as the case may be, shall inform the person who will be affected by its decision of the date and time of its meeting where the Authority or the Tribunal shall also hear the said person's submissions if the latter opts to attend, and any other person's submissions:

Provided that the Authority or the Tribunal may in relation to any licence or development permission, including any clearance issued by the Authority under an Order, issued after the date of coming into force of this Act commence proceedings to revoke or modify any such licence or development permission, including any clearance issued by the Authority under an Order, within five years from the date of issuing of the licence or development permission, including any clearance issued by the Authority under an Order.

(2) For the purposes of sub-article (1):

"fraud" means the submission to the Authority of any information, declaration or plan on the basis of which the Authority has approved a licence or development permission, where such information, declaration or plan is false, misleading or incorrect, irrespective of whether such deceit is the result of a wilful or negligent act:

Provided that the Authority shall not revoke or modify a licence or development permission on the basis of fraud where the fraudulent information did not have a material bearing on the issuing of the licence or development permission; and

"error on the face of the record" means an error on the face of a record which offends against the law.

(3) The applicant shall, if the decision is taken by the Authority, have a right to appeal the Authority's decision to the Tribunal within thirty days from the date of service of a revocation decision or a modification decision.

(4) No compensation shall be payable by the Authority when it acts under the provisions of sub-article (1) where the reason for the revocation or a modification of a licence or development permission is based on fraud or error of law on the face of the record.

(5) Where the reason for revocation or modification of a licence or development permission is public safety, the following rules shall apply:

- (a) any demolition or other work that may be necessary for compliance with the order shall be carried out by, or at the expense of, the Authority;
- (b) if on a claim made to the Authority within twelve months of the date of the revocation decision or the modification decision, it is shown that any person interested in the land has incurred expenditure that is rendered useless by the revocation or modification, or

has otherwise sustained loss or damage that is directly attributable to the revocation or modification, the Authority shall, subject to paragraph (c), pay to that person compensation in respect of that expenditure, loss or damage;

- (c) no compensation shall be payable under this article:
- (i) in respect of loss or damage consisting of the depreciation in value of any interest in the land by virtue of the revocation or modification,
  - (ii) in respect of any work carried out before the grant of the licence or permission that is revoked or modified, or in respect of any other loss or damage arising out of anything done or omitted to be done before the grant of that licence or permission;
- (d) where compensation is payable under this article in respect of expenditure incurred in carrying out any work on land, if the competent authority under the [Land Acquisition \(Public Purposes\) Ordinance](#) acquires any interest in that land, any compensation payable in respect of the acquisition of that interest shall be reduced by an amount equal to the value of the works in respect of which compensation is payable under this article.

Cap. 88.

**78.** (1) The Authority may, having regard to the provisions of this Act, regulations, plans, policies and to other material considerations, by notice served on the owner or occupier of any land, require any existing use or activity or any works to be discontinued or any building, plant, equipment or other thing whatsoever to be removed from any land, or requiring both such discontinuance and removal.

Discontinuance and removal orders.

(2) Where a discontinuance or removal order is made in respect of an activity, works or use, or of a building, plant, equipment or other thing lawfully carried on or in existence on the land mentioned in the notice the Authority shall be liable to pay compensation for any losses sustained as a result of the notice:

Provided that any benefits derived from the same notice shall be offset against the losses aforesaid:

Provided further that no such compensation is due if the authorisation or permission itself allows the Authority to request the discontinuance of any existing use or activity or any works to be discontinued or any building, plant, equipment or other thing whatsoever to be removed from any land, or if such an order is made by the Court.

### 3. Charges and contributions

**79.** (1) The Authority shall have power to levy a charge in respect of any permission to carry out development, to be known as the Development Permission Fee, including any application therefor, in accordance with a schedule of charges established by it

Charges and contributions.

with the concurrence of the Minister and of the Minister responsible for finance, taking account of the nature of the development, the timing of the development in relation to the planned phasing thereof, of the conditions attaching to the permission and of any other relevant consideration.

(2) The Authority shall have power to levy a contribution towards the cost of the infrastructure services and other services or facilities arising from any permission to develop land, to be known as the Infrastructure Service Contribution, from the person applying for such permission or carrying out such development, in accordance with such rates as the Authority may, with the concurrence of the Minister and of the Minister responsible for finance, from time to time determine, taking account of the services involved, the areas of development and other material considerations.

(3) The sums collected by the Authority under sub-article (2) shall be paid to the Government each year after a deduction therefrom is made to cover the reasonable costs incurred in the determination and levying of the contribution:

Provided that with respect to contributions leviable by the Authority on behalf of the Authority for Transport in Malta in terms of article 20 of the [Code of Police Laws](#), such regulations shall be made with the concurrence of the Minister responsible for the Authority for Transport in Malta and the Minister responsible for finance, and such contributions leviable, as aforesaid shall, notwithstanding anything contained in this Act, be paid by the Authority to the Authority for Transport in Malta each year after a deduction therefrom is made to cover the reasonable costs as may be agreed between the two authorities incurred in the determination and levying of the contributions.

(4) The Authority shall have power to levy a charge in respect of any other application for a licence or authorisation made to it.

(5) The schedule of charges and the rates of contributions established under this article, as from time to time in force, shall be published as regulations and shall have effect as so published.

(6) The charges and contributions levied under sub-articles (1) and (2) shall be collectively known as the "building levy".

Cap. 10.

Payment of fee and contribution.

**80.** No licence or development permission shall be granted, and no activity or development authorised by an order shall be carried out, unless and until any fee or contribution payable under article 79 has been paid to and received by the Authority; and any activity or works carried out without such payment having been made and received shall be deemed to be an activity or development carried out without the permission of the Authority.

#### 4. Scheduling and Conservation

Scheduling and conservation orders.

**81.** (1) The Authority shall prepare, and from time to time review, a list of areas, buildings, structures and remains of geological, palaeontological, cultural, archaeological, architectural, historical, antiquarian, or artistic or landscape importance, as well

as areas of natural beauty, ecological or scientific value (hereinafter referred to as "scheduled property") which are to be scheduled for conservation and may in respect of all or any one or more of the scheduled property make conservation orders to regulate their conservation:

Provided that upon the issue of a conservation order the owner shall have the right to immediate access at reasonable times to all documentation of the Authority concerning the said order for the purpose of studying the relative findings and considerations and the owner may contest the said decision in writing with the Authority within thirty days from the date when the order is notified to him or is published in the Gazette, whichever is the later.

(2) The list of conservation orders, and any additions or amendments thereto, shall be published in the Gazette and in a local newspaper. The Authority shall also notify any one of the owners of any property subject of a conservation order of the fact of its inclusion in the list and of any conservation order made with respect to it. Notice of such conservation order shall also be affixed on site. If none of such owners is known, or if it is not reasonably possible to effect service on such owners, the said notice shall only be affixed on site and no service on such owners as aforesaid need be made. Notice of such conservation order shall be registered in an index held for that purpose which identifies the property subject to that order. The said index shall be held in an electronic form in such a way that researches to determine whether a property is subject to such an order may be carried out. The Authority shall keep a copy of the said index in the office of the Land Registry and shall issue a certificate which indicates whether a particular property is subject to the said order on the payment of such fee as may be prescribed.

(3) Where the Authority has scheduled property in terms of this article, it shall register the said property in the index mentioned in sub-article (2) indicating the said property as having been scheduled, and the provisions of the said sub-article concerning the indexing of conservation orders shall *mutatis mutandis* apply. The list of scheduled property, and any additions or amendments thereto, shall be published in the Gazette and in a local newspaper. The Authority shall also notify any one of the owners of the scheduled property of the fact of its inclusion in the list. A notice of the said scheduling shall also be affixed on site. If none of such owners is known, or if it is not reasonably possible to effect service on such owners, the said notice shall only be affixed on site and no service on such owners as aforesaid need be made.

(4) For the purposes of sub-articles (2) and (3), "site" means a single property or more than one property, irrespective of who is the owner of that property, which forms part of the land which is scheduled or which is subject to a conservation order in terms of this article.

(5) The carrying on of any work in, and the demolition, alteration or extension of, any scheduled property is prohibited or restricted as provided in this article or in a conservation order.

(6) No works of any description shall be carried out in or on any scheduled property and no scheduled property shall be demolished, altered or extended except with the permission of the Authority granted on an application made to it and giving such details as the Authority may require or in accordance with the provisions of a conservation order; and for the purpose of this article, damage to or destruction of any part of a scheduled property shall be deemed to be a demolition thereof.

(7) A permission of the Authority and a conservation order granted or made under this article may contain such conditions and other provisions as the Authority may deem necessary or expedient; and a conservation order may regulate any matter affecting scheduled property.

(8) In respect of any scheduled property, the Authority shall also have power to require the owner, by notice in writing, to undertake such works generally, or as may be specified in the notice, as may be necessary to ensure that no further deterioration occurs. In default, the Authority may give a further notice to the owner to carry out and complete the works within a specified time, and if the owner is still in default it may itself carry out, or cause to be carried out, the necessary works and recover the cost thereof from the owner of the scheduled property.

(9) If any scheduled property is demolished in contravention of any of the provisions of this article then, in addition to any penalty or other effect under this Act, every person convicted of such offence shall be liable to pay compensation to the Authority calculated on the basis of whichever is the highest of the following:

- (a) the value of the thing destroyed,
- (b) the cost of restoration or repair,
- (c) the financial benefit which could be achieved as a consequence of the demolition.

(10) An owner of scheduled property has a right to demand the reconsideration of any scheduling of his property. Such demand shall be entered in writing with the Authority within thirty days of notification or publication in the Gazette, whichever is the later, of the scheduling and the Authority shall decide within three months of receipt by it of the demand for reconsideration.

(11) Any person who feels aggrieved by a decision of the Authority under this article may appeal to the Tribunal for a revocation or modification of such a decision.

(12) The Minister's endorsement shall be sought when the Authority deschedules a scheduled property or when it downgrades the protection afforded to a scheduled property, and no such descheduling or downgrading shall be valid before it is endorsed by the Minister.

(13) When the Tribunal decides to deschedule a scheduled property or to downgrade the protection afforded to a scheduled property, the Tribunal shall seek the Minister's endorsement and the period for lodging an appeal from the Tribunal's decision to the Court of Appeal shall commence to run from the date in which the

Tribunal would have informed the appellant accordingly of the Minister's decision.

(14) Notwithstanding the provisions of article 41, an appeal to the Tribunal from a scheduling of property or the issue of a conservation order shall not stay the execution of such scheduling or conservation order.

**82.** (1) If a property, site or area which is not scheduled or protected under the provisions of this Act or any regulations made thereunder, but which the Authority believes could have an importance or value sufficient to have it scheduled or protected, is at risk of being demolished, damaged or destroyed, the Authority may make an emergency conservation order and take such further steps for the protection of such property, site or area as it may deem necessary and the provisions of the proviso to article 81(1) shall apply:

Emergency  
conservation order.

Provided that in case of urgency the Chairman of the Authority may make an emergency conservation order without the need of consulting the other members of the Authority.

(2) An emergency conservation order shall be published in the Gazette and shall have effect immediately on its publication.

(3) An emergency conservation order shall, for a period of six months from its publication in the Gazette, have the same effect as the inclusion of the property to which it refers in the list of scheduled property. It shall cease to have any effect on the expiration of the period aforesaid.

(4) Notwithstanding the provisions of article 41, an appeal to the Tribunal from an emergency conservation order shall not stay the execution of such order.

## PART VI

### Powers of the Authority and Enforcement of Control

#### 1. Right of Entry

**83.** Notwithstanding the provisions of any other law, for the purposes of carrying out their functions under this Act, the Board of the Authority, the Commission, the Tribunal and such officer, servant or committee or any other person as may be authorised by the Authority for this purpose, and if so required by the Authority with the assistance of the Police Force, shall have:

Right of entry.

- (a) the right to enter any premises, public or private, at all reasonable time, and in the case of a dwelling house after giving previous notice of at least forty-eight hours and not before nine o'clock in the morning or after seven o'clock in the evening, and inspect or survey any land, or verify whether an illegal development or activity is taking or has taken place;
- (b) board any vehicle or vessel licensed under this Act, or as may otherwise be prescribed;
- (c) examine any article to which this Act or any regulations under this Act may apply and take such

samples as it may deem fit for examination;

- (d) make plans of any premises, vehicle or vessel and take photographs of the same after entry or boarding in accordance with paragraphs (a) and (b); or
- (e) do anything that is ancillary or consequential thereto.

## 2. Enforcement of Control

Monitoring of activities and development.

**84.** (1) The Authority shall monitor all activities falling within the scope of this Act, including all development operations to ensure that all such activities and development is carried out only in accordance with the requirements of this Act and in compliance with the decisions lawfully taken under this Act.

(2) The Authority shall also undertake a review of all such activities and development carried out before the coming into force of this Act, or any other Act preceding this Act, not in compliance with rules, regulations, plans or policies in force at the time the activity or development took place; and in respect of any such an activity or development the Authority shall have such powers as it has in respect of an activity or development carried out after the coming into force of this Act in order to ensure that the rules, regulations, plans and policies aforesaid are enforced or, if this is not reasonably possible, to regularise any such an activity or development to the extent the Authority deems adequate in the circumstances.

Officers.

**85.** (1) The Authority may appoint officers for the purposes of this Act, and such inspectors may upon production of proof of their identity, in order to ensure compliance with this Act or any regulations made thereunder:

- (a) enquire from any person information in connection with any activity or other matter regulated by this Act;
- (b) issue stop or enforcement notices or orders to any person in accordance with the provisions of article 86.

(2) The provisions of sub-article (1) shall be without prejudice to the powers of the Police, Local Wardens, the Comptroller of Customs or of any other authority under the [Criminal Code](#), the [Customs Ordinance](#) or any other law.

Cap. 9.  
Cap. 37.

(3) Officers appointed under this article shall notwithstanding any other law have the right to assist the police in the conduct of prosecution for offences under this Act and to plead the case on behalf of the prosecution.

Enforcement procedure.

**86.** (1) If it appears to the Authority that an activity is being carried out without the grant of a permission or licence required under this Act or that any conditions subject to which such permission or licence was granted in respect of any such activity are not being complied with or such activity is in contravention to this Act or Regulations issued under this Act, the Authority may issue stop orders to any such person carrying out such an activity:

Provided that the Authority may issue a partial stop order requiring work or activity to be stopped forthwith only in relation



to that part of the activity to which the order applies and not in relation to the whole activity.

(2) If it appears to the Authority that any development is being carried out without the grant of permission required under this Act, or that any conditions subject to which such permission was granted in respect of any development are not being complied with, the Authority shall serve a stop notice on the owner of the land or on the occupier of the land or on both, as the Authority deems most expedient, requiring works or the development to be stopped forthwith:

Provided that the Authority may issue a partial stop notice requiring work to be stopped forthwith only in relation to that part of the development to which the notice applies and not in relation to the whole development.

(3) A copy of the order or notice mentioned in sub-articles (1) and (2) may also be served on any representative, builder, contractor or workman on the site and the Authority may also affix such notice in a prominent position at a point of entry onto the site.

(4) The Authority shall, in the case of a notice issued under sub-article (2) also inform:

- (a) the local council in whose locality the land mentioned in sub-article (2) is found;
- (b) the perit responsible for the said works, if known, that a stop notice as aforesaid has been issued by the Authority:

Provided that the non-compliance with the provisions of this sub-article shall in no case invalidate any notice issued under sub-articles (1) and (2).

(5) The Authority shall register all stop orders and notices and all other enforcement notices in terms of this Act in the index mentioned in article 81(2), and the provisions of the said article concerning indexing of conservation orders shall *mutatis mutandis* apply to stop and other enforcement notices in terms of this Act.

(6) Any order or notice made under this article shall contain a detailed description of the infringements being alleged and where applicable, a site plan indicating the land which is the subject of such a notice shall be annexed thereto.

(7) If it appears to the Authority that any development of land has been carried out after the coming into force of this Act without the grant of permission required in that behalf under this Act, or that any conditions subject to which such permission was granted in respect of any development have not been complied with, the Authority may, having regard to the provisions of development plans, planning policies and any other material consideration, serve on the owner of the land or on the occupier of the land or on both as the Authority deems most expedient an enforcement notice and shall inform the persons mentioned in sub-article (4) of such an enforcement notice, requiring such steps as may be specified in the notice to be taken within such time as may also be so specified for restoring the land to its condition before the development took

place or for removing such development or for securing compliance with the conditions aforesaid, as the case may be; and in particular, but without prejudice to the generality of the aforesaid any such notice may, for the purpose aforesaid, require the demolition or alteration of any buildings or works, the discontinuance of any use of land, or the carrying out on the land of any building or other operations.

(8) An order or notice given under any of the foregoing provisions of this article shall:

- (a) in respect of any requirement stopping or prohibiting further activity, works or development or requiring the cessation of a use, or in respect of any requirement of the notice if the notice refers to development listed in the Sixth Schedule or if the notice is issued under the provisions of article 88(1) in relation to a development situate on a site listed in the Sixth Schedule, or if the notice is issued under the provisions of article 88(2), take effect immediately upon service of the notice in terms of sub-articles (1) and (2) notwithstanding that an application for a licence or development permission for the activity or development referred to in the order or notice has been submitted or an appeal has been lodged against the order or notice;
- (b) in respect of any other requirement, shall take effect at the expiration of such period (being not less than fifteen days and not more than thirty days after service thereof) as may be specified therein.

(9) When an application for development permission has been submitted before the expiry of the period mentioned in sub-article (8)(b) -

- (a) for the retention on the land of any buildings or works to which the enforcement notice relates; or
- (b) for the continuance of any use of the land to which the enforcement notice relates,

the operation of the notice, in respect of any requirement other than a requirement stopping or prohibiting any further work or development, or requiring the cessation of a use, shall be suspended pending the final determination of the application, and if the permission applied for is granted on that application and comes into operation, the enforcement notice shall cease to have effect:

Provided that if the notice refers to development listed in the Sixth Schedule, or if the notice is issued under the provisions of article 88(1) in relation to a development situate on a site listed in the Sixth Schedule or if the notice is issued under the provisions of article 88(2), the operation of the notice shall not be suspended pending the final determination of the application.

(10) Any application to regularise an activity or a development shall be dismissed forthwith if a requirement in the order or notice stopping or prohibiting further activity, work or development, or requiring the cessation of a use, has not, both prior or during the

pendency of the application, been complied with or if any penalty or other payment for which any person has become liable under this Act in respect of the relevant activity or development has not been paid or if the application is made to regularize a development listed in the Sixth Schedule.

(11) The Authority may exercise its powers under article 90(1) notwithstanding that a second or subsequent application intended to regularize the illegal activity or development may have been filed with the Authority concerning the same or part of the same activity or site, irrespective of whether the said application is filed by the same applicant or by another applicant.

(12) Any person who feels aggrieved by any order or notice served on him may, within fifteen days from the service of the notice, appeal against it to the Tribunal, and on any such appeal the Tribunal:

- (a) if satisfied that a licence or permission was granted under this Act, or under any other law which preceded this Act regulating the activity in question or building permits, for the activity or the development to which the order or notice relates, or that no such licence or permission was required in respect thereof, as the case may be, and that the conditions subject to which such licence or permission was granted have been complied with, shall quash the order or notice to which the appeal relates or such part thereof in respect of which the Board is satisfied as aforesaid;
- (b) in any other case, shall dismiss the appeal.

(13) The appellant shall submit to the Tribunal together with his appeal a copy of all relevant licences or development permissions, other permits or other relevant information in terms of which a licence or a development permission has been granted to carry out the activity or development mentioned in the order or notice served on him which is the subject of the appeal proceedings; and if the Tribunal is satisfied that no such licence or development permission or permits exist or that there is no authorization, howsoever called, in terms of which the activity or the development could have been carried out, the Board shall forthwith dismiss the appeal.

(14) If before an appeal is lodged or during the pendency of an appeal, the appellant submits to the Authority an application for a licence or development permission regarding the activity or land mentioned in the order or notice, the Tribunal shall dismiss the appeal if it is satisfied that the said application is intended to regularize the activity or development mentioned in the order or notice.

(15) Where an appeal is dismissed, the Tribunal may direct that, in respect of any requirement, other than a requirement stopping or prohibiting any further activity or work or development, or requiring the cessation of a use, the order or notice shall not come into force until such date, being a date not earlier than fifteen days after the determination of the appeal, as the Tribunal thinks fit.

(16) The Tribunal may correct any defect or error in the enforcement notice provided that the appellant shall be given sufficient time to prepare and put forward his case.

(17) Where the illegal activity or development is being carried out at sea the provisions of this article shall apply in such manner that any reference therein to the owner of the land or the occupier of the land shall be deemed to be a reference to the person carrying out the activity or development, and any reference to land shall be deemed to be a reference to the area at sea where the activity or development occurs.

(18) All notices or orders issued under this Part shall be accompanied by a site plan.

Enforcement in  
relation to  
scheduled property.

**87.** If it appears to the Authority that anything which is prohibited or restricted or subject to a condition by or under any of the provisions of article 81 or under regulations made under this Act intended to protect natural habitats and species, is being done or carried on or has been done or carried on in contravention of any such prohibition, restriction or condition or without any permission or other requirement, or without compliance with any condition, mentioned in those articles or any orders made thereunder, the Authority shall serve a notice on the owner of the land or on the occupier of the land or on both as the Authority deems most expedient and shall also inform of the issue of such notice the persons mentioned in article 86(4), requiring such steps as may be specified in the notice, including the discontinuance of anything being done or carried on, to be taken within such time as may also be specified in the notice. The provisions of the proviso to article 86(4) shall also apply to any notice under this article.

Injury to amenity  
and removal of  
danger.

**88.** (1) If it appears to the Authority that the amenity of any area is injured by the appearance or condition of any building or any land, being a garden, vacant site or other open land, or by the appearance of a site upon which development or construction or any other works are taking or have taken place, the Authority shall serve an enforcement notice on the owner of the land or on the occupier of the land or on both as the Authority deems most expedient and shall also inform of the issue of such notice the persons mentioned in article 86(4), requiring such steps to be taken for abating the injury as may be specified in the notice. The provisions of the proviso to article 86(4) shall also apply to any notice under this article.

(2) The Minister may, in consultation with the Authority, by regulations under this article provide that property which is in a state of disrepair and, or constitutes a danger, shall be demolished by its owner or by the Authority in accordance with the provisions of article 90. Without prejudice to the generality of the foregoing, such regulations may prescribe:

- (a) the manner through which the state of the property is certified as constituting a danger,
- (b) the methodology and procedures to be used by the Authority in any action it may take as aforesaid.

**89.** A notice under articles 87 and 88 is also in this Act referred to as "enforcement notice" and, unless the context otherwise requires and subject to such modifications and adaptations as may be necessary to give full effect to the provisions of those articles, wherever that expression appears in this Act it shall include a notice given under those articles.

Other notices.

**90.** (1) If any steps or other action, including any discontinuance, stoppage or similar requirement, required to be taken by an enforcement notice have not been taken within the time specified therein, the Authority may enter on the land, or the area at sea and take such steps or other action as aforesaid, including the disabling or removal of any equipment, machinery, tools, belongings, vehicles or other objects that may be on site and the carrying out of any works necessary to comply with what is requested in the enforcement notice and may for such purpose request the assistance of the Police Force, any local council, any department of Government or any agency of Government; and the Police Force shall for such purpose exercise such powers as are vested in them at law.

Supplementary provisions as to enforcement and proceedings for debts due to the Authority.

(2) Where the removal of an illegal development involves by necessity the removal also of a development which is not illegal, the Authority may proceed to remove also such other development, the removal of which is necessary as aforesaid.

(3) Notwithstanding the provisions of any other law and saving the provisions of article 46 of the [Constitution](#) and article 4 of the [European Convention Act](#), no precautionary act may be issued by any court against the Authority restraining it from the exercise of any of the powers conferred upon it by this article.

Cap. 319.

(4) Subject to the provisions of regulations made under this Act, when an enforcement notice has not been appealed or where an enforcement notice has been appealed but has been confirmed by the Appeals Board or by the Court of Appeal, as the case may be, and the owner of the land subject to an enforcement order fails to comply with the said order within the period therein prescribed, such person shall be liable to a maximum penalty of not more than fifty euro for every day the default continues after the expiration of the said period as the Authority may prescribe under the said regulations; and the Authority may recover such penalty from the said person as a civil debt owing to it.

(5) All expenses reasonably incurred by the Authority in the exercise of its powers under this article, or any other amount due to the Authority under any other provision of this Act or regulations made thereunder shall, be recoverable as a civil debt by the Authority from the owner of the land, or from any occupier of the land, or from any person responsible for the acts mentioned in the notice, including a notice of payment, or an applicant, subject to such right of recovery such person may have against any other person. The Authority shall not be liable for any damages as a result of the exercise of its powers under this article unless it is proved that such damage resulted from gross negligence on the part of the Authority, its officers and agents.

(6) Where the Authority desires to sue for the recovery of a

debt due to the Authority under any law or regulation which it is entitled to enforce, the Chairman, Chief Executive Officer or an officer of the Authority duly authorised by the Authority to act on its behalf may make a declaration on oath before the Court registrar or before any other officer authorised to administer the oath in judicial matters, wherein he states the nature of the debt and the name of the debtor and confirm that it is due.

(7) The declaration referred to in sub-article (6) shall be served upon the debtor by means of a judicial act and it shall have the same effect as a final judgement of the competent court unless the debtor shall, within a period of twenty days from service upon him of the said declaration, oppose the claim by filing an application demanding that the court declare the claim unfounded.

(8) The application filed in terms of sub-article (7) shall be served upon the Authority, which shall be entitled to file a reply within a period of twenty days. The court shall appoint the application for hearing on a date after the lapse of that period.

(9) Any debts due to the Authority shall be prescribed by the lapse of the period of five years from the date on which the debt was due.

Procedure to apply to certain types of development.

**91.** (1) Notwithstanding the other provisions of this Act, any person who is served with an enforcement notice in respect of development referred to in Schedule 8, shall have the right to claim that such notice shall not be executed. The said person shall furnish the Authority with the requisite proof to that effect including any relevant documentary evidence and such other evidence as the Authority considers necessary in accordance with and subject to the procedure established by the Authority.

(2) An enforcement notice falling within the provisions of sub-article (1), the development in question shall not be considered as having been regularised in terms of this Act unless and until a development permission has been granted to cover the development in question and a penalty fixed by the Authority within the limits established in article 93 has been paid:

Provided that a person requested to pay such a penalty may appeal from such request in the manner provided for in article 93.

(3) When the Authority receives an application for development permission requesting amendments, alterations, additions or extensions to a development referred to in Category A of Schedule 8, the applicant shall request the Authority to sanction the said illegal development in terms of the provisions of this Act, if such sanction is possible in terms of law. Where the illegal development has not been sanctioned no further development permission, other than for that type of development which may be prescribed by the Minister, after consultation with the Authority, from amongst the development mentioned in article 63(9)(a) and (b), may be granted with respect to the land in question unless and until the illegal development is removed.

(4) Where any person claims to the Authority that an enforcement notice falls within the provisions of sub-article (1),

and the Authority does not accept such claim, the period of fifteen days mentioned in article 86(12) shall commence to run from the date that the Authority serves such person with a notice to the effect that it is not accepting such claim.

(5) The Minister may, after consultation with the Authority, make regulations to give better effect to the provisions of this article.

**92.** (1) The following provisions shall have effect with respect to any development which has taken place or is to take place after the date of the coming into force of the Development Planning Act\*, hereinafter referred to as "new development".

Certificate of development according to permit.  
Cap. 356.

(2) No service consisting in the supply of water or electricity to any new development shall be provided by any authority unless there is in respect of such development a certificate issued by the Authority stating that the development is in accordance with a development permission or falls under Category B of the Eighth Schedule.

(3) In any of the circumstances in which the Authority may serve an enforcement notice or order under any of the provisions of this Act, the Minister shall, in consultation with the Authority, by regulations under this article provide that such a notice is registered with the Land Registry and served on the Director of the Public Registry of Malta in the case of land situated in the Island of Malta and on the Director of the Public Registry of Gozo in the case of land situated in Gozo. Without prejudice to the generality of the foregoing, such regulations may prescribe:

- (a) the procedures to be used by the Authority in making such a registration;
- (b) the prohibition of the transfer *inter vivos* by any title whatsoever of any land in respect of which a notice as aforesaid may be, or has been, served, and the transfer or creation of any real right thereon, by any title *inter vivos* whatsoever and that any transfer of any land and any transfer of any real right thereon, made by an act *inter vivos* under any title whatsoever, shall be null and without effect.

(4) The provisions of article 41 shall apply to an order made under this article, and to any refusal to revoke such an order, as they apply to a decision of the Authority referred to in sub-article (1)(a) of that article.

**93.** (1) Notwithstanding any other law providing for the trial and punishment of offences, where the Authority believes that a person has committed an offence against this Act, other than an offence under article 94(1)(d), the Authority may give notice in writing to such person describing the offence of which the person is accused, indicating the steps to be taken to remedy the offence and a penalty which he is required to pay in respect of that offence:

Special procedure.

\*Repealed by this Act; but see footnote to article 8(2)(a).

Provided that the Authority may not require the payment of a penalty higher than fifty thousand euro and shall be in accordance with a schedule of penalties, which the Minister, after consulting the Authority, and with the concurrence of the Minister responsible for finance, may by regulations prescribe:

Provided further that any person who feels aggrieved by a decision of the Authority under this sub-article, may appeal to the Tribunal for a revocation or modification of such a penalty.

(2) Where a notice under this article has been given, the person named in the notice may, within twenty-one days of the service of the notice, accept responsibility for the offence specified in the notice and within the same period or such further period as the Authority may allow, remedy the offence and pay, or undertake in writing to pay, the penalty indicated in the notice or such other penalty as the Authority may accept in lieu, and in any such case:

- (a) the person named in the notice shall be deemed to have committed the offence and to have admitted his guilt in respect thereof, and the penalty paid, or agreed to be paid, shall be the penalty to which he became liable to pay;
- (b) if the offence is remedied and the penalty is paid within the period, or further period, aforesaid, no further proceedings may be taken against the said person in respect of the same facts:

Provided that the agreement to pay to the compromise penalty shall not extinguish any civil liability to make good any damages to any person or authority and any liability arising under article 38;

- (c) if the penalty is not paid within the period, or further period, aforesaid, it shall be treated as if it were a penalty ordered to be paid by a court and proceedings may be taken accordingly to recover the same as a civil debt due to the Authority.

(3) Where the person to whom notice is given under sub-article (1) does not accept or, having accepted such responsibility, fails to remedy the offence within the time aforesaid, ordinary criminal proceedings may be taken against him in accordance with the provisions of law applicable to the offence.

## PART VII

### Offences

Offences.

- 94.** (1) Any person who -
- (a) carries out any development on any land or allows any development to be carried out on land of which he is an owner without a development permission as in force at the time of such development, or, if the development is carried out with a development permission, fails to comply or to cause compliance with any condition, restriction or other limitation to which the permission is subject; or



- (b) acts in contravention of any of the provisions of article 81 and 82 in respect of any scheduled property, an emergency conservation order; or
- (c) having been served with an enforcement notice or other notice under articles 78, 86, 87 or 88 fails to comply with any of the requirements of such notice within the time therein specified; or
- (d) hinders, obstructs, molests or interferes with, or attempts to hinder, obstruct, molest or interfere with, any officer or employee of the Authority, or any police officer, or any public officer, or any employee or servant of any department of Government or of any agency of Government or of any local council, in the execution of his duties under the law or fails to comply with any reasonable requirement demanded of him by any such person as aforesaid or otherwise to assist him in the carrying out of the said duties, or knowingly furnishes such person with false information or neglects or refuses to give any information required for the purpose aforesaid; or
- (e) makes a declaration for any of the purposes of this Act which is false, misleading or incorrect in any material respect,

shall be guilty of an offence against this Act and shall be liable, on conviction, to a fine (*multa*) of not less than one thousand five hundred euro and not exceeding one hundred thousand Euro, and in respect of an offence under paragraph (d) or, in the case of an offence under paragraph (c) if the offender persists in the offence for more than three months, also to imprisonment for a term of not less than three months and not exceeding three years:

Provided that, and without prejudice to the provisions of articles 81(9) and article 90(3) and (4) and without prejudice to the maximum fine above established, the minimum fine (*multa*) to which an offender is liable under this article shall not be less than the value of any work carried out without permission or in violation of any conditions to which such permission was subject.

(2) The Court, besides awarding the punishment referred to in sub-article (1), shall order the offender to remove the causes of the offence and to undo anything which was done without a permission or to comply with the conditions imposed in the permission, as the case may be, within a time sufficient for the purpose, but in any case not exceeding three months from the date of the judgment, to be fixed by the court; and, if the offender fails to comply with any such order within the time so fixed, he shall be liable to a fine (*multa*) of not less than fifty euro and not more than one hundred and thirty euro, as the court may fix, for every day the default continues after the expiration of the said time and may also order the modification, suspension or revocation of any authorisation or permission.

Cap. 9. (3) Proceedings against any person for any offence as is mentioned in sub-article (1) shall be taken before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, as courts of criminal judicature in accordance with the provisions of the [Criminal Code](#):

Cap. 9. Provided that, notwithstanding the provisions of article 376(1)(b) of the Criminal Code, the Court shall, at the request of the prosecution or of the accused, take down evidence given by the witnesses in the manner provided for either in article 390(6) of the said Code or in any law for the time being in force.

Cap. 9.  
Cap. 446. (4) Article 21 of the [Criminal Code](#) and the provisions of the [Probation Act](#) shall not apply to any offences referred to in this article.

(5) The filing of an application intended to regularise any illegal development or activity to which a prosecution refers, and the filing of an appeal against a refusal of such an application shall not be a bar to the continuation of such a prosecution and the court shall continue to hear such a case and shall give judgement and shall issue an order in terms of sub-article (2) as if such an application or such an appeal had never been filed:

Provided that where such an activity or development has been regularised no fine under sub-article (2) shall be due in respect of the time after the development has been regularised.

Cap. 9. (6) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given in proceedings arising out of this Act or of any regulations, rules or orders made thereunder.

Certified copies of documents.

**95.** In any proceeding or prosecution under this Act, a copy of any order, notice, decision or other document purporting to have been made under this Act and purporting to have been signed by the Chairman of the Authority or by the Chief Executive Officer or any Director, shall be accepted as evidence of the order, notice, decision or other document, and of the facts appearing therein, without further proof.

## PART VIII

### Miscellaneous

Service of notices, etc., under this Act.

**96.** (1) Where any notice or other instrument or document whatsoever is required or authorised to be served or given by or under this Act, it may be served or given in any of the following manners:

- (a) by delivering it to the person on whom it is to be served or to whom it is to be given; or
- (b) by leaving it at the usual or last known place of abode of that person or, if such person has furnished an address for service, at that address; or
- (c) by sending it in a registered letter addressed to that person at the place of abode or the address for service aforesaid; or

- (d) in the case of a body corporate or other body of persons, by delivering it to an officer or servant thereof at the registered or principal office, or sending it in a registered letter addressed to the body aforesaid at that office; or
- (e) in any case in which it is not reasonably possible to effect service in any of the foregoing manners whether on all or on any one or more of the persons on whom service is to be made or notice is to be given, by affixing the document to be served or given in a conspicuous place on the land to which it relates and keeping it so affixed for a period of not less than seven days.

(2) Where the notice or other document is required or authorised to be served or given to any person as having an interest in land, and the name of that person cannot be ascertained after reasonable inquiry, or is required or authorised to be served on an occupier of land, the notice shall be deemed to be duly served or given if it is served or given in any of the manners indicated in sub-article (1) and addressed to the person having an interest in the land by the description of "owner" or "occupier", or "owners" or "occupiers", as the case may require.

**97.** (1) The Minister may with effect from such date as may be established by notice in the Gazette repeal the Development Planning Act and the Environment Protection Act\* and different dates, rules and procedures may be so established for the revocation and, or applicability of different provisions thereof.

Savings.  
Cap. 356.  
Cap. 435.

(2) The Minister may by regulations made under this Act, provide that for the words "Director", "Director of Planning" and "Director Environment Protection", wherever they may occur in regulations made under the Development Planning Act or Environment Protection Act, there shall be substituted the word "Authority" and any definition of "Director", "Director of Planning" and "Director Environment Protection" in regulations made under the same Acts shall be deleted.

Cap. 356.  
Cap. 435.

(3) Any order, rule, regulation, bye-law, notice, plan or policy or other instrument having the force of law made under the authority or kept in force under any of the provisions of the Development Planning Act or the Environment Protection Act shall continue in force and shall continue to have effect as if made under this Act and may be amended, substituted or revoked accordingly.

Cap. 356.  
Cap. 435.

(4) Any licence, permission, authority, order, notice or certificate, or any prosecution or charges granted or made under or kept in force under any of the provisions of the Development Planning Act or the Environment Protection Act and still in force immediately before the date of coming into force of this Act shall as from such date continue in force as if it were a licence, permission, authority, order, notice or certificate, or prosecution or charges granted or made under a corresponding provision of this

Cap. 356.  
Cap. 435.

\*but see footnote to article 8(2)(a).

Act, and any such licence, permission, authority, order, notice or certificate, or prosecution or charges as aforesaid shall be treated and dealt with accordingly:

Provided that in the case of any such licence, permission, authority, order, notice or certificate issued as operative for a specific period, such licence, permission, authority, order or certificate shall remain operative for such a period from the date such licence, permission, authority, order, notice or certificate was issued.

(5) The Users' Committee established under the provisions of article 36, the Heritage Advisory Committee established under the provisions of article 37, the Environment and Planning Review Tribunal established under the provisions of article 40 and the Environment Fund established under the provisions of article 38, shall perform and succeed all the functions, assets, rights, liabilities and obligations of the Users' Committee, the Heritage Advisory Committee and the Planning Appeals Board respectively established under the provisions of the Development Planning Act and the Environment Fund established under the provisions of the Environment Protection Act.

Cap. 356.

Cap. 435.

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## FIRST SCHEDULE

*Amended by:  
L.N. 57 of 2011.*

## Article 6

Provisions with respect to the Authority and the Environment  
and Planning Commission

1. The provisions of this schedule regulate the procedures to be used by the Authority and the Environment and Planning Commission. For the purposes of this Schedule, wherever the word "Authority" is used, it is to be construed as to include the Environment and Planning Commission, unless the context otherwise requires.

2. The Authority may act notwithstanding any vacancy amongst its members, provided there is a quorum present at the meeting.

3. The quorum of the Authority shall consist of the chairman or deputy chairman and not less than half the number of the other members constituting the Authority at the time of the meeting.

4. The meetings of the Authority shall be called by the chairman either on his own initiative or at the request of any two members of the Authority; and the Authority shall also meet at such times as it may itself decide.

5. The chairman, or the deputy chairman acting in his place, shall have an original vote, and where the votes are equally divided, a second or casting vote. All members of the Authority present at its meetings shall cast their vote in favour or against any motion put to the vote.

6. Without prejudice to the provisions of article 16, a member of the Authority who has a direct or indirect interest in any matter coming before the Authority for consideration shall, not later than the first meeting held after the relevant circumstances have come to his knowledge, disclose the nature of his interest. Such disclosure shall be recorded in the minutes of the meeting and the member:

- (a) shall not take part in any discussion or decision of the Authority with respect to that matter; and
- (b) shall be disregarded for the purpose of constituting a quorum for any such discussion or decision.

7. All acts done by any person in good faith as a member of the Authority shall be valid and effective as if he were a member even if some defect in his qualification for appointment is subsequently discovered.

8. Subject to the provisions of this Act, including this Schedule, the Authority may regulate its own procedure.

9. The meetings of the Authority shall be open to the public, and the Authority shall allow the applicant and his representative, or any one of them, and an interested third party who made representations in accordance with the provisions of article 68(4), to make submissions on any matter under consideration. The Chairman, at his absolute discretion, may also allow any other member of the public to make submissions, subject to the power of the Chairman to exclude any member of the public if it deems it necessary so to do for the maintenance of order and to limit the participation of the applicant and his representative or of the interested third party who made representations in accordance with the provisions of article 68(4) or the public as it may deem appropriate.

10. At the request of any member of the Authority, the deliberations of the Authority shall be held in private but every vote shall be conducted in public. No

secret vote shall be allowed. Where the Authority votes against a recommendation, if any, made by the Director, the Chairman of the Authority shall register in the relevant file the specific environmental and planning reasons adduced by the Authority.

11. The Authority shall decide and determine any matter under its consideration during the first sitting at which such a matter is brought for determination. The Authority may request the applicant to file fresh plans and documents, in which case the Authority shall give reasons for such a request provided that the substance of the matter under its consideration shall not change and any person who has made written submissions on the application in terms of article 68(4) shall be informed that such fresh plans and documents have been so filed and shall also be invited to be present at the Authority's sitting, as the case may be, when such application shall be discussed. When the Authority puts off a decision on an application either when the applicant is required to submit fresh plans and documents, or for the furnishing of further information, in which case the Authority shall give reasons for requiring such further information, or when the Authority needs to consult in terms of article 45 in which case the Authority shall give reasons for requiring such consultation, the Authority shall, during the meeting establish the date for the next sitting for the determination of the application, such date being not later than thirty days from the date of the last meeting:

Provided that the Authority may also delegate to the Chairman or any of its members, the power to endorse any revised plans or documents relating to any matter under its consideration.

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## SECOND SCHEDULE

### Article 41

#### **Proceedings before the Environment and Planning Review Tribunal and appeals therefrom**

1. The application shall contain the grounds for the appeal and the request of the appellant, and, in the case of an appeal from the refusal of a permission or licence, it should include a copy of the application form and documents and plans submitted for approval together with all documentation which is relevant for the grounds of appeal, including a copy of the Authority's decision appealed from. A copy of the appeal and the ancillary documentation shall be communicated to the Authority before the appeal is heard. The Authority shall file its reply within thirty days of service upon it or within such time as established by the Tribunal. The reply shall be served upon the appellant.

2. The appellant shall appear before the Tribunal either in person or by agent on the day and at the time fixed for the hearing, make his submissions and produce such evidence as the Tribunal may allow:

Provided that the Tribunal may postpone the hearing of the appeal if it is satisfied that the appellant was prevented from appearing before it owing to illness or absence from Malta or other similar reasonable cause.

3. The Tribunal shall give the Authority an opportunity to make its submissions in justification of its decisions, and bring such evidence as the Tribunal may consider necessary.

4. The Tribunal shall have the power to summon witnesses and to administer

the oath to any person appearing before it. Should a witness duly notified by a summons signed by the Chairman of the Tribunal fail to enter an appearance before the Tribunal, such person shall be guilty of an offence and liable, on conviction, to a fine (*multa*) of not less than five hundred euro and not more than five thousand euro.

5. The Tribunal shall have power to confirm, revoke or alter the decision appealed against and give such directions as it may deem appropriate:

Provided that the Tribunal may request the appellant to submit fresh documents and plans, in which case the Tribunal shall give reasons for such a request provided that the substance of the matter as presented before the Authority shall not change.

6. The decisions of the Tribunal shall be final and no appeal shall lie therefrom except on a question of law only.

7. If the appellant or the Authority are dissatisfied with any point of law decided by the Tribunal, they may appeal to the Court of Appeal (Inferior Jurisdiction) by an application filed as provided in article 41.

8. All hearings of the Tribunal shall be held in public and all decisions of the Tribunal shall be given in public.

9. Subject to the foregoing provisions and to the provisions of this Act, the Tribunal shall regulate its own procedure.

10. The Minister responsible for justice may by regulations made under this Schedule establish fees payable in the registry of the courts in relation to the filing of judicial acts in connection with appeals before the Court of Appeal (Inferior Jurisdiction) under this Act:

Provided that until such fees have been so established by the Minister, the fees contained in Schedule A to the [Code of Organization and Civil Procedure](#) shall apply.

11. A registered third party in terms of article 68(4) of this Act shall be informed by the Tribunal that an appeal has been filed and he may request the Secretary of the Tribunal to register him as an interested third party in such an appeal. Such a person shall have a right to address the Tribunal and may be requested by the Authority or Commission to give evidence in the appeal proceedings concerning the said appeal. Unless the Tribunal decides otherwise, such a person may be present during all sittings of the Tribunal. Such a person may not attend site inspections where the Tribunal enters upon the property of the appellant if the appellant objects to the presence of such a person entering upon his property. Such a person shall have a right to be given a copy of the Tribunal's decision with regard to those appeal proceedings for which he has been registered with the Secretary of the Tribunal as interested third party. Such a person may not file an appeal from a decision of the Tribunal before the Court of Appeal (Inferior Jurisdiction).

12. When an appeal has been lodged by a person other than the applicant, such a person need not prove that he has an interest in that appeal in terms of the doctrine of juridical interest which doctrine shall not apply to such proceedings, but he shall submit reasoned grounds based on environmental and, or planning considerations to justify his appeal.

13. The Tribunal may deem an appeal as abandoned if the appellant shows no interest in the appeal submitted by him.

14. The Tribunal may impose a fine of €2,500 in such cases were it declares such proceedings frivolous or vexatious and in such cases the Tribunal's decision

shall be final without any redress before the Court of Appeal (Inferior Jurisdiction).

15. The Tribunal may impose such fees on the party making the request as established for the carrying out of site inspections. Should the Tribunal decide to hold such inspection at its own motion, it will be the appellant who will incur the fee.

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### THIRD SCHEDULE

#### Article 12

##### **The Directorates of the Authority are:**

1. **Environment Protection Directorate** - which shall have the responsibility of Environment Protection, the development and coordination of environmental policies, plans, legislation and guidelines, the processing and determination of applications for activities falling within the jurisdiction of the Directorate, Environmental Audits and Environmental Assessments, the State of the Environment Report, the educational aspects of the environment within the Authority, the development of standards and the coordination of International and European Union affairs.

2. **Development Planning Directorate** - which shall have the responsibility of Development Planning, the development and coordination of development planning plans and policies, the processing of applications relating to development planning and the educational aspects of the development planning within the Authority.

3. **Corporate Services Directorate** - which shall have the responsibility for providing common legal, financial, human resources and administrative services that are required for the proper functioning of the Authority.

4. **Enforcement Directorate** - which shall have the responsibility for the overall enforcement of the provisions of this Act and other laws and regulations regulating the environment and development.

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### FOURTH SCHEDULE

#### Article 34

##### **The Standing Committee on Environment and Development Planning**

The plans and policies that the Minister shall refer to the Committee in accordance with the provisions of article 34(2)(c) are:

- (a) Those plans and policies which refer to the land situate outside areas designated for development as defined in the Structure Plan or in any other plan;
- (b) Those plans and policies which exclusively regulate height limitations and restrictions thereon;
- (c) Local plans, excluding minor amendments to such plans;
- (d) Policies relating to and regulating the certificate of development according to permission.
- (e) The state of the Environment Report.



## FIFTH SCHEDULE

## Article 42

**The Registration Board**

Consultants to carry out the following assessments have to be registered with the Board:

1. Environmental Impact Assessments;
2. Appropriate Assessments in relation to sites falling within a Special Area of Conservation or a Special Protected Area;
3. Strategic Environment Assessments;
4. Assessments in relation to Scheduled property and sites.

## SIXTH SCHEDULE

## Article 70

**Applications which fall under the provisions of article 70**

1. An application to regularise a development which exceeds the approved footprint or, increases the approved volume of the building and is not part of a registered livestock farm and is carried out after May 2008 in an area which falls outside areas designated for development as defined in the Structure Plan or in any other plan; or
2. An application to regularise a development in a scheduled property; or
3. An application to regularise a development carried out after May 2008 in an area protected under the provisions of this Act or any regulation made thereunder.

## SEVENTH SCHEDULE

## Articles 41 and 69

1. Applications which fall under the provisions of articles 41 and 69:
  - (a) Development in an area which falls outside areas designated for development as defined in the Structure Plan or in any other plan; or
  - (b) Development in a scheduled property grade 1 or grade 2; or
  - (c) Development in a property containing archeological remains; or
  - (d) In the case of demolition within Urban Conservation Area which includes demolition of facade; or
  - (e) Development in an area protected under the provisions of this Act or any regulation made thereunder.
2. Subparagraphs (b), (d) and (e) of paragraph (1) shall also apply in such cases where the protection status of the site is still being proposed.

Amended by:  
L.N. 229 of 2012.

## EIGHTH SCHEDULE

## Article 91

## Category A:

1. Development carried out prior to 1st January, 1993 within a Temporary Provisions Scheme development boundary or a development boundary as indicated in a local plan other than:

- (i) when such development consists in change of use; or
- (ii) where such development is not in conformity with the alignment of roads or buildings as specified in or interpreted from a Temporary Provisions Scheme or local plan.

## Category B:

1. The provisions of this sub-category shall apply to development in existence within a development zone on the coming into force of these regulations\* and which development shall include the following:

- (i) Size of internal yards of any dwelling
  - (a) if the length of any side of the internal yard is up to 65% of that required by law and the overall area of the yard is more than 65% of what it should have otherwise been;
  - (b) if the length of any side of the internal yard is between 50% and 65% of that required by law and the overall area of the yard is within the same range, subject to an engineer's report stating that the habitable rooms in the dwelling have adequate lighting and ventilation aided, if necessary, but not exclusively limited to artificial lighting and forced mechanical ventilation respectively;
  - (c) dwellings which have internal yards that are less than half the size of what they should have otherwise been are not included.
- (ii) Size of back yard of any dwelling
  - (a) if the depth of any back yard is up to 65% of that required by law and the overall area of the yard is more than 65% of what it should have otherwise been;
  - (b) if the depth of any back yard is between 50% and 65% of that required by law and the overall area of the yard is within the same range, subject to an engineer's report stating that the habitable rooms in the dwelling have adequate lighting and ventilation;
  - (c) plans for dwellings which have a back yard less than half the size of what it should have otherwise been are not included.
- (iii) Internal height of structure of any dwelling
  - (a) plans for dwellings with a clear floor to ceiling internal height of more than 2.6 metres;
  - (b) plans for dwellings with a clear floor to ceiling height of less than 2.6 metres but more than 2.4 metres subject to an engineer's report stating that the habitable rooms in the dwelling have adequate lighting and ventilation;
  - (c) plans for dwellings with a clear floor to ceiling height which is

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\*the reference is to L.N. 229 of 2012, which came into force on 1st August, 2012.

less than 2.4 metres are not included.

(iv) Room in the back yard of any dwelling

Ground level rooms in the back yard of any dwelling as long as the size of the back yard prior to the erection of the room is in conformity with sanitary regulations, provided that the room has natural ventilation and natural lighting, does not occupy more than 35% of the required back yard area, and is not higher than ten (10) courses:

Provided that if a request under the provisions of article 91 of the Act in respect of any of the above developments is made to the Authority within six months from the coming into force of these regulations, it shall be presumed that the development to which the request refers to existed prior to such date as long as the architect submitting the request certifies that the development to which the request relates to had existed prior to the coming into force of these regulations, and the same request includes photographic evidence that shows that same development as existing on site, and as long as there is no evidence to the contrary, or that no such evidence to the contrary subsequently emerges:

Provided further that if such a request is not submitted within six months from the coming into force of these regulations, the onus of proof that the development in question existed before the coming into force of these regulations shall lie with the applicant or his architect.

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# STRUCTURE PLAN

For The Maltese Islands

♦

DRAFT FINAL  
WRITTEN STATEMENT  
AND KEY DIAGRAM

December 1990

MINISTRY FOR DEVELOPMENT OF INFRASTRUCTURE  
PLANNING SERVICES DIVISION



**PLANNING** *for Malta's Development*

**PREPARED BY**

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# **STRUCTURE PLAN FOR THE MALTESE ISLANDS**

## **DRAFT FINAL WRITTEN STATEMENT AND KEY DIAGRAM**

**December 1990**

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### ***CONTENTS***

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#### **GLOSSARY OF TERMS**

#### **EXECUTIVE SUMMARY**

A Resources Oriented Plan  
Growth Levels  
Plan Objectives Contained In The Enabling Act  
Structure Plan Goals  
Key Directions

## **PART 1: THE STRUCTURE PLAN STRATEGY**

### **1. CONTEXT**

Background  
Character  
Content  
Implementation

### **2. EXISTING SITUATION**

### **3. OVERALL STRATEGY**

Resources  
Goals  
Development Demands  
Rehabilitation  
Environment  
Development of the Strategy  
Roads  
Housing Provision  
Primary Development Areas  
Valletta  
Gozo  
Public Consultation

#### **4. LOCAL PLANS**

#### **5. ENFORCEMENT**

## **PART 2: POLICIES**

#### **6. SETTLEMENT PATTERN**

(Policies SET)

Development in Existing Built-up Areas  
Temporary Provisions Schemes  
Primary Development Areas  
Non Urban Areas

#### **7. BUILT ENVIRONMENT**

(Policies BEN)

Urban Areas  
Non Urban Areas  
Advertisements  
Application Procedures  
Prequalification of Building Contractors  
Landscaping and Open Space  
Building Regulations  
Noise Nuisance

#### **8. HOUSING**

(Policies HOU)

Pembroke  
Rent Legislation  
Social Housing

#### **9. SOCIAL AND COMMUNITY FACILITIES**

(Policies SOC)

Health  
Education  
Care of the Elderly and Disabled  
Community Facilities

#### **10. COMMERCE AND INDUSTRY**

(Policies COM, IND)

Offices  
Shopping  
Manufacturing Industry

Service Industry  
Obnoxious Industry  
Warehousing  
Retail Warehouses and Showrooms  
Oil and Gas Industry

## **11. AGRICULTURE, HORTICULTURE AND FISHERIES** (Policies AHF)

Aquaculture

## **12. MINERALS** (Policies MIN)

Introduction  
Mineral Working  
Safeguarding the Environment  
Afteruse and Reclamation  
Interim Policies  
Underground Space Planning

## **13. TOURISM AND RECREATION** (Policies TOU, REC)

Objectives for Tourism  
Institutional Arrangements for Tourism  
Tourist Accommodation  
Longer Term Tourist Accommodation Demands  
Heritage  
Golf Courses  
Yachting  
Diving  
Coastal Management Plan  
Objectives for Recreation  
Institutional Arrangements for Recreation  
Sports  
Major Impact Sports  
Coastal Areas  
Boathouses  
The Countryside

## **14. TRANSPORT** (Policies TRA, RDS, TEM, PTR, LEM, IIT, AVN)

General Strategy  
Co-ordination of Transport and Land Use  
Development and Maintenance of a Hierarchical Network of Roads  
Traffic and Environmental Management  
Public Transport  
Legal and Educational Measures



Inter Island Sea Transport  
Aviation

## **15. CONSERVATION**

(Policies UCO, RCO, MCO, CZM)

Approach  
Built Heritage  
Urban Conservation Areas  
Listed Buildings  
Conservation Policies  
Traffic in Urban Conservation Areas  
Telecommunications Equipment  
Promotion  
Heritage Trust  
Pilot Project  
Natural Resources in Rural Areas  
Rural Conservation Areas  
Scenic Value  
Agriculture  
Ecology  
Sandy Beaches and Dune Areas  
Rehabilitation of Degraded Habitats and Landscapes  
Control of Erosion  
Valleys  
Trees and Afforestation  
Minor Islands  
The Qawra/Dwejra Area in Gozo  
Education and Research  
Archaeology  
Marine Conservation Areas  
Coastal Zone Management

## **16. PUBLIC UTILITIES**

(Policies PUT)

Services Planning  
Water  
Sewerage  
Solid Waste  
Electricity  
Telecommunications  
Posts

## **PART 3: IMPLEMENTATION**

### **17. FINANCIAL RESOURCES**

### **18. MONITORING**

### **19. LAND AND PROPERTY MANAGEMENT**

Government Procedures

Multi Ownership Accommodation

Competitive Development Tendering

### **20. RESPONSIBILITIES AND SKILL RESOURCES**

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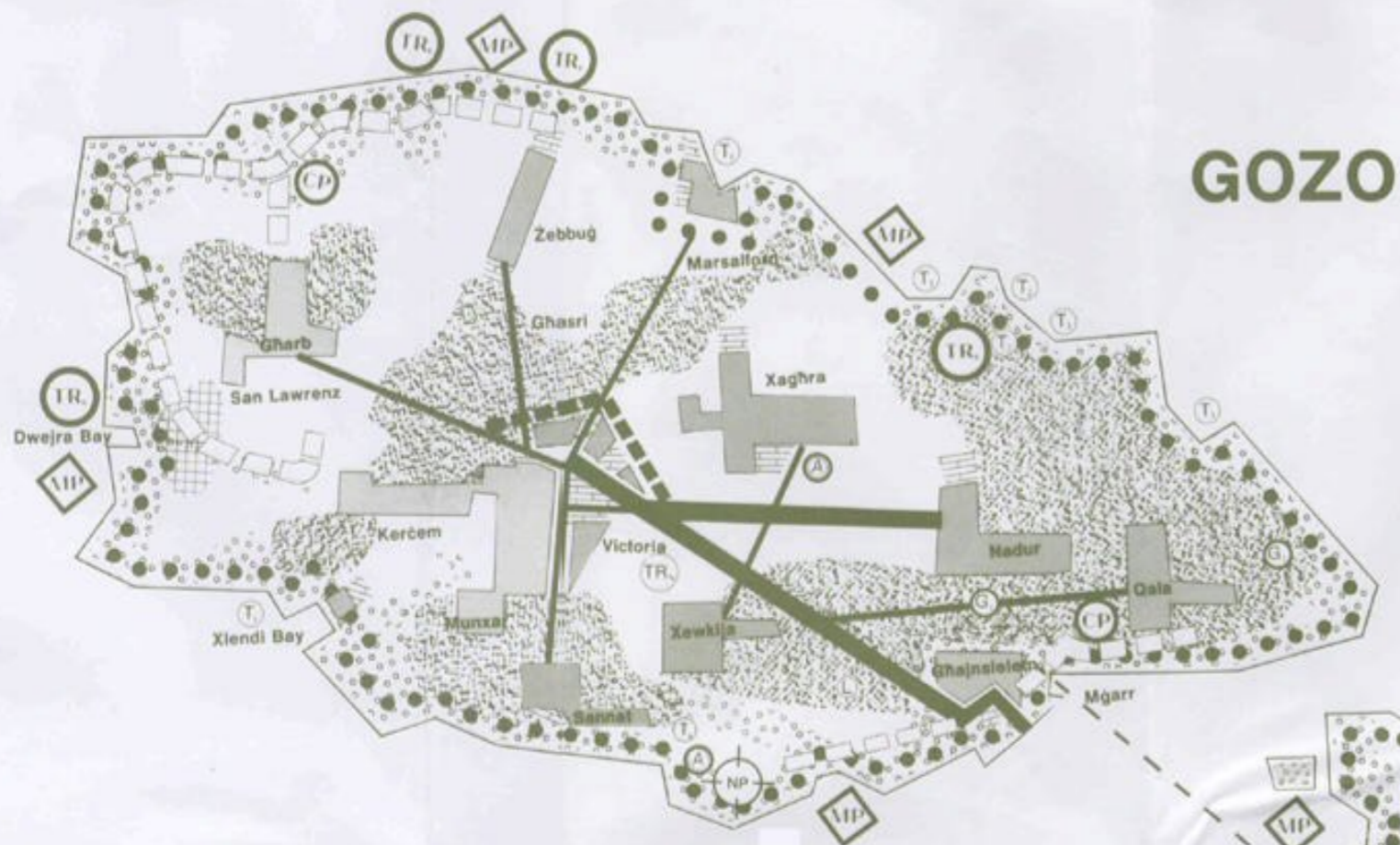
## Schedule Of Policy Abbreviations And Numbers Of Policies

Abbreviation	Policy Area	Numbers of Policies
SET	Settlement Pattern	12
BEN	Built Environment	21
HOU	Housing	10
SOC	Social and Community Facilities	25
COM	Commerce	8
IND	Industry	16
AHF	Agriculture, Horticulture, and Fisheries	16
MIN	Minerals	19
TOU	Tourism	15
REC	Recreation	14
TRA	Transport	4
RDS	Roads	11
TEM	Traffic and Environmental Management	10
PTR	Public Transport	14
LEM	Legal and Educational Measures	6
IIT	Inter Island Transport	4
AVN	Aviation	4
UCO	Urban Conservation	18
RCO	Rural Conservation	42
ARC	Archaeology	7
MCO	Marine Conservation	13
CZM	Coastal Zone Management	3
PUT	Public Utilities	28
<b>TOTAL</b>		<b>320</b>

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# DRAFT STRUCTURE PLAN KEY DIAGRAM

NOVEMBER 1990

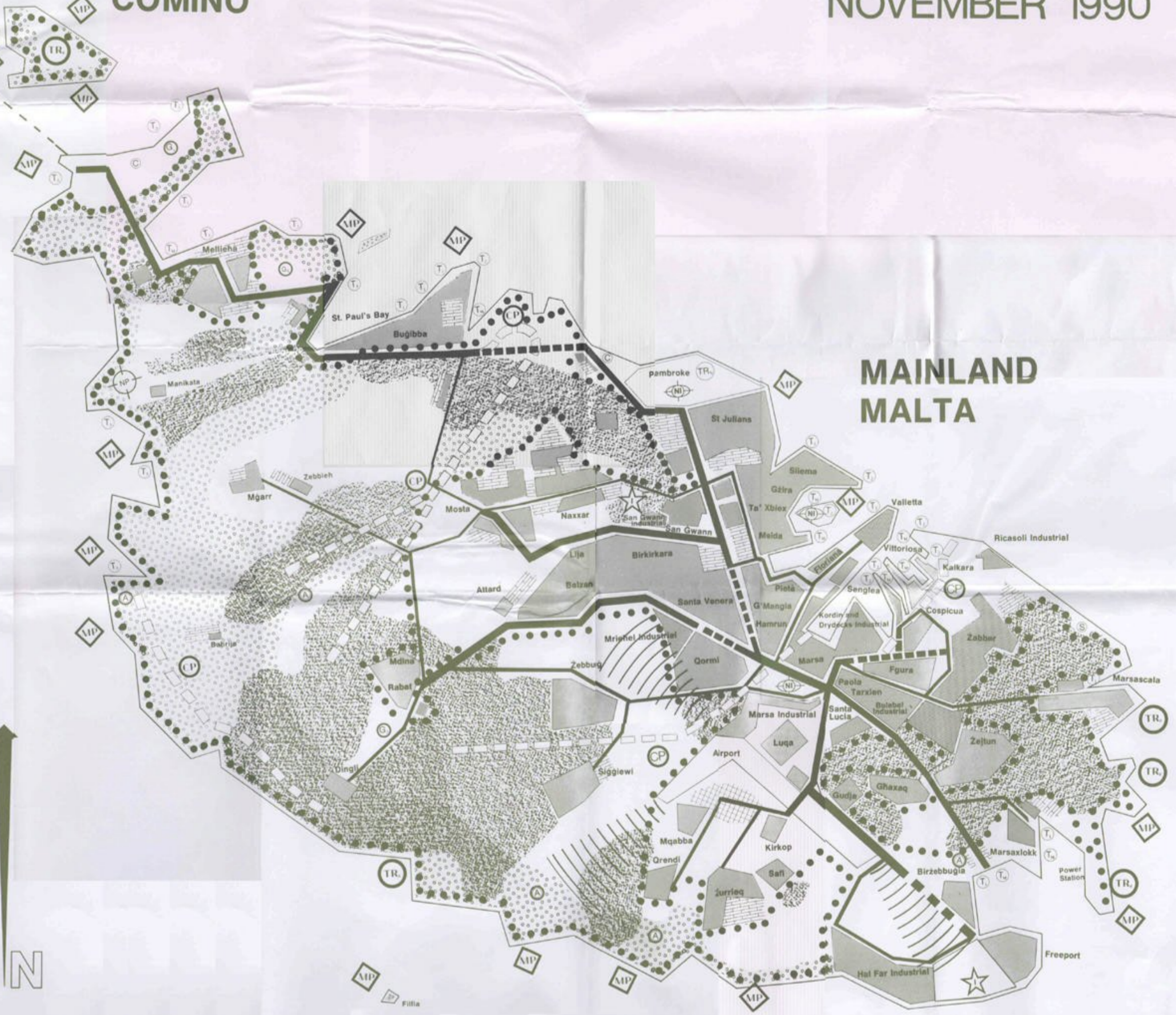


GOZO

COMINO

**Key:**

- Arterial Road Network: Existing/Improved
- Arterial Road Network: Proposed
- Distributor Road Network
- Main Ferry Link
- Existing Zoned Built-up Areas
- Proposed Built-up Areas
- Rural Conservation Area/Area of Landscape Value
- Area of Ecological Value
- Area of Agricultural Value
- Existing Mineral Extraction Areas
- Airport Safeguarding Areas
- Principal Development Area: Industrial
- Principal Development Area: Non Industrial
- Archaeological Park
- Nature Park
- Light Aircraft Runway Safeguarding Area
- Target Shooting Area
- Potential Short Stay Camping and Caravan Sites
- PRIORITY TOURISM AND RECREATION CONSOLIDATION AND IMPROVEMENT AREAS.
- PRIORITY AREAS FOR NEW TOURISM AND RECREATION DEVELOPMENT.
- PRIORITY AREAS FOR MEDIUM TO LONG-TERM (POST 1995) TOURISM AND RECREATION DEVELOPMENT.
- PRIORITY AREAS FOR MARINE RELATED TOURISM AND RECREATION DEVELOPMENT.
- PRIORITY AREAS FOR THE CONCENTRATION OF RECREATIONAL SPORTS FACILITIES OF NATIONAL IMPORTANCE.
- POTENTIAL AREAS FOR THE DEVELOPMENT OF INTERNATIONAL STANDARD GOLF COURSES, ASSOCIATED ACCOMMODATION AND FACILITIES. 1. PREFERRED LOCATIONS 2. OTHER LOCATIONS
- COASTAL ZONE AREAS FOR TOURISM AND RECREATION DEVELOPMENT RESTRAINT ASSOCIATED WITH DESIGNATED OFFSHORE UNDERWATER MARINE PARKS.
- MARINE PROTECTED AREAS
- AREAS PROPOSED FOR THE ESTABLISHMENT OF COUNTRY PARKWAYS.



MAINLAND  
MALTA

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Prepared by Colin Buchanan and Partners and Generale Progetti SpA in association with the Planning Services Division, Ministry for Development of Infrastructure as a public consultation draft on behalf of the Government of Malta

THIS IS A DIAGRAM ONLY AND IS NOT TO SCALE

## Glossary of Terms

Comprehensive Development Area	A site in several ownerships requiring comprehensive redevelopment
Conservation	Guarding against loss of worthwhile assets, and measures aimed at their improvement. Can include the addition of new items. Not as restrictive as Preservation
Environment	Surroundings, both natural and man made
Garigue	Low growing vegetation
Inner Harbour	Approximately the 1985 Inner Harbour Census Region, comprising the 1985 Census Localities of Cospicua, Floriana, Kalkara, Marsa, Msida, Paola, Santa Lucia, Senglea, and Sliema
Karstland	Rough limestone countryside
Locality	The smallest area for which the 1985 Census data was published, properly termed a Census Locality. Traffic Zones were chosen to correspond with Census Localities. Malta has 63 Census Localities
Multi Ownership Accommodation	See Section 19
Normally	Where a policy states that "development will normally be permitted ..." it does not necessarily mean that development will be permitted. The circumstances of the particular site or building, and the details of the particular proposal have to be considered. In all cases the details of siting, design, external appearance, means of access, parking, landscaping, and other relevant factors must be satisfactory, and all relevant policies must be complied with.
Preservation	Guarding against loss of worthwhile assets, including restoration. More restrictive than Conservation.
Random Rubble	Low walls built in random rubble are a distinctive feature of Malta's countryside. The Maltese word is sejjieh. The term relates only to walls built in stone which is not machine finished, and which gives the effect of having used stone picked up from adjacent fields. Generally no cement is used, but other than cement no other material is used
Rdum	Near vertical rock face
Sheltered Housing	Dwellings developed or acquired by a non profit organisation, other than Government, and rented or sold to low income or special need occupants who may or may not receive personal rent subsidies from Government

Ship	For the purpose of the Structure Plan, a ship is a sea vessel which is too large to be towed on land using a trailer
Social Housing	Dwellings owned by Government, and rented to occupants at subsidised rates. Does not include plots of land sold by Government at subsidised rates for private dwellings
Traffic Zone	The area in which a vehicle journey has its origin or destination. Traffic Zone boundaries were chosen to correspond with Census Locality boundaries, although a few Localities are subdivided or aggregated
Use Classes Order	A legal Order made by Government, which gives classes of uses of land and buildings. A development permit is not required for the change of use to another use within the same use class
Widien	(Singular Wied) Dry valleys, only carrying water during the rainy season
Yacht	For the purpose of the Structure Plan, this term applies to any sea vessel, with or without an engine, which can be towed on land using a trailer. A ship is a sea vessel which is too large to be towed on land. A boat is a small yacht

# **EXECUTIVE SUMMARY**

## **A Resources Oriented Plan**

1. The Structure Plan is essentially concerned with Malta's future environment, both man made and natural. It is also concerned with the ways in which resources can be best created and used to achieve an environment of which Malta can be proud.
2. Malta's basic problem is that rising standards of living and the increasing complexity of private and public sector business require increasingly more space in which to operate. Running counter to this is the fact that Malta is a small country with one of the highest national population densities in the world. Land is therefore a relatively scarce resource which needs to be managed and conserved with particular care.
3. The plan is therefore concerned fundamentally with:

### **1. RESOURCE CREATION**

Especially economic wealth, project funds, suitable land for housing, employment, and community facilities, skills, and opportunities for all

### **2. RESOURCE MANAGEMENT AND PROTECTION**

Especially land, architectural and cultural heritage, natural and rural environments, coastline, marine resources, essential supplies, and the Maltese people themselves, including particularly non renewable resources

## **Growth Levels**

4. The plan covers the period of the next twenty years up to the year 2010. During this time the population is expected to increase by about 10% to almost 400,000, about 20% more households will be formed who will require housing, possibly 25% more people will require jobs, and the proportion of the population aged over sixty will increase by about 60%. Children of school age and below are likely to decrease by about 10%, and a greater proportion of women are likely to have part time or full time jobs.

## **Plan Objectives Contained in the Enabling Act**

5. The Building Permits (Temporary Provisions ) Act, 1988 is the Act which requires the preparation and use of a structure plan and other more detailed plans. Section 3(1) of the Act gives the objectives for the regulation of development as follows:

"Every regulation of the use and development of land shall have as its objective an optimal physical use and development of land which respects the environment and at the same time ensures that the basic social needs of the community are, as far as

practical, satisfied. Every structure or other development plan must therefore provide, inter alia, for:

1. The conservation of agricultural land, of the valleys, the coastline and other places of natural beauty, the trees, the fauna, and the physical environment generally
2. The conservation of the water table, of other sources of water, and other natural resources
3. The conservation of land and buildings of historical value
4. The reclamation of land in replacement of agricultural land allowed to be developed for other purposes
5. An improved access to the coast and other areas of natural or historical interest
6. The promotion of home ownership and for this end a reasonable provision at low cost of building areas or sites to persons that cannot afford a high value of property caused by the restriction on development by the size of the islands and by the need to protect the natural environment"

### **Structure Plan Goals**

6. The Structure Plan has three major goals:

1. TO ENCOURAGE THE FURTHER SOCIAL AND ECONOMIC DEVELOPMENT OF THE MALTESE ISLANDS, AND TO ENSURE AS FAR AS POSSIBLE THAT SUFFICIENT LAND AND SUPPORT INFRASTRUCTURE ARE AVAILABLE TO ACCOMMODATE IT
2. TO USE LAND AND BUILDINGS EFFICIENTLY, AND CONSEQUENTLY TO CHANNEL URBAN DEVELOPMENT ACTIVITY INTO EXISTING AND PLANNED DEVELOPMENT AREAS, PARTICULARLY THROUGH REHABILITATION AND UPGRADING OF THE EXISTING FABRIC AND INFRASTRUCTURE THUS CONSTRAINING FURTHER INROADS INTO UNDEVELOPED LAND, AND GENERALLY RESULTING IN HIGHER DENSITY DEVELOPMENT THAN AT PRESENT
3. TO RADICALLY IMPROVE THE QUALITY OF ALL ASPECTS OF THE ENVIRONMENT OF BOTH URBAN AND RURAL AREAS

### **Key Directions**

7. On the basis of the various studies and consultations which have taken place over the past year, the overall Structure Plan strategy and policies, grouped according to Resource Creation, and Resource Management and Protection, are as follows:



## 8. RESOURCE CREATION:

1. TO ENABLE WEALTH CREATING ACTIVITIES TO OCCUR, THROUGH THE IDENTIFICATION AND PROMOTION OF SUITABLE DEVELOPMENT OPPORTUNITIES, INCLUDING LAND IN APPROPRIATE LOCATIONS, PARTICULARLY FOR ACTIVITIES AIMED AT OVERSEAS MARKETS
2. TO PROMOTE THE USE OF PRIVATE AND VOLUNTARY SECTOR RESOURCES, FROM POSITIVE ENCOURAGEMENT OF NON GOVERNMENT INVESTMENTS IN PROJECTS, TO DEVELOPMENT IMPACT PAYMENTS TO OVERCOME ADVERSE EFFECTS AND PROVIDE INFRASTRUCTURE AND OTHER SERVICES REQUIRED BY PARTICULAR DEVELOPMENTS
3. TO GIVE PRIORITY TO THE DEVELOPMENT OF SKILLS AND THE RELATED DEVELOPMENT OF INFORMATION TECHNOLOGY
4. TO ENSURE GENUINE CHOICE, AS FOR EXAMPLE BETWEEN PRIVATE AND PUBLIC TRANSPORT

## 9. RESOURCE MANAGEMENT AND PROTECTION:

5. TO MINIMISE THE INCREASE IN THE AMOUNT OF LAND USED FOR URBAN DEVELOPMENT, WHILST MEETING ECONOMIC DEVELOPMENT, HOUSING, AND COMMUNITY FACILITIES REQUIREMENTS, THROUGH THE MORE EFFICIENT USE OF EXISTING AND COMMITTED URBAN AREAS
6. TO REDUCE THE OVERALL NEEDS FOR TRAVEL AND TRANSPORT RESOURCES THROUGH A BETTER MATCHING OF THE NUMBERS OF HOMES AND JOBS IN THE VARIOUS LOCALITIES OF MALTA
7. TO PROGRESSIVELY CHANGE HOUSING SUBSIDIES AWAY FROM THE ENCOURAGEMENT OF NEW BUILDINGS ON LAND PREVIOUSLY PART OF THE COUNTRYSIDE, TO REHABILITATION AND RENEWAL OF THE EXISTING HOUSING STOCK, AND A MORE EFFICIENT USE OF URBAN LAND THROUGH URBAN REHABILITATION AND RENEWAL
8. TO PROGRESSIVELY AMEND RENT LAWS TO ENCOURAGE BETTER USE OF THE EXISTING HOUSING STOCK, TOGETHER WITH MECHANISMS TO ENSURE SUITABLE HOMES FOR PEOPLE NOT ABLE TO AFFORD MARKET PRICES
9. TO ALLOW FOR THE VERY LARGE INCREASE IN THE PROPORTION OF ELDERLY PEOPLE IN THE FUTURE, AND TO PROVIDE OPPORTUNITIES FOR WOMEN OF WORKING AGE TO TAKE UP FULL TIME OR PART TIME EMPLOYMENT

10. TO PROMOTE THE DUAL USE AND MULTI USE OF LAND AND FACILITIES

11. TO ENSURE THE RECYCLING AND REUSE OF WASTE MATERIALS AND DERELICT LAND AND BUILDINGS, AND GENERALLY MINIMISE THE CREATION OF WASTE

12. TO GENERALLY ENSURE EFFICIENT MANAGEMENT OF REAL ESTATE ASSETS, PARTICULARLY THOSE OWNED OR CONTROLLED BY GOVERNMENT

13. TO PROTECT AND ENHANCE THE MAN MADE AND NATURAL ENVIRONMENT AND HERITAGE, WITH TOP PRIORITY GIVEN TO THE VALLETTA HARBOURS AREA

14. TO STRONGLY PROMOTE AND SECURE THE ENHANCEMENT OF THE URBAN, RURAL, AND MARINE ENVIRONMENTS, THROUGH DESIGN AND MANAGEMENT GUIDANCE AND EXTENSIVE SOFT AND HARD LANDSCAPING POLICIES, WITH PRIORITY GIVEN TO PEDESTRIAN MOVEMENT

15. TO ENSURE THAT THE COASTLINE IS ONLY USED FOR ACTIVITIES WHICH HAVE TO BE THERE, AND TO DIRECT OTHER ACTIVITIES TO INLAND SITES

16. TO ENSURE THE SAFEGUARDING AND STOCKPILING OF ESSENTIAL SUPPLIES (PARTICULARLY FOOD, WATER, AND FUELS) AND FACILITIES (PARTICULARLY ELECTRICITY AND TELECOMMUNICATIONS NETWORKS), AND THE MINIMUM DISRUPTION IN THE EVENT OF NATURAL, ACCIDENTAL, OR DELIBERATE CALAMITIES

17. TO IDENTIFY INTERIM MEASURES TO ACHIEVE THESE AND OTHER POLICIES, WHERE IT IS NOT YET POSSIBLE TO IDENTIFY COMPREHENSIVE STRATEGIC POLICIES AND LOCATIONS TO MEET NEEDS OVER THE NEXT 20 YEARS, AND TO ENSURE THAT PERMANENT AND LONG TERM POLICIES ARE DEVELOPED

18. TO PROVIDE FOR THE MOST EFFICIENT AND EFFECTIVE MANAGEMENT AND CO-ORDINATION OF RESOURCES CREATION AND RESOURCES PROTECTION

# **PART 1: THE STRUCTURE PLAN STRATEGY**

## **1. CONTEXT**

### **Background**

1.1 The decision by the Government to evolve a Structure Plan for the Maltese Islands is enacted in the Building Permits (Temporary Provisions) Act, 1988. The Act requires that the Structure Plan shall be a "written statement not being site specific:

1. Formulating the national planning policy and general proposals in respect of development and other use of land including measures for the improvement of the physical environment and the management of traffic
2. Interpreting the relationship of national policies in terms of physical and environmental planning in so far as those policies concern the integration of economic, social, and environmental policies, and
3. Containing such other matters as may be established by the Minister"

1.2 The purpose of the Plan, following approval by Parliament, is to provide:

1. A strategic direction and context to guide both Government and the private sector in matters concerning Malta's development over the next twenty years
2. Policies which will be applied in determining development permit applications submitted by both the public and private sectors and any other proposed changes in the use of land and buildings
3. A strategic context for the preparation of site specific Local Plans, Subject Plans, Action Plans, and Briefs together with guidance on priorities for further studies as part of the new planning process
4. The identification and promotion of opportunities for development, and to harness private sector resources to assist in carrying out that development

This Draft Final Structure Plan is supported by a report Summary of Public Consultation and by an Explanatory Memorandum.

### **Character**

1.3 The Structure Plan is a strategic long term plan for the Maltese Islands which, for most purposes, covers the twenty year period to the year 2010. It is concerned with all

aspects of social, economic, and physical structure, but it is distinguished by the following characteristics:

1. It does not attempt an in depth analysis of all sectors of Maltese life (housing, transport, education, etc.) this is essentially the job of the various Ministries and other public agencies. Instead, the objective of the Plan is to be comprehensive and to examine each sector in sufficient detail to ensure that individual sectoral policies are as compatible as possible with those of other sectors. In this sense, it is basically a co-ordinating plan.
2. As well as being strategic in an analytical sense, it is strategic in a physical sense. It covers the whole territory of the Maltese Islands and, for the most part, is expressed in terms of areas, localities and districts rather than sites. It provides the context for the subsequent more detailed plans.
3. Although many of its analyses and recommended policies are non- physical, its basic concern is with land: essentially what should be developed, where, when, and how.
4. It is not a plan for the total restructuring of the Islands' fabric and way of life: such a plan does not exist, and probably should not. The Islands are what they are, and the broad disposition of homes and workplaces will remain largely as they are now. Planning has been defined as `co-operation with the inevitable: a structure plan seldom seeks to reverse trends, but rather to divert them where this seems to be beneficial.
5. It is essentially an enabling plan. The inclusion of some forecast or proposal does not mean that it will happen, particularly if applicable to the private sector. Rather the Plan says `If and when this particular demand arises, this is where and how it should be accommodated'.
6. It is not a static instrument. Changes in the various sectors of activity with which it deals will be monitored, and amendments to the Plan will be made when this seems appropriate.

## Content

1.4 The components of the Structure Plan are:

1. **The Written Statement** This, the present document, sets out the background to the Plan, summarises the principal problems and issues to be confronted, describes the recommended planning strategy and how it was evolved, lists specific policies aimed at the realisation of the strategy, identifies priorities, and considers the resources required for implementation.
2. **The Key Diagram** This diagram, which accompanies the Written Statement, shows the physical locations where particular policies will be applied.

Following public consultation, these two documents are considered and approved by Parliament and acquire the status of law.

1.5 The Explanatory Memorandum which supports the Written Statement and Key Diagram records the Structure Plan study. It describes various analyses and forecasts leading to the formulation of the strategy, and generally provides more detailed evidence and justification for the policies put forward in the Written Statement. It also includes guidelines to be adopted in Local Plans and other work.

## Implementation

1.6 It is proposed that the responsibility for reviewing the Structure Plan, preparing detailed plans, and for co-ordinating their implementation, is given by Parliament to a Planning Authority as the agency responsible for development planning matters. The Authority is supported by a Planning Directorate which provides all administrative and technical services.

1.7 Some aspects of the Structure Plan are implemented directly by the Planning Authority, but generally the activities of the Authority reflect the co-ordinating role of the Plan. The Authority therefore more typically initiates action to secure realisation of Plan policies by forming interdepartmental committees and working groups and by using the powers and expertise of individual agencies in an integrated fashion.

1.8 A primary responsibility of the Planning Authority is to secure the implementation of the Structure Plan by preparing more detailed plans for particular areas or sectors of activity. These plans comprise the following:

1. **LOCAL PLANS** prescribe for particular areas the development intentions in greater detail than is available in the Structure Plan, and where it is anticipated that substantial development is likely to be initiated by the private sector. These are site specific plans.

2. **ACTION PLANS** are similar in character to Local Plans but deal with smaller areas and are appropriate where the public sector intends to positively intervene in the development process by, for example, developing or redeveloping land within the Action Plan area.

3. **SUBJECT PLANS** deal with specific issues relevant to the strategy and may relate to the whole of the territory as might be the case in respect of environmental protection, or to a particular activity such as quarrying.

4. **PLANNING BRIEFS** set out all the planning requirements, limitations, opportunities, and targets which must be met in preparing a plan for an area. They may also be used as an interim or preliminary document prior to the preparation of a Local Plan or alternatively as guidance to the developer (whether a Government Department or a private developer) of a large area where the Planning Authority

considers that the developer can be entrusted with the preparation of a Local Plan or Action Plan within prescribed guidelines

**5. DEVELOPMENT BRIEFS** are somewhat similar in nature to Planning Briefs but relate to single sites and should prescribe all matters affecting the form, content, and design of the development. They need not be confined to planning requirements.

1.9 In addition to the Structure Plan, a draft Bill for a Development Planning Act has been prepared by the consultants for consideration by Parliament. This is based on the consultation document: Planning Legislation and Related Matters, Appraisal and Outline Proposals, August 1990.

1.10 Whilst it is expected that the approved Structure Plan policies will remain as the strategic context for Malta's development for some years, circumstances will change, and it is important that the plan is kept up to date. This will require the monitoring of the various key factors on which the plan is based, and a review of the plan based again on public consultation procedures. In general however, further planning policies and planning procedures will result from Local Plans, Subject Plans, Action Plans, Briefs, and also statutory instruments drawn up after the approval of the Development Planning Act.

1.11 The proposed Development Planning Act includes provisions for the establishment of the Planning Authority. It is expected that the Act will be approved at about the same time as the Structure Plan itself, and this draft assumes this to be the case. The majority of the proposed policies can however be used by the Planning Area Permits Board and other Government agencies before the Planning Authority and the related full planning system come into force. During this interim period the technical functions of the Planning Authority will continue to be performed by the Planning Services Division, Ministry for Development of Infrastructure.

1.12 When approved, this Written Statement is Government policy under the provisions of the Building Permits (Temporary Provisions) Act, 1988. As such it is binding on all parts of Government and others involved in development, as well as on the Planning Authority, and presents the strategic policy context now being followed by Government.

## 2. EXISTING SITUATION

2.1 The initial surveys which preceded the development of the Structure Plan strategy verified and quantified what had long been obvious or suspected. The Maltese Islands can boast of many beneficial features: there is modest but steady economic growth, generally increasing prosperity, no significant national deficit, a very large housing stock mostly in good repair, a wide range of recreational and cultural outlets, a rich cultural heritage of World Heritage status around magnificent harbours, an adaptable and easy to train labour force, a rich and diverse wildlife including many varieties which are of scientific importance, and the mixed blessing of high car ownership. There is also an increasing awareness by the public of environmental issues and of the need for planning.

2.2 The Islands suffer, however, from many well known problems. Development is largely undertaken without serious concern for evaluating its impact and taking measures to mitigate it, and there is no overall strategy for development. Residential development is the largest user of developed land, with a sizeable vacancy rate especially in the historical areas. The private rental sector has become frozen, and with the generous subsidies of loans and plots of land for housing, there is a very large demand for yet further housing. As new residential development takes place, the older residential stock and related infrastructure deteriorates further.

2.3 The amount of land devoted to agriculture is contracting, partly due to housing development. There is fragmentary land ownership, lack of irrigation water, and an ageing agricultural workforce. Malta is thus becoming more and more dependent on imports for its basic food supplies.

2.4 There is a mismatch between employment opportunities and the supply of skilled labour. Training opportunities are not geared to solving this problem which is further complicated by an excessively high level of employment in the public sector, black labour, and a low female participation rate. Whilst this problem is being given priority, there is still a major lack of skills at all levels.

2.5 Leisure and recreation opportunities are not well integrated with the built-up areas, while sports facilities are lacking at district level. Tourism is the highest foreign income sector, but extensive tourism development is causing further strain on infrastructure.

2.6 The road network is in a poor state, and parking facilities and pedestrian areas are limited. Road design standards are not applied, resulting in badly designed junctions giving rise to serious congestion problems. There is a lack of road hierarchy. Public transport is outdated in all respects and has a declining patronage.

2.7 Many of the older and more valuable parts of the urban fabric are in a state of decay. New, and often ugly, development has erupted from the traditional built-up areas and sprawled across the countryside, and everywhere the quality of the environment has deteriorated significantly in comparison with what it used to be, and with equivalent standards in Europe.

2.8 There is a general lack of resources being channelled to maintenance and rehabilitation of Malta's heritage, which can also be promoted for tourism purposes. There are many competing uses impinging on the coast mainly resulting from illegal tourism development which has rendered parts of the coast inaccessible. Coastal resources are deteriorating from visual intrusions and pollution threats.

2.9 Due to the rapid rate of development, natural landscapes have been replaced by manmade ones and consequently there has been a loss of habitats and concurrent reduction of wildlife populations. Due to a lack of overall objectives or policies relating to the quarrying industry, damage to the visual qualities of the landscape and to sites of archaeological significance has occurred.

2.10 Despite recent improvement, public utilities (water, sewerage, electricity, telephones) remain inadequate, and the health, education, and welfare agencies struggle to match outworn structures, equipment, and procedures to steadily increasing demand and higher standards.

2.11 Some of these problems are a direct result of Malta's limited economic base and the consequent lack of financial resources, but many exist because for a long time there has been no real planning. The lack of a concerted view on long term objectives and the way in which development should be handled has meant a lack of liaison between supply agencies and providers of various sorts, and a great deal of wasted effort to produce dubious results. No one agency or instrument can effect a turn round, but the existence of the Planning Authority and of Structure Plan mechanisms offer an opportunity to begin to correct the situation and to provide a framework for the initiation of more orderly and productive development processes.



## 3. OVERALL STRATEGY

### Resources

3.1 The essential issue which must be confronted in the Structure Plan is how best Malta can use its resources to further its social and economic development over the next two decades. To do this it must conserve existing resources, create new ones, and manage both efficiently.

3.2 The Islands' primary existing resource is its land. The consumption rate of land for urban purposes has increased dramatically over the last thirty years, and if society is serious about conserving what is left of the countryside, there must be a dedicated effort to rationalise the way in which development is organised and to get the most from those areas which are already built-up or planned.

3.3 The primary resource which can be created is national economic wealth. From this will flow the funds necessary to implement the overall planning strategy, and it follows that major efforts have to be made to encourage wealth production. However, that process depends ultimately on human resources and the skills available to create wealth and use it effectively.

3.4 The effective use of wealth and skills requires resource management. This is a phenomenon which is as much an attitude as a skill. The Structure Plan essentially comprises a series of policies aimed at managing development. If development can be regarded in this way, there is every possibility that the goals of the Structure Plan can be realised.

### Goals

3.5 The Structure Plan has three major goals:

- 1. To encourage the further social and economic development of the Maltese Islands and to ensure as far as possible that sufficient land and support infrastructure are available to accommodate it.**
- 2. To use land and buildings efficiently, and consequently to channel development activity into existing and committed urban areas, particularly through a rehabilitation and upgrading of the existing fabric and infrastructure thus constraining further inroads into undeveloped land and generally resulting in higher density development than at present.**
- 3. To radically improve the quality of all aspects of the environment of both urban and rural areas.**

## **Development Demands**

3.6 With reference to the first of these goals - the accommodation of future development - Structure Plan analyses include forecasts of the growth of population, households, and jobs over the 20 year plan period and of the other sectors of development which basically derive from these. It is anticipated that the population of the Islands will increase by about 11% from the present 355,000 to approximately 394,000; that there will be some 60,000 new dwellings needed including rehabilitation of existing dwellings, and that labour supply will increase by some 30,000 mainly because of the larger number of women taking jobs. Labour demand is much more difficult to forecast, but there are indications that to sustain the level of development which seems possible more Maltese than the presently estimated 10-15% of the labour force will take up part-time second jobs and there could be a need eventually to attract foreign labour irrespective of whether Malta becomes a member of the European Community. The presence of a significant foreign labour force is, however, speculative and likely to occur later rather than sooner during the plan period. For this reason, no allowance is made in the Plan for the housing and other facilities which foreign workers and their families would require: this is for some future review of the Structure Plan to consider.

3.7 From these projections the likely growth of all sectors of the economy and of the demand for services has been estimated: housing, social and community facilities, offices, shops, and the various forms of industry, tourism, and recreation, roads and transport, and public utilities. The forms and standards of provision of new development are postulated at a gross level thus enabling estimates to be made of the approximate amount of land and of the site characteristics required by these site seeking uses. It is these estimates which are mainly used in designating zones and areas for development. Inevitably, some development demand or opportunity will arise which has not been foreseen in the Structure Plan. If and when this occurs the Plan's strategic policies will offer guidance on how such exceptions can be dealt with.

## **Rehabilitation**

3.8 With respect to the second goal - the revitalisation of existing built-up areas as opposed to the further development of virgin land - it is proposed to encourage as much development and redevelopment as possible in these areas commensurate with the conservation of valuable urban fabric and the achievement of higher environmental standards. It is also proposed to phase out Government subsidies for new housing in undeveloped areas in the form of low cost land plots and loans, and to switch this effort to existing built-up areas. In these areas the Plan envisages substantial public sector investment in the upgrading of infrastructure and publicly owned buildings, paralleled by the offer of grants and low cost loans for the refurbishment of privately owned property and the conversion of large housing units to two or more smaller dwellings. The Plan also recommends the phasing out of the present rent control legislation which, as in all countries which have tried this approach, has led to atrophy of the private rented sector and gross imbalances of 'housing fit' - that is, the relationship between the size of a dwelling and the number of people in the household inhabiting it.

3.9 Such measures are the positive aspects of the policy of urban containment. The negative aspect is a simpler and more easily realised instrument - a blanket presumption against any further urbanisation outside existing and planned built-up areas as these are defined and designated in the Plan.

## **Environment**

3.10 The third goal - the general upgrading of all aspects of the environment - requires a comprehensive set of policies covering all land and coastal waters in the Islands. In existing built-up areas an extensive series of Urban Conservation Areas is designated. Within these, the Plan sets out policies for the retention and enhancement of all buildings, structures, and spaces of architectural or historical interest, the redevelopment to Conservation Area standards of any ugly or alien buildings which have been allowed to despoil the area in the past, the rationalisation and control of traffic movement and parking including where appropriate pedestrian priority measures, the undergrounding of all electricity and telecommunications cables, and the improvement of townscape and landscape.

3.11 Urban Conservation Areas and other key areas such as shopping concentrations will be given priority, but it is the intention that all existing built-up areas will be progressively upgraded in this fashion. Where any key area is so grossly inadequate that upgrading is not worthwhile, the relevant Local Plan will designate it as a Comprehensive Development Area in which policies aimed at securing joint public/private sector participation in redevelopment will be put forward.

3.12 In the new urban areas designated in the Plan there will be strict policies of development control and design guidelines aimed at ensuring that new areas do not repeat the mistakes of previous developments in terms of inadequate provision of community facilities such as schools, clinics, local shops, public open space, unfinished surfaces, abandoned heaps of rubble and other construction industry discards, lack of proper infrastructure, townscape, and landscape. The aim is to create new urban areas which are a pleasure to live in and visit, rather than areas with the substandard, ragged, and unfinished ambience which characterises most newly developed schemes.

3.13 Outside existing and planned urban areas, built development policies prohibiting the further urban use of unbuilt land will ensure that the spread of built development into the countryside is halted. But the Structure Plan adopts a more positive stance toward the rural areas than these prescriptive policies imply. The Plan designates a series of Rural Conservation Areas within which agricultural, ecological, archaeological, and landscape interests are protected and enhanced. These particular interests within the Rural Conservation Areas are however occasionally in conflict with each other in competing for land or in terms of management techniques, and the Structure Plan also contains guidelines aimed at resolving such conflicts and at establishing and maintaining an overall high standard of environment. The impact of known or suspected mineral deposits or other activities within the Rural Conservation

Areas is identified as a subject for further study. Particular consideration is given to the natural environment which is a non renewable resource.

3.14 The third type of conservation area in the Structure Plan is the Marine Conservation Area. In these areas, more investigation is needed in order to define specific policies which will safeguard the more vulnerable marine environments by controlling destructive land based activities, prohibiting certain forms of marine based development, banning certain types of fishing, and controlling recreational diving and other marine based activities.

## **Development of the Strategy**

3.15 The establishment of the Rural Conservation Areas, where all forms of urbanisation will be prohibited, allowed the subsequent definition of non conservation areas which in principle are available for further urban development. The final development strategy adopted by the Structure Plan is essentially derived from the process of allocating new forecast uses to specific areas within this stock of developable land.

## **Roads**

3.16 A major criterion in this process of optimal site allocation is surface transport and particularly the configuration of the road network which determines the level of accessibility which particular development areas enjoy. The Structure Plan seeks to create a hierarchy of roads in which each element of the hierarchy has a particular function. The highest element in the hierarchy is the arterial network: this takes fast, heavy, longer distance flows and feeds these to the next level in the hierarchy, the distributor roads, and so on down the hierarchy to local roads and access roads. In entirely new development such hierarchies can be readily formulated. In and around existing developed areas they largely comprise rationalisations, adaptations, and extensions of the existing network. The Structure Plan deals with the two upper elements in the hierarchy: the arterial and distributor networks. Subsequent more detailed plans will identify local and access roads.

## **Housing Provision**

3.17 New housing will be developed in three areas - existing built-up areas, Temporary Provisions schemes, and entirely new development areas which will be needed to accommodate housing which the other two areas cannot absorb. The amount of new housing which will be developed over the next twenty years in existing built-up areas through development of vacant sites, redevelopment of existing sites, and conversions is extremely difficult to forecast, particularly since there will be

a corresponding loss of dwelling units from the housing stock because of conversions to other uses and demolitions for infrastructural works. A working assumption was adopted to the effect that there would be a net increase of 8,000 dwellings in such areas.

3.18 The Temporary Provisions schemes were originally conceived as providing land for new housing over the two to three year period during which the Structure Plan would be prepared. The provisions eventually approved by Parliament were considerably in excess of those originally recommended by the Planning Services Division of the Ministry for the Development of Infrastructure. Structure Plan analyses found that, if developed at a realistic medium density which would allow a full range of house types to be provided, something like 50,000 housing units could be accommodated. However, the layouts prepared for these areas under the 1988 Act are now judged to be deficient in their provision of non residential uses, mainly community facilities of various sorts, and local employment, and the Structure Plan therefore contains provisions for the review of both the boundaries and the layouts of these areas in order to correct these deficiencies.

3.19 It was concluded that it was unlikely that forecast housing demand could be met in the existing built-up areas and Temporary Provisions schemes and that it would be advisable to identify additional new sites.

## **Primary Development Areas**

3.20 For non industrial uses, four major new areas are included in the Plan: Pembroke, Manoel Island, Luqa Airport, and Marsa Park (Ta' Ceppuna). Luqa Airport and Marsa Park are the only newcomers: the possible development of the other two sites has been under consideration for some time. Marsa Park/Ta' Ceppuna, the large area in the district of Marsa, is probably the prime development opportunity in mainland Malta. Centrally located between Luqa air terminal and the Valletta/Floriana peninsula, at the hub of the heavily urbanised zones of the Harbour area, and served by a powerful road network which can be conveniently upgraded as necessary, this general area is a perfect location for commercial offices and new forms of shopping complex of which there are currently no significant examples in the Islands but for which a strong demand is anticipated. The area is currently underutilised, and low density facilities with few users is not an optimum way to benefit from this strategic location. Public consultation has shown however that the continuation of existing national sporting activities in this area is generally preferred, and the First Draft Structure Plan has been amended by transferring the majority of the proposed office and shopping at Ta' Ceppuna to a proposed new business park next to the new airport passenger terminal. Manoel Island is designated as an international yachting centre and ancillary and related facilities primarily for tourist and recreation uses, and Pembroke for mixed development of mostly residential and recreation uses, but including business and shopping uses. It is estimated that the addition of Pembroke to the list of future housing areas will allow total forecast demand for housing to be satisfied. A wide distribution of additional tourist facilities is also included to upgrade the quality of facilities, rather than to substantially increase tourist numbers.

3.21 It is estimated that of the 30,000 new workers estimated to join the labour force by the year 2010, some 7,000 will be engaged in industrial jobs. Of the latter, approximately one half are projected to work in industrial estates. It is further estimated that if new development in industrial estates were to be built at high densities, most of these new industrial jobs could be absorbed in existing estates. However, the universal achievement of high densities is unlikely and, as noted earlier, it is forecast that industrial as well as other jobs will probably exceed labour supply. It was concluded that additional industrial estates will have to be developed sometime during the Plan period.

3.22 Traditionally, manufacturing industrial sites in or near the main built-up areas of the Harbour zone have been favoured, but because of past development, new environmental constraints, and competition from site seeking warehousing and obnoxious industry, suitable sites are difficult to identify. Two zones - neither new to industry - are designated for new manufacturing industrial development. The first is in the San Gwann area and the second in the Birzebuga/Hal Far area. Smaller areas particularly aimed at providing local employment are included in the Plan.

3.23 A final potential major land user is quarrying. Although there are fewer than 300 jobs in the quarrying industry, it is uniquely important as a supplier to the construction industry, and it has an equally unique impact on the environment in terms of both the legacy of abandoned quarries, and of current and future activity. The Structure Plan strategy is to temporarily sterilise land where deposits are known or suspected; to immediately launch a study to verify deposits, and as a result of the study to extend sterilisation over the Plan period or to release land from it. It is also intended to progressively tighten up control of quarrying practice through a new Minerals Board which will also be charged with advising on the optimal afteruse of quarries for such activities as fish farming, horticulture, recreation, storage, obnoxious industry, and dumping.

## **Valletta**

3.24 The Structure Plan acknowledges the special status and role of Valletta, not only as a World Heritage site but as Malta's traditional centre of authority and public administration, and a primary centre for shopping, offices, and cultural activities. Over some years there has been a steady loss of population and jobs, partly because of a declining level of accessibility. Rent legislation has also led to under utilisation of the building stock, and much of the fabric is in a state of decay.

3.25 The Structure Plan has no detailed or site specific proposals for Valletta, that is the function of the relevant Local Plan. However, the Structure Plan strategy nominates Valletta as the principal beneficiary of the establishment of Urban Conservation Areas. It will also benefit from the shift of interest, energy, and investment from new to existing built-up areas, and of priority in the creation and implementation of Local Plans. The Structure Plan sets the strategic context of the Valletta Local Plan, specifies the issues which must be analysed in detail, requires the careful consideration of the analyses, concepts, and recommendations of the Valletta

Rehabilitation Committee and its consultants, and envisages the active participation of the Committee in implementing approved Local Plan policies. Strategic guidance for Valletta and its surroundings is given in the Explanatory Memorandum.

## **Gozo**

3.26 The goals and policies outlined in the Structure Plan include Gozo. The general strategy is to encourage economic development, constrain further urbanisation, and give much greater importance to conservation and the quality of the environment.

3.27 The strategy therefore is to ensure that the development of further housing and ancillary uses is confined to the Temporary Provisions schemes. With reference to the further development of tourist facilities, the Plan provides for the development of a national park with a nature emphasis and a multi ownership tourism hotel at Ta' Cenc, the expansion of tourist facilities and accommodation at Marsalforn, Xlendi, and Mgarr, and at other sites subject to further studies, but that any further development of tourist accommodation should be confined to the conversion of property in favoured positions in existing built-up areas. The allocation of further land for industrial development is also included.

3.28 The principal policy with regard to the road network is the provision of a bypass to Victoria. Additional and better ferry berthing facilities at mainland Malta are included. On environmental grounds, the Plan contains a cautious approach to the provision of fixed wing aircraft landing facilities on the island, but includes the continued safeguarding of the required land, and consideration of the use of amphibious aircraft.

## **Public Consultation**

3.29 The 1988 Act, Section 4, provides for public consultation on draft Local Plans, and on their reports of survey. Whilst public consultation is time consuming, it is also an invaluable part of the planning process. It provides information to and from both specialists and the lay public, and allows issues to be discussed in evolving a balanced plan. Plans and developments which are not based on adequate public consultation are likely to be unsuccessful, unpopular, or unworkable.

3.30 Public consultation is also necessary for future reviews of the Structure Plan, Subject Plans, Action Plans, and Briefs, and also on development permit applications. Detailed procedures need to be developed for these different parts of the planning process. The active roles of the media (newspapers, television, radio), voluntary organisations, local councils, official bodies, specialists, and the lay public are all important, as well as the ease of access to and collection of information. Approaches need to be developed which obtain representative samples of public opinion based on adequate information, rather than only the vocal few representing sectional interests.

3.31 An outline of public consultation methods is given in the Structure Plan Inception Report, Section 17. An ongoing public awareness programme, presenting Structure Plan policies and general information on the environment and development, needs to be expanded considerably.



## **4. LOCAL PLANS**

4.1 As has been stressed already, the Structure Plan covers the whole of the land and coastal waters of the Islands, and is intended to be strategic in nature. As such, it sets the context for the production of more detailed and site specific Local Plans for particular areas. It also identifies areas for which such Local Plans will be prepared and sets out guidelines.

4.2 Local Plans are usually prepared for areas in which pressure for development already exists or is anticipated. Due to the wide dispersal of development activity envisaged in the Structure Plan there is not one urban area or settlement which will not experience some form of development. The Planning Authority will require a series of Local Plans for all existing or planned urban areas to be prepared as speedily as possible. If approval of the Structure Plan or the establishment of the Planning Authority is delayed for any reason, the first of these Local Plans will be commissioned under the auspices of the Planning Services Division of the Ministry for the Development of Infrastructure.

4.3 The draft list of Local Plans to be prepared for urban areas is as follows, although circumstances and further consideration may require subdivisions or amalgamations:

1. Valletta/Floriana
2. The Three Cities of Vittoriosa, Senglea, and Cospicua
3. Sliema, Gzira, and Ta' Xbiex
4. St. Julians, San Gwann, and Pembroke
5. Msida, Pieta, and Gwardamangia
6. Marsa, Qormi, Hamrun, and Santa Venera
7. Birkirkara and the Three Villages of Lija, Balzan, and Attard
8. Paola, Tarxien, and Santa Lucia
9. Kalkara, Rinella, and Xghajra
10. Zabbar and Fgura
11. Luqa, Gudja, Ghaxaq, Mqabba, Kirkop, and Qrendi
12. Marsaxlokk Bay and its vicinity including Marsaxlokk and Birzebbugia
13. Zejtun, Marsascala, and St. Thomas Bay
14. Zurrieq and Safi

15. Siggiewi and Zebbug
16. Rabat, Mdina, and Dingli
17. Mosta, Naxxar, Gharghur, and Burmarrad
18. St. Paul's Bay, Bugibba, Qawra, and Mellieha
19. Victoria and Fontana
20. Qala, Ghajnsielem, and Mgarr
21. Xaghra and Nadur
22. Xewkija and Sannat
23. Kercem, San Lawrenz, Munxar, and Xlendi
24. Gharb, Ghasri, Zebbug, and Marsalforn

4.4 Local Plans will in general be prepared in the following order of priority. Several plans can be under preparation at any one time depending on resources available:

1. Areas comprising or containing the primary Urban Conservation Areas - Valletta/Floriana, the Three Cities, the Citadel and its environs in Gozo. Areas containing the primary development areas (A draft development brief for Manoel Island/Marsamxett Harbour has already been prepared)
2. Areas comprising or containing Urban Conservation Areas other than those listed in 1 above
3. Areas not listed in the foregoing but containing recognised areas of current or future development activity
4. All other areas not listed in the foregoing

A detailed priority list will depend upon changing requirements and opportunities. Criteria determining priorities are mainly areas of greatest:

1. Need
2. Potential benefits
3. Opportunities to harness private sector resources
4. Diversion of development pressures to suitable locations

Based on these criteria, the first two local plans will be prepared for Valletta/Floriana and the Marsaxlokk Bay vicinity.

4.5 Specific terms of reference will be drawn up for each Local Plan, but generally all plans will be required to:

1. Indicate the way in which Structure Plan principles, policies, and standards will be applied to the local scale
2. Show by means of plans and schedules the proposed use allocated to areas and sites
3. Specify the development control policies and design guidelines which will apply to particular areas, including development densities
4. Illustrate the application of additional control policies applicable to any Urban Conservation Areas included in the Local Plan area
5. Put forward proposals for the improvement of conditions for both vehicular and pedestrian traffic, and vehicle parking
6. Include specific proposals for the enhancement of townscape, landscape, and environmental quality generally, against the background of urban design/townscape concepts for the area and its surroundings
7. Explain the reasoning behind policy and design proposals, with particular reference to the evaluation of any alternatives
8. Designate any Action Plan Areas or Comprehensive Development Areas within the Local Plan boundaries. Develop conceptual proposals for these, and draw up Planning Briefs or Development Briefs for their further detailed study and implementation
9. Present an implementation plan including phasing proposals, land acquisition proposals, implementation responsibilities, and where appropriate and feasible, costs and budgets
10. Be the subject of an Environmental Impact Assessment including impacts on other urban areas (for example on roads and shopping) and on Structure Plan policies
11. Carry out consultation with the public
12. Prepare feedback input to any future review of the Structure Plan

4.6 It is also the Planning Authority's responsibility to prepare a Local Plan or Local Plans for Rural Conservation Areas designated in the Structure Plan. The intention of the Local Plan will be to develop further specific policies and, where appropriate, management procedures for specific sites and areas of agricultural, ecological, archaeological, and landscape value, with the overall objective of protecting and enhancing that value, and environmental quality generally. Once the minerals survey has been completed, Mineral Areas and their particular characteristics and operational policies will be established in conjunction with the analysis of the Rural Conservation Areas in order to minimise potential conflict. The recommended marine surveys

should be completed concurrently with the minerals surveys so that Marine Conservation Areas can be established at the same time as, and in conjunction with, the Local Plans for Rural Conservation Areas. At that time a comprehensive Coastal Management Plan will be prepared. Other Subject Plans will need to be prepared in parallel with early Local Plans preparation. In the interim period, prior to the preparation of specific Local Plans and Subject Plans, Briefs, and small area Action Plans will be of particular assistance.

4.7 Until the Local Plan for any particular area is approved, development control procedures will generally be derived from existing legislation, the Development Planning Act, and the policies and guidelines of the Structure Plan and Explanatory Memorandum.

## **5. ENFORCEMENT**

5.1 In the past, Malta has had a poor record not only in relation to strategic planning but also with respect to enforcement of those land use and development controls which have been enacted. This was due partly to a belief on the part of many members of the public that what appeared on the ground had little to do with the content of plans and much more to do with an individual's ability to pressurise the right people in Government. It is anticipated that the Government's determination to develop a proper planning system through the medium of the Structure Plan, combined with the setting up of the Planning Authority, will signal that this is an approach with a limited future.

5.2 The lack of respect toward planning has also been generated by a perception that it basically comprised a 'hand to mouth' approach in which the public authorities reacted hastily to events which were in danger of overtaking them and, as a consequence, did not produce anything in which the public could have much confidence. It is anticipated that the length of time taken to develop the Structure Plan and the care which has been exercised in doing so will be demonstrable and appreciated.

5.3 Also in the past the public has felt a sense of isolation from the whole process of planning which appeared as a clumsy and mostly unwanted imposition which seemed to do a lot of people harm and little tangible good. In contrast, the Structure Plan has been uniquely open to public input and comment at all stages, and consequently there will be a much deeper understanding by the public of the intent and content of the Plan, and a much more productive identification with it.

5.4 It is hoped that the public will in fact readily appreciate and accept the Plan as an instrument whose basic intention is to secure the greatest good for the greatest number, and that consequently the need for enforcement will be much less than before. Nevertheless it is part of the Plan and its supporting legislation that tightened enforcement mechanisms are available and will be actively applied as needed.

## **PART 2: POLICIES**

### **6. SETTLEMENT PATTERN**

#### **Development in Existing Built-up Areas**

6.1 A major objective of the Structure Plan is to secure a high proportion of future urban development within existing built-up areas commensurate with the maintenance and enhancement of their environmental quality, thus minimising the volume of development on undeveloped land outside such areas.

6.2 The existing built-up areas can be broadly divided into two categories. The first, the Inner Harbour area, has been steadily losing population as households move out to newer areas in search of more acceptable housing. Most of the jobs, however, remain in these older areas, as do the social and community facilities which were used by these 'emigrant' households. The second category, the outer areas, have mostly been growing rapidly to absorb the new and 'emigrant' households establishing there, but are frequently deficient in the provision of social and community facilities and of job opportunities. The result is that travel between outer area homes and inner area jobs has increased substantially thereby adding to peak time traffic congestion.

**POLICY SET 1: Encouragement will be given to continuing development, including rehabilitation and redevelopment, within existing built-up areas as defined in the Structure Plan as long as such development does not infringe Policies BEN 1,2, and 3.**

**POLICY SET 2: In order to reduce the volume of home/workplace travel and make better use of existing infrastructure, particularly encouragement will be given to residential development in the Inner Harbour area while giving greater priority to the establishment of new jobs in the outer residential areas.**

6.3 As an incentive to development in existing built-up areas, it is proposed to reduce public sector encouragement of new housing in undeveloped areas in the form of subsidised land plots and low cost loans, and to switch this effort to existing built-up areas. In these latter areas the Plan envisages substantial public sector investment in the upgrading of infrastructure and publicly owned buildings, paralleled by the offer of grants, low cost loans, and tax incentives for the refurbishment of privately owned property and the conversion or redevelopment of large housing units to two or more dwellings.

6.4 This process will be greatly facilitated by the change, over a period of time, of the present rent control legislation which, as described in para. 8.5, has led to atrophy of the private rented sector and gross imbalances of 'housing fit' - that is, the relationship between the size of a dwelling and the number of people in the household inhabiting it.

**POLICY SET 3: Subsidies for home ownership will be introduced where rehabilitation and renewal in existing built-up areas is involved, in accordance with Policy SET 1. The creation of new areas for subsidised land plots outside**

**existing and committed built-up areas will not be allowed. Where plots have already been allocated to a family, the current low cost loans will continue to be available. Loans will also continue to be available for housing development on plots not yet allocated until such plots are developed, but in accordance with priorities in SET 7. (See also HOU 9).**

**POLICY SET 4: As soon as is practicable after the commencement date of the Structure Plan, applications for grants and loans for the rehabilitation of privately owned residential property, conversion to a greater number of dwellings, or conversion to residential use will be favourably considered. This includes applications by either an owner occupier or by a prospective purchaser, of Maltese nationality.**

**POLICY SET 5: Present legislation governing rent levels will be reviewed, so as to increase incentives for building rehabilitation and, where appropriate, renewal (See also Policy HOU 7).**

**POLICY SET 6: As soon as practicable after the commencement date of the Structure Plan, Local Plans will be prepared for all existing built-up areas as specified in Section 4 of Part 1 of this Statement, together with contiguous Temporary Planning Schemes, with the objective of substantially improving the environmental quality of such areas and providing for all suitable uses. All Local Plans will be the subject of environmental impact analyses.**

6.5 Where development in existing built-up areas or Temporary Provisions areas is proposed, whether by redevelopment of existing property or by development of vacant sites, the opportunity should be taken to provide any facilities which particular areas currently lack.

**POLICY SET 7: When considering applications for permission to develop in existing and new urban areas, and particularly in the outer residential areas, the Planning Authority will favour the uses given in order of priority below and will normally give permission only if it is convinced that there is no demand for, or the site is not appropriate to, the use having greater priority:**

- 1. Community facilities: for example schools, clinics, local recreational uses, public car parks, boat storage**
- 2. Local employment: for example business use, service workshops, and other small scale or otherwise suitable employment (For uses compatible with primarily residential areas, the Use Classes Order referred to in BEN 7 applies)**
- 3. Local shops**
- 4. Housing**

## **Temporary Provisions Schemes**

6.6 In terms of effective land use distribution, Structure Plan analyses concluded that with one exception (para. 8.4 and Policy HOU 5), land for the development of new housing and ancillary facilities outside existing built-up areas should be dispersed in the locations given in the Temporary Provisions schemes rather than concentrated on one or more major sites. Accordingly, the Structure Plan confirms the location of the Temporary Provisions schemes.

6.7 However, the layouts prepared for the Temporary Provisions areas are now judged to be deficient because insufficient provision is made in the layouts prepared for these areas for social and community facilities, schools, clinics, service industry, shops, etc., and in some cases for the provision of tourist and recreational facilities. It is therefore the intention that the Local Plans to be prepared for areas containing Temporary Provisions schemes will include a review of the layouts of such schemes.

**POLICY SET 8: Development will be permitted in the areas designated for Temporary Provisions schemes, in conformity with Policy SET 7. The present layouts and other provisions of all such schemes will, however, be reviewed as part of the Local Plans to be prepared for areas in which these schemes are located (see para. 4.5). The boundaries of Temporary Provisions schemes will only be changed, if necessary, as the result of a comprehensive Structure Plan review which takes place after approval of the related Local Plan. Temporary Planning scheme boundaries will not be reviewed piecemeal during preparation of a Local Plan. The Local Plan will, however, identify any matters, including boundary review matters, to be taken into account in the Structure Plan review.**

**POLICY SET 9: During the interim period between the commencement date of the Structure Plan and the adoption of any particular Local Plan, applications for permission to develop in Temporary Provisions scheme areas will be judged in accordance with development control policies BEN 1,2,3 and 4, and SET 7.**

## **Primary Development Areas**

6.8 As noted in Section 8, Housing, the Temporary Provisions areas are not extensive enough to contain all the new housing and other facilities required up to year 2010: additional land outside existing built-up areas and the Temporary Provisions areas is therefore required for these uses. Similarly, subsequent sections of this Statement explain in greater detail why additional land will be needed for all other uses, particularly offices, shops, industry, tourist facilities, and recreational facilities. Eight primary development areas, the content of which is detailed in the relevant sections, are designated in the Plan to accommodate such urban development: Pembroke, Manoel Island, Luqa Airport, and Marsa Park for non industrial uses, Hal Far and San Gwann for industrial uses, Kirkop for aircraft maintenance and other related airport operations, and Marsaxlokk Bay for deep water port related uses.

**POLICY SET 10: Major development will be undertaken at the following locations:**



1. **Pembroke as defined in para. 8.4 and in Policy HOU 5.**
2. **The Luqa Airport vicinity, and Marsa Park as defined in Policy COM 3 and for the uses specified therein**
3. **Manoel Island as defined in Policy TOU 7 and for the uses specified therein**
4. **Hal Far and San Gwann as defined in Policy IND 1**
5. **Kirkop as defined in Policy AVN 1**
6. **Marsaxlokk Bay as defined in Policy IND 15**

## **Non Urban Areas**

6.9 As noted in Part 1 of this Statement, the overall strategy is to permit and, where appropriate, to initiate and encourage development in existing built-up areas, Temporary Provisions areas, and primary development areas, as designated in the Structure Plan, but to prohibit any form of urbanisation outside these designated areas.

**POLICY SET 11: No form of urban development will be permitted outside existing and committed built-up areas, and primary development areas as designated in the Structure Plan even where roads and public utilities are available. Permitted forms of non urban development outside such areas are restricted to the categories referred to in Paragraph 7.6**

6.10 It is impossible to forecast all demands for development over a 20 year period with any precision. Inevitably, there will be applications for permits to develop some use which has not been foreseen in the Structure Plan analyses or where more detailed studies are required. There will also be applications for uses which may have been foreseen but which applicants apply to develop outside the areas zoned in the Plan for urbanisation. The Structure Plan strategy is perfectly clear on this issue: it comprises a blanket prohibition of any form of urbanisation outside areas specifically designated for urban uses in the Plan. However, there may be occasions on which the Authority has to seriously consider the merits of proposals which break this rule. If and when these arise the Authority will require an exhaustive examination of the advantages and disadvantages of each such proposal in order to arrive at a conclusion. If such situations arise, appropriate modifications may be made in the first subsequent review of the Structure Plan.

**POLICY SET 12: Notwithstanding the policy against any form of urbanisation outside areas designated for urban uses in the Structure Plan, the Planning Authority will consider applications for permission to develop which ostensibly infringe Policy SET 11. In any such case the onus will be on the applicant to present evidence as to why the policy should be infringed, giving reasons why from a planning point of view such proposed use cannot be located in areas designated for development. The Planning Authority will additionally require**

**the applicant to submit at his own expense a full Environmental Impact Assessment of a form and content satisfactory to the Authority. This policy is not a means of evading policy SET 11 or any other policy. An Environmental Impact Assessment which adequately demonstrates acceptable impacts will not be a reason for the granting of a development permit if the proposed use can be located in an area intended for its development under the Structure Plan or any subsequent approved Planning Authority document.**

## 7. BUILT ENVIRONMENT

### Urban Areas

7.1 It is the intention to exercise strict control of development in all parts of the Islands through the medium of the Structure Plan and of Local Plans when these have been completed. Development will be permitted only if in the opinion of the Planning Authority the proposal fulfils all of the conditions applicable to the particular type of area in which it is located. These areas will be zoned in terms of their predominant use (e.g. residential and ancillary uses) and of their urban design, and architectural and environmental characteristics. With reference to permitted uses, it is not the intention to enforce an over rigid zoning policy (in which, for example, service workshops are totally excluded from residential areas), but rather to ensure that any proposed development does not have a deleterious impact on existing or planned adjacent uses.

**POLICY BEN 1: Development will not normally be permitted if the proposal is likely to have a deleterious impact on existing or planned adjacent uses because of visual intrusion, noise, vibration, atmospheric pollution, unusually high traffic generation, unusual operating times, or any other characteristic which in the opinion of the Planning Authority would constitute bad neighbourliness.**

7.2 With reference to the design of proposals, the aim is not to constrain innovative design but to ensure that the proposed design is compatible with (rather than necessarily identical to) the good visual characteristics of the area or street within which the proposal is sited. Thus, for example, in areas or streets composed primarily of two and three storey housing with traditional oriel windows and no set back from the rear of the footpath, other architectural forms such as high buildings, facades of tinted glass in aluminium frames, or set back from the footpath will not be permitted. Equally, in streets containing dwellings which are set back, a dwelling without a suitable set back will not normally be permitted. Rear and side elevations of buildings should also be of a suitable and pleasant design.

7.3 Design guidelines for traditional areas have already been issued by the Aesthetics Board. These guidelines will remain applicable, and it is the intention that similar design guidelines will be developed for all types of zone referred to in para. 7.1.

**POLICY BEN 2: Development will not normally be permitted if, in the opinion of the Planning Authority, it is incompatible with the good urban design, natural heritage, and environmental characteristics of existing or planned adjacent uses, and is unlikely to maintain the good visual integrity of the area in which it is located. There will be a presumption against development which does not generally observe the design guidelines issued by the Planning Authority for built-up areas.**

7.4 As part of the environmental upgrading noted in Policy SET 6, it is the intention to implement a programme of undergrounding of electricity supply and telecommunications cables wherever practicable, but particularly in urban areas, in conjunction with statutory undertakers Enemalta and Telemalta.

**POLICY BEN 3: Permission for development will normally be given only if provision is made in the proposal for the installation of underground ducts to link electricity and telecommunications distribution networks to the development, the ducts to be utilised immediately if underground supplies are available or held in reserve for subsequent use if only overhead supplies are available at the time of the development.**

7.5 The Planning Authority is aware that since the Temporary Provisions schemes were put forward in 1988, some development has taken place in the affected areas and that further applications for permission to develop will be submitted during the interim period between the commencement date of the Structure Plan and the adoption of the relevant Local Plan which will contain both revised layouts and specific development control guidelines. The Authority does not wish to unduly constrain legitimate development especially if this is in accordance with the approved 1988 proposals, but it must make sure that newly proposed development does not compromise the review of these layouts nor disrupt the orderly provision of roads and utility services.

**POLICY BEN 4: During the interim period between the commencement date of the Structure Plan and the adoption of any particular Local Plan, permission for development in Temporary Provisions areas will be subject to Policies BEN 1,2, and 3. Additionally, permission will not normally be given unless the Planning Authority is satisfied that such permission would be unlikely to compromise the objectives of the review forming part of Local Plan preparation. Within this overriding concern the Authority will also have regard to the location of the proposed development, with more favourable consideration being given to development close to developed areas and already provided with roads and services, and less favourable consideration to development relatively remote from existing buildings and infrastructure.**

## **Non Urban Areas**

7.6 The term 'urbanisation' means the creation of new built-up areas containing all or most urban uses: houses, shops, offices, factories, and all the built support facilities which these accumulate. In seeking to prohibit urbanisation of existing non urban areas it is not the intention to prohibit built structures of various kinds which are normal and legitimate inclusions in the non urban scene - farmhouses and other genuine agricultural buildings, reservoirs, picnic area toilets and car parks, and control buildings and walls/ fences at archaeological and ecological sites. Nevertheless, the provision of such structures must be controlled in order to preserve and enhance the environmental quality of the countryside.

**POLICY BEN 5: Applications for development permits outside urban areas will be judged against the policies and design guidelines of the Local Plans for Rural Conservation Areas, and in the interim period, to Structure Plan policies and the guidelines contained in the Explanatory Memorandum.**

## **Advertisements**

7.7 The definition of development includes advertisements of all kinds. The control of advertisements including those on shop and other business frontages, is necessary to prevent buildings, streets, vacant sites, and open land being disfigured with unsightly displays. Advertisements can enhance a street scene only if they are sympathetically designed and generally do not dominate their surroundings. Within conservation areas there is an obligation on the Planning Authority to preserve and enhance visual amenities, and advertisement control will accordingly be followed with particular vigour.

**POLICY BEN 6: Advertisements are classed as development, and applications for development permits to erect or display any type of advertisement is required. There will be a presumption against permission for any proposal which infringes the design guidelines for advertisements issued by the Authority. In the interim period the following guidelines apply:**

**1. Large poster hoardings will not normally be permitted. In exceptional cases they will be permitted provided they:**

- (a) Are the only suitable means of screening an unsightly building or area of land**
- (b) Are not a traffic safety hazard**
- (c) Do not result in loss of amenity**
- (d) Relate in scale and design to their surroundings**
- (e) Are part of a local environment improvement scheme, such as landscaping a site or treating a wall**
- (f) Are outside conservation areas**

**2. Internally illuminated or flashing signs will not be permitted if they would be:**

- (a) A traffic safety hazard**
- (b) In a conservation area**
- (c) Likely to be a nuisance in primarily residential areas**
- (d) Unsympathetic to the building or street scene**
- (e) Otherwise detrimental to amenity**

**3. Temporary illuminated and other temporary signs and decorations for festive occasions will not comprise development unless they include wording of a**

commercial, political, or other nature not specifically concerning the celebrations. Otherwise, all temporary advertisements require a development permit which shall specify a removal date.

## **Application Procedures**

7.8 A great deal of time and effort can be saved and frustration avoided if the general principles of particular development proposals can be established early in the application procedure. Pre-application consultations will therefore be encouraged. A prospective developer, either before buying land or before incurring the cost of preparing detailed proposals, may wish to know whether the proposed development is acceptable in principle. To achieve this, an application for an Outline Permit which can be granted subject to reserved matters, can establish a firm commitment.

**POLICY BEN 7: A development permit is required for any development, including development by Government departments and other public agencies. The definition of development requiring permission is given in the Development Planning Act and related Use Classes Order, and includes both buildings and changes of use. The Planning Authority will welcome pre-application consultations between its officers and intending applicants for permission to develop.**

**POLICY BEN 8: Intending applicants for permission to develop are advised to consider applications for outline permits which establish the principles and general characteristics of a development proposal before the applicant is faced with the expense of the more detailed application for a full permit to develop. Where this procedure is used, the application fee will be payable for the outline application only.**

**Two types of development permit can be granted:**

**1. OUTLINE PERMIT which gives approval in principle to the proposed development, but specifies reserved matters which need to be included in a full permit application or applications. A time is given within which full permit applications shall be submitted otherwise the Outline Permit becomes invalid. No development may commence without a full permit.**

**2. FULL PERMIT which is required before any development can commence whether or not on Outline Permit has been issued. Full permits will also include Conditions which must be followed by the development.**

7.9 The upgrading of the visual environment by the means described and in the locations given in the Structure Plan can only be partially effective, unless supported by further policies aimed at eliminating the widespread environmental degradation which characterises the Islands. This comprises the very frequent occurrence of derelict and neglected sites, broken down walls, boundary markers and minor structures of totally inappropriate materials, unfinished surfaces, discarded piles of

building materials and other rubble, illegal, unsightly and insanitary rubbish dumps, the residue of inadequate cleansing procedures, and much else in both urban and rural locations. The extent and seriousness of this situation is particularly apparent when compared with equivalent standards in the rest of Europe, and particularly unfortunate as it frequently occurs in what would otherwise be attractive urban and rural settings.

7.10 Only a comprehensive and determined attack on such conditions will achieve success, and the Structure Plan is a fitting instrument and focus for that attack.

**POLICY BEN 9: Conditions attached to any permit to develop will be such as to preclude unneighbourly construction procedures, unfinished surfaces, and the permanent dumping of building materials and other rubbish on or near the site.**

**POLICY BEN 10: Owners of undeveloped and unused sites are required to maintain such sites in an environmentally acceptable condition.**

**POLICY BEN 11: The Planning Authority will seek to ensure, in conjunction with other appropriate agencies, that environmental blemishes of the type described in para. 7.9 which were in existence prior to the commencement date of the Structure Plan will be removed.**

7.11 There will be occasions in which it will be possible to make a reasonable judgement of an application for permission to develop only if information additional to that normally required is submitted, particularly where questions of environmental impact are likely to arise.

**POLICY BEN 12: The Planning Authority will decide if an Environmental Impact Assessment of a form and content satisfactory to the Authority is required to accompany any application for permission to develop. The environmental impact of proposed development will be carefully assessed through development control procedures, and where development permits are granted any adverse impacts will be mitigated through permit conditions and any other necessary legal measures.**

7.12 Telecommunications antennas and satellite dishes are a cause for concern not only in Urban Conservation Areas (Policy UCO 12) but elsewhere in built-up and rural areas.

**POLICY BEN 13: The Planning Authority will not normally grant permission for the installation of more than one telecommunications antenna or dish where a shared system is possible. Such antennas and dishes are not to be conspicuously located, should be of the smallest feasible size, of a colour that blends with their background, and screened from public view where appropriate. Wherever possible all individual property installations will be hidden from public view, either at the rear of the property, on the roof below the highest part of the roof, or in a special enclosure.**

7.13 The Planning Authority will need to involve the public in reaching decisions on applications for development which are important in scale or likely impact.

**POLICY BEN 14: The Planning Authority will give publicity to all development applications it receives, and a copy of every application will be available for public reference. Sufficient copies of an application will be required to permit simultaneous consultations with relevant Government Departments. The Planning Authority will also require the applicant to provide sufficient and suitable information regarding any application for development which it deems important enough in terms of scale or potential impact to merit special consultation with adjacent users and the public in general.**

7.14 With the anticipated increase in the resident population aged over 60 (about a 60% increase by 2010), and the need to improve Malta's attractiveness to different categories of tourists, the accessibility of buildings and facilities to the physically infirm is important.

**POLICY BEN 15: All buildings and facilities used by the general public will be accessible to self propelled wheelchair users, and adequate provision allowed for convenient access and parking of vehicles for the physically handicapped. Facilities used by the general public include public transport and pedestrian footpaths.**

## **Prequalification of Building Contractors**

7.15 It is important to ensure that sufficient skills are used by building contractors, particularly for the rehabilitation of buildings and for complex developments.

**POLICY BEN 16: Criteria for and certification of building contractors capable of undertaking different types of construction work shall be introduced. Conditions requiring the use of suitably certified contractors shall be included in development permits where appropriate.**

## **Landscaping and Open Space**

7.16 The design, establishment, and maintenance of suitable hard and soft landscaping is an essential part of improving and enjoying both the urban and rural environment. The design of rural roads in particular should be landscape led so that they blend into their surroundings. Street furniture and signage are parts of hard landscaping.

**POLICY BEN 17: Development permit applications shall include proposals for hard and soft landscaping, and measures by which their maintenance will be undertaken. (See also Policies RCO 6 and 20)**

**POLICY BEN 18: Local Plans will include landscape concepts, covering both the visual effects to be achieved and methods of maintenance.**



7.17 The second major Structure Plan goal of using land efficiently, which will generally result in higher density development that at present, does not mean the loss of existing suitable and usable open spaces. The third major goal is to radically improve the quality of all aspects of the environment, and this includes such open spaces.

**POLICY BEN 19: The Planning Authority will formulate a detailed policy for open space standards, implementation, and maintenance, and will identify sites in Local Plans and other plans. In the Interim period the guidance on standards contained in the Explanatory Memorandum will be used. (See also Policies REC 1 to 4)**

## **Building Regulations**

7.18 Many detailed aspects concerning the sanitary, safety, and convenient use of buildings are more appropriately covered by Building Regulations rather than planning procedures and Development Permits. Examples include the requirements for and specifications of lifts, foundations, structural design, floor loadings, ventilation, damproofing, water, swimming pools drainage, electricity, gas, telecommunications, fire hazards, light, lighting, privacy, internal shafts, maintenance access, toilets, hazardous processes, pollution sources, emissions, space standards, and materials specifications. Many of these aspects are either not covered by existing legislation or the regulations need updating. They are however necessary to help ensure a satisfactory internal and external environment.

**POLICY BEN 20: Comprehensive Building Regulations will be prepared using a similar process to the Structure Plan preparation. All building designs will require Building Regulations Approval before commencement. Separate applications for such an approval can be submitted at the same time as a full development permit application. Regulations will not restrict buildings to existing types of layout.**

## **Noise Nuisance**

7.19 No legislation or policies currently exist relating to noise, although provisions are included in the proposed Environment Protection Act. Major noise nuisance sources include: fixed wing aircraft, helicopters, firing ranges, hunting, vehicles, fireworks, dance music, loudspeakers, speedboats, industrial processes, construction sites, dogs, air conditioners, rowdy conduct, and neighbour noise through open windows.

**POLICY BEN 21: Standards will be developed for noise emissions, and locational criteria will be identified for major noise sources. Conditions will be attached to development permits specifying maximum noise emissions and times, where appropriate. Noise abatement zones will be defined where necessary.**

## 8. HOUSING

8.1 It is estimated that by year 2010, approximately 22,000 new households will be formed requiring an equivalent number of new housing units in addition to units which already exist. (See Report of Survey, Part C, Section 1). This does not include additional housing units to be used as second homes by Maltese or let to short stay tourists.

8.2 To achieve this net increase of some 22,000 housing units for household residences, a larger number of dwellings will need to be created to replace housing which is lost due to old stock needing replacement, redevelopment, demolition for infrastructural works, and changes from residential to non residential use. Allowing for these losses, additional second homes, and tourism related demand, the gross total of housing units required could be as high as 60,000 over the twenty year period. (See Report of Survey, Part E, Section 5)

8.3 This new housing will be spread throughout existing urban areas, the Temporary Provisions schemes, and primary development areas. Within these areas there is also the need for space to accommodate new and improved social and community facilities, employment, recreation, roads, public car parks, commercial needs, tourism, open space, and various other uses required to meet modern standards. Until the various Local Plans are completed it is not possible to identify the housing capacities of these areas with any precision, but approximate totals are 50,000 units in the Temporary Provision schemes (assuming a medium density and allowing for a balanced provision of detached, terraced and flatted accommodation), 8,000 in existing urban areas, and 2,000 in the primary development areas, mainly Pembroke. These figures are however conjectural, and the situation needs to be monitored and refined.

**POLICY HOU 1: In accordance with Policy SET 1, the development and redevelopment of residential uses in existing built-up areas will be encouraged with a view to increasing the housing stock in such locations, but within the priority constraints set out in Policy SET 7.**

**POLICY HOU 2: Within Urban Conservation Areas as designated under Policy UCO 1 the main consideration will be the overall retention of existing housing numbers, reoccupation of vacant and underutilised dwellings, conversions to residential use and suitable ancillary facilities, and the enhancement of their environmental context in accordance with Policy SET 6.**

**POLICY HOU 3: The Local Plans to be prepared for all built-up areas will include specific policies for the development and redevelopment of residential property and will include mandatory rules and advisory guidelines concerning densities, building heights, design, and parking and other standards appropriate to particular localities. Until these Plans have been completed and adopted, Structure Plan policies and guidelines will be applicable. Whilst the practice of land banking for later development is prudent and acceptable, it shall be discouraged in areas which are ripe for development (See paragraph 17.8, item 5)**

**POLICY HOU 4: In Temporary Provisions areas the provision of housing will be in accordance with the Local Plans for such areas when these have been completed and adopted. Development control policies BEN 1,2, and 3 and, during the interim period, BEN 4, will apply.**

## **Pembroke**

8.4 Pembroke is the general area to the east of the main Valletta/Mellieha road, and north of the present built-up area of St. Julian's/Paceville. Part of the area is of ecological value because it is the only area in the islands where certain plants are found, and the designation of a Site of Scientific Importance is required to conserve the best examples.

**POLICY HOU 5: The Pembroke area will be developed for the following uses:**

- 1. Private and sheltered housing, and ancillary facilities (eg. schools and other social and community facilities)**
- 2. Sport and recreation facilities**
- 3. Hotel(s)**
- 4. Superstore based shopping centre (Policy COM 6)**
- 5. Private sector offices (Policy COM 3)**
- 6. Uses which also serve nearby existing built-up areas**

**POLICY HOU 6: A Local Plan will be prepared for the Pembroke area as soon as is practicable. The plan will be comprehensive including consideration of nearby existing built-up areas. Background studies will include shopping market research and superstore implications. The plan itself will be the subject of an environmental impact assessment.**

## **Rent Legislation**

8.5 The current housing rent legislation has virtually frozen the private rental market and this has led to the following problems:

1. New households can usually no longer be established without the considerable capital investment of buying or building a house
2. Since the cost of repairs required in rented dwellings is frequently greater than can be recovered from the rents allowed, these repairs are often neglected as neither the

owner nor the tenant accept to pay for the maintenance. As approximately one third of privately rented dwellings are situated within areas designated in the Structure Plan as Urban Conservation Areas, it is considered that this is a major cause of inner area decay

3. As the rent laws controlling the lease of older properties are even more draconian, property owners find greater financial reward in demolishing and redeveloping older properties so that the quality of the built environment in historical core areas is declining

4. Owners of vacant houses who for various reasons (temporary emigrants, engaged couples, summer residences, living in homes for the elderly, etc.) would otherwise be prepared to put them up for rent for some fixed period of time prefer to leave them vacant. The Structure Plan Housing Stock Survey (see Report of Survey, Part E) gives about 20% of the dwelling stock as being vacant. This is probably an underestimate as Enemalta listing were used for the survey, and some vacant properties do not have metered water or electricity

5. There is little mobility between dwellings, and houses tend to be underutilised for much of the lifespan of the household as there is little incentive to match household size with dwelling size

As a consequence, many dwellings are vacant, underoccupied, and/or in a poor state of repair. To help meet the goal of the efficient use of land and buildings, current rent legislation needs to be changed. This however needs to be done carefully and progressively over time.

**POLICY HOU 7: Government will seek to reduce the demand for new house building through the optimal use of existing housing stock, which can partly be achieved through the phased establishing of an equitable rental market coupled with financial assistance for home purchase and to those who cannot afford higher rentals (See also SET 5).**

## **Social Housing**

8.6 Approximately 10% of the housing stock of the Islands is in the form of Government built or owned 'social' housing. The phased establishment of an equitable rental market will encourage developers to re-enter the private rental market and increase the number of dwellings available in that sector. Since the resultant rent increases will apply equally to private and social housing, there will be a tendency for social households to seek accommodation in private rental schemes.

8.7 Such a shift will allow the progressive phasing out of new social housing which, although providing reasonable accommodation for genuine low income households, also provides a low cost haven for households which no longer require it, creates ghettos of social stigma, represents a heavy burden on scarce public sector finances, and generally distorts the housing market.

8.8 A new approach to social housing is foreseen, in which some form of public support for the cost of accommodation is confined to genuinely needy households whose need is regularly monitored, and where social households generally blend with all others in the private sector market. Irrespective of whether and when this approach comes to fruition, Government will seek to ensure that in future all forms of social housing or publicly subsidised private rental housing will be located on sites which are first and foremost suitable for residential development rather than simply on land which happens to belong to Government, and that there is a match between dwelling size and household size.

**POLICY HOU 8: The provision of low cost housing by the private and voluntary sectors for rent will be encouraged. In this context low cost does not mean substandard, but rather of a size which matches household size, with adequate finishes and fittings, and with opportunities for improvements by occupants.**

**POLICY HOU 9: New Government built rental housing shall be optimally located within areas designated in the Structure Plan as existing or new built-up areas. The establishment and growth of subsidised sheltered housing for sale and rent by the private and voluntary sectors will be promoted.**

8.9 A large amount of low standard tourism accommodation exists, both registered and unregistered. Tourism policy is primarily aimed at the encouragement of higher spending tourists rather than a major increase in tourism members, and therefore the change of use of some lower standard tourism accommodation to housing would benefit both sectors.

**POLICY HOU 10: Encouragement will be given to the sale or rent of lower standard tourism accommodation for housing purposes. This will include the purchase by the private and voluntary sectors for conversion and subsequent sale or rent as sheltered accommodation, and/or for subsidised rent tenants.**

## 9. SOCIAL AND COMMUNITY FACILITIES

9.1 None of the social services supply agencies has a 20 year development strategy compatible with the scope and timing of the Structure Plan, although some have identified existing needs and forecasts of needs to various dates during the next decade. The full land requirements of these agencies cannot therefore be a part of the Structure Plan. Where requirements are known these have been taken account of in the Plan, and relevant policies are proposed. However there is an urgent need for these agencies to evolve a 20 year development strategy as soon as the Structure Plan becomes operational and data become available on which to base such plans. The final requirements of the agencies will then be added to the Structure Plan and used as input to Local Plans.

### Health

9.2 Medical facilities include the entire range of services provided by the public and private sector, from public health to dental services. From the Health Services Development Plan 1986-1990, it is known that facilities at St. Luke's and other hospitals require upgrading and extension, and that new health centres are required at Zabbar, Qormi, Birkirkara, Hamrun, Rabat and Luqa. Decentralisation of some services from St. Luke's Hospital to the various health centres is required. Demographic projections indicate that health centres at St. Julian's/Sliema and St. Paul's Bay/Naxxar will be also required during the Structure Plan period. It is assumed that these developments will take place within the boundaries of existing and planned built-up areas as defined in the Structure Plan.

**POLICY SOC 1: The Department of Health will update the Health Services Development Plan 1986 - 1990 to the year 2010 in order to relate the health plan more closely to the Structure Plan. The Planning Authority will co-operate with the Department to ensure the most favourable siting of new facilities, including support services.**

**POLICY SOC 2: Land adjacent to existing hospitals will be reserved in Local Plans for hospital extensions or other medical related uses.**

9.3 With the large increase in the elderly population of Malta (about 60% by 2010), an effort must be made to identify locations suitable for sheltered housing, whether fully medically supported or relatively independent. In many cases sites near or adjacent to health centres could meet the criteria applicable to accommodation for the elderly.

**POLICY SOC 3: Land and buildings adjacent to existing or proposed health centres will be safeguarded in Local Plans and utilised for the expansion of medical facilities or other community uses.**

9.4 Rapid and efficient road access, with alternatives if possible, is required for all hospitals with accident and emergency departments. There are currently access problems, particularly at St. Luke's.

**POLICY SOC 4: Access to existing hospitals will be improved, and for new hospitals a safe and efficient standard of road access will be required.**

**POLICY SOC 5: The facilities at St. Luke's Hospital will be brought up to a standard capable of handling serious emergencies.**

9.5 Private hospitals and other private medical and care facilities have a role to play in the expansion of care and medical treatment. This involves not only private hospitals but also the potential for a private sector contribution to the provision of care and sheltered accommodation for the elderly. Although the size, specialities, and means of integration of the private sector with Government provision requires constant monitoring, recognition must be given to the potential role of the private sector.

9.6 New private hospitals and nursing homes for the frail elderly and the severely handicapped will require sites during the Plan period. Because of the extent of their land requirements they may need to be located outside or adjacent to existing and new built-up areas as defined in the Structure Plan. Locations will be identified in conjunction with the Planning Authority and added to the Structure Plan.

**POLICY SOC 6: The Planning Authority will co-operate with the developers of private hospitals and other medical facilities in consultation with the Secretariat of Health to secure the most relevant facilities, located on the most appropriate sites.**

9.7 Hospitals not only absorb large amounts of land but they also generate considerable traffic: patients, visitors, supplies, staff. They can be polluters, depending on the toxic waste policy of the hospital. There are special transportation demands of such a large employer operating 24 hours a day and with a staff that includes cleaners, catering staff, non medical technicians, etc. In turn, the neighbourhood in which a hospital is located may adversely influence the hospital if it is noisy, with poor access, heavy traffic on poor roads, and a generally poor environment.

**POLICY SOC 7: Locational criteria for new hospitals will include but not be specifically limited to impacts on the hospital of the proposed location, and impacts on the local area of the siting of the new facility. An Environmental Impact Assessment will be required for all new hospital proposals and major extensions to existing hospitals.**

**POLICY SOC 8: Health centres will be sited and designed with due regard to population catchment areas, public transport access, potential for expansion, centrality of location, mobility access, and other criteria which the Planning Authority may deem appropriate.**

9.8 The role of voluntary organisations is most important and must be given full recognition for their role in medical provision, now and in the future.

**POLICY SOC 9: Favourable consideration will be given to proposals put forward by voluntary organisations, charities, or the church to increase the provision of medical facilities and support activities in the Maltese Islands.**

## **Education**

9.9 The Education Department's 1988 planning paper indicated a need for 18 new primary schools with kindergarten centres and 21 new independent kindergarten centres. However, these estimates could not take into consideration the demographic projections of the Structure Plan and the probable distribution of the population in 2010, and only reflect current underprovision. There are no proposals for new secondary schools, although some will be required up to 2010.

9.10 The University has expansion plans but these need to be extended to the Structure Plan design year to determine whether such expansion might require land additional to the present site designation. Until this is done, no commitment should be made with respect to the siting of the many uses considered suitable in the past for location adjacent to University land other than those with very high two way links with the University in the fields of research and development or university level teaching. The Structure Plan analysis also showed a clear need for the expansion of technical, vocational, and polytechnic levels of education.

**POLICY SOC 10: The Ministry of Education will prepare a 20 year development plan based on the Structure Plan. The Planning Authority will cooperate with the Ministry to ensure the optimal siting of new facilities for addition to the Plan, and will safeguard sites for new schools and expansions within the Temporary Provisions schemes. As an interim measure existing schools will limit expansion.**

**POLICY SOC 11: Sufficient land adjacent to the University of Malta will be reserved for uses essential to its development and expansion, and which cannot be suitably located elsewhere.**

**POLICY SOC 12: A new vocational education/technical college is required to develop scarce skills, particularly in the fields of technology and management. The Ministry of Education and the Planning Authority will determine the feasibility of establishing such an institution in Valletta through the medium of the Local Plan. Particular consideration will be given to the conversion of underused or empty building, and to the inclusion of student residential facilities which could be used during college holidays for the accommodation of conference participants.**

9.11 The land and buildings occupied by primary and secondary schools are valuable assets. The 20 year education development plan should take into account not only the present population totals in the various school catchment areas but likely demographic characteristics resulting from the implementation of Structure Plan policies. The ability to do so will vary enormously by area. Growth in areas such as the Temporary



Provisions areas and the primary development areas will be planned, and population distribution and characteristics reasonably forecastable. In existing built-up areas where the Planning Authority will be attempting to control mainly private sector development activity, forecasts of demographic characteristics will continue to be much more difficult to formulate.

9.12 Nevertheless, the joint endeavour of the Ministry of Education and the Planning Authority, mainly through the mechanism of the Local Plans, must be to optimise existing sites and buildings to better serve their catchment populations and to ensure that new sites and buildings are developed to higher standards of classroom and specialist facilities, playing fields, and servicing/parking.

**POLICY SOC 13: The Planning Authority, mainly through the Local Plans, will co-operate with the Ministry of Education in implementing policies aimed at seeking the optimal use of existing education sites and buildings in relation to forecast demographic characteristics, and in realising higher standards of provision on new sites of classroom and specialist uses, playing fields, and servicing/parking.**

**POLICY SOC 14: The Planning Authority, in conjunction with the Ministry of Education, will seek to ensure the adoption of standards of provision and operational procedures which will allow to the fullest practicable extent for the joint use of school facilities for the provision of community services such as clubs, cultural and leisure activities, social services, and sport.**

**POLICY SOC 15: New schools, including private schools, will be located in areas where demographic projections indicate that such a facility is required and on sites which are adequate for the provision of a full range of educational and sports facilities, and providing good accessibility and a safe environment.**

**POLICY SOC 16: Particular consideration will be given to the siting of special schools in order to assist in their integration with the rest of the education system.**

## **Care of the Elderly and Disabled**

9.13 The rise in the proportion of the Maltese population who will be over 65 years of age by 2010 will have a profound effect in all sectors of social and community facilities and programmes. Housing, health programmes, and leisure activities will have to adapt to a change in the age profile of the country. All providers of services must play a role and new and innovative solutions must be tried, particularly in the field of housing.

9.14 The Department for the Care of the Elderly will require to update its projection of needs to year 2010, although it is not anticipated that the Department will have any significant requirements for new facilities outside existing and planned built-up areas as defined in the Structure Plan.

**POLICY SOC 17: The Secretariat for the Care of the Elderly in consultation with voluntary organisations will prepare a 20 year development plan based on the Structure Plan, and building on policies already developed by the Department.**

**POLICY SOC 18: The Planning Authority will co-operate with the Secretariat for the Care of the Elderly and with voluntary organisations to identify in the various Local Plans new sites and buildings suitable for conversion to accommodate day care centres, sheltered homes, and other required facilities.**

**POLICY SOC 19: Voluntary organisations and will be encouraged to establish housing associations specifically catering to the needs of the elderly and the disabled.**

**POLICY SOC 20: Full support will be given to a range of initiatives for the provision of housing for the elderly and the disabled (the adaptation and renovation of existing housing units, the conversion of existing hotels and non housing buildings for use by the elderly and the disabled, and the construction of purpose built accommodation). The accommodation will be suitable for all needs from fit active elderly to those requiring extensive medical and social services assistance, and will be conveniently sited in relation to health centres, social centres, shops, and public transport.**

## **Community Facilities**

9.15 The existing central library at Beltissebh is poorly located from the point of view of public exposure and access, and there is a scarcity of library facilities at local level, particularly in the southeastern and western parts of mainland Malta.

**POLICY SOC 21: The Planning Authority, through the medium of the relevant Local Plans, will seek sites for a new central library, and for district libraries in Qormi, Rabat, and Luqa.**

9.16 With the exception of villages with parish halls and of national facilities, venues for the entire range of cultural activities (such as clubs, cinema, dance, theatre, music, exhibitions, meetings) are lacking at a village, regional, and national level.

**POLICY SOC 22: Facilities will be provided for the full range of cultural activities, as part of existing and new schools (Policy SOC 14), new and upgraded district libraries, or in purpose built units.**

9.17 Existing housing areas require additional services and facilities: for example kindergartens, primary schools, pastoral centres, convenient transport, accessible shops. The absence of these constrains women from taking their full part in the labour market now and in the future. Demographic forecasts suggest that the small increase (about 7%) of numbers of those of working age and the large increase in numbers of the elderly could create a shortage in the labour market. A greater contribution from

women will help to ensure economic progress, and the existence of convenient suitable facilities will allow women to choose whether and when to seek employment.

**POLICY SOC 23: Both the public and private sectors will be encouraged to provide community facilities, transport, and retail services in existing housing areas which lack such services and facilities.**

9.18 The elderly and the handicapped cannot take part in all the activities available to the able bodied if the buildings and other facilities are not accessible to them. There is an absence of ramps, lifts, and reserved parking spaces and waiting bays designed to assist those with limited mobility and those in wheelchairs.

**POLICY SOC 24: Buildings used by the public will be required to have appropriate access, toilets, and internal arrangements for the disabled, the elderly, and children in prams and pushchairs.**

9.19 Many housing areas, especially the newer ones, are deficient in the provision of local community facilities.

**POLICY SOC 25: Provision will be made for an adequate range of community facilities in new housing areas.**

## 10. COMMERCE AND INDUSTRY

10.1 There are four main uses addressed by the Structure Plan under this heading: offices, shops, industry, and warehousing.

### Offices

10.2 The Government will choose a site for a new Government administration centre to house the staff and functions of most Government Departments, while Parliament itself and the Ministries will be located in the palaces and auberges of Valletta. No public sector office accommodation additional to this provision is allowed for in the Structure Plan.

10.3 However, there continues to be a shortage of private sector office accommodation, and it is probable that demand will continue at a high level during most of the Plan period as the proportion of total jobs in this sector increases. The nearest thing to an office centre in Malta is Valletta/Floriana where the natural trend would be a continuation of conversion of residential to office use. This, however, would exacerbate the problem of accessibility to Valletta/Floriana by commuters, and constraint in the growth of private sector offices generally on the Valletta/Floriana peninsula is needed. Accordingly, policies are put forward in the Structure Plan for the allocation of land outside the peninsula for the development of private sector offices.

10.4 There are two major new locations for office uses. The first is at Pembroke as described in POLICY HOU 5. The second is adjacent to the Luqa Airport new passenger terminal. Both locations include superstore based shopping serving respectively the north/central and south/central areas of mainland Malta. Two of the other primary development areas (Policy SET 10) include a smaller element of new office development. These are at Marsa Park (Policy COM 4) and at Manoel Island (Policy TOU 7). No specific allocation is made for science and technology, or for a financial centre, since businesses in these sectors have a variety of differing requirements. Further reference to these sectors is given in the Explanatory Memorandum.

**POLICY COM 1: A new Government administration centre will be developed outside Valletta to house most Government Departments, while Parliament itself and the Ministries will concentrate in the palaces and auberges of Valletta.**

**POLICY COM 2: Development of private sector offices, by either conversion or new building, will not normally be permitted in Valletta/Floriana, unless and until suitable transport access, vehicle parking, and pedestrian circulation for Valletta/Floriana as a whole are secured.**

**POLICY COM 3: In addition to the private sector office development allocated to Pembroke in Policy HOU 5, a Business Park at Luqa Airport on the Marsa side of the new passenger terminal will be developed. Uses allocated to this area are:**

- 1. Major offices**
- 2. Superstore bases shopping**
- 3. Business hotel with conference facilities**
- 4. Other compatible commercial uses**

10.5 These allocations of new private sector office space to Luqa Airport and Pembroke are intended to accommodate primarily large scale, high quality development comprising up-to-date 'smart' buildings with generous support facilities, ample parking, and high environmental standards - a form of development of which there are currently no examples in Malta but which will certainly be required over the next two decades if the Islands are to keep pace with European developments. At Pembroke the refurbishment and portrayal of the former British military barracks for use as offices should also be considered. There will in addition be a continuing demand for smaller scale development of more modest dimensions and design characteristics. This demand will be met in two ways: first by encouraging such development at Manoel Island and at Marsa Park as part of more comprehensive proposals, and second by giving favourable consideration to the development of such uses on infill sites in existing outer urban areas and by conversion from other existing uses in acceptable locations.

**POLICY COM 4: The general area to the south west of Grand Harbour, previously described as 'Ta' Ceppuna and now referred to as Marsa Park, located at the hub of the future arterial road network, shall be a multi use area in a woodland setting, containing the following uses (See also REC 5):**

- 1. Public transport interchange with associated shopping mall and "park and ride" car parking**
- 2. A section of the Grand Harbour to Dingli Cliffs Country Parkway**
- 3. The existing horseracing stadium, with improved stables (new stables and exercise facilities can possibly be established in the country parkway south west of Marsa Park)**
- 4. The Marsa Sports Club**
- 5. A small number of medium rise prestige offices**

10.6 Policy COM 4 for Marsa Park includes suitable locations outside the existing, approximately oval, peripheral roads. The upgrading of the approach into Malta from Luqa Airport, and of the nearby landward end of Grand Harbour will be assisted by the development of prestige offices in this general area. Pedestrian routes from office locations through the woodland park to the Marsa Sports Club will provide an attractive amenity. Vehicle parking will also be heavily landscaped, and dual use of vehicle parking will be encouraged for both weekday and weekend/evening users. The involvement of the two existing sports organisations in the development of offices, to

help finance improvements to their facilities, will be encouraged (see also paragraph 10.14).

**POLICY COM 5: The Planning Authority will give favourable consideration to the conversion of existing residential and other uses in built-up areas to small office use as long as such proposals do not infringe development control Policies BEN 1, 2, and 3.**

## Shopping

10.7 The bulk of the shopping floorspace in the Islands will continue to be located in the existing major centres, principally Valletta/Floriana, Sliema, Hamrun, Victoria in Gozo, and in a number of smaller centres. The advent of the new shopping complexes described in Policy COM 6 will increase retail turnover in the Islands in absolute terms in addition to the normal increase in turnover through increasing retail purchasing power as the economy grows. Experience in other countries has shown that local shops benefit from the introduction of superstores, as people use more expensive shops for "top up" shopping, and traditional centres become more comparative and specialist shopping centres. Even so, some shops which do not offer what the public want will probably close and floorspace will become available for conversion. In order that existing centres can retain as high a percentage of total turnover as possible, it is necessary that their environmental conditions are improved so that shopping becomes a more pleasant, and profitable, experience than it is at present.

10.8 Trends elsewhere indicate that the Islands are likely to experience a substantial change in shopping habits, and that demand exists for the development of one or more large superstore based indoor shopping complexes of the type which has grown rapidly in western Europe over the last twenty years. Such centres have particular locational and site requirements - basically, large sites (capable of supporting generous parking provision) at points of good accessibility by car and public transport to the principal catchment areas. It is to the general good and convenience of the public that such development be permitted and that suitable sites are made available. In the sample survey of public attitudes 80% of respondents agreed with the statement "One or more very large supermarkets, out of town with car parking, are required", with housewives particularly in favour. With an increasing number of women in employment outside the home, the need for convenient one stop shopping will also increase.

10.9 Two sites are identified for such uses. The first is at Luqa Airport Business Park (Policy COM 3). This site is well located to serve the central/southern built-up areas. The second is at Pembroke as described in Policy HOU 5: this is well located on the arterial road system to serve the central/northern built-up areas. It is considered that Gozo does not have a sufficiently large catchment population to support such a complex but if an application for permission to develop one in a suitable location were to be submitted, it would receive favourable consideration.

**POLICY COM 6: New superstore based indoor shopping complexes will be developed at Luqa Airport Business Park and Pembroke. Detailed shopping studies including market research and impact implications will be undertaken to help identify the scale and general content. Particular regard will be given to Policy COM 7.**

**POLICY COM 7: Local Plans for areas containing existing shopping centres will be required to particularly include ways in which these centres can be made more efficient and pleasant by instituting rehabilitation programmes (including shop fronts and advertisements), traffic calming and pedestrianisation, rationalised service delivery and customer parking provision, access for the disabled, and townscape design.**

**POLICY COM 8: The Planning Authority will give favourable consideration to the conversion of vacated shop premises in existing built-up areas to other uses, as long as such proposals do not infringe the development control guidelines given in Policies BEN 1, 2, and 3.**

## **Manufacturing Industry**

10.10 Structure Plan forecasts indicate that additional land should be allocated for new manufacturing industrial development during the Plan period in addition to completing the development of existing industrial estates. Industrial firms have generally preferred to be located in or close to the central urbanised area of the Harbour zone in order to have good accessibility to the port and its associated warehousing for the import of materials and components, to suppliers traditionally located in the same area, and to both labour force and markets for finished goods. They also seek reasonably flat land with good local access and adequate utility services.

10.11 Even when well designed, industrial development can have substantial environmental impact, and the location of new industrial estates must be considered with great care in terms of their impact on other uses and the environment generally. Additionally, the constraints on undeveloped land imposed by conservation policies mean that there are now fewer areas in the Islands suitable for further industrial development, and some sites may have to be used which do not fully satisfy perceived requirements, particularly the traditional links with the Harbour zone. However, in Malta the issue of accessibility is very much one of perception and habit. By international standards, Malta is so small and compact that it does not matter greatly where industrial development is located as long as the chosen site is acceptable from the viewpoints of environmental impact and the provision of local support infrastructure.

10.12 Two sites have been identified for the further development of manufacturing industry on mainland Malta. The first comprises an extension of the existing San Gwann industrial estate toward the northwest into an area which is already compromised by industrial development but is well located for such uses. The second

comprises an eastern extension of the Hal Far industrial estate to link with the hinterland of Malta Freeport. Lastly, it is considered that the existing estate at Mriehel can accept general manufacturing industry rather than smaller scale service industry which can be established elsewhere.

**POLICY IND 1: New Industrial estates, including warehousing, will be developed northwest of the existing San Gwann industrial estate and east of the existing industrial estate at Hal Far. Development of the new Hal Far area will be delayed until needs arise which cannot be located elsewhere. Industrial estates will be zoned into smaller areas to avoid incompatibility between adjacent uses, and to provide for the particular needs of certain uses such as retail warehouses and large showrooms. Design guidelines will be developed for the visual and functional aspects of industrial estates.**

**POLICY IND 2: The current designation of the site at Mriehel for service industry is changed to manufacturing industry.**

10.13 The Planning Authority will support the policy of introducing new industrial jobs to Gozo. The Structure Plan designates two areas where such uses should be located.

**POLICY IND 3: New industrial sites will be identified in the relevant Local Plans west of the existing industrial estate at Xewkija, and/or at Ghajnsielem. The designation of the part of the existing Xewkija industrial estate on the north east side of the Mgarr to Victoria road is changed to showrooms exceeding 500 sq m customer floorspace and retail warehouses.**

**POLICY IND 4: In judging applications for permission to develop manufacturing industry facilities, preference will be given to development which will be constructed at a high density in order to economise on land take and otherwise use land efficiently. (See also Policy MIN 18) Allowance for future expansion of floorspace should be upwards rather than sideways, and adequate provision shall be made for initial and expanded vehicle parking requirements.**

10.14 In the long term there is considerable potential for the firmer establishment of tourist, heritage, and recreational uses in the northeastern section of Grand Harbour and for the development of waterfront business uses at the southwestern end in association with the Marsa Park development (Policy COM 4). Such developments would be in conflict with the heavy port and industrial uses which characterise the southeastern flank of the Harbour, and the feasibility of a progressive relocation of some of these uses will be studied.

**POLICY IND 5: The Planning Authority will prepare a Subject Plan aimed at establishing the potential for the longer term relocation of heavy port/industrial uses from Grand Harbour to the Marsaxlokk Bay area. In the interim period, no new industrial uses will be permitted in the vicinity of Grand Harbour.**



## Service Industry

10.15 There is already a strong demand for proper premises for small service industry uses which are currently characterised as 'garage businesses' because they tend to locate in such premises, often in or near residential areas. Not only are the premises sub-standard and inefficient from the point of view of the user, but the use frequently has a deleterious environmental impact on adjacent users. They do however provide valuable local services and have low overhead costs.

**POLICY IND 6: The Planning Authority will give favourable consideration to the development of the service industry sites already identified under the Temporary Provisions schemes, and will designate further such sites in the relevant Local Plans at locations where no such designations have been made.**

**POLICY IND 7: Incentives will be offered to assist the relocation of existing service industry activities which have an unacceptable environmental impact on the general areas in which they are located and on adjacent uses in particular.**

**POLICY IND 8: In order to make maximum use of available land, new service industry uses will be encouraged to build to a higher density than has been the practice in the past. Multi storey building forms will therefore be encouraged.**

## Obnoxious Industry

10.16 There are many small industrial sites scattered around the Islands whose uses can be described as 'obnoxious industry' because of the processes involved: lime kilns and concrete batching plants are typical examples. There would be little point in attempting to group these on existing or proposed industrial sites since the environmental impact of such uses is as unwelcome on manufacturing industry sites as on others. Nevertheless, at least two sites on mainland Malta and one on Gozo should be found for such uses and incentives provided to encourage these uses to relocate to them. It is proposed that fireworks factories and scrapyards are included in this category.

**POLICY IND 9: The Local Plans to be prepared for areas in which abandoned quarries are located will specifically research the feasibility of establishing sites for obnoxious industry in such areas in accordance with Policies MIN 13, 14, and 15.**

**POLICY IND 10: Consideration will be given to the extent and form of incentives required to secure the relocation of obnoxious industrial uses for environmental reasons.**

## Warehousing

10.17 Trends elsewhere indicate a continuing demand for new warehouse premises outside traditional warehouse areas where access for heavy vehicles and vehicle parking is constrained and the buildings themselves are frequently no longer suited to modern procedures. The strategy in this regard will be to encourage the conversion and rehabilitation of existing buildings in traditional warehouse areas where adequate access and vehicle parking exists or can be arranged, but to give favourable consideration to the development of new warehousing premises on industrial estates where it can be shown that suitable development or redevelopment in traditional areas is impracticable.

**POLICY IND 11: Encouragement will be given to the conversion and rehabilitation of existing warehouse premises to facilitate continuity of use where adequate access and vehicle parking exists or can be arranged.**

**POLICY IND 12: Favourable consideration will be given to the development of new warehousing on industrial estates where it can be shown that development or redevelopment in traditional areas is impracticable or would maintain or exacerbate unacceptable environmental impact. Food stockpile depots including cold storage will be promoted in areas for warehousing (see Policy AHF 1).**

## **Retail Warehouses and Showrooms**

10.18 A further retail phenomenon familiar in Europe but unknown in the Islands is the retail warehouse in which a wide range of household, gardening, and DIY (Do It Yourself) goods are sold. The building form is traditionally that of a single storey shed of large warehouse proportions although more recent examples are architecturally more acceptable than this implies. Extensive car parking facilities are the other normal characteristic.

10.19 Showrooms selling anything from cars to household and industrial freezers are another common feature of the European retail scene and one which has already put in an appearance in the Islands. In Europe, the difference between a large showroom and a small retail warehouse is becoming difficult to detect, and for the purposes of the Structure Plan they can be considered together. The bulky cheaper construction and extensive car parking of such developments suggests that they are more appropriately located adjacent to storage warehouses than shopping centres.

**POLICY IND 13: The development of showrooms exceeding 500 sq m in customer floorspace, and retail warehouses, will not normally be permitted on sites other than those in or adjacent to storage warehouse areas. (See also IND 3)**

## **Oil and Gas Industry**

10.20 At present the requirements for oil and gas relate mainly to their import and use for local consumption. A small amount of activity exists in relation to servicing oil

and gas exploration, production, and distribution in other parts of the Mediterranean. Exploration in Maltese waters has only begun relatively recently, and whilst the outcome is uncertain, it could have very major requirements for land based facilities.

10.21 Policy PUT 4 requires that strategies are developed for the safeguarding of essential supplies (particularly fuels and water) and distribution systems, to achieve minimum disruption in the event of natural, accidental, or deliberate calamities. This includes oil and gas supplies for local consumption, but is also a requirement for the high risk oil and gas industry in general.

**POLICY IND 14: Facilities for servicing the oil and gas industry shall be established in the Marsaxlokk Bay vicinity.**

**POLICY IND 15: A local plan shall be prepared for Marsaxlokk Bay and the surrounding area. The plan will be based on studies of the long term requirements of all industrial activities related to deep water port uses, including security aspects, safety, and environmental impacts. Major gas installations liable to explosion shall be located away from urban areas, including the removal of existing installations. To assist the early preparation of the local plan, oil companies shall supply particulars of their requirements, including especially requirements in the event that oil is discovered in commercial quantities. The efficient use of the deepwater port potential at Marsaxlokk Bay, and the visual quality of new development shall be particular features of the local plan and development permits.**

**POLICY IND 16: Government will ensure that permissions for offshore operations will include measures for the safety of navigation, safeguards for the natural environment, and satisfactory abandonment measures.**

## **11. AGRICULTURE, HORTICULTURE AND FISHERIES**

11.1 Agriculture is the largest user of land in Malta. Cultivated land has however decreased from 15,200 ha in 1971 to 12,000 ha in 1986 and the trend is continuing. Imports of agricultural products represent 20% of total imports, and two thirds of fish consumption is imported. Fish consumption in Malta is about a third of recommended nutritional standards.

11.2 Agriculture (including horticulture) and fisheries have declined, and despite a relatively good climate in Malta, agricultural productivity is low, and many people find other occupations more attractive. The major problem is lack of irrigation water. Other problems include fragmentary land ownership, lack of tenant security, access difficulties for vehicles and machinery, lack of export distribution facilities, lack of land and forage for livestock, unsuitable and visually intrusive farm buildings, and pressures on the coastline for fish farming (aquaculture).

**POLICY AHF 1: Major improvements in agriculture, horticulture, and fisheries will be encouraged, so that:**

- 1. The sector assists the overall economy of the country through reduced imports and increased exports**
- 2. Better quality products are available to domestic consumers**
- 3. The countryside land resource is used efficiently and does not become derelict**
- 4. Food supplies are safeguarded in the event of natural, accidental, or deliberate calamities**
- 5. The countryside is safeguarded for the benefit of future generations**

**POLICY AHF 2: A national system of irrigation water supply will be developed using all suitable means, including recycled water and water storage. The system will include provisions for urban and rural landscaping as well as agriculture (See also Policy PUT 8).**

**POLICY AHF 3: A survey of the inherent agricultural quality of all land will be undertaken to supplement the 1989/1990 survey of existing agricultural land use.**

**POLICY AHF 4: Soil conservation and soil saving measures will continue to be mandatory on all occasions. Soil replenishment measures will be adopted where there are suitable opportunities.**

**POLICY AHF 5: Buildings and structures essential to the needs of agriculture will be permitted in the countryside. They will however either blend with the rural landscape through the use of random rubble, or be hidden from view. This includes irrigation works and other utilities structures. In addition:**

- 1. Least good quality agricultural land will be used where this is feasible, with a presumption against the use of land irrigated from naturally occurring sources of water**
- 2. Locations must be acceptable in terms of noise, smell, and effluent impacts on nearby urban and recreational areas and wildlife**
- 3. The high productivity and out of season cropping potential of protected cropping is recognised, and suitable locations will be promoted. Greenhouses and similar protected cropping structures will in particular be hidden from longer distance views, possibly amongst other buildings, by landscaping, or in disused quarries**
- 4. "Farm gate" retail outlets will be permitted. Suitable off road vehicle parking and traffic safety measures shall be included**
- 5. The sensitive conversion of existing farmhouses and other farm buildings in the countryside for rural recreation use will be permitted**

**See also Policy RCO 2.**

**POLICY AHF 6: Physically separate land ownership subdivisions will not be permitted unless suitable vehicular access to all subdivisions is provided, and right of way boundary walls in random rubble are built. Subdivisions of Government land tenancies will not be permitted.**

**POLICY AHF 7: The removal of visual intrusions in the landscape, the reinstatement and maintenance of random stone boundary walls, and the establishment of rights of way will be a condition of development permits.**

**POLICY AHF 8: Further measures will be developed to promote the reinstatement and maintenance of random rubble walls throughout the countryside with priority given to walls alongside rural roads, and for the removal of visual intrusions.**

**POLICY AHF 9: Encouragement will be given to the relocation of livestock units which are unsuitable in existing and committed urban areas because of noise, smell, or other impacts, to suitable locations in the countryside. It will be a condition of all development permits for redevelopment of land currently occupied by livestock units in existing and committed urban areas that the re-establishment of the livestock unit in the countryside will take place before redevelopment occurs.**

**POLICY AHF 10: Encouragement to agriculture will be given by the promotion of grading and packing stations, generally on industrial estates.**

**POLICY AHF 11: An agricultural products depot for exports and imports will be promoted at a suitable harbour location, and one at Luqa airport.**

**POLICY AHF 12: Quarantine stations for animals and other livestock will be developed at suitable entry points to the country.**

**POLICY AHF 13: Government will promote efficiency in agriculture and fisheries through land availability measures, including:**

**1. Establishing access rights of way for agricultural vehicles and machinery, and improving rural roads and tracks, in a manner which improves the appearance of the countryside**

**2. Making land available on long leases to secure capital investment in agriculture, including for livestock, forage, and organic farming**

**3. Introducing measures to encourage the formation of larger more viable farms and farming businesses**

**4. Identifying sites for the establishment of secure boat storage with maintenance facilities, near to but not on the coastline**

**POLICY AHF 14: A small fisheries centre and fishing boat berthing facilities will be promoted in the north of mainland Malta, and a deep sea fisheries centre at Marsaxlokk Bay.**

## **Aquaculture**

11.3 Overseas markets for fish farming products are good, and aquaculture technology has improved greatly during the past decade. The rural economies of Scotland and Norway in particular have been transformed by this industry. A successful fish hatchery has been developed by Government in Fort St. Lucian at Marsaxlokk Bay, and Malta is well situated to benefit from the opportunities in this sector.

11.4 There are however severe potential problems associated with aquaculture. Production units are essentially for fish fattening and normally use large areas of land or sea with only a few jobs per hectare. They also require large amounts of water each day, either potable water or seawater depending on the species being produced, and therefore prefer to locate in the coastal zone to reduce pumping and other costs. Many rural environments in Scotland for example have been spoilt because of the lack of planning controls on the industry.

11.5 Malta needs to use its limited land resource more efficiently than for low density fish farms; needs to protect its coastal zone and its countryside from unsightly developments; needs to manage its potable water supplies carefully; and has the opportunity to properly control the aquaculture industry from its beginnings.

**POLICY AHF 15: Marine based aquaculture units will be encouraged so as to make best use of land and sea resources. Production units will be located well**

**away from the coast to avoid any significant visual impact. Detailed planning criteria and permit conditions will be developed to ensure suitable safeguards.**

**POLICY AHF 16: Large land based aquaculture units will be restricted to industrial estates and former quarries, and multi storey structures used where feasible. Small units will be permitted on forms in conformity with Policy AHF 5. All offsite water supply and discharge pipes will be underground, and the reuse of water, other than seawater, is mandatory. Detailed planning criteria and permit conditions will be developed to ensure suitable safeguards.**

## **12. MINERALS**

### **Introduction**

12.1 The only minerals of concern in the Islands at present are limestone rocks. These comprise softstone quarried from the Lower Globigerina formation, used as cut building blocks, and hardstone quarried from the Upper and Lower Coralline formations, used for marble, aggregates, and concrete. Although it is possible that in the future other mineral reserves of economic significance may be exploited, such as petroleum, the Structure Plan is concerned principally with quarrying. Nevertheless, policies are applicable in broad terms to any form of mineral exploitation.

12.2 The Structure Plan provides a framework for the continued working of important mineral deposits and exploitation of future deposits in an environmentally acceptable way. There are three principal concerns:

1. Mineral resources must be made available to meet all the Islands' reasonable needs as an essential contribution to the economy and fabric of Malta. These minerals must be of a suitable quality for the purposes to which they are put. However, bearing in mind their finite and irreplaceable nature, the optimal use of mineral resources will be sought by ensuring that they are worked to the maximum extent possible and are not unnecessarily sterilised
2. It is necessary to minimise conflict with, and where necessary to safeguard, non mineral interests, general amenity, and other legitimate uses of land
3. Worked out land must be satisfactorily restored in a way which allows beneficial afteruse

12.3 Thus, mineral policies form an approach which seeks to balance the environmental disadvantages of mineral working, processing, and transport with the social and economic need for minerals. The quarrying industry will continue to be essential to the Islands, not only as an employer but as a supplier to the construction industry and possibly as an exporter.

### **Mineral Working**

12.4 The strategy towards the minerals industry is twofold. First, development in areas where there are valuable but as yet unexploited mineral deposits, will be delayed or minimised and second, controls governing the siting, means of operation, and restoration of mineral workings will be extended.

12.5 In areas of known or suspected mineral deposits it will be necessary for any development proposal to demonstrate that economic reserves are not being sterilised. As more becomes known about the Islands' mineral reserves, it will be easier to specify areas of known reserves. In the meantime, applications for development on



Coralline and Globigerina formations will be required to include a mineral evaluation. Developments should where practical include the extraction of any minerals present.

**POLICY MIN 1: Proven and potentially workable mineral resources will be safeguarded from development which would lead to their sterilisation. Non mineral development will not normally be permitted in areas of known or suspected mineral reserves, unless it can be demonstrated that the deposits beneath the site are not workable.**

12.6 Very little is known at present about the occurrence, distribution and quality of economically viable mineral reserves. This makes planning for the future very difficult for both the quarrying industry itself and for the Planning Authority. It is essential therefore that information is obtained as quickly as possible and integrated with other land use policies.

**POLICY MIN 2: The Planning Authority will undertake a strategic evaluation of stone, aggregate, and marble resources in the Islands. This evaluation will assess the distribution, quantity, and quality of the resources, including the existing licensed reserves and operating quarries.**

**POLICY MIN 3: The Planning Authority will establish a Minerals Board that will compile information on, and periodically review:**

- 1. The potential demand for mineral resources, particularly building materials, having regard to regional and national utilisation and possible exports**
- 2. The quantity, distribution, and quality of exploitable mineral deposits**
- 3. The ability of existing quarries to provide stone, aggregates, and marble in the required quantity and quality**

**The Minerals Board will also make recommendations to the Planning Authority on appropriate environmental standards for the industry to adopt.**

12.7 It is envisaged that the Minerals Board will include representatives of the Planning Authority, Director of Works (Quarries and Explosives), Director of Trade, Water Works Department, Department of the Environment, Department of Agriculture, and the quarry owners/operators. The Planning Authority and Minerals Board will additionally be required to consult with other agencies, departments, and industries on matters relevant to their interests.

12.8 The Maltese Islands need to be effectively self sufficient in limestone building materials and aggregates. There should be little need to import such materials, except specialised minerals such as cement. However there may be some potential for export of specialist mineral products, such as carved building blocks. It is essential for the minerals industry that it has adequate permitted reserves to allow proper capital investment and to ensure the medium to long term supply of stone. At the same time it is important to prevent unnecessary proliferation of surface mineral workings with permitted reserves well beyond that necessary for the foreseeable future.

**POLICY MIN 4: Proposals for mineral working and processing will be considered in the context of overall rates of production and the levels of exploitable reserves of that mineral. The Planning Authority will seek to provide for the release of land for mineral extraction in order to maintain a level of economic reserves which is sufficient for about 20 years' extraction over the Islands as a whole, having regard to national and regional demands and an acceptable level of exports. There will be a presumption against the granting of permissions which would result in the release of significantly higher levels of permitted reserves.**

12.9 In the absence of detailed knowledge about the occurrence of exploitable mineral deposits, it is not possible to identify potential mineral working areas at this stage. However it is important to make it clear that quarrying will not be allowed or will be strictly controlled in areas where other valuable uses or conditions pertain. The degree of exclusion or control of quarrying in these areas will depend on the importance of those other interests, and on their compatibility with quarrying and other mineral working activities. The occurrence of Blue Clay deposits are such that extraction would have serious adverse effects on groundwater systems and hillside landscapes.

**POLICY MIN 5: There will be a presumption against surface mineral working in or near areas of acknowledged interest for ecology, archaeology, and in areas of high quality agricultural land. The extraction of significant amounts of Blue Clay will not be permitted.**

12.10 The link between the occurrence of Coralline Limestone and areas of landscape and ecological value is fundamental. Consequently it is not practical or realistic to bar all quarry working from these areas if sufficient workable reserves cannot be identified elsewhere. To minimise the impact of quarrying, special attention will need to be paid to the location and extent of the affected area, control of working, routes and means of transport, and restoration of extraction sites.

12.11 Generally, the continuation of mineral extraction in existing workings is preferable to opening up new sites. Similarly the coalescence of small adjacent quarry units into single larger units is usually more efficient and gives more scope for environmental control and restoration to a beneficial afteruse. However, this policy will be subject to other constraints, and due regard will have to be paid to Policy MIN 5.

**POLICY MIN 6: The extension of existing workings and the merging of adjacent workings will be given preference to the development of new mineral workings. In support of any application for new or extended mineral workings, evidence will be required to demonstrate that the existing site has been worked to the maximum practicable depth.**

**POLICY MIN 7: In order to better apply Policies MIN 1 to 6, the Planning Authority will prepare and periodically review a Minerals Subject Plan incorporating the mineral resource survey referred to in Policy MIN 2.**

## **Safeguarding the Environment**

12.12 The implications of a proposal to extract minerals will be wide ranging and can include significant impacts on the natural and human environments. It is therefore essential that these impacts should be identified and examined before a decision to grant or refuse permission is given. The purpose of the following policies is to ensure that appropriate information is provided at an early stage, covering the main areas of environmental concern, justifying the application in economic and environmental terms, and providing for proper environmental protection and restoration.

**POLICY MIN 8: An application for mineral extraction and processing will not normally be determined until an Environmental Impact Assessment has been prepared for consideration by the Planning Authority. This assessment will provide information on the following:**

- 1. Operational and economic needs, demonstrating the need for the mineral to be worked, the extent, quantity, and quality of the mineral reserve, the methods of working, and the duration of the operation.**
- 2. A description of environmental resources and values which are at risk, and the particular threats posed to them.**
- 3. Provisions for environmental protection, including control of nuisance or damage from dust, noise and vibration, protection of water resources, prevention of discharge of pollutants into air, water, or land, reduction of visual impact, management of vehicular traffic within, to, and from the site, and protection of archaeological and ecological features.**

**A satisfactory Environmental Impact Assessment is not a means of evading other policies.**

**POLICY MIN 9: Proposals for mineral extraction and processing will normally be refused where the need to work the mineral is not sufficient to justify the environmental impact that is likely to arise.**

**POLICY MIN 10: When granting permission, the Planning Authority will normally limit the permit to a fixed term, not usually less than 10 years, with a maximum of 20 years, conditional on a review of conditions every five years. Conditions attached to the permission may be amended following the review in the light of requirements for environmental protection and other matters such as safety. Conditions will be included to safeguarded archaeological discoveries.**

**POLICY MIN 11: Proposals for the exploration and assessment of mineral deposits will normally be permitted subject to the provision of satisfactory environmental safeguards. However, permission for exploration will not imply acceptance in principle of any subsequent exploitation of the minerals.**

## Afteruse and Reclamation

12.13 Although it may last for many years, the process of mineral extraction should be considered as a temporary use of land. A fundamental approach of the Structure Plan is to ensure that land affected by mineral extraction is worked or reclaimed so that it can subsequently be used for some other beneficial purpose. This affects existing disused quarrying areas, active quarries, and new extraction areas yet to be defined. The approach in each of these cases is likely to be different. For current and future mineral extraction areas, reclamation will be the responsibility of the mineral operator or quarry owner. For disused quarries, the Government will need to make other arrangements and offer incentives to assist reclamation and reuse.

12.14 Quarrying is a very long term activity and it is therefore normally impracticable to make firm decisions about the eventual afteruse at the time a mineral extraction application is made. Nevertheless, it is necessary to identify in principle the range of afteruses to which the quarry could be put, in order to be able to set reclamation objectives. It is important, for example, to ensure that the method of working, eventual landform, and stability of rock faces is such that a range of afteruses is possible without major engineering works being required.

12.15 Reclamation should involve measures to improve the visual appearance of the workings, to ensure public safety, and to protect adjacent landowners and users. A reclamation scheme will include all extraction voids, spoil tips, plant, buildings, roadways, and other infrastructure associated with the mineral extraction and processing operations, and must be compatible with the size, characteristics, and situation of the site. The scheme will therefore include:

1. Treatment and stabilisation of quarry faces
2. Treatment, clearing, and filling of quarry floors
3. Treatment and grading of spoil tips
4. Demolition and removal of buildings and plant
5. Identification of afteruses to which the site could be put
6. Landscaping, vegetation establishment, and subsequent management

**POLICY MIN 12: An application for mineral extraction will not normally be determined until proposals for methods of working, landscaping, and reclamation of the application area have been prepared for consideration by the Planning Authority. Mineral extraction proposals involving working methods that allow progressive reclamation and landscaping will be given preference, subject to other environmental and operational considerations. The Planning Authority will require a bank bond to ensure that conditions attached to a permit are fulfilled, and will wherever practical impose conditions requiring the phased extraction and reclamation of mineral workings (See also Policy MIN 18).**

12.16 Disused quarry areas are usually considered as problem sites and incapable of further use. In fact they provide many opportunities for future use, once the basic landform has been made suitable. In addition to the traditional uses of agriculture and horticulture, worked out quarries can be considered for obnoxious industry, storage, aquaculture, and recreational facilities. Some quarries also make natural amphitheatres, with large level areas.

**POLICY MIN 13: Development proposals involving the reuse of quarried areas will generally be considered favourably by the Planning Authority, subject to satisfactory environmental impacts including protection of ground- water resources. Priority will be given to uses which are difficult to locate elsewhere because of their visual or other undesirable impacts.**

12.17 There is an extensive backlog of disused quarries requiring reclamation. The cost of reclaiming these areas so that they can be reused is likely to be substantial, especially as resources for filling and soil reconstruction are scarce. The Development Planning Act allows for the imposition of a levy on all mineral production and the Planning Authority will use these levies to establish a Reclamation Fund, the amount of the levy being set and reviewed annually in consultation with the Minerals Board.

**POLICY MIN 14: The Planning Authority will prepare and periodically review an inventory of disused mineral extraction sites, compiling data on location, area, depth, landform, adjacent land use, and potential afteruse suitability. The Authority will also compile data on potential sources of inert fill material so that these can be directed to the reclamation of quarry areas.**

**POLICY MIN 15: The Planning Authority will prepare a programme for reclamation of disused quarries, allocating priorities, and identifying resources and initiatives from public and private sectors. The Authority will initiate and promote the acquisition, reclamation, and afteruse of existing worked out quarries by the Government.**

## **Interim Policies**

12.18 Under the existing licensing/permit system, which is to be superseded by the Development Planning Act, operating quarries renew their licences at the beginning of each year. On the coming into force of the Development Planning Act, existing licences will no longer be renewed, and existing quarries will have to make an application in accordance with the Act and with Policies MIN 8 to 11. In future, permission will be for a fixed duration. In order to deal quickly with applications from existing quarries, the Planning Authority will undertake its own review of the operations and their environmental impacts.

**POLICY MIN 16: The Planning Authority will undertake an immediate review of all existing quarry operations, their existing licences, and the environmental impacts resulting from their activities. Priority action will be initiated in environmentally sensitive areas and for quarries operating without a licence.**

**POLICY MIN 17: Applications for the continued working of areas covered by an existing licence will normally be permitted, conditional on satisfactory environmental safeguards and reclamation proposals. Where the application involves an extension outside an existing licence area, this will be considered as a separate matter in accordance with Policies MIN 4, 5, 8, and 9.**

12.19 Many softstone quarry licences do not specify an extent or boundary to the licence area. In such cases it will be presumed that the licence includes that area currently being quarried and no more. There are also several softstone quarry operations with no licence, or where a licence application has been submitted but not processed pending the Structure Plan. These will be treated on their merits as new applications in accordance with the policies in this Statement. There can be no presumption in favour of continued working of illegal quarries, although the previous difficulties of the old licencing/permit system, and particularly the interim arrangements since 1986, will be taken into account.

## **Underground Space Planning**

12.20 Underground space forms an important land resource, which in other countries is being increasingly used for such activities as the storage of oil, gas, drinking water, irrigation water, processed wastes, and refrigerated items; warehousing, industry, and even offices; swimming pools and sports halls in cold climates; power stations, air raid shelters, vehicle parking, tourism in worked out mines, as well as for underground roads, railways, water canals, and public utilities.

12.21 Malta has probably more reason and more opportunity than most countries to use underground space because of its limited land surface resource and easily worked stone.

**POLICY MIN 18: Studies will be undertaken to develop a strategy for the creation and use of underground space, with an emphasis on its use for safeguarding essential supplies, and overcoming environmental problems. Codes of practice will be developed to ensure the safety of caverns and other underground space, and for the use of extracted stone and other materials.**

**POLICY MIN 19: The use of underground space in urban areas for vehicle parking will be encouraged. Adequate ventilation, dampproofing, and safety measures shall always be included.**

## **13. TOURISM AND RECREATION**

### **Objectives for Tourism**

13.1 Whilst there is significant overlap between international tourism and domestic tourism, overseas visitors to Malta are dealt with under Tourism, and Maltese holidaying in Malta is dealt with under Recreation. Probably more than any other activity, international tourism in Malta poses a dilemma for the Islands. On the one hand, it is a major factor in the economic wellbeing of the country, and its maintenance and further development must be supported. On the other hand, both international and domestic tourism have been a major factor in the environmental degradation of the Islands, and this must now be vigorously countered, not only in the interests of the Maltese themselves, but because Malta has now reached the point (and some might say has passed it) at which tourist infrastructure is destroying the very features which attract international tourists in the first place.

13.2 The first objective is therefore encouraging appropriate tourism while preventing the further spread of tourist buildings and associated facilities outside areas already committed to such uses except where the Structure Plan defines specific areas where it is judged that further development is necessary and could take place without unacceptable harm to the environment, and where safeguards for protecting the environment can be secured. Such a strategy is compatible with the general thrust of the Plan which is to prevent any further significant increase in the built-up area of the Islands. The second main objective is to encourage the further development of the tourist industry by concentrating its energies and further investment in the refurbishment and upgrading of existing facilities in existing built-up and developed areas, and by assisting in the general improvement in tourist facilities to encourage higher spending tourists rather than a major increase in tourist numbers. The key objective of the Secretariat for Tourism is to strengthen and consolidate existing tourism markets, and to pursue more actively the policy of diversification by nationality and seasonality, while endeavouring to increase the proportion of higher spending tourists. This gives three interrelated objectives:

1. Market diversification
2. Seasonality reduction
3. Product and tourist upgrading

### **Institutional Arrangements for Tourism**

13.3 In order to realise these objectives it is essential to co-ordinate the policies of the Secretariat for Tourism with those of the Planning Authority.

**POLICY TOU 1: The Planning Authority will establish a joint Tourism Development Committee with the Secretariat for Tourism and other relevant**

**bodies. The Committee will have responsibility for integrating tourism development policies and programmes with the Structure Plan as a basis for Local Plan formulation.**

**POLICY TOU 2: The Secretariat for Tourism and its associated parastatal organisations will assemble, process, and analyse data suitable for adequate monitoring and forecasting of supply and demand commensurate with the Planning Authority's more comprehensive planning needs, and will update and extend the Tourism Development Plan to cover a 20 year period within the context of the Structure Plan.**

## **Tourist Accommodation**

13.4 The volume of new tourist accommodation that is likely to come on stream as a result of development applications, which already have the approval of the Secretariat for Tourism and are pending PAPB approval, could be short of the projected tourist accommodation demands until 1995. The size of the shortfall depends on assumptions made as to times of stay during the year, lengths of stay, accommodation occupancy rates, and type of accommodation required. In accordance with tourism objectives, this shortfall is mostly in the higher class category accommodation (4 and 5 star). It is of particular concern that Secretariat for Tourism approvals for a large number of medium and low class category accommodation (2 and 3 star) still exist. These were given before the adoption of current tourism objectives. It is important that such approvals are reviewed prior to a PAPB/Planning Authority decision on a related development permit application.

**POLICY TOU 3: The Planning Authority will, within the provisions of the Structure Plan, give favourable consideration only to those development proposals that contribute to the achievement of stated tourism objectives.**

13.5 It is estimated that some 4,000 net additional tourist beds will be required by the end of the Plan period. Replacement of some existing accommodation will also be needed. In accordance with the Structure Plan overall strategy new tourism accommodation should be located in existing built up areas by extension and conversion of suitable buildings and the development of infill sites, or in areas to be developed namely the Temporary Provisions areas and the primary development areas. Certain zones within these general areas will be favoured by the Planning Authority because they are likely to appeal to developers and tourists alike. These are mainly in the tourist oriented areas in the north and south of mainland Malta and in the Inner Harbour area where tourism is already firmly established.

**POLICY TOU 4: The Planning Authority will give favourable consideration to the development of further tourist accommodation within the built up areas and Temporary Provisions areas as amended by the relevant Local Plans at Mellieha, St. Paul's Bay/Bugibba, St. Julian's/Paceville, Sliema, Marsascala, Marsaxlokk, and Birzebbugia; and Marsalforn, Xlendi, and Mgarr in Gozo. Within these areas development will comply with the Secretariat for Tourism's**



**Accommodation Projects Policy Guidelines in respect of new provisions, and upgrading and extensions to existing premises.**

**POLICY TOU 5: The Planning Authority will give favourable consideration to the development of tourist accommodation replacing shanty and illegal development between Vendome Battery and White Tower on the northern coastline of the Marfa peninsula.**

13.6 A more interventionist role is required with respect to other areas which have not traditionally been associated to any extent with tourist accommodation and tourist related activities but which have exceptional potential. It is proposed to formulate Development Briefs for such areas, the current approach to Manoel Island being an example.

**POLICY TOU 6: The Planning Authority, in consultation with the Secretariat for Tourism, and other relevant Government agencies will formulate Development Briefs for the following areas which have potential for tourism accommodation and other tourism facilities, such briefs normally taking the form of Action Plans within the relevant Local Plans, and having particular regard to urban conservation policies and guidelines:**

- 1. Manoel Island/Marsamxett Harbour**
- 2. Sliema waterfront promenade linking Manoel Island and Tigne Fort/Dragutt Point**
- 3. Tigne Fort/Dragutt Point**
- 4. Vittoriosa, Senglea, Cospicua, Kalkara, and Ricasoli**
- 5. Valletta/Floriana**
- 6. Fort Chambray in Gozo.**

13.7 Of these areas of high potential, Manoel Island is distinctive in that it offers a large site which is currently underutilised, and a draft Development Brief has already been prepared by the consultants for Manoel Island/Marsamxett Harbour.

**POLICY TOU 7: Manoel Island/Marsamxett Harbour shall be an International Yachting Centre. The following uses are envisaged in addition to the refurbishment of Fort Manoel as a building of architectural and historical interest:**

- 1. Marina berths in the harbour creeks**
- 2. Yacht clubs and sailing schools**
- 3. Boat services**
- 4. Yacht hotel and apartments complex**

**5. Sailing stores and shops**

**6. Waterfront restaurants, bars, shops, and entertainment**

**7. Small offices**

**POLICY TOU 8: The Planning Authority will give favourable consideration to tourist and recreation related facilities on the waterfront of Marsamxett Harbour. The relocation of the AFM naval base and the adjacent Nautical School is envisaged so as to secure public access to the waterfront and possibly to establish an additional road access to Valletta and Floriana subject to local plan studies. Development will include the removal of the existing clutter of small buildings at the base of the Valletta/Floriana fortifications, so as to portray the fortifications to their best advantage. Public access on foot and by small boat shall be secured around the entire harbour waterfront.**

13.8 Considerable potential for the development of tourist accommodation exists in the Urban Conservation Areas designated in the Structure Plan, because of the known preference of higher spending tourists for accommodation located in areas of high quality urban environment. Other favoured locations, especially in the higher spending self catering sector, include the outer edges of existing, mainly rural, communities which afford uninterrupted views of good inland and coastal scenery as, for example, in some of the smaller settlements in Gozo.

**POLICY TOU 9: In Urban Conservation Areas, the Authority will particularly encourage tourist development in the form of conversion, extension, and refurbishment of existing buildings and facilities as long as the proposed development does not infringe the provisions of Policies CON 6, 7, and 8.**

**POLICY TOU 10: The area of Ta' Cenc, Gozo, from east of the Mgarr ix-Xini inlet to the village of Sannat, will be further studied as a potential demonstration project of high quality for both:**

- 1. Malta's first national park, (World Conservation Union definition) covering the majority of the area**
- 2. Malta's first multi ownership tourism hotel development, in the vicinity of the existing Ta' Cenc hotel**

**The national park will have a nature emphasis, including both the protection and enhancement of the natural environment and other heritage items, particularly archaeological remains; a limited amount of careful restocking with species of flora and fauna indigenous to the Maltese Islands; a visitor centre and interpretive facilities. The term `multi ownership tourism hotel' is described in Section 19. A major feature of both the hotel and the national park is that they will have professional management acting on behalf of all owners, and which at**

**Ta' Cenc will be a single management company responsible for both the park and the hotel. Further studies of this potential will require a particularly thorough assessment of on and off site impacts, including traffic, utility services,**

recreation, labour requirements, skills provision, materials supplies, as well as impacts on the natural and cultural heritage, and measures by which adverse impacts will be overcome. The height of buildings will be restricted to one and two storeys with the exception of traditional taller features such as stone built windmills, lookout towers, domes, and spires. The blending of the hotel into the landscape, and the use of the best traditional features which are characteristic of Gozo, are of particular importance.

## **Longer Term Tourist Accommodation Demands**

13.9 It may not be practicable to accommodate all long term tourist accommodation demands within the boundaries of existing, committed, and planned built up areas as designated in the Structure Plan. In this event, the Planning Authority will look particularly at the feasibility and advisability of siting such development in the areas identified in the Tourism Development Plan as requiring Best Use Studies. Within these Best Use Studies areas, priority for any additional tourist accommodation should be given to the upgrading and improvement of existing facilities containing tourism accommodation, including the careful blending of these developments with their surroundings.

## **Heritage**

13.10 Malta is unusually rich in areas and buildings of architectural and historical interest. These are particularly important in helping present Malta as a quality product, and in this sense they can be regarded as tourist facilities. The conservation policies contained in the following section of this Statement should be adequate to preserve and enhance such artifacts, but more has to be done to bring them to the attention of tourists and to facilitate their appreciation of them through publicity and interpretation facilities.

**POLICY TOU 11: Government will seek the co-operation of relevant public and private sector agencies to ensure that the Islands' many heritage items are made more accessible and interesting to tourists. Heritage trails will be identified in Local Plans.**

## **Golf Courses**

13.11 There is a recognised and very substantial international demand for golf courses as components of tourism and business development, and any serious attempt to attract tourists and businesses to the Islands has to take this phenomenon into account. Although relatively few Maltese currently have an interest in golf, its more extensive introduction into the Islands would probably release a considerable latent demand and thus add to the stock of locally used recreational facilities. A particular advantage of

golf is that it is healthy sport which is played by both men and women in the middle and older age groups.

13.12 In terms of rural conservation, one of the benefits of golf courses is that they can be made to blend into the rural landscape and become a permanent guarantee that the area they occupy is unlikely to be urbanised. A major disbenefit is that no developer can now afford to open up a golf course in isolation: development economics dictate that courses have to be accompanied by profit making urban development (high value residential areas, hotels, etc.) since golf courses alone do not produce profit. The ideal location for a golf course is therefore on the periphery of an existing built-up area which can absorb the urbanised elements, rather than in open countryside.

13.13 A further complexity attaches to the location of golf courses. Because they require such extensive areas of land (60 ha for a modern 27 hole course), land assembly is a major criterion of implementation. In the Islands, such large areas in one ownership are rare and developers tend to think first of Government land. This however runs the risk that, as with social housing, golf courses are developed where Government happens to own land, and not where they are most suitable.

**POLICY TOU 12: A Subject Plan will be prepared for golf courses. The plan will be based on considerations of the demand for and benefits of golf courses, and on the competing uses for limited land resources in Malta. Any golf course should be located where:**

- 1. It can be accommodated without adverse environmental impact or loss of good quality agricultural land**
- 2. Associated development can be satisfactorily accommodated, preferably as part of an adjacent built-up area**
- 3. Suitable vehicle access exists or can be provided**

**Potentially suitable locations are those where positive environmental benefits can be achieved by utilising derelict land or other land requiring major environmental improvements. Any development permit application shall require an Environmental Impact Assessment in a form and content suitable to the Planning Authority.**

## **Yachting**

13.14 The Planning Authority will support the objective of the Marine and Offshore Affairs Department to 'provide safe haven and all necessary amenities to yachtsmen'.

**POLICY TOU 13: In conjunction with the appropriate agencies the Planning Authority will prepare a Subject Plan including Environmental Impact Assessments to determine the advisability and feasibility of various types of harbours, moorings, and facilities for yachts and other boats. Each potential**

location shall be studied and planned comprehensively, including land related development and conservation.

## **Diving**

**13.15** The coastal waters of the Islands provide a number of opportunities for SCUBA (self contained underwater breathing apparatus) diving, and the National Tourism Organisation of Malta is committed to an advertising campaign to promote the Islands as a diving venue. The marine environment in popular diving areas is fragile and must be protected. The increased use of glass bottom boats and submarines for underwater marine observation is also likely.

**POLICY TOU 14:** The Planning Authority will prepare a Subject Plan aimed at reconciling the conflicting interests of recreational diving, other underwater activities, and marine ecological conservation.

## **Coastal Management Plan**

**13.16** Sailing and SCUBA diving are the two principal activities related to tourism which are most likely to conflict with marine conservation needs. Diving is however the main way of appreciating the marine environment and, in turn, can be fundamentally affected by what is happening on shore. In this sense, the coastal areas can be distinguished as a unique category which provides the link between land based and marine interests. It is essential that these be looked at in an integrated fashion so that a comprehensive management plan can be evolved for this unique resource, recognising that the ownership and use of yachts and boats is likely to increase substantially, and that the storage of most yachts and boats is more appropriately done at inland locations.

**POLICY TOU 15:** The Planning Authority in co-operation with the Secretariat for the Environment and other relevant bodies will define a comprehensive policy for the coastal zone. This policy should aim at enabling Government to:

- 1. Assess the different components of the coastal zone considered as a unique ecosystem**
- 2. Identify permissible uses, development criteria, and standards**
- 3. Promote and enforce policies**
- 4. Include the coastal zone as an area requiring mandatory Environmental Impact Assessment procedures**

See also Policies MCO and CZM.

## **Objectives for Recreation**

**13.17 General objectives with regard to recreation are to encourage the provision of opportunities for recreation in a co-ordinated manner in co-operation with the range of public and private agencies involved, to ensure that sites for an adequate range of facilities are included in Local Plans, and to reconcile recreation provision with competing interests.**

## 14. TRANSPORT

### General Strategy

14.1 The general strategy of the Structure Plan with respect to surface transport has five main elements:

1. The better co-ordination of land use and transport
2. The improvement of roads and the development of a road hierarchy
3. The effective management of the road system and of the traffic using it, and the control of the impact of both on the environment
4. The improvement of public transport, especially where it can provide a reasonable alternative to the private car
5. Legal and educational measures aimed primarily at improving road safety and the efficiency of road use

14.2 The proposed institutional arrangements for the Planning Authority include links between those who plan, construct, maintain, manage, and finance roads; those who regulate and operate public transport; those who manage and enforce traffic and parking legislation; and those with responsibility for overall development planning. It is however considered essential that an interdepartmental transport committee is established, responsible to the Planning Authority. In order to ensure that this committee and other Government departments are adequately advised, a transport function must be established within the Planning Directorate with links to the Ministry for the Development of Infrastructure, the Public Transport Authority, and the Police. These links are to ensure that all relevant transport and traffic matters are fully integrated.

**POLICY TRA 1: A Transport Co-ordinating Committee will be established reporting to the Planning Authority, with responsibility for advising on integrating land use planning, the planning and design of roads, the planning of public transport, and the introduction and enforcement of traffic regulations (including traffic management regulations). The Committee will be supported by a Transport Division within the Planning Directorate, comprised of suitably qualified staff.**

### Co-ordination of Transport and Land Use

14.3 The object of the general policy of co-ordinating transport and land use is to reduce transport problems by minimising the need for travel. This can be achieved by locating activities that generate travel in closer proximity to each other. In addition there is a need to control the sort of developments which take place and their

relationship to the road networks. Much of this will be achieved through Policy SET 2.

14.4 Given the general aim of better co-ordination of land use and transport it will also be necessary to reduce transport problems by regulating developments with significant impacts on the road network. Detailed policies will be required in order to ensure that access arrangements are adequate, to achieve the necessary provision of parking and highway remedial works, and to prevent new developments causing local traffic congestion. The lack of offroad parking provision already causes major traffic problems and the situation is progressively becoming worse.

**POLICY TRA 2: The promoters of major developments will be required to prepare traffic impact statements illustrating the likely impact of their proposals on the highway network.**

**POLICY TRA 3: Agreements will be required with prospective developers for the funding of the necessary remedial highway works required to accommodate their proposals.**

**POLICY TRA 4: The following vehicle parking principles will be adopted in different areas for new developments:**

- 1. Valletta/Floriana and other Urban Conservation Areas: restraining standards catering for operational vehicles only, with peripheral public parking for cars and other vehicles**
- 2. Remainder of Harbour area and other congested locations: accommodating standards where feasible and desirable, plus public parking for cars and other vehicles**
- 3. Rest of Malta: accommodating standards for all developments**

**Where a development is not required to meet full standards, the cost of providing the shortfall of spaces in public parking facilities shall be a requirement of the development.**

## **Development and Maintenance of a Hierarchical Network of Roads**

14.5 The intention of the Structure Plan is to ensure that the existing road network is gradually upgraded to form a hierarchy of improved roads comprising:

1. Arterial roads
2. Distributor roads
3. Local access roads
4. Access only and pedestrian streets



14.6 The arterial network will cater for the principal longer distance traffic flows and should carry a high proportion of all the vehicle miles driven on the Islands. The network will comprise existing major roads (improved where necessary) and extensions of or replacements for such roads. The network will commonly but not always be of dual- carriageway standard and its junctions will sometimes be grade separated. The network will be used for longer distance bus services but will not normally be used for parking or access to property. The operational and safety requirements for traffic will be a major consideration in the design, improvement, and management of the network.

14.7 The distributor road network will give access to the arterial network. It will provide for more local traffic movements within a district, will carry the majority of bus services, and will give some access to property. The distributor network will normally be single carriageway and junctions will generally be at grade (ground level). Parking restrictions will apply on much of the network. It will be necessary to achieve an appropriate balance between the operational traffic requirements of the system and its use for other purposes.

14.8 Local access roads will give access to property after leaving the distributor road network, and their character will vary according to adjacent land uses. They may also be used for parking where suitable. On local access roads the need to consider the use of the road by pedestrians, for access, and as part of the urban streetscape will be of greater importance relative to the higher levels in the hierarchy. In access only and pedestrianised streets the needs of pedestrians and the environment will predominate, and access traffic will be severely restricted often by the street having access from one end only (cul-de-sac) with turning space. These restrictions may be permanent or at certain times of the day, and exceptions may be made for buses and delivery vehicles. Such streets will often be paved rather than asphalted, and the aim will be to give them a high quality environment.

14.9 Guidance for road design and construction is given in an appendix to the Explanatory Memorandum. This guidance addresses the operational and environmental aspects of design.

**POLICY RDS 1: The development and improvement of the arterial and distributor road networks shown on the Structure Plan Key Diagram will be undertaken (See also PTR 4).**

**POLICY RDS 2: Land required for new links and the widening of existing links and junctions of the arterial and distributor networks will be safeguarded from development including land required for adjacent utility services, landscaping, and pedestrian routes and cycleways.**

**POLICY RDS 3: The design and construction of all new and improved roads will be in line with a set of agreed standards to be drafted by the appropriate Government Departments. These standards will take account of the guidance in the Explanatory Memorandum, will be consistent with appropriate best practice in Europe, and will include hard and soft landscaping.**

**POLICY RDS 4: The principal new links and major improvements required on the arterial network are as follows. A programme of junction improvements, including interim measures is also required following detailed studies.**

**1. High Priority (0-5 years)**

- Marsa to Msida link (Tal-Qroqq to Aldo Moro Road)
- Regional Road to Sliema and Gzira links (detailed studies required)
- Regional Road to St. Andrews upgrade (Entrance to Paceville, Swieqi, Pembroke, and St. George's Bay)
- South East Sector upgrading of arterial and distributor networks

**2. Medium Priority (5-10 years)**

- Victoria bypass (Gozo)
- Salina to Bahar ic-Caghaq bypass to Coast Road
- Attard bypass
- Mriehel bypass
- Mosta bypass

**3. Low Priority (10-20 years)**

- Northern coast route upgrading of arterial and distributor networks
- Western sector upgrading of arterial and distributor networks.

**Road upgrading works include the provision of alternative vehicle parking areas.**

**POLICY RDS 5: New developments will not normally be granted access directly onto the arterial road network, and parallel service roads will be established where necessary and practical.**

**POLICY RDS 6: Compensation will be made to owners of property which has to be acquired in order to permit the development of the arterial and distributor road networks. Additionally, remedial measures will be implemented or made available to owners of existing property adjacent to the network which suffers from deleterious environmental impact (noise, visual intrusion, severance, and atmospheric pollution) resulting directly from the implementation of the network.**

**POLICY RDS 7: Through the Local Plans the Planning Authority will seek to extend pedestrian priority and access only restrictions in Urban Conservation Areas, shopping areas, and other areas suffering from the environmental impact of traffic.**

**POLICY RDS 8: Standards of road maintenance will be improved, giving priority to the requirements of the arterial and distributor networks.**

**POLICY RDS 9: Footways and their maintenance will be improved.**

**POLICY RDS 10: Common service ducts, in order to minimise interruption to traffic movement, will be established where possible.**

**POLICY RDS 11: Road closures for roadworks and utility services works will be co-ordinated in order to minimise interruption to traffic movement.**

## **Traffic and Environmental Management**

14.10 Much of the road network in Malta at present operates in an inefficient manner with junctions being badly laid out, priority rules unclear, traffic lanes obstructed by parked cars and other vehicles, pedestrians at risk, and the environment far worse than it need be. These factors also have an adverse effect on the public transport system, making the buses slow and unreliable. To complement and minimise expensive improvements to the road network there is therefore a corresponding need to manage it more efficiently and to ensure that an appropriate balance is struck between the needs of traffic and those of pedestrians and the environment.

14.11 Appropriate operational traffic management measures on the arterial road network, some of which are given in the appendix to the Explanatory Memorandum, will include:

1. Signal control of major intersections where appropriate, and the provision of other high capacity junction layouts
2. Strict and fully enforced parking, waiting, and loading controls
3. Clear directional signposting
4. Pedestrian crossings protected by traffic signals and adjacent parking restrictions where necessary, or grade separated
5. Bus priority measures, and bus stop laybys and shelters
6. Strict limitations on frontage access, and the provision of service roads

14.12 Appropriate operational and environmental traffic management measures on the distributor network (examples of which are given the appendix to the Explanatory Memorandum) will include:

1. Signal controlled or priority junctions
2. One way schemes
3. Parking and waiting restrictions
4. Bus priority measures and bus stop laybys and shelters
5. Improved facilities for pedestrians, including widened footpaths and additional road crossings

6. Speed limits

7. Loading and unloading arrangements

8. Environmental management measures to discourage longer distance traffic or unnecessary through traffic

14.13 On local access roads common management measures will include:

1. The improvement of access to property
2. Some residents' parking schemes
3. Traffic calming measures
4. Widened pavements and additional pedestrian crossings
5. Clear traffic priority at crossroads and other junctions

14.14 Access only and pedestrianised streets may, in the case of shopping streets, be arranged to give access for delivery vehicles, buses, and disabled persons' vehicles only. The general aim will be to improve the environment.

14.15 A degree of restraint on peak hour traffic entering the Valletta/Floriana peninsula is desirable from traffic and environmental viewpoints. This will be partly achieved by public transport policies providing better services to and around the area. Such restraint can also in part be achieved by parking supply and price, combined with traffic management measures designed to improve the environment. The aim of these and other measures is to avoid traffic and vehicle parking congestion, and also to allow Valletta/Floriana to flourish in its role as the capital city.

**POLICY TEM 1: The design of traffic management measures will conform to agreed standards for road design and construction.**

**POLICY TEM 2: At junctions where congestion occurs now or is expected to occur in the future, layouts will be reviewed, clear priorities will be established, and traffic signals or other junction improvements will be introduced.**

**POLICY TEM 3: In areas where parking is difficult, comprehensive studies of parking supply and demand will be carried out and a parking policy embodying a proper mix of on and off street, public and private parking space will be developed.**

**POLICY TEM 4: Parking on the arterial and distributor networks will be strictly controlled at any location where it interferes with traffic flow or presents a safety hazard.**

**POLICY TEM 5: Designs will be adopted for the provision of different types of pedestrian crossings and the appropriate types will then be provided where justified.**

**POLICY TEM 6: Accident locations will be identified and accident remedial measures will be developed and implemented.**

**POLICY TEM 7: Bus priority lanes and other priority measures will be introduced at all locations where they are feasible, and where the time and cost savings to the bus operators and passengers exceed the equivalent delays to other road traffic.**

**POLICY TEM 8: Speed limits will be reviewed, rationalised, and clearly signed.**

**POLICY TEM 9: Environmental management or traffic calming measures such as speed reducing road surfaces, chicanes, speed limits, etc. will be introduced on distributor and local access roads. Limited access or pedestrianised streets will also be introduced where these are justifiable in order to achieve environmental improvements.**

**POLICY TEM 10: Restraint will be sought on peak hour car journeys to the Valletta/ Floriana peninsula, related to highway capacity, parking supply, and environmental capacity.**

## **Public Transport**

14.16 The improvement of public transport requires action on a number of different fronts and there is some flexibility as to how some of the issues are tackled. The Structure Plan envisages that public transport will continue to be provided primarily by bus and minibus, but anticipates that there is likely to be a role for new ferry services to provide improved access to Valletta, and that there may be a case for light rail or tram rapid transit systems with underground sections. The major public transport problems addressed in the Structure Plan are:

1. The need for an innovative, market oriented, bus operation, and the implications which this requirement has for ownership structure, competition policy, and the regulatory framework within which services are currently provided
2. The need to eliminate passenger overloading, cut waiting times, and improve reliability.
3. The need to rationalise service patterns and to cover some gaps in the present network.
4. The need to minimise interchange
5. The need to increase revenue from tourists
6. The need for a faster, and fraud free, fare payment system
7. The need to understand which services/times of day are profitable and which are unprofitable

8. The need to use subsidy or cross subsidy only in order to provide services that would not otherwise be economic

9. The need to replace the current fleet with buses suitable to the special conditions of climate, urban and rural operation, and the narrow congested streets to be found in the Islands.

14.17 The need for buses to be able to operate efficiently and reliably in traffic is partly covered by Policy TEM 7. Other public transport policies, some of which may be incompatible with the Public Transport White Paper of June 1988, are:

**POLICY PTR 1: The Public Transport Authority (PTA) and operators will draw up plans to rationalise the ownership and regulation of the bus industry, so that the whole operation is run on commercial and competitive lines in a way which generates sufficient revenue to renew assets (buses).**

**POLICY PTR 2: The PTA will ensure that new buses purchased are appropriate to the urban and rural operations required of all buses, to the special climatic conditions of Malta, to the higher quality of urban environment being sought, to the narrow and congested streets on which they will have to operate, and be easily accessible to the old, young, and infirm, including wheelchair users.**

**POLICY PTR 3: The PTA will set in motion the appropriate demand studies so that the services, frequencies, and fares may be redesigned to eliminate overloading, minimise interchange, and provide for some of the passenger movements which are not at present directly served. New links (possibly served by a series of circular routes) to be considered include:**

- 1. Marsa - Hamrun - Gwardamangia - Msida - Gzira - Sliema**
- 2. Birkirkara - San Gwann - St. Julians - Sliema**
- 3. Birkirkara - Rabat - Mosta**
- 4. Birkirkara - Qormi - Marsa**
- 5. Zejtun - Zabbar - Cospicua - Paola**

**POLICY PTR 4: A detailed study will be undertaken into a high speed public transport system to serve the Valletta/Floriana peninsula, including crossings of Marsamxett Harbour and Grand Harbour. Possibilities to be considered include bus ferries, fixed track systems, and underground/ underharbour sections. The study will also consider funding options, the phased upgrading and augmentation of an initial system, and integration of the system into the overall road and bus network.**

**POLICY PTR 5: The Planning Authority will ensure the provision of transport interchanges between different modes of transport (car, bus, mini bus, taxi, passenger ferry, vehicle ferry, aircraft, rapid transit system, foot) where appropriate.**

**POLICY PTR 6:** The PTA and bus operators will review the fare collection and ticketing systems employed in order to speed up boarding times, eliminate fraud, increase revenues, achieve a major switch to off bus purchase, and increase revenues from tourists.

**POLICY PTR 7:** A new, smaller scale, more efficient, and less environmentally intrusive bus terminus to serve Valletta will be identified.

**POLICY PTR 8:** All major new developments will be laid out in a way which enables them to be easily and effectively served by bus without undue obstructions to access or operations.

**POLICY PTR 9:** Waiting conditions and shelters at bus stops will be improved, with easily understandable and reliable passenger information. The bus shelters and publicity will be so designed as to enhance the general image and use of public transport.

**POLICY PTR 10:** The Planning Authority will ensure that the question of the introduction of a park-and-ride system for Valletta is further investigated during the preparation of the Valletta Local Plan.

**POLICY PTR 11:** Subject to the outcome of the review of ownership structure and the purchase policy adopted for bus replacement, the PTA will establish an appropriate number of bus depots and workshops providing adequate parking, cleaning, maintenance, and overhaul facilities so that the quality of the fleet can be improved and maintained.

**POLICY PTR 12:** Bus operators will be encouraged to experiment with special types of service for tourists such as open top buses or road trains.

**POLICY PTR 13:** The PTA will review the fare structure, operation, and regulation of taxi services.

**POLICY PTR 14:** The extension and rationalisation of non scheduled modes such as minibuses and other forms of communal transport will be sought. The Planning Authority will, through the appropriate agencies, seek to establish an Islands wide car sharing scheme.

## **Legal and Educational Measures**

14.18 Malta has an unusually high number of old vehicles (17% over 20 years old) running on a network of substandard and congested roads, on which junctions are often poorly laid out and traffic priorities unclear. Traffic speeds are at present limited by the poor road layouts, the age of many of the vehicles, and the low quality of road maintenance (only 1% of the existing main road network in good condition). The limited speeds achieved by vehicles at present limit the severity of accidents. However, as road maintenance is improved and vehicle performance increases, and as pressure for the greater use of the existing road network mounts, the frequency and

severity of accidents could well rise. To combat this threat a further set of policies is embodied in the Structure Plan.

**POLICY LEM 1: The Highway Code will be revised and reissued making explicit matters such as lane discipline, overtaking, and priority rules at roundabouts.**

**POLICY LEM 2: The introduction and enforcement of tougher drink/driving laws will be pursued.**

**POLICY LEM 3: A specialist team of traffic police or wardens will be formed, capable of dealing swiftly and effectively with accidents and responsible for the smooth flow of traffic. There will be greater enforcement generally of traffic laws and regulations, including those dealing with vehicle parking.**

**POLICY LEM 4: Greater use will be made of television and the media for the presentation of series of short 'commercials' aimed at explaining priority rules at roundabouts, parking controls, and other aspects of good driver behaviour.**

**POLICY LEM 5: A more rigorous driving test will be introduced, and periodic random, with cause, or specified time retesting considered.**

**POLICY LEM 6: A certificate of road worthiness will be required for all cars of more than three years of age. The certificate will be issued annually after a road worthiness test at the expense of the vehicle owner.**

## **Inter Island Sea Transport**

14.19 Transport to, and from, Gozo is currently by means of ferry from Cirkewwa to Mgarr with a less frequent service from Pieta near Floriana. Freight services go from both locations and a new container service operates from Pieta. The majority of vehicles accessing the ferry do so by driving to Cirkewwa. This involves a journey along roads currently in a poor condition, and delays and congestion occur at weekends. The Pieta site is restricted and causes localised problems.

14.20 Bus services operate between Valletta and Cirkewwa, and Mgarr and Victoria. Both routes are slow because of the number of stops. As a result public transport travel between Gozo and mainland Malta may involve the use of up to four different bus routes in addition to the ferry service.

14.21 A fast hovermarine operates from Sliema, largely serving the tourist market. No regular fast passenger service exists between mainland Malta and Gozo.

14.22 The concentration of patronage on the shortest sea crossing route creates difficulties on the road network. It also makes public transport access to the ferries from much of mainland Malta and Gozo slow. A case exists for operating more weekend services from the Inner Harbour area, avoiding too much traffic using the



roads to Cirkewwa. Public transport could also better access a terminal in the Inner Harbour from all parts of mainland Malta. To encourage the use of public transport to access Cirkewwa a case may exist for express routes to the terminal. On Gozo a case exists for considering bus services between Mgarr and locations other than Victoria.

**POLICY IIT 1: Ferry services between Gozo and the Inner Harbour will be made more frequent and generally improved, including the introduction of fast services. Studies will be undertaken into the advantages and disadvantages of allowing competitive ferry services between mainland Malta and Gozo.**

**POLICY IIT 2: Suitable ferry terminal facilities for passengers and freight will be provided in the Inner Harbour area.**

**POLICY IIT 3: Bus services to ferry terminals will be reviewed so as to provide direct services from more parts of mainland Malta and Gozo. Express bus services between the Inner Harbour and Cirkewwa may be appropriate if they do not compromise the viability of the increased ferry services from the Inner Harbour.**

**POLICY IIT 4: Ferry terminal facilities providing bad weather alternatives to Cirkewwa will be fully established. Ghadira (Mellieha Bay) is a suitable nearby location.**

## **Aviation**

14.23 With respect to the future of Luqa airport, there are two main concerns within the context of the Structure Plan. First, how all future airport operations can be accommodated in an effective fashion, together with related land requirements, and second, how safety and environmental impact outside the airport boundaries can best be regulated.

**POLICY AVN 1: A primary development area for aircraft maintenance, and other airport operations related facilities, will be established to the south west of the main Luqa Airport runway near Kirkop.**

**POLICY AVN 2: The Department of Civil Aviation will produce a comprehensive plan illustrating the proposed use of land sufficient for all forecast needs in the long term, including consideration of Luqa Airport as a transit (hub) airport for international flights, and other commercial and leisure aviation.**

**POLICY AVN 3: The Department of Civil Aviation will establish:**

- 1. Public Safety Zones for both ends of airport runways**
- 2. A general safeguarding zone including absolute building height restrictions aimed at preventing development outside the airport boundary which could be hazardous to airport and aircraft operations**

**3. A map illustrating forecast noise contours in order that the Planning Authority can evolve policies for the control of development within affected areas**

**4. Aircraft flight paths which minimise noise nuisance**

14.24 With reference to Gozo, there are merits in establishing a fixed wing aircraft facility on the island as a possible means of attracting more tourists, and providing a local service, as is Government policy. On the other hand, the provision of such a facility could erode the image of Gozo as somewhere different and a bit off the beaten track. The environmental impact of a landing strip is also a concern, not only immediately but in the future when larger and more economical aircraft are thought to be necessary and the strip accumulates increasingly more support facilities. A more exhaustive analysis of the need for a landing facility and of its environmental impact is required.

**POLICY AVN 4: A study will be made of the demand for and implications of a domestic air service between mainland Malta and Gozo, with particular reference to the environmental impact, the terminal facilities required, and the type of aircraft appropriate. In the interim the land area which may be required for a light aircraft facility on Gozo will continue to be safeguarded. The use of amphibious aircraft will be included in the study.**

## **15. CONSERVATION**

### **Approach**

15.1 Throughout this Statement the need for strict control throughout the Islands of the location and character of all future development has been stressed. This is particularly true of those parts of the Islands where valuable built heritage is concentrated, and where areas of archaeological, agricultural, ecological, and landscape value are found. The overall strategy in this regard hinges on the designation of Urban, Rural, and Marine Conservation Areas within which specific policies will apply to ensure the preservation and enhancement of the valuable man made and natural resources located within their boundaries.

15.2 The Development Planning Act contains the powers necessary for the designation of Urban, Rural, and Marine Conservation Areas. It is therefore intended that designation take place under that legislation, and that supplementary policies applicable to these Conservation Areas are included in the Structure Plan and other more detailed plans.

15.3 It is the intention that the development control measures to be applied through the Structure Plan should not differ fundamentally between Urban Conservation Areas and other urban areas, but only in emphasis. Thus, in both types of area, development use and design will be controlled, and public funds will be available for refurbishment and upgrading. In Conservation Areas however, control will be stricter and more specific. Initiatives of the Planning Authority, the statutory undertakers, and of Government generally will be more frequent and intense, and the amount of public funds available for refurbishment through both public and private channels will be greater.

### **Built Heritage**

15.4 Malta has an exceptionally rich heritage. This ranges from several important neolithic monuments through remains of Phoenician and Roman civilisations, rare examples of indigenous early Christian and mediaeval architecture, great complexes of Renaissance and Baroque development created under the rule of the Order of St. John, to 19th century examples of British military and civil architecture.

15.5 This unique inclusion of several epochs and cultures, concentrated within a relatively small area, constitutes a national heritage of great value not only to Malta but to European and world culture generally. It is an asset which should be promoted not only for its intrinsic value, but also in order that it can be appreciated and enjoyed by residents and tourists alike. Equally important is the need to see such assets in the wider physical setting and context in which they grew, where this still exists or can be recreated.

15.6 In the past decades this heritage has been largely neglected. In particular the urban fabric of the historical centres, outside the walled cities, has suffered from traffic intrusion with the opening of new access roads or the widening of existing streets causing grave visual conflicts and restricting pedestrian movement. Loss of traditional character results from various changes to the old fabric: incompatible uses, penetration of facades for garages, inappropriate commercial signs and shop fronts, alien materials and decorative motifs, omnipresent electricity and telephone cables strung carelessly on ancient walls and across intimate spaces, and the destruction of rear spaces by over development.

15.7 The rapid building development that has taken place outside the main historical areas has led to their general deterioration as residents move out. The number of vacant, underutilised, and dilapidated buildings within these areas is high, although they still retain their role as an important focus of the social fabric due to the location of church buildings, clubs, and other community facilities. Any further deterioration of the urban fabric and built environment must be prevented. A policy of rehabilitation and revitalisation aimed at making the best use of these resources would help to slow down the spread of development into undeveloped sites, retain traditional character, and attract new residents.

## **Urban Conservation Areas**

15.8 Urban Conservation Areas have already been identified within the context of the Temporary Planning schemes under Section 8 of the Building Permits (Temporary Provisions) Act 1988. These designations were limited to the historical areas of the villages and towns excluding the walled cities, and must now be extended to the larger areas of architectural and historical interest.

15.9 The principal of these areas is clearly Valletta, not only because it is the national capital and a World Heritage site, but because of its unique location on the peninsula commanding Grand Harbour and the Three Cities on one side, and Marsamxett Harbour, Manoel Island, and Sliema on the other. This is a very special place and has to be treated accordingly. It is therefore designated as the primary Urban Conservation Area and as the first area to have a detailed Local Plan prepared. Because of the close relationship between Valletta and Floriana it is currently envisaged that the Local Plan will cover both. However, when the Plan comes to be done, consideration should be given to extending it to cover the Three Cities, and the adjacent harbours in order that the full visual and operational context of Valletta can be tackled as a whole. Guidance on Urban Conservation Areas is given in the Explanatory Memorandum.

**POLICY UCO 1: The following areas are designated as Urban Conservation Areas which are defined as 'areas of special architectural or historical interest, the character and appearance of which it is desirable to preserve or enhance'**

### **1. Valletta and Floriana**

**2. The Three Cities: Vittoriosa, Senglea, and Cospicua**

**3. Mdina**

**4. The Cittadella and its environs (Gozo)**

**5. The central area of Sliema**

**6. The central area of Hamrun**

**7. Village core areas**

**POLICY UCO 2: Provisional boundaries of Urban Conservation Areas will be defined for designation purposes, and precise boundaries will be specified in the relevant Local Plans. The village core boundaries contained in the Temporary Planning Schemes shall be used as provisional boundaries. The Planning Authority will amend the boundaries of designated Urban Conservation Areas and designate additional Areas as appropriate for the fulfilment of its conservation objectives.**

**POLICY UCO 3: The area between the ridge containing the Cottonera Lines, the Sliema ridge, and extending beyond the landward ends of Grand Harbour and Marsamxett Harbour, will be defined as the Valletta Harbours Heritage Conservation and Improvement Area within the general designation of Urban Conservation Areas. The overall aim for this area is to create a high quality experience. The role of Valletta/Floriana will continue as a mixed use capital city, with some increases in both employment and households through the better use of existing buildings, some urban renewal, improved public transport, and increased vehicle access and peripheral parking consistent with its environmental capacity.**

## **Listed Buildings**

15.10 In addition to such Urban Conservation Areas there are many isolated buildings and groups of buildings: churches, chapels, fortifications, military barracks, forts, towers, batteries and other military structures, gardens and other open spaces, and street scenes which require protection. The Planning Services Division, in collaboration with other agencies, has compiled a list of such buildings and spaces in the National Protective Inventory, and it is the intention to designate such buildings and spaces as Buildings of Architectural and Historical Interest and to extend to them the protection afforded to Urban Conservation Areas.

**POLICY UCO 4: The Planning Authority will designate for conservation all buildings and spaces listed in the National Protective Inventory and will continue research to enable the addition to the list of items of similar value. All buildings and spaces within Urban Conservation Areas as designated in the Structure Plan will be regarded as listed as interim measure pending more detailed policies.**

**POLICY UCO 5: The various accretions to many listed buildings will be removed, original structures and finishes made good, and help given in identifying sites for the relocation of existing inappropriate uses.**

## **Conservation Policies**

**POLICY UCO 6: Within Urban Conservation Areas, the basic objective will be to preserve and enhance all buildings, spaces, townscape, and landscape which are of Architectural or Historical Interest, and generally to safeguard areas of high environmental quality and improve areas of low quality.**

15.11 There will be a presumption against the demolition of any building of Architectural or Historical Interest. In cases where the interior of a building is of little interest, substantial demolition behind a valuable retained facade will normally be permitted if all other characteristics of the proposed development are acceptable. The demolition of a building of no architectural or historical interest (for example, a more recently erected structure with incompatible massing, detailing, or materials) will be given favourable consideration provided that it is replaced by a more compatible building immediately after demolition.

**POLICY UCO 7: Listed buildings in Urban Conservation Areas will be graded as Grades 1, 2, or 3 as follows:**

**Grade 1: Buildings of outstanding architectural or historical interest that shall be preserved in their entirety. Demolition or alterations which impair the setting or change the external or internal appearance, including anything contained within the curtilage of the building, will not be allowed. Any interventions allowed must be directed to their scientific restoration and rehabilitation. Internal structural alterations will only be allowed in exceptional circumstances where this is paramount for reasons of keeping the building in active use.**

**Grade 2: Buildings of some architectural or historical interest or which contribute to the visual image of an Urban Conservation Area. Permission to demolish such buildings will not normally be given. Alterations to the interior will be allowed if proposed to be carried out sensitively and causing the least detriment to the character and architectural homogeneity of the building.**

**Grade 3: Buildings which have no historical importance and are of relatively minor architectural interest. Demolition may be permitted provided the replacement building is in harmony with its surroundings.**

**POLICY UCO 8: In Urban Conservation Areas applications for permission to develop existing gap sites or sites on which the existing building is to be demolished will be judged with reference to the following criteria:**

**1. The development must fully respect the conditions set out in development control policies BEN 1, 2, and 3.**

**2. The development should be sympathetic with adjoining buildings in terms of building line, height, silhouette, fenestration, and materials.**

**3. The development generally should follow design guidelines for Urban Conservation Areas set out in the Explanatory Memorandum.**

**POLICY UCO 9: In the interim period pending the completion of Local Plans there will be a presumption against the demolition of buildings in Urban Conservation Areas even if the building is in a bad state of repair, unless the development is of a sufficiently high quality to be used as an example of good practice in urban renewal. Consent will not be given for the demolition of any building in an Urban Conservation Area unless a permit for development has already been given, or can be given at the same time, so as to avoid unsightly gaps being created by the premature removal of buildings. In such instances works will be completed by a specified period under an enforceable agreement.**

15.12 A number of views, both of and from Urban Conservation Areas, are fundamental to the character of Malta's rich historical heritage. Similarly Malta's traditional urban skyline, normally dominated by a church rising over cubic forms of buildings, is a pleasant feature to be protected.

**POLICY UCO 10: Developments will not be permitted which adversely affect views of or from Urban Conservation Areas, or which detract from the traditional urban skyline. Particularly important views will be identified in detail in Local Plans.**

15.13 Some historical buildings are scattered in the open countryside where further development will not normally be allowed. A positive conservation policy will help the preservation of such buildings.

**POLICY UCO 11: In areas where development will not otherwise be allowed, the conversion of buildings of architectural or historical interest may be permitted in appropriate circumstances where this would preserve a building. In such cases new uses which provide public access are preferred unless this would be detrimental to the amenity of the surrounding area.**

15.14 The Planning Authority will support the intervention of the public sector in a continuing programme of cleaning, renovating, and redecorating of listed buildings as one of the responsibilities of a Land Tribunal and Trust.

**POLICY UCO 12:**

**1. There will be a continuing commitment to the enhancement of Conservation Areas, listed buildings, and structures of outstanding architectural or historical interest, by means of promoting restoration, good street furniture design, landscaping, and finding new uses for vacant and underused buildings. Where appropriate, grants will be made available to carry out this enhancement work through a Land Tribunal and Trust.**

**2. The Planning Authority will set guidance for a Land Tribunal and Trust which will include the making of grants for the purpose of defraying in whole or in part any expenditure incurred or to be incurred for repair, maintenance, restoration, or preservation of a listed building or a building situated in a Conservation Area; or in the upkeep of any land which comprises, or is contiguous with or adjacent to any such building; or in the repair or maintenance of any objects ordinarily kept in any such building and which are intrinsic to the use and enjoyment of the building; or for the acquisition of buildings or land for these purposes.**

15.15 There may be circumstances where the relaxation of planning standards or other planning policies, and the sympathetic application of building regulations is advisable where these would otherwise prejudice the preservation of buildings of architectural or historical value.

**POLICY UCO 13: Wherever possible, by control or positive intervention, buildings of architectural, historical, and townscape importance, gardens, and other areas of architectural or historical interest will be conserved.**

## **Traffic in Urban Conservation Areas**

15.16 The Local Plans for areas containing or comprising Urban Conservation Areas will include traffic and environmental management measures. These measures should particularly address the control of parking and the problems created in the past through the widening of streets and the building of new accesses to allow faster and heavier traffic flows to penetrate historical settlement cores.

**POLICY UCO 14: The Local Plans for areas containing or comprising Urban Conservation Areas will pay particular attention to the control of vehicular traffic and to the creation of a safer and more congenial environment for pedestrians (see also Policy TEM 9). There will be a general presumption against the opening up of new access roads and the widening of existing streets and alleys unless this is absolutely essential for planning reasons or to ensure a sanitary environment.**

## **Telecommunications Equipment**

15.17 Conscious of Government's policy to encourage modern telecommunications, but at the same time acknowledging the negative visual impact that telecommunications antennas and dishes normally have, the Planning Authority will seek to prevent the adverse visual impact of all such apparatus.

**POLICY UCO 15: In Urban Conservation Areas, permission to erect telecommunications antennas and dishes will only be given if the apparatus is hidden from public view.**



## Promotion

15.18 The realisation of conservation policies will be considerably enhanced if those who inhabit and use heritage areas can be motivated to take a more active part in their protection and improvement. The broad objective is to create a conservation movement representing private business interests as well as others who are interested in the subject and who can be instrumental in securing its objectives.

**POLICY UCO 16: Public awareness of and interest in conservation will be promoted, as a means of assisting the realisation of conservation objectives.**

## Heritage Trust

15.19 The local heritage society Din l-Art Helwa has been a pioneer in the field of arousing public awareness on conservation issues and also undertaking physical conservation works on a limited number of heritage items. The formation of a Heritage Trust would go a long way towards accelerating this process through the raising of the considerable funds which are needed. The Trust could be funded jointly by the Government, local businesses, and individuals. It would acquire vacant properties, refurbish them, and lease or sell them again, using the proceeds of sales and other income for the purchase of other properties. It would also establish through local councils, residents' associations, or civic societies, a local network which would help people to be more aware of their immediate environment, and what they themselves can and should do to conserve and enhance it.

**POLICY UCO 17: A Heritage Trust will be established to further the interests of conservation.**

## Pilot Project

15.20 Rehabilitation and renewal programmes are long term and require funding. Although priority action is being focussed initially on Valletta, a pilot programme of renewal in one of the smaller historical areas should be established. This would be a demonstration project which would involve Government together with residents and private interests. An area management team would be set up to be responsible for the execution of the project and to seek input from other community interests.

**POLICY UCO 18: Government will fund an early pilot project of urban rehabilitation in one of the smaller Urban Conservation Areas.**

## Natural Resources in Rural Areas

15.21 The countryside and the coast are recognised as being two of the nation's most valuable natural resources. Together, countryside and coast provide the backdrop and raw material for much of the country's industrial, commercial, agricultural, and recreational activities. The intensity of use of these resources, and the delicate

equilibria operating within and maintaining them, necessitate very careful management in order to harmonise the various uses of the countryside and coast and derive maximum benefit from them without their deterioration. Recognising this, the Planning Authority will rigidly control development of the countryside and coast in general, and particularly of aquifer recharge areas and other important water catchment areas, afforested areas, sites of ecological and scientific importance, sites of scenic value, coastal cliffs and sandy beaches, established and proposed bird sanctuaries, nature reserves, national parks, other types of protected areas, and of areas prone to erosion.

15.22 The Maltese Islands have a range of typical Mediterranean habitats. Some habitat types are rare within the Islands while others are fast degrading and disappearing due to intense human pressure. Coastal habitats are particularly vulnerable. Continued survival of local wildlife is only possible if its habitat is preserved in good condition and in adequate quantities.

15.23 The Maltese Islands also possess a diverse flora and fauna. A relatively large number of species are endemic found only in the Maltese Islands and nowhere else in the world. Because of their uniqueness, these species are of great cultural and scientific importance. Other locally occurring species are of regional importance as they have a restricted Mediterranean distribution, while others still are of local interest because of their rarity within the Maltese Islands.

15.24 The geology of the Maltese Islands presents numerous features of interest. Particularly important are certain tectonic structures which give an insight on the processes occurring in the central Mediterranean region as a whole. Some fossils and their sites, particularly those of Quaternary age, are of local and regional interest because of the light they throw on the geological, geographical, and biological evolution of the Islands and the surrounding lands. The Maltese Islands also have an interesting and attractive landscape which is a product of the interaction of geology, climate, and man.

15.25 The limited land area and high population density result in strong pressure being exerted on the natural environment, particularly in areas which are relatively undeveloped. Many species, endemic and other valuable ones included, are threatened with extinction, while habitats are fast degrading. Some geological sites are in danger of complete obliteration, while many intrusive elements are spoiling the scenic value of the landscape.

15.26 The natural landscapes of the Islands are intimately related to agricultural activity. Both have to be protected from urbanisation, and conflicts between them have to be resolved.

15.27 Protection must also be afforded to areas and sites of archaeological importance, most of which are located in rural areas. Where there are concentrations of such sites, an opportunity exists to afford comprehensive protection to areas rather than individual sites.

## **Rural Conservation Areas**

15.28 In order to afford the necessary protection to and enhancement of the countryside, the Structure Plan designates a series of Rural Conservation Areas. The blanket prohibition of urbanisation outside existing and planned urban areas as designated in the Plan is designed to prevent the development of any structures or activities in rural areas other than those legitimate and natural to them. The designation of Rural Conservation Areas not only reinforces these protective constraints but provides the physical context and institutional means of positively channelling effort and investment into the enhancement of the natural phenomena and activities found within them.

**POLICY RCO 1: Rural Conservation Areas are designated as illustrated in the Key Diagram. Within such areas the following sub areas will be designated, using World Conservation Union definitions and criteria where relevant:**

- 1. Areas of Agricultural Value: areas comprised of high grade agricultural land including irrigated and partially irrigated land**
- 2. Areas of Ecological Importance: relatively large areas designated to protect typical and rare habitats**
- 3. Sites of Scientific Importance: sites containing individual species, groups of species, and geological features**
- 4. Areas of Archaeological Importance: concentrations of valuable archaeological sites**
- 5. Sites of Archaeological Importance: individual and/or isolated archaeological sites**
- 6. National Parks: relatively large areas of national significance not materially altered by human use, with managed visitor access and amenities**
- 7. Areas of High Landscape Value**

**POLICY RCO 2: Within Rural Conservation Areas and in accordance with Policy SET 11 no form of urban development will be allowed. However, in accordance with Policy BEN 5, applications for permission to develop structures or facilities essential to agricultural, ecological, or scenic interests will be favourably considered as long as the proposed development does not infringe the principles set out in Policy RCO 4 as subsequently detailed in the relevant Local Plan (Policy RCO 3). See also Policies RCO 7 and 8. With regard to existing buildings and other structures in Rural Conservation Areas, and other rural areas, the overall aim is to improve the rural environment. To this end the rehabilitation and suitable change of use of some buildings will be permitted, in conjunction with the removal of other buildings and structures which adversely affect the rural environment.**

**POLICY RCO 3: As soon as is practicable after the adoption of the Structure Plan, the Planning Authority will draw up Local Plans covering all the areas designated by the Plan as Rural Conservation Areas. The purpose of these Local Plans will be to:**

- 1. Specify the precise boundaries of areas having different forms of scenic value, Areas of Agricultural Value, Areas of Ecological Importance, Sites of Scientific Importance, Areas and Sites of Archaeological Importance, National Parks, and Areas of High Landscape Value**
- 2. Specify in detail the measures of protection and enhancement to be adopted with respect to the various uses and activities**
- 3. Consider the results of the assessment of mineral deposits initiated by the Planning Authority (Policy MIN 2) and the implications for the further working of minerals and the sterilisation of land**
- 4. Resolve conflicts between the various uses and activities**

## **Scenic Value**

15.29 Within Rural Conservation Areas as a whole and with particular reference to the various types of scenic value to be specified in the Local Plans, the Planning Authority's general strategy is to both protect and enhance areas of scenic value.

**POLICY RCO 4: The Planning Authority will not permit the development of any structure or activity which in the view of the Authority would adversely affect scenic value because it would:**

- 1. Break a presently undisturbed skyline**
- 2. Visually dominate or disrupt its surroundings because of its mass or location**
- 3. Obstruct a pleasant and particularly a panoramic view**
- 4. Adversely affect any element of the visual composition - for example, cause the destruction or deterioration of traditional random stone walls**
- 5. Adversely affect existing trees or shrubs**
- 6. Introduce alien forms, materials, textures, or colours**

**POLICY RCO 5: In Rural Conservation Areas, permission for the development of new or extended infrastructure (roads, reservoirs, overhead electricity and telephone cables, pipelines, tipping sites, etc.) will only be given if the Planning Authority is satisfied that all possible measures have been taken to mitigate the visual impact of the proposed development.**

**POLICY RCO 6: Following the adoption of the Local Plans for Rural Conservation Areas, the Planning Authority will institute a programme of enhancement and management in conjunction with the Ministry of Agriculture and the Secretariat of the Environment comprising:**

- 1. Afforestation and landscaping schemes**
- 2. Rehabilitation of abandoned quarries**
- 3. Reactivation of abandoned agricultural land, encouraging compatible methods of cultivation**
- 4. Reuse and conversion of rural buildings which are compatible with their scenic setting**
- 5. Rehabilitation of degraded habitats**
- 6. The encouragement of and provision of incentives for the relocation to appropriate existing or planned urban areas of structures and activities which are incompatible with the creation and maintenance of a high quality of rural environment.**

## **Agriculture**

15.30 The designation of Areas of Agricultural Value in the Structure Plan is intended primarily as an instrument of protection and as a statement of the importance of such areas in the resolution of conflicts with scenic, ecological, archaeological, and mineral interests in the Local Plans. It is assumed that conflict between scenic, ecological, and archaeological interests will be rare, but certain agricultural processes can adversely affect all three. Therefore, notwithstanding the Planning Authority's support and protection of agricultural interests, it is the intention, in conjunction with the Ministry of Agriculture and individual farmers, to seek ways in which these other interests can be protected without unduly constraining efficient agricultural practices.

**POLICY RCO 7: Structure Plan policies with respect to agriculture generally are set out in Policies AHF 1 to 13. In applying these policies, particular attention will be paid to the needs of designated Areas of Agricultural Value and to their importance in the resolution of conflicts with other rural interests in Local Plans.**

**POLICY RCO 8: In Rural Conservation Areas, individual cultivators will be required to illustrate to the Planning Authority how any planned agricultural development will not harm the ecological, archaeological, and scenic value of the Area.**

**POLICY RCO 9: In Rural Conservation Areas, individual cultivators will be required to put forward proposals to the Planning Authority for the cultivation**

of abandoned or derelict agricultural plots and for the restitution of ecologically, archaeologically, or scenically valuable environments which have been degraded because of agricultural malpractice or neglect. Where scientifically important species have become established on abandoned agricultural land, they will be protected and no reversion to agriculture will be required.

## **Ecology**

**POLICY RCO 10: In identifying and designating Areas of Ecological Importance in Local Plans, one or more of the following habitat types must be present:**

- 1. Permanent springs**
- 2. Saline marshlands**
- 3. Sand dunes**
- 4. Forest remnants**
- 5. Semi natural woodland**
- 6. Natural freshwater pools and transitional coastal wetlands**
- 7. Deep natural caves**
- 8. Coastal cliffs**
- 9. Representative examples of typical Maltese habitats such as garigue, maquis, valley sides, watercourses, and gently sloping rocky coasts.**

**POLICY RCO 11: In identifying and designating Sites of Scientific Importance in Local Plans, one or more of the following features must be present:**

- 1. The only known locality in the Maltese Islands where certain endemic and/or non endemic species are found**
- 2. A locality where certain endemic and/or non endemic species with a restricted distribution in the Maltese Islands occur ('restricted distribution' is taken to mean occurrence in five localities or less)**
- 3. The type locality of an endemic species**
- 4. An important bird nesting site or of some other major ornithological interest**
- 5. A locality of special palaeontological interest**
- 6. A lithostratigraphical type section**

**7. A locality of particular geomorphological interest**

**8. Some other specific feature of scientific importance not listed above**

**POLICY RCO 12: In Local Plans, the Planning Authority will give protection ratings to Areas of Ecological Importance and Sites of Scientific Importance as follows:**

**1. LEVEL 1 zones will include important habitat types present only in small areas and/or sites with unique species or features**

**2. LEVEL 2 zones will include important habitat types present in relatively large areas and/or sites with rare species or features**

**3. LEVEL 3 zones will include areas where control is necessary to preserve habitats/species/features in adjacent sites**

**4. LEVEL 4 zones will include habitats and/or features of general interest**

15.31 All local wildlife constitutes part of the natural heritage of the nation, and in some cases wildlife populations are suffering significant reductions.

**POLICY RCO 13: In collaboration with the agencies concerned with the protection of wildlife, the Planning Authority will develop and implement policies for the protection and conservation of all local wildlife, but particularly threatened species. These policies will include the prohibition and/or regulation of certain activities; regulation of the use of weapons, traps and similar equipment; the establishment of open and closed seasons; and regulations concerning commercial and other exploitation of wildlife, and all related enforcement measures. In the wider interests of conservation, the Planning Authority will promote legislation regulating the killing, capture, collection, and maintaining in captivity of certain flora and fauna, particularly those protected by European Community and other international regulations and agreements.**

**POLICY RCO 14: The Planning Authority will promote the designation and development of National Parks which will be protected and managed areas to which the public has access and where reception and interpretation facilities will be provided. These will include areas at Ta' Cenc in Gozo (Policy TOU 10), and the Qawra/Dwejra area in Gozo (Policies RCO 35 to 38). All national parks and protected areas in general will be established, maintained, and managed in accordance with the internationally accepted World Conservation Union guidelines and terminology.**

15.32 Even built-up and urban areas may include elements of scientific and natural interest which are worthy of preservation.

**POLICY RCO 15: There is a general presumption against developments in urban and other built-up areas which are insensitive to the continued existence of identified features of scientific importance and significant elements of the country's natural heritage present within the area.**

## **Sandy Beaches and Dune Areas**

15.33 Sandy beaches are one of the country's most valuable resources, especially due to their recreational use by the local population and by tourists. Due to the human pressure on these beaches they are also among the most threatened of local environments.

**POLICY RCO 16: No form of permanent construction will be allowed in sandy coastal areas and existing constructions will be removed wherever practicable. The removal of sand from sandy beaches is prohibited, and the extension and creation of sandy beaches for recreational use will be encouraged. Sandy beaches include shallow inshore seabeds. All beach and seabed enhancement will be the subject of Environment Impact Analyses.**

**POLICY RCO 17: Overnight camping on sandy beaches, and any camping on sand dunes will be prohibited, and access of vehicles to sandy beaches and dune areas will be prevented.**

**POLICY RCO 18 Without prejudice to any other policy or regulation protecting dune areas, the Planning Authority will actively prevent the removal of sand binding vegetation from such areas.**

## **Rehabilitation of Degraded Habitats and Landscapes**

15.34 Many local habitats and landscapes, including some considered to be of great scientific and cultural importance, are much degraded. In some cases, these habitats and landscapes can be rehabilitated.

**POLICY RCO 19: The Planning Authority will carry out surveys in order to identify sites where the habitat and/or landscape has degraded. Such surveys will be reviewed every two years.**

**POLICY RCO 20: Positive action will be taken to rehabilitate identified areas of degraded habitat and landscape, and proposals from Government agencies and non governmental bodies for rehabilitation schemes for these areas, provided that such schemes do not conflict with other policies and/or regulations concerning these areas, will be supported subject to scrutiny and approval by competent experts.**

## **Control of Erosion**

15.35 Erosion, particularly of coastal sediments including beach sand and coastal clay slopes, and of soil and of cliff edges, is a problem which needs special attention. Beach erosion may be reduced by constructing coastal defences, although this needs



to be planned with great care, and existing beaches can be enlarged and new ones created by dredging sand from the seabed and by the manufacture of sand from suitable rock as is done successfully in other countries. However, inappropriate developments of this type could result in serious and irreparable damage to the coastal systems they are seeking to establish, protect, and enhance, as well as to other coastal, nearshore, and offshore marine resources.

**POLICY RCO 21: There is a general presumption against development in areas prone to erosion.**

**POLICY RCO 22: Positive action will be taken to prevent further loss of sandy beaches, sand dunes, coastal clay slopes, soil, and cliff edges.**

**POLICY RCO 23: Developments connected with the construction of coastal defences, the enlargement of existing beaches, and the creation of new ones will only be allowed following a scientific study by competent persons of their short term and long term environmental, social, and economic impact, and provided that it is clearly demonstrated that there is a real need for such development and that the benefits outweigh any negative impacts.**

**POLICY RCO 24: Existing regulations concerning excavation and transport of sand and soil will continue.**

**POLICY RCO 25: Positive action will be taken to promote the repair of breached retaining walls on valley sides in order to prevent further soil erosion.**

**POLICY RCO 26: The removal of the vegetation cover from abandoned fields and derelict land without good reason will not be permitted.**

**POLICY RCO 27: Developments which involve the excavation of significant quantities of Blue Clays will not be permitted.**

## **Valleys**

15.36 Valleys (*widien*) are a valuable national resource in terms of water resources, agriculture, wildlife, landscape, soil conservation, and leisure. Dredging of valleys is necessary to keep the watercourses free of debris. However, this dredging can be very disruptive to the natural communities of valleys and could lead to accelerated soil erosion.

**POLICY RCO 28: Valleys will continue to be protected as important water catchment areas.**

**POLICY RCO 29: No new physical development will normally be allowed on the sides of valleys and especially on valley watercourses except for constructions aimed at preventing soil erosion and the conservation and management of water resources. Also:**

- 1. Existing dams across valleys to conserve water resources will be repaired in preference to the construction of new dams. Dams will be built of durable materials and will be regularly maintained**
- 2. The Planning Authority will have regard to the possible detrimental effect of dredging works in valleys, and will seek to minimise the impact of such works, particularly by leaving the valley banks intact and by promoting selective dredging**
- 3. The Planning Authority will take positive action, in collaboration with the appropriate Government agencies, in order to prevent the dumping of domestic waste, building rubble, and other refuse into valleys**
- 4. The Planning Authority will take positive action to safeguard valleys for walking, cycling, and horseriding through the prohibition of vehicles, other than for agriculture and maintenance, and the establishment of car parks at valley edges**

## **Trees and Afforestation**

15.37 Trees are a limited but very important feature of the Maltese landscape and a threatened resource.

**POLICY RCO 30: There is a general presumption against the siting of afforestation projects where stable indigenous (native species) natural vegetational communities are already established, but encouragement of the siting of afforestation projects on abandoned agricultural land and on derelict ground will be given.**

**POLICY RCO 31: Afforestation projects sites in non urban areas will make use only of indigenous and archaeophytic (brought by man in prehistoric times, and now naturally occurring) species. The use of exotic (not native to the country) species will be limited to urban areas.**

**POLICY RCO 32: The planting of appropriate species of trees will be encouraged where they enhance the landscape, particularly along roadsides, where they provide a screen to visually unattractive areas, and alongside footpaths where they provide shade. Species which attract birds will be encouraged in suitable locations.**

**POLICY RCO 33: Specified individual trees or groups of trees of aesthetic, historical, cultural, arboricultural, and/or scientific interest will be protected by means of Tree Preservation Orders which prohibit the uprooting, destruction, or damage to trees growing in the wild and in public parks, gardens, and other spaces, or on private land, and regulate any other activity which may cause harm or death of such trees.**

## **Minor Islands**

15.38 Many minor islands of the Maltese archipelago support wildlife species which are unique to them, besides other features of scientific interest. Because the land area of these islands is very small, any disturbance, even if small scale, is likely to disrupt the ecosystem and could lead to the extinction of the endemic populations.

**POLICY RCO 34: Without prejudice to any other policy or regulation protecting the environment of the minor islands of the Maltese archipelago, the Planning Authority will have a general presumption against any new physical development on these islands. The minor islands of the Maltese archipelago are: St. Paul's Islands (Selmunett Islands), Ghallis Rocks, rocks off Xrobb il-Ghagin, rocks off Delimara Point, Filfla Island, Cominotto, rocks in the Blue Lagoon area, Gebla tal-Halfa, Il- Hnejja, Tac-Cawl Rock, Fessej Rock, and Fungus Rock (General's Rock).**

## **The Qawra/Dwejra Area in Gozo**

15.39 The Qawra area, including the Inland Sea and Dwejra Bay, is a site of potential international scientific importance because of the complex of features of geological, geomorphological, ecological, archaeological, historical, and aesthetic interest in this area.

**POLICY RCO 35: The Qawra area including the Inland Sea and Dwejra Bay, in Gozo, will be declared a National Park as defined by the World Conservation Union.**

**POLICY RCO 36: Efforts will be made to declare the Qawra area including the Inland Sea and Dwejra Bay, in Gozo, a Natural World Heritage Site in terms of the Convention Concerning the Protection of the World Cultural and Natural Heritage (Paris, 1972).**

**POLICY RCO 37: A management authority for the Qawra National Park will be established. This management authority will formulate detailed management plans which take into consideration the type, location, size, traditional human use and activities, and the presence of features of natural, historical, archaeological, scientific, or aesthetic interest in the Qawra area including the Inland Sea and Dwejra Bay, so that the public may enjoy these features without their suffering any degradation or harm.**

**POLICY RCO 38: Without prejudice to any other policy or regulation governing the Qawra area including the Inland Sea and Dwejra Bay, Conservation Areas, including Marine Conservation Areas, may be designated within the Qawra National Park, and policies relevant to such designated Conservation Areas are applicable in addition to any applicable to the National Park as a whole.**

## **Education and Research**

15.40 The introduction of legislation to manage the country's natural resources, to protect the environment, and to guide sustainable development will not by itself be sufficient to attain policies unless the Maltese public becomes aware of the necessity for this legislation and of the need for observing it. A positive attitude towards the environment can best be achieved through education.

**POLICY RCO 39: Educational programmes aimed at creating positive patterns of behaviour of individuals, groups, and of society as a whole, towards the environment will be promoted.**

**POLICY RCO 40: In conjunction with the Department of Education and the Government's environment agency, the Planning Authority will establish a resource centre for environmental education whose functions will be:**

- 1. Keep the Maltese public adequately informed about environmental matters**
- 2. Increase awareness of the necessity for environmental protection and the wise management of natural resources**
- 3. Provide the mass media with good quality information and educational material on the environment**

**POLICY RCO 41: The establishment of Field Centres by recognised educational institutions will be encouraged, and of interpretive Visitor Centres associated with Conservation Areas, providing that these are established in harmony with other policies and regulations.**

15.41 It is important to undertake research aimed at improving standards of scientific and technical knowledge with a view of taking effective action to conserve and improve the environment and to combat pollution and nuisances.

**POLICY RCO 42: The Planning Authority, in conjunction with the appropriate Government agencies, will encourage and actively promote public and private research institutions to carry out research on the environment and on environmental problems, and to disseminate it widely. As a key element in this activity the Planning Authority will take the necessary action to fully establish and maintain a National Geographic Information System including the land area of the Maltese Islands, the shallow sea bed, and all other waters within Malta's jurisdiction.**

## **Archaeology**

15.42 Malta's archaeological heritage is one of the most important in the Mediterranean region. The Ggantija Temples and the Hal Saflieni Hypogeum are listed by UNESCO as World Heritage sites. More than 200 items and areas are

identified and listed in the National Protective Inventory. It includes temples, caves, menhirs (monumental standing stones), dolmens (stone tables and sepulchral chambers), cart ruts, catacombs and tombs, from prehistory to the Roman age. Archaeological sites, existing and potential, need to be carefully identified, restored, maintained and made accessible. This need is urgent to avoid any further destruction or dilapidation. As with ecological interests, the strategy is to identify Areas of Archaeological Importance and smaller Sites of Archaeological Importance and to grade these in terms of the level of protection required.

**POLICY ARC 1: In Local Plans for Rural Conservation Areas, the Planning Authority will identify and designate Areas and Sites of Archaeological Importance. In Local Plans for urban areas, whether Urban Conservation Areas or not, the Planning Authority will identify and designate Sites of Archaeological Importance.**

**POLICY ARC 2: In making the designations referred to in Policy ARC 1, the Planning Authority will give protection ratings as appropriate to local circumstances as follows:**

**Class A: Top priority conservation. No development to be allowed which would adversely affect the natural setting of these monuments or sites. A minimum buffer zone of at least 100m around the periphery of the site will be established in which no development will be allowed.**

**Class B: Very important to be preserved at all costs. Adequate measures to be taken to preclude any damage from immediate development.**

**Class C: Every effort must be made for preservation, but may be covered up after proper investigation, documentation and cataloguing. Provision for subsequent access shall be provided.**

**Class D: Belonging to a type known from numerous other examples. To be properly recorded and catalogued before covering or destroying.**

**POLICY ARC 3: Applications for planning permission for development affecting ancient monuments and important archaeological areas and sites, including areas and sites having such potential, will normally be refused if there is an overriding case for preservation. Where there is no overriding case for preservation, development of such sites will not normally be permitted until adequate opportunities have been provided for the recording and, where desirable, the excavation of such sites.**

**POLICY ARC 4: As a matter of priority, the Planning Authority will designate Hagar Qim/Mnajdra and Ggantija as Areas of Archaeological Importance and will collaborate with other agencies to develop them as National Parks.**

**POLICY ARC 5: Due to the concentrated high number of Class A archaeological remains at other sites besides those listed in ARC 4, the Planning Authority will initiate investigations into the early designation of the following as Areas or Sites of Archaeological Importance:**

1. Il-Qiegha south of Fomm Ir-Rih Bay
2. Bingemma Gap north west of Rabat
3. Gebel Ciantar to Ghar il-Kbir south west of Siggiewi
4. Ghar Dalam area north of Birzebbugia

**POLICY ARC 6: In the interim period all sites recorded in the National Protective Inventory will be protected in accordance with Development Planning Act powers and by reference to the ratings given in Policy ARC 2.**

**POLICY ARC 7: The Planning Authority will adopt, maintain, and extend the National Protective Inventory by initiating a programme of further investigation for all ratings of Areas and Sites of Archaeological Importance.**

## **Marine Conservation Areas**

15.43 Coastal zones and contiguous marine habitats are often areas of extreme resource conflicts in all parts of the world. In the case of the Maltese archipelago, the situation is quite critical since the Islands support one of the highest population densities in the world. It is not surprising, therefore, that Malta was instrumental in the promulgation of the Law of the Sea Treaty which is aimed at providing a rational and objective basis for allocating and managing marine resources. Article 192(5) of the treaty charges Governments with the 'obligation to protect and preserve the marine environment'. The same article also provides a legal framework for preserving coastal and marine ecosystems.

15.44 Malta is still lacking in protected marine areas. At present no marine protected areas exist anywhere around the Maltese Islands. With mounting development pressure all along the coastal zone and increasing offshore resource exploitation, the need for protected marine areas becomes even more urgent.

15.45 Unfortunately the data needed to precisely identify Marine Conservation Areas is very limited, and further analysis is required before such areas can be defined with confidence. The Structure Plan therefore designates candidate sites. The further analysis will require a good information system. The establishment of a Maritime Geographic Information System may be envisaged as an extension of the Geographic Information System which is being established by the Mapping Unit of the Ministry for Development of Infrastructure. A second approach may be the setting up of an interlinked system joining Government and private organisations sharing some interest in marine affairs. This second alternative may be more desirable since more human and financial resources can be applied to this urgent need.

**POLICY MCO 1: The following general vicinities are designated as candidates for the status of Marine Conservation Areas. Following further analysis, these and other possible areas will be categorised and given protection accorded to defined categories:**

1. Dwejra, Gozo
2. Qbajjar, Gozo
3. Ramla Bay, Gozo
4. Mgarr ix-Xini Bay, Gozo
5. Comino Island
6. Filfla Island
7. Cirkewwa
8. St. Paul's Islands, Mistra Bay
9. Qawra Point
10. St. George's Bay vicinity, Paceville
11. Outer Marsamxett Harbour
12. St. Thomas Bay to Delimara Point
13. Blue Grotto to Ghar Lapsi
14. South of Fomm Ir-Rih Bay to Ras il-Wahx.

**POLICY MCO 2: The Planning Authority will, as far as possible, include marine archaeological sites and structures within the boundaries of Marine Conservation Areas. Access to archaeological sites and wrecks will be strictly regulated.**

**POLICY MCO 3: A Maritime Geographic Information System will be established, designed to integrate data related to coastal zone management and Maltese territorial waters.**

15.46 A national system of marine protected areas should aim at:

1. Maintaining ecological processes which exist in Maltese waters thus protecting the various types of ecosystems which result from such processes
2. Maintaining the biodiversity provided by such ecosystems to the benefit of present as well as future generations. It should be borne in mind that the loss of such inherited resources is now perceived as an unacceptable loss on a global scale and that this trend must be checked immediately
3. Maintaining natural ecosystems for education purposes and research. This includes studies conducted at such sites to establish base data to help assess the human and other impacts of development projects on the environment at other locations

4. Maintaining sustainability of resource exploitation. Several species of marine organisms constitute valuable renewable resources with very significant economic benefits. Protected areas would prevent overfishing of such resources through sustainable cropping

5. Rehabilitating degraded ecosystems. Centuries of human exploitation of the marine environment have resulted in the depletion of stocks of marine organisms. This has been effected either directly, through overfishing, or indirectly with the dumping of pollutants and other similar activities

6. Maximising social and economic benefits while ensuring sustainability of such benefits. Recreational uses and tourism have been recognised as compatible uses of protected sites if they are regulated and if their effects are regularly monitored. They also yield a constant and much needed revenue which is often much greater than other forms of short term exploitation. Attempts should be made to quantify, using methods of Natural Resource Accounting, the benefits that could be derived from area protection, the actual benefits accruing from existing protected areas, and the cost of no protection. The benefits of protected areas should be compared with those in non protected areas. An example of this is the value of sea grass meadows to fisheries in their role as nurseries

**POLICY MCO 4: The Planning Authority, in conjunction with the Secretariat for Environment, will conduct an underwater survey of infralittoral ecosystems for the Maltese Islands.**

**POLICY MCO 5: The Planning Authority will establish a national system of Marine Conservation Areas within the shortest possible time but only after full consultation with interested Government institutions, environment groups, maritime resources users groups, and the general public.**

**POLICY MCO 6: It will be the policy of the Planning Authority to site, as much as possible, Marine Conservation Areas contiguous with land based Conservation Areas. This will guarantee the protection of the marine zone from any land activities likely to pose threats to the marine environment and vice versa.**

**POLICY MCO 7: The system of Marine Conservation Areas will include representative areas of all existing marine and coastal ecosystems as outlined in the infralittoral habitat survey.**

**POLICY MCO 8: Candidate sites for Marine Conservation Areas which exhibit a wide variety of ecosystems and habitats over a relatively small area will be accorded preference during the selection process. This will ensure greater ecological stability in the protected area and offer greater scope for a wide variety of activities.**

**POLICY MCO 9: All categories of Marine Conservation Area will conform to international categories.**



**POLICY MCO 10: The Planning Authority will establish a priority list of all Marine Conservation Areas, and rank sites by importance.**

**POLICY MCO 11: The traditional rights of fishermen to utilise resources is recognised. Wherever jobs may be threatened, fishermen will be given first option for suitable jobs and services related to site protection.**

**POLICY MCO 12: Marine Conservation Areas that benefit other nations or worldwide interests will be designated, as for example where migrating species pass through or breed in a particular coastal area.**

**POLICY MCO 13: A management authority for Marine Conservation Areas will be established, and detailed management plans prepared and followed.**

## **Coastal Zone Management**

15.47 The United Nations Blue Plan for the Mediterranean Basin, summarised in Report of Survey Appendix 3, concludes that the general environment but particularly the coastal zone environment is likely to deteriorate considerably without vigorous action to prevent it. Report of Survey, Part L Coastal Environment, includes the main findings of the coastal land use survey and analysis, and its recommendations, and also preliminary underwater habitat surveys. These studies need to be extended, and an integrated coastal zone management plan and practices developed.

**POLICY CZM 1: A professionally staffed and adequately resourced coastal zone management unit will be established as a matter of high priority.**

**POLICY CZM 2: A Subject Plan will be prepared for coastal zone management, to include both conservation of this important resource, and improved facilities for its enjoyment by the public.**

**POLICY CZM 3: Public access around the coastline immediately adjacent to the sea or at the top of cliffs (including in bays, harbours, and creeks) will be secured. This will include taking shorelands into public ownership, Government acquisition of illegal developments and encroachments, and suitable construction works. In the few cases where this is not practical (for example where security considerations are paramount), nearby detours will be established. All the coastline will be brought into public ownership within a specified period.**

15.48 Facilities for enjoyment by the public shall include suitably sited swimming and shore diving, diving rafts, car parks, toilets, first aid posts, restaurants, shops, temporary boat moorings, water sports, sunbathing areas, showers, picnic areas, refuse disposal, promenades, nature trails, inland boat storage, boat launching and retrieval, shore fishing, removal of unsightly features, footpaths, bridleways, signage and other information, and safety measures.

## **16. PUBLIC UTILITIES**

### **Services Planning**

16.1 There will be two major benefits to be derived from the advent of the Structure Plan as far as the planning of public utility services is concerned. First, it will provide the various supply agencies with a common, comprehensive, and long term context within which to plan and operate. The first task therefore is to require these agencies to produce 20 year development plans to be compatible with the content and planning period of the Structure Plan. Second, the Structure Plan, and more particularly the Planning Authority, can be used to co-ordinate the efforts of the different agencies in order that a more efficient and integrated total services system can mature.

**POLICY PUT 1: An interdepartmental working group will be formed whose primary task will be to:**

- 1. Implement the production of 20 year development plans for each of the public utility providers within the context of the Structure Plan**
- 2. Where applicable, to define common standards and procedures, particularly those required by the European Community**
- 3. To co-ordinate the immediate provision of services in order to give the consumer a more efficient and effective product, and to ensure the availability of services when they are required**
- 4. To initiate further studies and research within the context of shared objectives, for example into alternative sources of supply**
- 5. To develop policies and programmes for undergrounding services networks, including in rural areas, and ensuring safeguards for heritage items and protected areas**

**POLICY PUT 2: With the objective of convenient procedures and minimal disruption to both vehicles and pedestrians, the interdepartmental working group will consider the feasibility and optimal form of common services reservations, rights of way, and common service ducts in all urban areas, but particularly with respect to the development of the arterial and distributor road systems and new development areas.**

**POLICY PUT 3: A major strategy of public utilities planning will be the efficient management and conservation of resources, the recycling and reuse of waste water and waste materials, the minimisation of waste, the avoidance of land, sea, and air pollution, and protection from the dangers of hazardous substances. The water cycle from supply through distribution, use, disposal, treatment, and reuse will be planned and managed comprehensively.**

**POLICY PUT 4: Strategies will be developed for the safeguarding of essential supplies (particularly fuels and water) and distribution systems, to achieve minimum disruption in the event of natural, accidental, or deliberate calamities.**

**POLICY PUT 5: Local Plans for all new development areas will include proposals for the layout and siting of primary utility services, structures, and facilities.**

**POLICY PUT 6: The present system of recording network alignments on survey sheets is both time consuming and inaccurate. All services providers using land based maps will integrate into the recently developed Geographic Information System (GIS).**

## **Water**

16.2 It is estimated that no major land areas for new potable water supply facilities will be required before the year 2010. The current provision of reverse osmosis plants is sufficient to cover demand to the design year. It is possible that new technologies will be introduced during that period but these could replace existing facilities on the same sites.

16.3 New water storage reservoirs will be required for water distribution purposes, but their locations have yet to be identified.

**POLICY PUT 7: Water storage reservoirs shall either be located underground or be designed so as to blend to the maximum extent with the landscape.**

**POLICY PUT 8: In order to conserve potable water resources, the feasibility of using seawater and second class water systems in appropriate circumstances will be investigated. The efficient use and reuse of water will be maximised and integrated, including:**

- 1. Controlled aquifer recharge from surface water runoff**
- 2. Use of treated sewage effluent (TSE) for appropriate industrial, irrigation, and other uses**
- 3. The management of road stormwater runoff**

**(See also Policy AHF 2)**

16.4 Irrigation water is dealt with further in Section 11, Agriculture, Horticulture, and Fisheries.

## **Sewerage**

16.5 New sewage treatment plants will be required in mainland Malta, and new plants and outfalls in Gozo. A study is being commissioned by the Works Department and results should be known by late 1992 when new land demands will be added to the Structure Plan. The scope of the study should be extended to 2010 to be compatible with the Structure Plan.

16.6 Major improvements to the sewerage network are necessary and very major capital sums will be required to do this. A large proportion of the funds available for physical development during the Plan period will have to be devoted to this utility.

**POLICY PUT 9: The scope of the proposed study of sewerage requirements will be extended to year 2010 to ensure compatibility with the Structure Plan.**

**POLICY PUT 10: Proposals for sewage treatment and disposal will be the subject of environmental impact analyses, including proposals for treated sewage effluent for irrigation and other uses.**

**POLICY PUT 11: Three new treatment and reuse plants, all related to existing outfalls, will probably be required, and the relevant Local Plans will designate sites with suitably sound geology at the following locations:**

- 1. The hinterland of Anchor Bay**
- 2. Wied Ghammieq near Ricasoli**
- 3. North of Mgarr ix-Xini in Gozo**

**POLICY PUT 12: The relevant Local Plans will identify sites for new sewerage installations at Wied il-Kbir near Qormi and Bahar ic-Caghaq Bay, for existing demand. Local Plans for areas to be developed may have to include additional sewage installation sites.**

## **Solid Waste**

16.7 The generation and disposal of waste is a major concern. Methods are outdated and enforcement ineffective. Illegal dumping is a national pastime. A complete change of policies, procedures, and attitudes is required.

**POLICY PUT 13: Development involving processes likely to give rise to the generation of wastes, especially hazardous wastes, will only be permitted where the Planning Authority is satisfied that:**

- 1. There are no practicable or reasonable alternatives to the process proposed**
- 2. All reasonable measures and procedures have been adopted to minimise the generation of waste**
- 3. Wastes will be treated, stabilised or neutralised on site as far as practicable**

**4. Appropriate measures for safe transport, handling, and disposal can be implemented and enforced**

**POLICY PUT 14: Applications for the handling, treatment, and disposal of all waste, excepting totally inert mineral wastes, will be considered only if an Environmental Impact Assessment has been prepared for consideration by the Planning Authority. Permission will only be granted when the responsible authorities are satisfied that the nature and control of the operation will:**

- 1. Protect natural resources against pollution**
- 2. Protect the local environment against nuisance**
- 3. Provide for an appropriate afteruse**

**POLICY PUT 15: An adequate number of controlled centres will be provided for use by the public for the deposit of refuse. Separate containers/skips will be included to facilitate waste recycling.**

**POLICY PUT 16: Sites will be identified at strategic locations in relation to the main areas of population, commerce, and industry for the transfer or treatment of municipal, commercial, and industrial inert/non toxic waste.**

**POLICY PUT 17: The ultimate disposal of municipal, commercial, and industrial inert/ non toxic waste will normally be by controlled landfill. Sites will be identified at strategic locations, and there will be a presumption in favour of fewer, larger sites located in areas already derelict, such as voids created by quarrying operations. The Planning Authority will seek to provide for the release of suitable sites for landfilling in order to maintain sufficient capacity for a minimum of 5 years and a maximum of 20 years anticipated disposal requirements. Location and operation of landfill sites will take full account of the need to protect groundwater from pollution, and adjacent property from gas migration. Reuse and disposal of power station fly ash will be given priority.**

**POLICY PUT 18: Government will actively investigate the need for, and most appropriate facilities for, the treatment and safe disposal of hazardous and toxic wastes. Suitable safety standards will be adopted and enforced. Appropriate new facilities will be established as early as possible, and subject to environmental and public health considerations.**

**POLICY PUT 19: The relevant Local Plans will give consideration to the siting of transfer stations in suitable locations for the onward transmission of waste material to the St. Antnin recycling plant. Compost generated by recycling plants will be used to reclaim and enhance land for agriculture, afforestation, and landscaping. Areas of stable garigue communities on kartsland will not be covered with compost or soil.**

**POLICY PUT 20: The Planning Authority will give high priority to the preparation of a Waste Management Subject Plan.**

## Electricity

16.8 It is unlikely that the new electricity generating plant at Delimara will cater for all demands in the Islands until year 2010. What is unknown at this stage is whether additional generating capacity will be found by retaining all or part of the existing Marsa station or by commissioning a new station or stations. National security as well as technical issues will have to be considered in reaching a decision. Until this is done no provision can be made in the Structure Plan either for new generating station sites or for reuse of the Marsa site in the event of decommissioning. In any of these events, the Planning Authority will require Enemalta to carry out comprehensive Environmental Impact Assessments of a form and content satisfactory to the Authority.

16.9 A major Environmental Impact Assessment is needed now with reference to the new 132 KV distribution line from the new Delimara station via Marsa. An overhead line would have a pronounced visual impact and sterilise a great deal of land. An underground line would have important environmental, maintenance, and security benefits and, if in specialised tunnel form, could be used by other services. The additional capital cost, however, could be up to Lm8 million at current prices, but this would at least in part be offsite by the benefits to be gained.

**POLICY PUT 21: An interdepartmental working group (Policy PUT 1) will decide on the optimal form and alignment of the new 132 KV distribution line from the new electricity generating plant at Delimara. The group will commission whatever Environmental Impact Assessment the Planning Authority judges to be necessary.**

**POLICY PUT 22: Enemalta will prepare a 20 year development plan based on the Structure Plan, and the Planning Authority will co-operate with Enemalta to ensure the optimal siting of new facilities for addition to the Plan. The Authority and Enemalta will liaise as necessary with the interdepartmental working group described in Policy PUT 1.**

**POLICY PUT 23: As from the commencement date of the Structure Plan, and in conjunction with Policy BEN 3, Enemalta will install only underground electricity distribution systems in areas of existing and new urban development. The Planning Authority will also seek to establish in conjunction with Enemalta a programme of progressive undergrounding of all existing overhead supply cables and apparatus in existing built-up areas, the programme to include any necessary adaptation of internal connections within the properties of individual consumers.**

## Telecommunications

16.10 Telemalta has forecast a need for nine new telephone exchanges and two remote concentrations by the year 2000 but has no development plan beyond that date.

16.11 In the future it is envisaged that households will have more telecommunications equipment including phone, videophone, access to selected databases such as travel, hobbies, and catalogue shopping, access to video information, central automatic control of equipment such as airconditioning and lights, satellite communications, and cable TV. All this necessitates a study of how future houses should be networked, and how this influences present practice in building plans.

16.12 Large institutions increasingly have their locations computerised, including modern data networks. Standards in the laying down of local area networks within an institution's internal ground area are needed to protect the institution. Among other issues is the use of proper earth installation to protect both equipment and users of such telecommunications equipment, and adherence to mechanical and electrical standards. In the business environment in general the applications required include voice, information (electronic mail, financial transactions, electronic directories), video (videophone, videoconferencing), and data transfer including colour fax. These will impact on the growth of Telemalta exchanges.

16.13 Another issue is security in terms of surviving disaster. Business corporations such as offshore companies, banks, the proposed stock exchange, and on-line Government departments cannot afford downtime of the telecommunications network. This necessitates the requirement of alternative routing paths with the full necessary bandwidth, to meet the case of a broken main network line or a major fault in an exchange. It also necessitates all the safety requirements both at the public utility and at work premises.

**POLICY PUT 24: Telemalta will prepare a 20 year development plan based on the Structure Plan to meet all new telecommunications requirements relating to all suppliers and uses, and the Planning Authority will co-operate with Telemalta to ensure the optimal siting of new facilities for addition to the Plan.**

**POLICY PUT 25: As from the commencement date of the Structure Plan and in conjunction with Policy BEN 3, the Planning Authority will require Telemalta to install only underground telecommunications systems in areas of new urban development. The Planning Authority will also seek to establish in conjunction with Telemalta a programme of progressive undergrounding of all existing overhead cables and apparatus in built-up areas, the programme to include any necessary adaptation of internal connections within the properties of individual users.**

**POLICY PUT 26: Standards for telecommunications equipment and installation will be developed, and a licencing system for approved contractors instigated and enforced.**

## **Posts**

16.14 The Posts Department has immediate plans for new branch and sub post offices but has no specific plans for the period to the year 2010.

**POLICY PUT 27: The Posts Department will prepare a 20 year development plan based on the Structure Plan, and the Planning Authority will co-operate with the Department to ensure the optimal siting of new facilities for addition to the Plan. The development plan will take into account the likely growth in electronic post (facsimile transmission) and the possible use of post offices for other Government services.**

**POLICY PUT 28: A suitable location will be identified for a new central mailroom/sorting office for all letters and parcels. This shall not be on the Valletta/Floriana peninsula for traffic reasons.**



## **PART 3:IMPLEMENTATION**

### **17. FINANCIAL RESOURCES**

17.1 A primary resource in any society is the human resource, and the Structure Plan, stresses the need to augment efforts to increase skill levels in all sectors of the economy, but particularly in management and technology. Nevertheless, an equally important resource is finance, and the one which will inevitably be the major concern for Government.

17.2 The central issue is the likely availability of finance to implement Structure Plan policies and thereby provide some measure of the Plan's viability. There are three main sources of development finance: the Maltese public sector, the Maltese private sector, and foreign finance in the form of either public to public aid or private sector entrepreneurial investment.

17.3 None of these sources is capable of precise forecasting, but it is probable that Government generated resources will increase in absolute terms over the 20 year plan period. This could result from a steady move of labour out of the public into the private sector thus lowering the public sector wage bill and increasing the labour force in the wealth producing private sector which through taxation in both its individual and corporate forms provides income for the public sector. These increased public resources will be further augmented by more effective tax mechanisms, and by realisation of a major Government asset - its landholdings. Membership of the European Community, even in any transitional period which may be negotiated, would generate higher levels of aid through the Community's regional development grants. In summary, resources available for Government investment will almost certainly increase in real terms, after discounting for inflation, but not to a level which will allow any significant breakthrough in public spending.

17.4 The indigenous private sector provides the capital for the bulk of housing, commercial, and industrial development. Assuming even a modest increase in the general level of prosperity, and continuing Government attempts to mobilise the private sector by more liberal financial controls and reform of rent legislation, it is probable that the level of investment by this sector will also increase in absolute terms. In terms of fulfilling Structure Plan objectives and forecasts it is essential that it does. For example, the annual house building rate in the Islands is currently about 2,500 of which some 2,200 are private sector. The number of new dwellings probably needed by year 2010 imply an average annual production rate of some 3,000, an annual increase in investment of some 20%. At the same time there will be many new investment opportunities (in large shopping complexes and private office developments, for example) which will be new to the Maltese economic scene. The message is that an influx of foreign capital may be necessary to sustain the level of growth which the Structure Plan implies.

17.5 A complementary phenomenon will possibly be an influx of foreign labour to fill the gap between labour supply and labour demand. This will probably be evident by midway through the Plan period, with or without membership of the European Community, and may be offset to some extent by Maltese emigrating to work in other

Community countries, but a net increase in the labour force in Malta is the more likely scenario. Such labour immigration could help to alleviate skill shortages. What is more certain is that its implications in terms of the provision of housing and services would have to be seriously considered in some future review of the Structure Plan, and depending to what extent Structure Plan provisions have been achieved.

17.6 The major issue in considering development resources is the relationship between the assumed increase in public and private investment capability on the one hand, and on the other the cost of those Structure Plan recommendations which are additional to normal Government expenditure. The following is a list of Structure Plan policies which imply Government investment:

1. Set up/operate Planning Authority and Planning Directorate
2. Refurbishment grants and loans (SET 4)
3. Traffic and environment management schemes (SET 6, TEM 9)
4. Environmental improvement measures (BEN 11) and public car parks (TEM 3)
5. New technical college (SOC 11)
6. Additional education provisions (SOC 13)
7. Joint use education/community facilities (SOC 15)
8. Extended library provision (SOC 21)
9. New cultural facilities (SOC 22)
10. Handicapped mobility standards (SOC 24)
11. New Government administration centre (COM 1)
12. Shopping area rehabilitation programmes (COM 7)
13. Service industry relocation incentives (IND 7)
14. Obnoxious industry relocation incentives (IND 10)
15. Irrigation water network (AHF 2)
16. Agricultural survey (AHF 4)
17. Agricultural packing stations (AHF 10)
18. Agricultural harbour depot (AHF 11)
19. Food stockpile depots (AHF 12)

20. Fishing centres (AHF 14)
21. Minerals evaluation (MIN 2)
22. Mineral sites inventory (MIN 14)
23. Quarry reclamation (MIN 15)
24. Relocation of AFM naval base and Nautical School (TOU 8)
25. District recreation centres (REC 4)
26. Foreshore enhancement (REC 10, REC 12)
27. Country parkways (REC 13)
28. Picnic areas (REC 14)
29. Arterial and distributor road networks (RDS 1)
30. Roadworks compensation (RDS 6)
31. Improved road and footway maintenance (RDS 8, RDS 9)
32. Cross harbour ferries (PTR 4)
33. Bus/ferry interchanges (PTR 5)
34. New bus terminus for Valletta (PTR 7)
35. Car sharing scheme (PTR 14)
36. Highway Code (LEM 1)
37. Traffic police/wardens (LEM 3)
38. Inner Harbour Ferry Terminal (IIT 2)
39. Improved ferry berthing facilities (IIT 4)
40. Environmental enhancement of Urban Conservation Areas (UCO 5)
41. Conservation promotion programme (UCO 16)
42. Set up/operate Heritage Trust (UCO 17)
43. Conservation pilot project (UCO 18)
44. Rural Conservation Area enhancement (RCO 6)

45. Areas of Ecological Importance and Sites of Scientific Importance (RCO 10, RCO 11)
46. Areas and Sites of Archaeological Importance (ARC 1)
47. Maritime Geographic Information System (MCO 3)
48. Marine Survey (MCO 4)
49. Controlled domestic tipping sites (PUT 15)
50. Undergrounding of electricity supply cables (PUT 23)
51. Undergrounding of telecommunications cables (PUT 25).

17.7 Some of these items are not generated by the Structure Plan and would have to be provided in the normal course of events (eg. new sewage treatment plants), some are normal cost centres but have been increased in level of provision (eg. arterial roads), and some represent a diversion of resources rather than completely new expenditure (eg. a reorientation of Lohombus Corporation funds from new to refurbished housing). However many represent additional public investment demands.

17.8 The increase in public funding resources noted previously will clearly contribute substantially to investment needs but new procedures will be necessary to obtain from the private sector some of the benefit it will gain from the public sector's provision of development supporting services, and the following will apply:

1. AN APPLICATION FEE for the processing of applications for permits to develop. This could be varied to support other Government policies, for example a small or zero charge for housing refurbishment and a higher charge for new housing.
2. AN INFRASTRUCTURE CHARGE. If the application is approved, a substantial charge towards the normal costs of providing infrastructure (roads, public utilities, etc.), protecting the environment, and the provision of local facilities. As with the application fee, the infrastructure charge can be varied to support Government policies, for example the efficient use of land.
3. IMPACT PAYMENTS in cases requiring abnormal offsite expenditure to accommodate the approved development (eg. road improvements, pollution controls). These would usually only be relevant in the case of larger developments with significant impacts.
4. COMMUTED PAYMENTS to provide offsite facilities which would usually be provided on site. A particular example is car parking spaces which would usually be provided on site to meet car parking standards, but in certain cases such as conservation areas are better provided in public car parks. In this example the developer would pay for the equivalent number of car park spaces to be provided in a public car park. In such cases the spaces in a public car park will be generally available and not reserved for the development.

5. A LANDHOARDING TAX on undeveloped, derelict, or abandoned sites which are ripe for development, and on derelict buildings and building shells.

17.9 The most important issues for Government to consider, however, are the timing of the various provisions and the priorities to be established between them. Some items such as public utility services will simply have to be provided in the normal manner if the housebuilding or industrial development programmes are not to be unduly delayed. However, with some other items Government has the flexibility of choice. For example, a dramatic push forward with arterial road building might be achieved if nothing were done about the refurbishment of conservation areas, or high standards of rural and marine conservation might be established at the expense of road maintenance.

17.10 The Government must decide such issues, but it is probable that technical and political objectives and values will coincide to produce a policy of a little of everything. If priorities and emphases are found to be feasible, it is strongly recommended that they be given to the upgrading of the general environment.

## 18. MONITORING

18.1 The success of the Structure Plan, and of the Local Plans which will be derived from it, can only be gauged by reference to results. It is therefore good practice to operate a regular monitoring programme in order to detect changes in the various sectors of activity and to determine to what extent these changes relate to Structure Plan policies. From such information it will be possible to determine the need for the refinement, extension, or deletion of particular policies or approaches.

18.2 To be useful, the monitoring programme needs to be comprehensive in scope, but will particularly seek data on:

1. General trends in economic development and housing demand
2. The use of grants and low cost loans for the rehabilitation and refurbishment of private property, particularly in Urban Conservation Areas, and the relation to observable on site results
3. The volume and character of applications for permission to develop in existing urban areas and in areas designated in the Structure Plan for new development, with particular reference to housing
4. The impact of these applications on the programmes for the provision of infrastructure
5. Progress in the provision of social and community facilities in existing and new urban areas
6. The development of land on existing and new industrial estates and the prevalent development densities
7. Changes in shopping floorspace provision, and trends in spending and turnover/floorspace ratios
8. Trends in the origins, character, and facilities demands of existing and potential tourists
9. Composition and volume of traffic flows on selected links and junctions of the different elements of the road hierarchy
10. Bus service patronage and routeing
11. The performance of development control procedures generally

18.3 This data will be used to determine if and when a review of the Structure Plan is required, and as input to any such review and to Local Plan preparation. Much of the monitoring process will comprise the transfer of data from Government Departments and other agencies, and the Planning Authority will seek agreement on the format of

such data in order to ensure its usefulness. In other cases the Planning Authority will carry out its own surveys for its own purposes, but will ensure that results are passed to other interested agencies, and generally made available.

18.4 The proposed Development Planning Act provides for a review of the Structure Plan as often as may be necessary, but not less frequently than every two years. The same period applies to subsidiary plans. Monitoring may indicate that there is no need to change a plan, or that only minor changes are required as a consequence of the review.

18.5 Performance measures should be developed for all matters to which policies relate. By using these measures for monitoring it is possible to see how well, or how badly matters are being managed and where particular action is required. This applies to Malta as a whole, to the different areas of Malta, and how Malta is performing in relation to other countries.

## **19. LAND AND PROPERTY MANAGEMENT**

### **Government Procedures**

19.1 The successful realisation of Structure Plan policies is heavily dependent on effective land and property management. Land management is not solely achieved through planning legislation. Land assembly and land ownership offer a more certain mode of management, and where large areas of land fall under one ownership effort should be made to ensure that the policies and programmes of the landowner are compatible with those of the Structure Plan. Land assembly by Government is often needed to promote development, including infrastructure, community facilities, and private development with community benefits such as shops.

19.2 There is an opportunity for Government, being itself a major landholder, to address these issues effectively. The Government practice of disposing of land for certain uses at preferential rates may have short term benefits in encouraging some kinds of popular development, but in the long term it can have serious adverse effects. Not only does it depress land values and thereby encourage the extravagant use of land which is in short supply. It also deprives Government of revenue which it urgently requires to overcome environmental and other problems. It is recognised that the Government's room for manoeuvre is restricted by the cumulative effect of emphyteutic leases granted in the past. However, steps should be taken to ensure that in future leases and disposals, maximum benefit accrues to the community through Government. These measures should apply to all uses, but particularly to commercial uses where development values can appreciate rapidly.

19.3 Government is also responsible for a substantial number of buildings without having the necessary manpower resources or mechanisms to maintain them properly. Due to the lack of proper information, it is not able to make the best use of real estate resources whether they comprise buildings or land. The establishment of an estate management function within Government is a high priority in order to realise the full economic potential of these resources. The acquisition by Government of certain heritage areas, structures, and buildings is one approach to helping ensure their protection and conservation, and this needs to be viewed in the overall context of professional land and property management.

19.4 In some parts of urban areas the realisation of full economic potential within the framework of environmental requirements is severely limited by fragmented and spatially incongruous property holdings. For urban land uses to be intensified it is necessary for Government to intervene in the land market to rationalise land and building ownerships and also to obtain for the community some of the economic benefits of the rationalisation. Such intervention is particularly necessary where large scale redevelopment or rehabilitation is intended.

19.5 Administrative mechanisms will be put in place, backed by any necessary legislation, to be able to mobilise private sector resources into a collective effort for the implementation of rehabilitation and renewal policies on a large scale.



19.6 Planning decisions inevitably influence land values. The existing situation in which different criteria are used for determining compensation values when land is being taken over for a public purpose as opposed to values attached to land for taxation purposes, creates inequities and other problems.

19.7 The following are therefore important concomitants of Structure Plan policies:

1. An **Estates Department** to be established within Government, with responsibility for real estate and estate management functions aimed at ensuring the best use of Government land and buildings, and helping to achieve Structure Plan policies
2. Government to assist the process of **land assembly** including buildings for private and joint venture development, where the Planning Authority is inclined to grant a development permit consistent with Structure Plan policies, and to ensure equitable compensation or rights for existing land and building owners to participate in the development
3. An independent **Valuation Office** which is impartial, professionally competent, and efficient, to be established to value land and buildings for all purposes, based on open market values
4. A **Land Tribunal and Trust** which as a tribunal will hear appeals against fees and fines imposed by the Planning Authority, and as a trust will hold in a fund the fees and fines collected and make grants to promote conservation and development in accordance with approved plan policies (See Policy UCO 12)
5. An independent **Heritage Trust** to be established with full time professional officers, as described in paragraph 15.19 and Policy UCO 17, to undertake the conservation of heritage items. Funding would come partially from Government
6. Comprehensive **Land Ownership Registration** (Cadastral), including buildings and legal charges such as leases. This is necessary to:
  - (a) Avoid lengthy delays in urban improvements and other development due to land ownership disputes
  - (b) Ensure land and property owner's legal title
  - (c) Provide a record of land and property transactions as a basis for valuations
  - (d) Assist in planning and land assembly activities

## **Multi Ownership Accommodation**

19.8 An increasing number of tourism complexes and other developments worldwide are being established and operated by professional management companies, as is intended at Ta' Cenc in Gozo (Policy TOU 10). Typically, the development promoter

sells apartments and villas to individual purchasers. The management company then operates both the central facilities, such as are normally found in hotels, and also the apartments and villas when an owner is not present. The accommodation is used in this way as a normal part of the tourism or other facility.

19.9 There are several advantages to this approach:

1. High outlays of development capital are recouped quickly. This assists the initial viability of the project, and reduces the risk of financial problems during the course of the project
2. An opportunity is provided for the small investor to own a second home, or one to which they may eventually retire or part retire, and use it as a source of income
3. Professional estate and property management of all apartments and villas, and the total development, is secured at all times
4. The project can be competitive with similar ones in other countries where this practice is common
5. Utilisation of the housing stock is maximised

19.10 The purchaser of an apartment or villa typically obtains the freehold, and also enters into a management agreement with the management company. The purchaser is also at liberty to sell his freehold as he would be with a normal property, although the management agreement would go with the property. The approach is very different to timesharing where no freehold purchase is involved. Because of the freehold ownership of individual apartments or villas, the total project is described as multi ownership.

19.11 Existing dwellings and other facilities can be included in property and estate management operations by a management company. Common ownership of apartment accesses and gardens can benefit from such operations. In this instance the management company is sometimes owned by the residents themselves.

19.12 Types of development to which multi ownership can apply include:

1. New tourism complexes (sometimes called condominium hotels)
2. Schemes aimed at upgrading existing tourist accommodation and general housing stock
3. Housing for the elderly
4. Specialist markets such as health farms and language schools
5. Schemes promoted by non profit organisations (sometimes called Housing Associations) to provide lower cost housing for sale or rent (sheltered housing)

6. Yachting related dwellings and holiday homes where owners are absent for extended periods

7. Voluntary organisation schemes aimed at historical area improvements and the renovation of the old buildings

19.13 Legislation which permits and controls multi ownership schemes, together with their associated property and estate management companies, will be introduced.

## **Competitive Development Tendering**

19.14 To ensure the best use of Government land, not only are Development Briefs necessary for proposed development projects, but the involvement of only one prospective developer should be avoided. Competitive schemes, from which to choose, provide measures of their relative advantages. Guidance on the competitive development tendering process is given in the Explanatory Memorandum.

## **20. RESPONSIBILITIES AND SKILL RESOURCES**

20.1 The report Planning Legislation and Related Matters: Appraisal and Outline Proposals recommends an institutional structure for the new planning system. This is outlined in Diagram 1 of that report. It is not however an allocation of responsibilities for implementing the Structure Plan, or any other plan.

20.2 It is not the role of the Structure Plan itself to allocate responsibilities as between Government ministries and departments, and any other agencies, for plan implementation. These decisions do however need to be taken by Government, and to assist in this the Management Services Unit in consultation with all parts of Government should prepare a recommended schedule of responsibilities related to all Structure Plan policies.

20.3 Once responsibilities have been allocated, then programmes, skill requirements, and budgets can be identified, including those for the Planning Authority and its Planning Directorate. Ideally this should include the identification of performance measures. The Planning Legislation and Related Matters report includes an outline initial programme for the planning function. This however needs augmenting and detailing, depending on the allocation of responsibilities.

20.4 There are however many planning responsibilities, as opposed to implementation responsibilities, which can only be performed by the Planning Authority/Planning Directorate, and for which programmes, skill requirements, and budgets need to be identified in consultation with the Management Services Unit as early as possible, and resources secured.

# GOZO AND COMINO LOCAL PLAN

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# TABLE OF CONTENTS

<b>Policy Number Reference</b>	<b>ix</b>
<b>Acknowledgements</b>	<b>xiv</b>
<b>Terminology</b>	<b>xv</b>
<b>1 PREFACE.....</b>	<b>1</b>
<b>1.1 Introduction .....</b>	<b>1</b>
<b>1.2 How to use the Plan .....</b>	<b>3</b>
<b>1.3 Format .....</b>	<b>3</b>
<b>1.4 The Policies .....</b>	<b>4</b>
<b>2 INTRODUCTION .....</b>	<b>5</b>
<b>2.1 The Legal Background.....</b>	<b>5</b>
<b>2.2 Relationship of Local Plan and Structure Plan .....</b>	<b>5</b>
<b>2.3 Non-Statutory Plans and Planning Policies .....</b>	<b>5</b>
<b>2.4 Validity Period of the Plan .....</b>	<b>6</b>
<b>2.5 Function of the Plan .....</b>	<b>6</b>
<b>3 OVERALL STRATEGIC GUIDANCE .....</b>	<b>8</b>
<b>3.1 Introduction .....</b>	<b>8</b>
<b>3.2 Settlements and Housing.....</b>	<b>8</b>
<b>3.3 Transport .....</b>	<b>9</b>
<b>3.4 Community Facilities .....</b>	<b>10</b>
<b>3.5 Utilities and Services .....</b>	<b>10</b>
<b>3.6 Commerce and Industry .....</b>	<b>10</b>
<b>3.7 Tourism and Recreation .....</b>	<b>11</b>
<b>3.8 Urban Environment .....</b>	<b>12</b>
<b>3.9 Rural Environment .....</b>	<b>12</b>

<b>4</b>	<b>SETTLEMENT POLICIES .....</b>	<b>15</b>
<b>4.1</b>	<b>Introduction .....</b>	<b>15</b>
<b>4.2</b>	<b>Built Environment .....</b>	<b>17</b>
4.2.1	Settlement Patterns .....	17
4.2.2	Other Designated Areas.....	19
4.2.3	Settlement Hierarchy .....	20
4.2.4	Height Limitation .....	20
<b>TABLE 1.1</b>	<b>.....</b>	<b>22</b>
<b>SPECIAL HEIGHT LIMITATION GUIDANCE.....</b>		<b>22</b>
4.2.5	General Zoning.....	22
<b>TABLE 1.2</b>	<b>.....</b>	<b>23</b>
<b>GENERAL ZONING PARAMETERS FOR AREAS WITHIN DEVELOPMENT ZONES</b>	<b>.....</b>	<b>23</b>
4.2.6	Urban Open Spaces .....	24
4.2.7	Ridge Edge and Development Zone Edge Development.....	24
4.2.8	Enclaves within a Development Zone.....	27
4.2.9	ODZ areas enclosed by development.....	28
4.2.10	ODZ Settlements .....	29
4.2.11	Category 1 Large Rural Settlements ODZ .....	29
4.2.12	Category 2 Rural Settlements ODZ.....	30
4.2.13	Category 3 Small Rural Settlements ODZ .....	34
4.2.14	Scattered Residential Development in areas ODZ .....	34
<b>5</b>	<b>HOUSING .....</b>	<b>36</b>
<b>5.1</b>	<b>Introduction .....</b>	<b>36</b>
<b>5.2</b>	<b>Residential Areas (RAs).....</b>	<b>36</b>
<b>5.3</b>	<b>Residential Priority Areas (RPAs).....</b>	<b>40</b>
<b>5.4</b>	<b>Housing Improvement Action Area (HIAAs).....</b>	<b>41</b>
<b>5.5</b>	<b>Public Housing.....</b>	<b>42</b>
<b>6</b>	<b>TRANSPORT .....</b>	<b>43</b>
<b>6.1</b>	<b>Introduction .....</b>	<b>43</b>
<b>6.2</b>	<b>Land Transport (Traffic Circulation).....</b>	<b>44</b>
6.2.1	Road Hierarchy.....	44
6.2.2	Junction Improvements and Accident Remedial Measures .....	45
6.2.3	Traffic Calming and Road Safety.....	45



6.2.4	Environmental Enhancement and Traffic Management in Town and Village Cores.	47
6.2.5	Quarry Access Network .....	48
6.2.6	Cycle Routes and Related Facilities .....	50
<b>6.3</b>	<b>Land Transport (Parking) .....</b>	<b>51</b>
6.3.1	Motorcycle Parking .....	52
6.3.2	Parking in Popular Coastal Areas.....	52
<b>6.4</b>	<b>Sea Transport (Mgarr Harbour) .....</b>	<b>54</b>
<b>6.5</b>	<b>Sea Transport (Popular Bays).....</b>	<b>55</b>
<b>6.6</b>	<b>Air Transport.....</b>	<b>57</b>
<b>7</b>	<b>SOCIAL AND COMMUNITY FACILITIES .....</b>	<b>59</b>
<b>7.1</b>	<b>Introduction .....</b>	<b>59</b>
<b>7.2</b>	<b>Education .....</b>	<b>59</b>
<b>7.3</b>	<b>Health .....</b>	<b>60</b>
7.3.1	Cemeteries .....	61
<b>7.4</b>	<b>Elderly .....</b>	<b>61</b>
<b>7.5</b>	<b>Special Needs.....</b>	<b>62</b>
<b>8</b>	<b>UTILITIES AND SERVICES .....</b>	<b>63</b>
<b>8.1</b>	<b>Introduction .....</b>	<b>63</b>
8.1.1	Integration of Services.....	63
<b>8.2</b>	<b>Electricity .....</b>	<b>63</b>
8.2.1	Electricity Facilities in Areas ODZ .....	64
8.2.2	Renewable Energy .....	65
8.2.3	Nocturnal Illumination .....	66
<b>8.3</b>	<b>Water .....</b>	<b>66</b>
8.3.1	Surface Water Management .....	67
8.3.2	Fuel.....	69
<b>8.4</b>	<b>Telecomms.....</b>	<b>69</b>
8.4.1	Unightly Cables and Antennae .....	69
<b>8.5</b>	<b>Sewerage.....</b>	<b>70</b>
<b>8.6</b>	<b>Solid Waste Management .....</b>	<b>71</b>
<b>8.7</b>	<b>Security Infrastructure .....</b>	<b>73</b>

<b>9</b>	<b>COMMERCE AND INDUSTRY.....</b>	<b>74</b>
<b>9.1</b>	<b>Introduction .....</b>	<b>74</b>
<b>9.2</b>	<b>Retail.....</b>	<b>74</b>
9.2.1	Town Centres .....	74
9.2.2	Local Centres.....	77
9.2.3	Speciality Shopping Provision outside the designated Town Centre: Cittadella... ..	79
	Commercial Areas .....	80
9.2.4	.....	80
<b>9.3</b>	<b>Offices.....</b>	<b>82</b>
<b>9.4</b>	<b>Micro-Enterprises .....</b>	<b>83</b>
<b>9.5</b>	<b>Large Scale Industry .....</b>	<b>84</b>
<b>9.6</b>	<b>Construction Related Industry.....</b>	<b>84</b>
<b>9.7</b>	<b>Mixed Use Area .....</b>	<b>86</b>
<b>9.8</b>	<b>Fireworks Factories.....</b>	<b>87</b>
<b>10</b>	<b>TOURISM AND RECREATION .....</b>	<b>88</b>
<b>10.1</b>	<b>Introduction .....</b>	<b>88</b>
<b>10.2</b>	<b>Tourism .....</b>	<b>88</b>
10.2.1	General .....	88
10.2.2	Enhancement of Tourism Areas .....	90
<b>10.3</b>	<b>Recreation .....</b>	<b>93</b>
10.3.1	General .....	93
10.3.2	Coastal Recreation.....	94
10.3.3	Circular walkways .....	95
10.3.4	Public Urban Open Spaces .....	96
10.3.5	Non-Public Recreational Facilities in Areas ODZ.....	97
10.3.6	Sports Facilities in Areas ODZ .....	98
<b>11</b>	<b>AGRICULTURE .....</b>	<b>99</b>
<b>11.1</b>	<b>Introduction .....</b>	<b>99</b>
<b>11.2</b>	<b>Safeguarding of Agricultural Land .....</b>	<b>99</b>
<b>11.3</b>	<b>Greenhouses .....</b>	<b>100</b>
<b>11.4</b>	<b>Farm-buildings, Farm Dwellings and Agricultural Stores.....</b>	<b>101</b>
<b>11.5</b>	<b>Access to fields .....</b>	<b>102</b>

<b>11.6</b>	<b>Rubble Walls</b> .....	<b>103</b>
<b>11.7</b>	<b>Abandoned Agricultural Land</b> .....	<b>104</b>
<b>12</b>	<b>URBAN AND CULTURAL CONSERVATION</b> .....	<b>105</b>
<b>12.1</b>	<b>General Provisions</b> .....	<b>105</b>
<b>12.2</b>	<b>UCA Visual Integrity Buffer Zones</b> .....	<b>109</b>
<b>12.3</b>	<b>Enhancement of UCAs</b> .....	<b>109</b>
<b>12.4</b>	<b>Archaeology</b> .....	<b>112</b>
<b>13</b>	<b>RURAL CONSERVATION</b> .....	<b>114</b>
<b>13.1</b>	<b>General Provisions</b> .....	<b>114</b>
<b>13.2</b>	<b>Valleys</b> .....	<b>115</b>
<b>13.3</b>	<b>Protection of Garrigue</b> .....	<b>116</b>
<b>13.4</b>	<b>Rehabilitation of Damaged Landscapes</b> .....	<b>117</b>
<b>13.5</b>	<b>Afforestation</b> .....	<b>117</b>
<b>13.6</b>	<b>Coast</b> .....	<b>118</b>
<b>13.7</b>	<b>Comino</b> .....	<b>121</b>
<b>13.8</b>	<b>Dark Sky Heritage</b> .....	<b>122</b>
<b>14</b>	<b>AREA POLICIES</b> .....	<b>124</b>
<b>14.1</b>	<b>Introduction</b> .....	<b>124</b>
<b>14.2</b>	<b>Ghajnsielem</b> .....	<b>124</b>
14.2.1	Introduction .....	124
14.2.2	Traffic Circulation.....	124
14.2.3	Social and Community Facilities .....	125
14.2.4	Fort Chambray.....	127
14.2.5	Comino .....	128
	Watercourse Protection.....	132
<b>14.3</b>	<b>Gharb</b> .....	<b>133</b>
14.3.1	Introduction .....	133
14.3.2	Recreational Facilities .....	133
14.3.3	Ta' Pinu .....	133
14.3.4	Rehabilitation of Disused Quarries .....	134
<b>14.4</b>	<b>Ghasri</b> .....	<b>135</b>

14.4.1	Introduction .....	135
14.4.2	Tal-Gurdan .....	135
<b>14.5</b>	<b>Kercem (Ta' Kercem) .....</b>	<b>135</b>
14.5.1	Introduction .....	135
14.5.2	Recreational Facilities .....	136
14.5.3	L-Ghadira ta' Sarraflu .....	136
14.5.4	Watercourse Protection .....	137
<b>14.6</b>	<b>Munxar .....</b>	<b>137</b>
14.6.1	Introduction .....	137
14.6.2	Recreational Facilities .....	137
14.6.3	Xlendi .....	138
14.6.4	Traffic Circulation in Xlendi .....	139
<b>14.7</b>	<b>Nadur .....</b>	<b>140</b>
14.7.1	Introduction .....	140
14.7.2	Ix-Xaghra ta' Isopu .....	141
14.7.3	Quarrying.....	142
14.7.4	Dahlet Qorrot.....	142
<b>14.8</b>	<b>Qala.....</b>	<b>143</b>
14.8.1	Introduction .....	143
14.8.2	Quarrying.....	143
14.8.3	Geological and Industrial Archaeology Heritage .....	144
14.8.4	Hondoq ir-Rummien.....	145
14.8.5	Public Recreational Facilities .....	146
<b>14.9</b>	<b>Rabat (Ghawdex).....</b>	<b>147</b>
14.9.1	Introduction .....	147
14.9.2	Cittadella .....	147
14.9.3	Il-Borgo .....	148
14.9.4	Archaeological Heritage in Rabat .....	149
14.9.5	The Gozo Communal Centre.....	150
14.9.6	Rundle Gardens .....	151
14.9.7	Education Facilities .....	151
14.9.8	Health .....	152
14.9.9	Traffic Calming & Environmental Improvements .....	152
14.9.10	Belvedere at Triq l-Arcisqof Pace .....	154
<b>14.10</b>	<b>San Lawrenz .....</b>	<b>154</b>
14.10.1	Introduction .....	154
14.10.2	Qawra/Dwejra .....	154
14.10.3	Quarrying.....	156
14.10.4	Recreational Facilities .....	156
14.10.5	Ras il-Wardiya Archaeological Site.....	157
<b>14.11</b>	<b>Sannat.....</b>	<b>158</b>
14.11.1	Introduction .....	158
14.11.2	Social and Community Facilities .....	158
14.11.3	Ta' Cenc .....	158

<b>14.12</b>	<b>Xaghra</b> .....	<b>159</b>
14.12.1	Introduction .....	159
14.12.2	Archaeological Heritage.....	160
14.12.3	Ramla Bay .....	161
<b>14.13</b>	<b>Xewkija</b> .....	<b>162</b>
14.13.1	Introduction .....	162
14.13.2	Industry.....	162
14.13.3	Sports Facilities .....	163
14.13.4	Gozo Electricity Distribution Centre.....	164
<b>14.14</b>	<b>Zebbug (Ghawdex)</b> .....	<b>165</b>
14.14.1	Introduction .....	165
14.14.2	Marsalforn .....	165
14.14.3	Traffic Circulation in Marsalforn .....	166
14.14.4	Il-Qbajjar .....	167
<b>14.15</b>	<b>Fontana</b> .....	<b>168</b>

<b>APPENDIX 1</b>	<b>Supplementary Interpretation Guidance</b>	<b>170</b>
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## **Map Documents**

- 1 General and Area Policy Maps**
- 2 APPENDIX 2/2a Planning Control Maps**
- 3 APPENDIX 3 Archaeology General Map**

**Note: Policy Maps, Appendix 2/2a Planning Control Maps and Appendix 3 Archaeology are found in separate documents.**

# POLICY NUMBER REFERENCE

<b>POLICY NO.</b>	<b>SUBJECT</b>	<b>PAGE NO.</b>
GZ-LMDZ-1	Limits to the Development Zone	15
GZ-GNPR-1	General Provisions	16
GZ-SETL-1	Built Environment	17
GZ-SETL-2	Strategic Open Space Gaps	18
GZ-SETL-3	Other Designated Areas	19
GZ-SETL-4	Main Designation within Settlements	20
GZ-HTLM-1	Building Height Limitation	21
GZ-URSP-1	Urban Open Spaces	24
GZ-EDGE-1	Development Zone Edge Policy	25
GZ-EDGE-2	Ridge Edge Policy	26
GZ-EDGE-3	Room at the back of Garden of Building at Development Zone Edge	27
GZ-EDGE-4	Development Free Green Corridor along Carriageway at Development Zone Edge	27
GZ-WHIT-1	Enclaves within a Development Zone	28
GZ-ENCL-1	Enclaves ODZ	28
GZ-RLST-1	Category 1 ODZ Settlements	30
GZ-RLST-2	Category 2 ODZ Settlements	31
GZ-RLST-3	Category 3 ODZ Settlements	34
GZ-RLST-4	Upgrading of Residential Farmhouses	35
GZ-RLST-5	New Rural Dwellings	35
GZ-RLST-6	No New Dwellings	35
GZ-HOUS-1	Residential Areas	37
GZ-HOUS-2	Residential Priority Areas	40
GZ-HOUS-3	Housing Improvement Action Areas	41
GZ-HOUS-4	Public Housing	42
GZ-TRAN-1	Road Hierarchy	44
GZ-TRAN-2	Junction Improvements	45
GZ-TRAN-3	Traffic Calming and Road Safety	46
GZ-TRAN-4	Environmental Improvement and Traffic Management in Town and Village Cores	47
GZ-TRAN-5	Quarry Access Network	49
GZ-TRAN-6	Cycle Routes and Related Facilities	50
GZ-TRAN-7	Land Transport (Parking)	51
GZ-TRAN-8	Parking (Gozo Communal Centre and Harbour Area)	52
GZ-TRAN-9	Motorcycle Parking	52
GZ-TRAN-10	Parking in Popular Coastal Areas	54
GZ-TRAN-11	Sea Transport (Mgarr Harbour)	55
GZ-TRAN-12	Sea Transport (Popular Bays)	56
GZ-TRAN-13	Destination Ports	56
GZ-TRAN-14	Air Transport	58
GZ-SOCF-1	Development of New Schools	59
GZ-SOCF-2	Upgrading of Existing Schools	60

GZ-SOCF-3	Health	60
GZ-SOCF-4	Cemeteries	61
GZ-SOCF-5	Elderly	62
GZ-SOCF-6	Special Needs	62
GZ-UTIL-1	Sharing of Common Facilities	63
GZ-UTIL-2	Upgrading of Electricity Supply	64
GZ-UTIL-3	Electricity Facilities in Areas ODZ	64
GZ-UTIL-4	Renewable Energy	65
GZ-UTIL-5	Nocturnal Illumination	66
GZ-UTIL-6	Water Supply	66
GZ-UTIL-7	Surface Water Management	67
GZ-UTIL-8	Areas Prone To Flooding	68
GZ-UTIL-9	Management of Surface Runoff into Fields	68
GZ-UTIL-10	Fuel	69
GZ-UTIL-11	Undergrounding of Telecomms Cables in Sensitive Areas	70
GZ-UTIL-12	Antennae on Scheduled Buildings	70
GZ-UTIL-13	Sewerage	70
GZ-UTIL-14	Sewage Pumping Stations	71
GZ-UTIL-15	Solid Waste Management	71
GZ-UTIL-16	Solid Waste Transfer Station	72
GZ-UTIL-17	Security Infrastructure	73
GZ-CMRC-1	Town Centre	75
GZ-CMRC-2	Local Centres	77
GZ-CMRC-3	Speciality Shopping outside designated Town Centre	79
GZ-CMRC-4	Commercial Areas	80
GZ-CMRC-5	Offices	82
GZ-CMRC-6	Micro-Enterprises	83
GZ-CMRC-7	Large Scale Industry	84
GZ-CMRC-8	Presumption against new Hardstone or Softstone Quarries till Review of Minerals Subject Plan	85
GZ-CMRC-9	Mitigation measures of construction related plant in areas ODZ	85
GZ-CMRC-10	Presumption against new batching or tarmac plants in Gozo and Comino	85
GZ-CMRC-11	Garage Industries in Quarries	86
GZ-CMRC-12	Mixed Use Area	86
GZ-CMRC-13	Fireworks Factories	87
GZ-TRSM-1	Conversion of Traditional Urban Houses	89
GZ-TRSM-2	Rehabilitation of existing buildings and Structures in Areas ODZ	89
GZ-TRSM-3	Enhancement of Entertainment Priority Areas	90
GZ-TRSM-4	External Rendering and Painting	92
GZ-TRSM-5	Long Term Upgrading of Tourism Priority Areas	92
GZ-RECR-1	Informal Rural Recreation	94
GZ-RECR-2	Coastal Recreation	95
GZ-RECR-3	Circular Walkways	96
GZ-RECR-4	Public Urban Open Spaces	96
GZ-RECR-5	Non-Public Recreation Facilities in Areas ODZ	97
GZ-RECR-6	New Sports Facilities	98

GZ-AGRI-1	Areas of Agricultural Value	100
GZ-AGRI-2	Greenhouses	100
GZ-AGRI-3	Farm Buildings, Farm Dwellings and Agricultural Stores	102
GZ-AGRI-4	Access to Fields	102
GZ-AGRI-5	Rehabilitation of existing Rubble Walls	103
GZ-AGRI-6	Abandoned Agricultural Land	104
GZ-URCO-1	Categorization of UCAs	106
GZ-URCO-2	Design Priority Areas	108
GZ-URCO-3	Existing Street Alignments	108
GZ-URCO-4	Visual Integrity Buffer Zones	109
GZ-URCO-5	Upgrading of Spaces within UCAs	111
GZ-URCO-6	Traditional Stone Balconies	111
GZ-ARCO-1	Archaeological Sites	112
GZ-ARCO-2	Interpretation Facilities for Archaeological Monuments	112
GZ-RLCN-1	Designation of Areas	114
GZ-RLCN-2	Valleys	115
GZ-RLCN-3	Garrigue	117
GZ-RLCN-4	Services through Garrigue	117
GZ-RLCN-5	Rehabilitation of Damaged Landscapes	117
GZ-RLCN-6	Afforestation	118
GZ-COAS-1	Coastal Access	119
GZ-COAS-2	Replenishment of Beaches	120
GZ-COAS-3	Protection of Minor Islets	120
GZ-COMI-1	Protection of Comino	121
GZ-COMI-2	No additional Urban Development on Comino	121
GZ-COMI-3	Tourism Facilities on Comino	122
GZ-DARK-1	Dark Sky Heritage	123
GZ-Ghjn-1	Development along Arterial Route	124
GZ-Ghjn-2	Signaling System along Arterial Route	125
GZ-Ghjn-3	Pedestrian Route in Wied L-Imgarr	125
GZ-Ghjn-4	Social and Community Facilities	126
GZ-Ghjn-5	Public Garden	126
GZ-Ghjn-6	Archaeological Site	127
GZ-Ghjn-7	Fort Chambray	127
GZ-Ghjn-8	Additional Facilities on Comino	128
GZ-Ghjn-9	Il-Palazz and il-Forn	129
GZ-Ghjn-10	Camping Sites on Comino	129
GZ-Ghjn-11	Routes on Comino	130
GZ-Ghjn-12	Marine Conservation Area Around Comino	130
GZ-Ghjn-13	Afforestation on Comino	131
GZ-Ghjn-14	Maritime Management	132
GZ-Ghjn-15	Destination Ports on Comino	132
GZ-Ghjn-16	Sewage Management on Comino	132
GZ-Ghjn-17	Watercourse Protection	132



GZ-Ghrb-1	Recreational Area at Gharb	133
GZ-Ghrb-2	Ta' Pinu Site of Special Religious Significance	134
GZ-Ghrb-3	Rehabilitation of Disused Quarries	134
GZ-Ghsr-1	Fanal Tal-Gurdan	135
GZ-Kerc-1	Recreational Facilities	136
GZ-Kerc-2	Public Garden	136
GZ-Kerc-3	L-Ghadira ta' Sarraflu	137
GZ-Kerc-4	Watercourse Protection	137
GZ-Mnrx-1	Playing Field	138
GZ-Mnrx-2	Zoning of Xlendi	138
GZ-Mnrx-3	Traffic Circulation in Xlendi	139
GZ-Mnrx-4	Management Plan for Wied ix-Xlendi	140
GZ-Ndur-1	Xaghra ta' Isopu	141
GZ-Ndur-2	Quarrying	142
GZ-Ndur-3	Dahlet Qorrot	142
GZ-Qala-1	Quarrying	143
GZ-Qala-2	Geology and Industrial Park	144
GZ-Qala-3	Hondoq ir-Rummien	145
GZ-Qala-4	Rehabilitation of Hondoq ir-Rummien	145
GZ-Qala-5	Public Recreational Facilities	146
GZ-Rbat-1	Cittadella	147
GZ-Rbat-2	Il-Borgo	148
GZ-Rbat-3	Commerce within il-Borgo	148
GZ-Rbat-4	Archaeological Heritage in Rabat	149
GZ-Rbat-5	Gozo Communal Centre	150
GZ-Rbat-6	Rundle Gardens	151
GZ-Rbat-7	Schools in Rabat	152
GZ-Rbat-8	Gozo General Hospital	152
GZ-Rbat-9	Traffic Calming in UCA Areas	153
GZ-Rbat-10	Belvedere at Triq l-Isqof Pace	154
GZ-Sl wz-1	Qawra/Dwejra Heritage Park	155
GZ-Sl wz-2	Negative Impacts in Qawra/Dwejra	155
GZ-Sl wz-3	Torri tal-Qawra	156
GZ-Sl wz-4	Quarrying	156
GZ-Sl wz-5	Recreational Facilities	157
GZ-Sl wz-6	Archaeological site at Ponta tal-Wardija	157
GZ-Snat-1	Social and Community Facilities	158
GZ-Snat-2	Ta' Cenc	159

GZ-Xghr-1	Ggantija	160
GZ-Xghr-2	Archaeology	161
GZ-Xghr-3	Ramla	161
GZ-Xwkj-1	Manufacturing Industry	162
GZ-Xwkj-2	Sports Facilities	163
GZ-Xwkj-3	Racecourse Track	164
GZ-Xwkj-4	Electricity Distribution Centre	164
GZ-Zbug-1	Height Limitation in Marsalforn	165
GZ-Zbug-2	Traffic Circulation at Marsalforn	167
GZ-Zbug-3	Qbajjar	167
GZ-Zbug-4	Diving Facilities at Qbajjar	168

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# TERMINOLOGY

TERM	DEFINITION OR MEANING
<b>Access for All</b>	Refers to guidance drawn up by the National Commission Persons with Disability and adopted by the Planning Authority in 2001.
<b>Aquifer</b>	All underground water bearing strata capable of yielding water on a practical basis, and including ground water reservoirs, ground water catchment areas, the water in geological rock formations (including fissures and fractures) and the structures containing deep fossil water.
<b>Areas of High Landscape Sensitivity (AHLSS)</b>	Delineated areas identified as having a high landscape sensitivity and which qualify for scheduling status. All such areas shall be protected pending the formal scheduling under Section 46 of the Development Planning Act.
<b>Coastal Viewshed Protection Zone</b>	A strip of coast which is designated to safeguard against unsympathetic development which either obstructs or is unsympathetic with the area's coastal scenery.
<b>Comparative Goods Shopping</b>	Non-food shopping is to be considered as comparison goods which include clothing, footwear, furniture, household textiles, electrical goods, hardware, chemists goods, jewellery, recreational and other miscellaneous goods.
<b>Conservation</b>	Positive measures for the management of existing resources or assets to ensure their protection and enhancement.
<b>Construction Related Industry</b>	Refers to industry such as quarries, lime kilns, batching plants and tarmac plants.
<b>Convenience Goods Shopping</b>	Convenience Goods are food, alcoholic drinks, beverages, tobacco, newspapers, magazines and household cleaning materials. Convenience goods retail outlets are directed towards Local Centres which are the appropriate commercial areas for this type of shopping.
<b>Damaged Landscapes</b>	Also known as Degraded Landscapes. These are areas where human intervention has degraded the previous scenic qualities of the area.
<b>Development</b>	Unless otherwise indicated, the definition indicated in the Development Planning Act shall be adopted.
<b>Development Planning Act</b>	Refers to Act 1 of 1992 or its subsequent revisions.
<b>Development Zones</b>	Designated areas where urban development is permitted.
<b>Environmental Assessment (EA)</b>	<b>Environmental Assessment</b> – referring to the formally adopted procedure (in Malta) for undertaking such analyses as amended from time to time. Also referred to as <b>Environmental Impact Assessment</b> or <b>EIA</b> . (see <b>EIA</b> )
<b>Environmental Impact Assessment (EIA)</b>	<b>Environmental Impact Assessment</b> – see <b>EA</b>
<b>Enclaves ODZ</b>	Designated areas outside a <b>Development Zone</b> (i.e. ODZ) which are substantially or totally confined by a Development Zone.
<b>Enclaves within Development Zones</b>	See terminology for “White Areas”. These areas are being zoned in this local plan but in some instances the layout shall be determined according to specific policy requirements.
<b>“existing”</b>	Unless otherwise indicated, the term “ <b>existing</b> ” shall mean legal development permitted before the

	approval of this local plan.
<b>Entertainment Priority Areas</b>	Designated areas where the main objective shall be to upgrade tourism and entertainment facilities to cater for overseas or domestic visitors with special emphasis on catering and leisure facilities.
<b>Farm building</b>	A building or structure intended for animal husbandry activities.
<b>Farm dwelling</b>	A rural building intended for residential purposes.
<b>Garrigue</b>	Ecological Communities characterized and dominated by low woody shrubs.
<b>Green Areas</b>	Designated areas within a Development Zone which are earmarked to remain un-built. Normally, these areas are predominantly planted. Open air, public facilities (eg playing fields, public gardens) may be located upon green areas specifically earmarked for such purposes.
<b>Gross Floor Area</b>	The total covered (ie. roofed over) area of a development, as measured externally. In special circumstances, courtyards and other private open spaces within a development are taken into account but such instances are specifically indicated.
<b>Guidance on Planting</b>	Refers to the Planning Guidance on Trees, Shrubs and Plants for Planting and Landscaping in the Maltese Islands (January 2002) or any subsequent update
<b>Guidance on the Parking Provision of Shops</b>	Refers to the Guidance on the Parking Provisions for Local Shops, Offices and Catering Establishments (dated December 1997) or any subsequent update.
<b>Housing Improvement Action Area (HIIA)</b>	An identified area where upgrading to the existing housing is envisaged.
<b>Inert Waste</b>	Waste which in respect to a specific management process, does not undergo physical, chemical or biological changes that cause it to be a pollutant.
<b>Infill Pocket</b>	Refer to Cabinet Memo dated May 2006 and the respective Local Plans Rationalisation of Development Boundaries (2006) Exercise
<b>Informal Rural Recreation Facilities</b>	Predominantly un-built public facilities which are intended to promote free, informal and unhindered rural recreation. The facilities are intended to accommodate activities which are not undertaken on a formal, organized basis and are generally carried out by individuals or small groups on an intermittent basis with a minimal requirement for supporting facilities.
<b>Intensive Agriculture Zones</b>	Designated areas where intensive forms of Agriculture or animal husbandry (e.g. Greenhouses, hydroponics, animal farms etc.) may be permitted.
<b>IUCN</b>	International Union for the Conservation of Nature – also known as the World Conservation Union
<b>Landscape</b>	Unless otherwise indicated, landscape shall be taken to refer to the visual aesthetic component of the surrounding environment (i.e. views) as appreciated and interpreted through the sense of sight. The term should not be confused with the term <b>Landscaping</b> .
<b>Landscaping</b>	Human intervention which results in a predominantly un-built environment. Landscaping can be formal or informal. Formal landscaping emphasizes on geometric intervention which renders the artificial intervention clearly explicit. Informal landscaping tends to be in harmony with the natural surroundings and in spite of substantial human intervention, the end result could appear to be natural. Interventions which involve planting are termed soft landscaping whilst other non-planting interventions (eg. paving, outdoor furniture, lighting, other structures etc.) are termed hard landscaping.
<b>Malta Environment and Planning</b>	The organization responsible for the implementation of environmental and planning legislation. Before the year 2002, planning regulation was under the responsibility of the Planning Authority.

<b>Authority (MEPA)</b>	
<b>Micro-Enterprises</b>	Sometimes referred to as small and medium size industries. These refer to enterprises which employ ten persons or less.
<b>Net floorspace</b>	Typically the floor area of a building used by the primary activity (including toilets and similar ancillary areas).
<b>“new development”</b>	Unless otherwise indicated, new development shall be taken to refer to legal development permitted after the adoption of this local plan.
<b>Outside Development Zone (ODZ)</b>	<b>Outside Development Zone</b> – Areas which lie <u>outside</u> boundaries designated for urban development.
<b>ODZ Settlements</b>	Existing legitimate settlements that occur Outside Development Zones. These settlements have been identified on a map base and subdivided into a number of categories.
<b>Pedestrianisation</b>	The partial or complete prohibition of vehicles from a street to improve the environment for pedestrians. In the case of shopping streets, it is usual to permit access for delivery vehicles between specified hours, unless rear servicing is available.
<b>Public Coastal Access</b>	Free and unhindered public coastal access as specified through the provision of Structure Plan policy CZM 3.
<b>Public Urban Open Space</b>	A public open space within a Development Zone which is intended to promote free and unhindered enjoyment by the public as well as social interaction. The area is normally in public ownership and private enterprise does not restrict or control access in such areas. Indicated on maps as Public Open Space.
<b>Random Rubble Walls</b>	Low walls built in random rubble (sejjieh) are a distinctive feature of Malta’s countryside. The term relates only to walls built in stone which is not machine finished and which is given the effect of having used unhewn stone picked from adjacent areas. No other material apart from stone is generally used.
<b>Residents Parking Zones (RPZ’s)</b>	Designated areas where residents are afforded parking priority over other users.
<b>Residential Area</b>	An area within a <b>Development Zone</b> boundary where the priority is for residential development. Small-scale offices as well as local shops may be allowable in such areas. The scale of these facilities for each particular area is guided by the relevant policy context in conjunction with the germane maps.
<b>Residential Priority Areas (RPAs)</b>	Designated areas within a <b>Development Zone</b> where other non-residential land-uses are strictly controlled. In the case of Gozo, these are applicable to villa (detached and semidetached) and Bungalow areas.
<b>Restricted Access Urban Open Space</b>	Urban Open Spaces to which public access is normally either more strictly controlled or in the case of some private or institutional buildings, normally prohibited. Examples include school grounds, cemeteries, the gardens of convents/monasteries, hospital grounds, large private gardens etc.
<b>Ridge Edge</b>	The edge of a hill or plateau, where relatively flat or gently sloping land gives way to a valley side or hill-side, escarpment, cliff or other comparably distinct slope.
<b>Ridge Edge Development.</b>	Development occurring at the edge of a scheme and overlooking a ridge edge.
<b>Safeguarded Areas</b>	A delineated area where specified planning safeguards are applied to protect future planning requirements. This concept is especially useful in circumstances where it is not possible at this point in time to establish precisely the location or extent of a particular form of development or a planning constraint. It is also useful as a tag to draw the attention of planning officers re. the need for consultation with specified external parties if certain form of development are proposed within the delineated area

<b>Site of Special Religious Significance (SSRS)</b>	A site which is widely acknowledged for its religious significance on a national or international scale. The religious importance of the area is usually reinforced through the presence of a shrine.
<b>Social Housing</b>	Dwellings owned by government, and rented or sold to occupants at subsidized rates. Does not include plots of land sold by Government at subsidized rates for private dwellings.
<b>Strategic Open Space Gap</b>	Strategic open space gaps between established settlements. The main rationale is to preserve the identities of these settlements, to promote the contact with the surrounding countryside and to discourage coalescence through ribbon development.
<b>Structure Plan for the Maltese Islands</b>	Sometimes referred to in the text simply as Structure Plan. This is the strategic policy framework on which local plans are based. The current Structure Plan was approved in 1992.
<b>Tourism Zones</b>	Designated zones where specified forms of land-use related to urban tourism activities are permitted.
<b>Town Centres</b>	<b>Town Centre</b> – A Town Centre with a regional or sub-regional function for non-food shopping; <b>Local Centre</b> – A significant non-food shopping centre but serving a smaller number of people.
<b>Urban Conservation Areas (UCA)</b>	<b>Urban Conservation Areas</b> – Designated urban areas where special policies apply in order to safeguard urban heritage. In exceptional circumstances, the term is also applied to designated rural areas which are intended to constitute a visual buffer zone around the feature with urban conservation status. In the latter instances, stricter rural policies are applied.
<b>Use Classes Order</b>	Refers to the Development Planning (Use Classes) Amendment Order (Legal Notice 53/1994 as amended in 2000) or its subsequent revisions.
<b>Utility Services</b>	Water supply, sewerage disposal, land drainage, gas and electricity supply, waste disposal and telecommunications.
<b>Visual Integrity Buffer Zones</b>	Areas Outside Development Zones and which are designated as UCA buffer zones to safeguard the visual integrity of UCAs. Stringent rural conservation policies apply in these areas.
<b>White Areas</b>	Un-zoned Enclaves within a Development Zone. See definition for Enclaves within Development Zones.

Note: Although compatibility of terminology with other local plans has been taken into account, in some instances the terminology has been adapted to take into account the local circumstances of Gozo and Comino.

# 1 PREFACE

## 1.1 Introduction

The Structure Plan for the Maltese Islands is the strategic plan for the Maltese Islands and covers the twenty-year period to the year 2010. It is concerned with aspects of social, economic, physical and environmental planning which have a bearing on land-use. It is essentially an enabling plan i.e. “if and when a particular demand arises, this is where and how it should be accommodated” and thereby guiding development to appropriate locations.

The Structure Plan has three main goals: -

- i. *To encourage the further social and economic development of the Maltese Islands and to ensure as far as possible that sufficient land and support are available to accommodate it;*
- ii. *To use land and buildings efficiently and consequently to channel urban development into existing and planned development areas, particularly through the rehabilitation and upgrading of existing fabric and infrastructure thus constraining further inroads into undeveloped land and generally resulting in higher density development than at present; and*
- iii. *To radically improve the quality of all aspects of the environment of both urban and rural areas*

A major process of implementation of the Structure Plan is by preparing more detailed area specific plans for particular areas of the Maltese Islands. One such plan comprises the Gozo and Comino Local Plan.

The conservation and enhancement of the environment of the Gozo and Comino Local Plan Area figures strongly in the Structure Plan strategy and is embedded in its third major goal – “*To radically improve the quality of all aspects of the environment of both urban and rural areas*”.

The Gozo and Comino Local Plan follows the strategic guidance provided through the Structure Plan for the Maltese Islands. The plan draws on the additional detail and strategic guidance provided through the Inception Report for the Gozo and Comino Local Plan. This latter report is based on information collected by the Local Plan team, from within MEPA, from external sources as well as from numerous meetings undertaken with agencies and individuals ranging from Ministries to opinion formers in the community. It is noted that an approved plan can if required by MEPA be reviewed not before 2 years from approval following legal requirements.

The Inception Report examined the various topic areas relevant to the Local Plan. These topic areas followed closely those indicated in the Structure Plan for the Maltese



Islands for ease of reference. Where appropriate, the most recently available data was used. The data used in the Inception Report presented significant problems. These mainly related to incomplete data sets, data sets not updated to the same horizon year, data sets incompatible with the needs of land-use policy development and other data set errors. Furthermore, new data sets were emerging from within MEPA or elsewhere. These factors were taken into account both during the determination of the strategy of this plan as well as the policy formulation stage.

The background studies have shown that in a number of aspects, Gozo is significantly different from mainland Malta. This is a key point of extreme importance in the formulation of this Plan. Gozo and Comino in fact require additional attention in their planning due to both the different characteristics of these islands as well as the differing needs e.g. double insularity issue. Areas of notable difference include housing, tourism, industry, transport (specifically the double insularity problems) and recreation. A number of these differences are summarized in **Section 14.3** of the Inception Report. Each topic area is followed by strategic guidance which gives additional direction to the policy formulation process.

The Inception Report has shown that in a number of areas, additional studies need to be undertaken to quantify either specific land-use requirements or to determine the exact location for an envisaged land-use. To this effect, the policy has been developed in a manner which ensures flexibility to enable the determination of more specific policy guidance in future.

The strategy for this local plan (as established in the Inception Report) is also based on the principles of sustainable development, that is, promoting development whilst ensuring that the natural and cultural capital of the islands is safeguarded for the enjoyment of current and future generations. The overall planning strategy for the Gozo and Comino Local Plan can be summarized as follows:

- a) **To ensure that enough land is available for the future envisaged spatial development requirements.**
- b) **To continue to safeguard and enhance the unique cultural and natural characteristics that render Gozo and Comino so desirable to inhabit and visit.**
- c) **To encourage development which:**
  - **creates economic development;**
  - **improves the quality of life and the environment;**
  - **is compatible with planning policy;**
  - **is compatible with surrounding activities;**
  - **is efficient on land-use;**
  - **does not constitute over-development;**
  - **does not overload the road network and parking capacities;**

- **does not detract or endanger cultural or natural heritage; and**
- **does not negatively impact its surroundings.**

## 1.2 How to use the Plan

The Gozo and Comino Local Plan relates to the second largest local plan area in the Maltese Islands including important settlements. Although many planning issues are common to the Maltese Islands, the local plan also needs to reflect local concerns that are usually distinct and different.

The local plan consists of maps supported by a written statement and other explanatory diagrams. The maps are prepared on a detailed survey base and include an overall map of the local plan area as well as other maps indicating various specific action/development brief areas. These plans deal in detail with certain localities of the plan area where pressure for development, redevelopment or extensive environmental damage requires more detailed planning guidance for development control, environmental protection and management.

## 1.3 Format

The Plan comprises the policy volume as well as two separate map documents. The first map document contains the relevant **General and Area Policy Maps** whilst the second map document contains **Appendices 2/2a Planning Control Maps** and **Appendix 3 Archaeology**. The General and Area policies are extensively cross-referenced and should be used in conjunction with each other. In the case of Gozo-wide policies, the map reference number often follows closely the reference of the relevant text. Therefore, the reference of the maps is not strictly sequential (e.g. the first map is referenced **MAP 3.1** and not **MAP 1.1**)

Furthermore, where general policies have implications on a locality, the relevant area of influence is indicated on maps which have the initial reference number **14** (i.e. reference to the Area Policies Chapters).

It is fundamentally important to refer to all the maps that affect a particular locality rather than to base a decision on only one map as the planning guidance has been distributed amongst a number of maps in order to avoid excessive clutter. Where references are made to either environmental or cultural scheduling or planning control alignments, it is important that MEPA is consulted as these details may be subject to change and all maps in this local plan are not to be used for direct detailed measurement or interpretation.

## 1.4 The Policies

Throughout the plan, the policies are highlighted in **bold** type. The rest of the preceeding text explains and justifies the policy. For policy interpretation purposes, the supporting text to the policy in bold has the same weighting as the policy itself.

Under Section 33(1) of the Development Planning Act, 1992 and as amended, MEPA is required to have regard to the Structure Plan and this plan when determining planning applications. The Authority shall also have regard to representations made in response to the publication of the proposal and to any other material consideration, including aesthetic, sanitary and other considerations. Moreover, Para. 2.2 also refers to other Planning Policies and Guidance that are to be followed by MEPA.

A development proposal will be affected by several Structure Plan and Local Plan policies, each dealing with a different aspect of planning, so they need to be read together to evaluate a proposal. Where several policies apply to a development proposal, they must all be complied with if the proposal is to be acceptable to MEPA.

## 2 INTRODUCTION

This local plan sets out policies and proposals for land use and development on the Islands of Gozo and Comino and their territorial waters.

### 2.1 The Legal Background

The Development Planning Act, 1992 and as amended establishes a Planning Authority now Malta Environment and Planning Authority (MEPA) and provides for a Structure Plan to be prepared under the Building Permits (Temporary Provisions) Act 1989, the Authority shall adopt such a Structure Plan as if prepared under the provisions of the new act. The Structure Plan came into force on 29 July 1992 and establishes a strategic framework for land-use planning and related development over a twenty-year period. Although the plan deals with a wide range of environmental and development concerns and gives overall policy direction, it is necessarily restricted in its treatment of particular localities and the unique problems which they may face.

### 2.2 Relationship of Local Plan and Structure Plan

To deal with area planning on a specific and detailed basis, and to respond to local issues, the Structure Plan makes provision for the preparation of local plans. A plan is to be undertaken *“for any area where the Authority considers that the rate of development or redevelopment cannot be satisfactorily managed, or where special factors cannot be taken into account solely on the basis of the Structure Plan.”* The Structure Plan also identifies areas where it expects local plans to address issues at a local level. The principal source of policy guidance and control of development therefore remains the Structure Plan, and a local plan is subsidiary to and in conformity with the strategic document.

### 2.3 Non-Statutory Plans and Planning Policies

Since the approval of the Structure Plan, several Planning Policies and Guidance Notes and Circulars have been prepared/issued by MEPA. They play an important part in establishing planning policies against which decisions can be made.

Furthermore, it is firstly important to note that Area Policy Maps are subject to change through the PC application process, and the public is directed to check directly with MEPA on the latest situation when interested on the details for a particular site or area. These Area Policy Maps are therefore not to be used for direct interpretation. Secondly, it is also important to note that where floor areas are stipulated in the Policies of this Local Plan, this should be taken to mean the Gross Lettable Floorspace. The Gross Lettable Floorspace refers to the whole floor area within the premises and on all its floors. It includes circulation areas (excluding stairs) and stores, and excludes staircases, toilets, internal shafts, yards and other unroofed areas unless they are used as an integral part of the development (e.g. open air restaurant).

All references to the DC2005 document in this Local Plan refer to the Development Control Policy & Design Guidance (2005) or any subsequent revisions approved by MEPA. Other reference to specific policies, sections or paragraphs in either dated supplementary guidance or the Use Classes Order referred to in this Local Plan are also taken to refer to the relevant reference in any subsequent approved revisions or amendments by MEPA should these come into force during the duration of this Local Plan.

## 2.4 Validity Period of the Plan

Article 27 (2) (h) of the Development Planning Act, 2001 requires the Authority to seek final approval of a Local Plan from the Minister responsible for Development Planning and the Plan shall stay in force for a minimum period of two years following such approval, unless a review is necessitated by a review of the Structure Plan, as required by Article 28 (1) of the same Act. Changing circumstances may well require adjustments to the Plan after the minimum period of two years following final approval by the Minister, and such review of the Plan will be undertaken within the legal provisions of the Development Planning Act.

## 2.5 Function of the Plan

The function of the local plan is:

- a) **To apply the development strategy of the Structure Plan** - The local plan follows the Structure Plan, and indicates how principles, policies and standards will be applied to the local scale and guides development and other use of land;
- b) **To safeguard environmental resources** – The local plan identifies the environmentally sensitive areas for the conservation of natural and cultural resources through statutory protection, encouragement of integrated positive intervention, introduction of environmental management schemes, direction of non-compatible development away from the more environmentally sensitive areas and rehabilitation of degraded areas and sites;
- c) **To provide a detailed basis for development control** - The Structure Plan gives valuable guidance on development control and in some instances this guidance is area specific. The local plan refines the Structure Plan policies and allocates sites for particular purposes, defines areas in which particular development control policies will apply, and states standards and other criteria that guide development;
- d) **To provide a basis for promoting and coordinating appropriate development** - The local plan assists, promotes and supports suitable public and private development, thus reducing costs and time. This is a key role and needs to be emphasized. The Local Plan indicates where private development schemes are encouraged and highlights areas for public sector involvement;
- e) **To bring local and detailed planning issues before the public** - this is followed through the legal requirement for public consultation; and

- f) **To define special areas where detailed action, environmental management plans and development briefs will be drawn up and implemented** – An example of such a plan already carried out by MEPA is the approved Qawra/Dwejra Heritage Park Action Plan (2005).

In view of the above, local plan policies should not depart from the provisions of the Structure Plan. However, the particular circumstances and specific issues of the local plan area occasionally necessitate policies to address these issues which materially depart from the existing strategic guidance. The local plan is proposing that such policies are taken on board during the next Structure Plan Review.

# 3 OVERALL STRATEGIC GUIDANCE

## 3.1 Introduction

The local plan designates specific areas of land in the various localities for the development of required land uses. In the formulation of area policies and proposals it has been ensured that sufficient and optimally located land has been designated for the development of these land uses, thereby ensuring the further social and economic development of the plan area. Additionally, development is directed in a manner as to safeguard, respect and complement environmental resources rather than imparting negative impacts. These approaches are in line with the principles of sustainable development.

Most of the urban areas in the Gozo and Comino Local Plan are residential in character. The Local Plan's primary goal is therefore to protect and improve the urban environment mainly by means of policies that aspire to improve the amenity of all residential areas. In particular, these policies aim at safeguarding residential areas from bad neighbourly developments and from over-development, at promoting rehabilitation projects, at protecting and embellishing existing urban spaces and ensuring the adequate provision of open spaces in new projects, and by restraining car usage and improving conditions for the pedestrian/cycle environment. The extensive rural areas in Gozo and Comino require protection measures and this is achieved by restraining further urban expansion, by protecting areas of conservation value and by designating strategic open space gaps between existing settlements.

The strategy of the Gozo and Comino Local Plan (and its relevance to current Structure Plan policies) is set out in more detail as follows. The salient features of the strategy are graphically displayed in **MAP 3.1**.

## 3.2 Settlements and Housing

The urban sprawl that has occurred in the past is mainly attributed to the unplanned urban growth of settlements that has occurred in the 1980s and early 1990's. The strategy adopted in this plan seeks to make efficient use of urban land by restraining the expansion of settlements in order to ensure that vacant infill sites are developed in preference to peripheral sites. It is noted that the potential supply of dwelling units within Development Zones is estimated to satisfy the projected demand.

*(SP policies SET1, SET8, SET11, BEN4, HOU1)*

The settlements in Gozo are experiencing low or negative population growth and have a progressively ageing population. Consequently, given that homelessness does not feature as a notable problem on the island and given that the population is not envisaged to dramatically increase, the provision of additional areas for residential development cannot be justified. The situation is illustrated by the fact that after more than a decade of implementation of the zoning conditions of the Temporary Provisions Schemes (1988),

around half of the properties within Urban Conservation Areas (UCAs) remain either under-utilised or vacant. Furthermore, a significant proportion of land within the Development Zone remains undeveloped.

*(SP Policies HOU2, HOU3)*

Whilst the concept of good neighbourliness is endorsed in principle, a considerable number of small industries have emerged in residential areas. The main factor that has spurred this problem was the almost relative absence of areas designated for such uses which are incompatible within residential areas unless mitigation measures may be implemented. The planned development of settlements is secured through guiding principles that seek to improve the residential environment and the quality of accommodation by allowing residential units to be established in locations which offer an acceptable living environment and through the control of development which constitutes bad neighbourliness in residential areas.

In general, the standard of housing provision in Gozo is superior to that in Malta. However, there is still scope for improvement especially in terms of rehabilitation of the existing under utilised dwellings and old/historic buildings in urban conservation areas.

*(SP policies BEN1, IND7)*

### **3.3 Transport**

The dramatic rise in car usage over recent years as well as the increase in additional vehicular traffic in peak months from the mainland especially during summer months have produced significant transport problems. Car ownership will continue to increase. If serious adverse environmental, economic and social impacts are to be avoided, car usage in some localities and particularly at peak periods needs to be restrained. Local circulation and parking problems, in particular along the *Rabat-Mgarr* route and the coastal recreational areas, needs to be given special attention.

*(SP Policies RDS2, RDS4, RDS5, TEM3, TEM7, TEM9, TEM10)*

In order to provide attractive, convenient and alternative forms of travel, a wide range of measures need to be introduced to halt and reverse the decline in the use of public transport. Additionally, conditions for pedestrians and cyclists need to be greatly improved, so that those undertaking short journeys are much more inclined to use these environmentally-friendly modes of transport. However, the main thrust of the transportation strategy shall be focussed on reducing travel distance between the main residential and employment/education centres within Gozo. In Urban Conservation Areas and Town Centres, special attention needs to be given to the creation of pedestrian areas and measures to promote the segregation of vehicular from pedestrian and cycle traffic.

*(SP Policies RDS7, RDS9, TEM7, TEM9, PTR1, PTR2, PTR3, PTR9)*

Inter-Island transport has particular relevance to Gozo as it is the lifeline which supports the economy and translocation needs of the island. The upgrading of the facilities at *Mgarr* and *Cirkewwa* Harbours are envisaged to this effect. Furthermore, it is essential to ensure that the route which connects *Mgarr* Harbour to the rest of Gozo can



accommodate the existing and future traffic circulation requirements. The upgrading of the inter-island service is also contemplated. Measures to reduce travelling time between the islands shall also be encouraged (especially those measures that have very limited impact in terms of land-use and the environment).

*(SP Policies IIT1, IIT3, IIT4, AVN4)*

### **3.4 Community Facilities**

Given the size and population of Gozo, the island is considered to be generally well served in terms of social and community facilities. However, there is still scope for the provision of such facilities in areas where the provision is still lacking and to upgrade the existing facilities in others. The strategy for community facilities provision is therefore one of consolidation which aims to secure an appropriate and suitably located range of such facilities preferably in a central or well accessed location. This particularly applies to health related facilities, secondary school educational facilities, and the provision of facilities for the elderly. Special attention is given to the provision of facilities for people with special needs.

*(SP policies SOC1, SOC3, SOC8, SOC10, SOC13, SOC14, SOC15, SOC18, SOC20, SOC22, SOC23, SOC25)*

### **3.5 Utilities and Services**

Local plans are required by the Structure Plan to include proposals for the siting and layout of utility services, structures and facilities. Long term planning, based on a comprehensive and common approach, is needed in order to guarantee an adequate and efficient provision of infrastructure and utilities. The local plan strategy is directed towards seeking to achieve adequate, improved and efficient infrastructure and utility provision and encouraging increased co-ordination between the MEPA and the various providers of utility services and their operational requirements, thereby increasing effectiveness and reducing inconvenience to the general public.

*(SP Policies PUT5, PUT7, PUT8, PUT11, PUT16, PUT17, PUT23, PUT25)*

### **3.6 Commerce and Industry**

In line with Structure Plan goals, the local plan encourages further economic development in appropriate locations and in a manner that is sustainable and that will ensure that sufficient land and support infrastructure are available to accommodate it. The provision of adequate facilities, especially in relation to existing and future micro-enterprises, shall be given priority in view of the existing inadequate provision.

Designated sites for small industry in private ownership often end up developed for other purposes. In Gozo, the areas allocated for small and medium-size industries are practically non-existent. Given that micro-enterprises are essential to the Gozitan economy, securing adequate provision assumes considerable priority. The strategy is therefore twofold. The first is to consider the possibility of integrating existing micro-enterprises within residential areas, provided that adequate environmental mitigation

measures are undertaken. The second approach is to steer micro-enterprises to selected areas near the main area designated for industry at *Xewkija*. The rationale is firstly to consolidate the existing industrial areas and secondly to open opportunities for micro-enterprises marketing their products for a wider market than the Gozitan local consumption market. Special emphasis is made on ensuring that adequate infrastructural facilities are provided, that the proposed industrial uses are compatible with their context and that their environmental impacts are minimized or eliminated. The treatment of the open spaces between the micro-enterprise units as well as the landscaping of the perimeter of the area designated for micro-enterprise activities should be given special attention wherever possible.

*(SP policies IND1, IND2, IND3, IND6, IND12, IND13, IND12)*

Since designations for Town and Local Centres have not been made in the past, there was a clear absence of locational criteria for the development of commercial and retail establishments. Consequently such uses have been established in out-of-centre locations and even within residential and industrial areas. The strategy of this local plan is to enhance the attractiveness, vitality and viability of main town centres by directing specific retail development and complementary uses to these centres. This strategy also encourages greater efficiency and an enhancement in the environmental quality of these centres. The development of specifically indicated retail uses outside these centres will only be permitted if they do not impinge on the vitality and viability of the designated centres.

*(SP Policies COM7, Para. 10.7, SET2, COM5, COM7, COM8,)*

### **3.7 Tourism and Recreation**

Tourism is a very important component of the economy of Gozo. The nature of tourism mainly focuses on the rural and landscape qualities of the island and the fact that it is less urbanized than mainland Malta. There is also a strong component of domestic tourism.

Gozo has a good provision of accommodation units for the tourism industry. This is subdivided into three main areas namely hotels, apartments and rural residences (farmhouses). The main strategic policy direction for Gozo is to promote Gozo and Comino as a rural, landscape and cultural heritage destination. Given that the Gozitan countryside and marine coastal environment are the main tourism assets, it is important to protect these assets and encourage the rehabilitation of existing underutilized buildings (especially those within the Development Zone) thereby reducing the pressure on the open countryside and natural environment. There is ample opportunity to apply this policy direction given that there are significant underutilized or vacant dwellings. Many of the units have access to long distance country views and this is definitely an asset.

There is also scope to promote cultural heritage within the built up areas. Gozo and Comino have a long history and there are many structures which have great potential to be tourist attractions. The unique urban spaces within *Rabat* and *Cittadella* are among the more notable attractions and compatible and contextual tourism-related development could integrate very well within the existing urban infrastructure. Such development

could also present an opportunity to bring dilapidated heritage into good use, however great sensitivity, contextuality and attention to scale are essential ingredients to successful integration.

The demand for apartments, particularly for domestic tourism will remain but the emphasis on rehabilitation and reuse will be particularly focused on the tourism areas identified in the Structure Plan i.e. *Marsalforn, Xlendi* and *Mgarr*, however with a higher level of design being required.

**(SP Policies TOU4, TOU9, TOU11, REC3, REC13)**

Considering the size and population of Gozo, there is a fairly suitable provision of urban recreation and sports facilities. However, there is a dire lack of rural areas which can accommodate informal rural recreation. The plan will promote the retention of public land in rural areas for public rural open space recreation and seek to consolidate countryside walkways, cycle routes, heritage trails and other public rural recreation facilities. Urban recreation and sports facilities should be mainly located within Development Zones.

**(SP Policies BEN19, TOU11, SOC14, REC1, REC 2, REC3, REC4, REC8, REC13)**

### **3.8 Urban Environment**

The overall historical and architectural value of the older urban areas has been undermined by the gradual redevelopment of existing buildings and by insensitively designed alterations and extensions to buildings. The preservation and enhancement of all buildings and spaces that are of architectural or historical interest within Urban Conservation Areas, forms an important element of the strategy being followed for the improvement of the urban environment. The protection of important urban open spaces, gardens, and sites which offer key strategic and local views, is given priority. The overall upgrading of the urban environment will also be encouraged by ensuring aesthetic compatibility of the individual development within its context.

**(SP Policies BEN2, UCO1, UCO2, UCO4, UCO6, UCO10, UCO13)**

### **3.9 Rural Environment**

Gozo and Comino have a predominantly rural character. In fact, the whole of Comino and substantial areas of Gozo excluding areas indicated for development are designated as Rural Conservation Areas (RCAs). Large tracts of Gozo comprise good quality agricultural land. Together with the characteristic topography, coast, valleys and tracts of *garrigue* and *maquis*, traditional agriculture contributes towards the unique landscape character of Gozo. The strategy of containment of built-up areas contributes towards the conservation and protection of existing limited natural resources. However, there is a need to promote initiatives to improve the quality of the rural environment following an overall strategy of sustainable development. The countryside and coast remain two of the most important natural resources to conserve and protect from inappropriate development.

The overall objectives of the Coastal Strategy devised as part of the Structure Plan Review, includes the protection of coastal and marine habitats, biodiversity, cultural heritage, coastal uses that necessitate a coastal location, public accessibility and use and the minimization of existing and potential user conflicts. The primary objective of this strategy for the predominantly rural coastline is to safeguard the natural and cultural heritage including the open landscape. The type and level of new development acceptable within these areas should be minimal. Only development that is directed towards improving the degraded areas and enhancing informal recreation will be acceptable.

***(SP Policies SET11, REC11, RCO2, RCO3, RCO6, RCO12, RCO21, RCO28, ARC1, CZM2, CZM3)***

# **LOCAL PLAN GENERAL POLICIES**

## 4 SETTLEMENT POLICIES

### 4.1 Introduction

The Inception Report for the Gozo and Comino Local Plan has indicated that in accordance with Structure Plan Policies, better utilization of the existing residential built infrastructure should continue to provide for a good quality of life for the Gozitan community. Various local councils have also indicated the need to protect the identity of the settlements.

Ribbon development is the predominant settlement characteristic in Gozo. This has been mainly (but not solely) induced through topography. Projections indicate that there is ample land to cater for urban development within and beyond the local plan horizon. A key concept adopted by the local plan is therefore to adopt the existing scheme boundaries save for minor modifications necessary to rationalize the Development Zone boundary. There have however been instances where by virtue of zoning incompatibility, proximity to existing compatible facilities or committed development, land adjacent to the settlement boundary was taken into account in order to cater for the projected needs.

In terms of Structure Plan Policy SET8, minor revisions to road alignments and zoning provisions within the settlement boundaries, including amendments to road alignments within Urban Conservation Areas, have been made, taking into account the submissions made by the general public which do not merit a specific policy for each amendment but are being documented as part of this local plan. Such minor amendments to the provisions of these Temporary Provisions Schemes (1988) (illustrated in the relevant Area Policy Maps and which are within the Limits to Development boundaries are to be adopted on approval of this plan. The aim of these revisions is generally to improve traffic circulation within settlements and to address conflicts between the Temporary Provisions Schemes (1988) and the Structure Plan regarding building alignments, changes to carriageway width within Urban Conservation Areas and other minor adjustments. The proposed amendments are considered to contribute to the proper planning of the area where these do not entail a relaxation of settlement boundaries. MEPA has taken into account in the revision of the existing scheme boundaries, the submissions made by the public through public consultation held during the course of work on this Local Plan and in the light of the above consultations has proposed changes to the Development Zone Boundaries.

Public submissions have also been taken into account in the 'Local Plans Rationalisation of Development Boundaries (2006)' based on Cabinet criteria and conducted in May/June, 2006. These are subject to Parliamentary Approval before being adopted in terms of the Development Planning Act.

**GZ-LMDZ-1: Development Zone Boundaries are indicated in the relevant Area Policy Maps. Changes to these Boundaries are being recommended in order to secure their rationalisation. These recommended changes are indicated in the detailed Planning**

**Control Maps (Appendix 2/2a) and in the Area Policy Maps for the relevant settlements.**

**Confirmation of these recommended changes to the Development Zone Boundaries will require the finalisation of the Structure Plan Review. These recommended changes are also subject to Parliamentary Approval.**

**Urban development will not be permitted outside the approved boundaries unless indicated through this Local Plan. In addition, it will only be considered if in the opinion of MEPA, and in accordance with Structure Plan Policies SET11 and SET12, the site is essential for the development proposed and no specific designation for the use to be accommodated within the development boundary has been made.**

It is impractical to attempt to indicate an appropriate range of land use for every potential development or redevelopment site in the Local Plan area. Therefore, unless otherwise specified, proposals would also be subject to the provisions of the Temporary Provisions Schemes (1988), with DC2005, and all the relevant MEPA policies and design guidance and the Structure Plan. Pre-1988 scheme alignments which occur within Development Zones may be taken into account in view of the guidance that these may provide. Other material considerations relevant to the site and to the type and form of development proposed may also merit consultation with these schemes.

**GZ-GNPR-1 MEPA will determine the acceptability of development permission applications on land that is not covered by policies in the Local Plan, in accordance with:**

- a) the zoning conditions and building alignments as indicated in the Temporary Provisions Schemes (1988) or such revised schemes as provided in this plan. Furthermore, consideration shall be given to the existing building typologies on site and any other self-imposed building characteristics;**
- b) DC2005;**
- c) other relevant approved policies and design guidance;**
- d) Structure Plan policies; and**
- e) any other relevant material planning considerations relating to the site and to its context.**

**In the determination of development planning applications, MEPA will also take into full account all relevant constraints affecting the site.**

## 4.2 Built Environment

### 4.2.1 Settlement Patterns

The Inception Report indicated that the available areas within the existing Development Zones should suffice for all projected residential and non-industrial development. This is based on projections which indicate that in the vacant plots within development zone boundaries, 5,400 dwelling units can be accommodated whereas demographic projections indicate that during the local plan period only 1,400 will be required. These estimates do not include the more than 8,000 existing dwellings which are non-utilized or are utilized only during part of the year. Moreover, the Urban Capacity Study indicates that an additional 4,300 units can be made available in urban areas on Gozo. The foregoing notwithstanding, slight revisions to the existing scheme boundaries (containing the Development Zones) are necessary in order to rectify various anomalies in the Temporary Provisions Schemes (1988). These refinements are only intended to rationalize the existing Development Zone boundaries and in effect do not constitute an extension of the extant development zone boundaries. Modifications are also contemplated to address development in areas that cater mainly for the tourism industry but again, optimisation of the existing built infrastructure (as opposed to extension of the Development Zones) is the adopted approach.

Therefore, the main thrust of urban development shall continue to be focused into areas identified for urban development rather than designating new, as yet unbuilt areas.

**GZ-SETL-1: In accordance with the Structure Plan, in the Gozo and Comino Local Plan, urban development shall continue to be channelled towards areas specifically designated by this local plan for development.**

Urban settlement patterns in Gozo are characterised by some features that distinguish them from development on mainland Malta. In fact, ribbon development predominates in most Gozitan settlements whereas in Malta, the settlements tend to be planimetrically more globular. In most cases, it is difficult to identify the settlement and spatial hierarchies just by a casual examination of the layout of the urban fabric. For instance settlements such as *Santa Lucia*, *San Lawrenz*, *Ghasri (L-Ghasri)*, *Munxar (Il-Munxar)*, *Kercem (Ta' Kercem)*, *Sannat (Ta' Sannat)*, *Xewkija (Ix-Xewkija)*, *Qala (Il-Qala)*, *Zebbug (Iz-Zebbug)*, *Marsalforn* and *Xlendi (Ix-Xlendi)* do not have a planimetrically well-identified settlement core area. In most of these cases, the location of the central area can only be determined through the presence of larger individual buildings (such as the parish church), open public spaces (usually in front of churches) and more compact development along the routes around the central area. At the edges of these settlements, development along the routes tends to be interrupted by undeveloped land. In the case of *Gharb*, ribbon development is still predominant, however a development pattern radiating from the piazza in front of the church is evident. In *Xaghra*, streets radiate from a central piazza but the pattern is lost the further away from this area with prominent finger-like ribbon development occurring at the edges of the settlement. The urban form of *Nadur* is also peculiar as the old settlement is partly radiating together with a quasi-grid iron pattern emerging from the same central piazza. *Zebbug*, on the other hand, consists of



two contiguous tear-drop shaped masses of settlement linked by a single road. In the latter case, there are no planimetric finger-shaped protrusions.

*Rabat (Ir-Rabat), Fontana (il-Fontana) and Kerchem (Ta' Kerchem)* are considered as a special case in the Gozo urban settlement form. Street patterns clearly radiate from the piazza at *It-Tokk* which divides the fortified settlement at *ic-Cittadella* on the north from *il-Borgo* on the south. The settlement pattern at *il-Borgo* is very clear as it is characterised by very narrow jagged street patterns, some of which terminate in alleys. Street patterns around the older part of *Rabat* tend to become more regular but the radiating pattern from *It-Tokk* is evident right to the periphery of the settlement. A small break in development intensity can be found on the south-western flank of *Rabat* where the link between the Gozitan capital and *Kerchem (Ta' Kerchem)* occurs. Fontana and Rabat merge into one another. In the *Rabat/Fontana/Kerchem (Ta' Kerchem)* case, development tends to be more punctuated at the edges of the settlement.

In a number of instances, settlements in Gozo have either merged or lie quite close to each other. It is important that settlements retain their distinctive identity and contact with the countryside around them. This identity is easily lost through ribbon development along the roads between settlements, allowing them to coalesce. Thus the local plan is designating Strategic Open Space Gaps intended to preclude buildings or structures which would be detrimental to securing and retaining a distinct identity for each settlement.

**GZ-SETL-2: The ODZ areas between neighbouring built-up areas lying in close proximity to each other (as shown on MAPS 14.2-A to 14.15-A (where applicable)) are designated by MEPA as Strategic Open Space Gaps.**

**Except for areas indicated for inclusion within the Development Zone through the Local Plans Rationalization of Development Boundaries Exercise (2006) as approved by Parliament, MEPA will not permit any urban development in designated Strategic Open Space Gaps except for essential small scale utility infrastructure provided that such development satisfies the following conditions:**

- a) It is demonstrated to the satisfaction of MEPA that the developer could not acquire a suitable site for the proposed development that is not located within a Strategic Open Space Gap;**
- b) The development is to have a siting, massing, layout and design which least impinges on the scenic value and character of the Strategic Open Space Gap; and,**
- c) The development is to be adequately screened by soft landscaping.**

**Within Strategic Open Space Gaps, MEPA promotes the following uses and activities:**

- i. Maintaining and enhancing attractive landscapes and the improvement of derelict land through habitat recreation, rural tree planting (according to the Guidelines on Trees, Shrubs and Plants for Planting and Landscaping in the Maltese Islands (2002)) and landscaping schemes;**
- ii. Nature conservation and improved presentation of important habitats, where appropriate;**
- iii. The promotion of arable agricultural land uses in all areas not scheduled for environmental protection;**
- iv. Improved access to the open countryside through the provision of country walkways/pathways and cycle routes, where appropriate;**
- v. Providing opportunities for public informal recreation in appropriate locations; and**
- vi. Providing essential utilities and services as appropriate.**

#### **4.2.2 Other Designated Areas**

The Structure Plan identifies a number of specific development areas where special forms of development are permitted through the relevant set of strategic policies, although these are not formally included in the Development Zone boundary shown in the Temporary Provisions Schemes (1988). The local plan is delineating these areas so that the extent of the applicability of the relevant policies can be readily identified.

The list as per Policy GZ-SETL-3 below does not include other developments such as football pitches, batching plants, waste disposal areas, cemeteries, wayside chapels, residential farmhouses, lighthouses, quarries and other development not normally located in urban areas. The list also precludes projects, isolated buildings, groups of buildings or structures which are covered by a legitimate development permit.

**GZ-SETL-3**     **The following areas designated on **MAPS 14.2-A to 14.15-A (where applicable)** are indicated in the Structure Plan for specific types of development and/or land-use. The Local Plan is delineating these areas to facilitate interpretation of the extent of the relevant policy regime:**

- a) Mgarr Harbour (SP Policy IIT1)**
- b) Xewkija Heliport (SP Policy AVN4)**
- c) Ic-Cittadella (SP Policy UCO1 (4))**
- d) Fort Chambray (SP Policy TOU6 (6))**
- e) The industrial area due west of Xewkija Industrial Estate (SP Policy IND3)**
- f) Ta' Dbiegi Crafts Village (SP Policy IND3)**
- g) Ta' Cenc (SP Policy TOU10, MCO1(4))**

#### 4.2.3 Settlement Hierarchy

The economic, residential and cultural centre of Gozo lies in *Rabat* (Victoria). The capital of Gozo is also the largest in terms of population and a significant proportion of the administrative, retail and service industry for Gozo are located within this settlement. *Rabat* is the only settlement in Gozo that has a substantial commercial centre and thus it caters for the needs of the whole island. Therefore, it is being designated with a Primary Town Centre as well as a number of Local Centres. Similar to *Rabat*, other localities have a centre which is focused on a parish church (*Rabat has two parish churches*), however, these latter settlements are predominantly residential in character. There is scope in some of the larger centres to have Local Centres in order to cater for a more limited catchment area. *Rabat*, *Nadur*, *Xaghra* and *Ghajnsielem* are thus being designated to have Local Centres (**refer to Chapter 9 - Commerce and Industry**). *Marsalforn* and *Xlendi* have developed along the coastal area and in these localities, tourism related development predominates. *Ghajnsielem* is a special case as it has two focal points namely the parish square and *Mgarr* Harbour. In *Ghajnsielem*, limited tourism related development tends to occur around the *Mgarr* Harbour area. The largest settlements in terms of size and population tend to be found due east of *Rabat*. The two main seasonal resorts in Gozo are *Marsalforn* and *Xlendi*. Since these are tourist areas, the population fluctuates significantly between summer and winter. *Marsalforn* forms part of the *Zebbug* Local Council, whilst *Xlendi* forms part of the *Munxar* Local Council.

**GZ-SETL-4 A Primary Town Centre and a Local Centre are designated for Rabat. Local Centres are also designated for Nadur, Xaghra and Ghajnsielem. Commercial Areas are designated at Rabat and Xewkija. Entertainment Priority Areas are designated for the settlements of Marsalforn, Xlendi and Mgarr. The rest of the settlements in Gozo are primarily designated for residential land use with adequate local administrative, community and local services facilities.**

#### 4.2.4 Height Limitation

The building height limitation of the various settlements shall be applied according to the criteria established in the **DC2005** as approved by MEPA. In general, the existing building height limitation (indicated in the Height Limitation Guidance (1997) and published as supplementary guidance with reference to specific settlements) shall be adopted. The building height limitation is the permitted maximum and is also subject to the provisions of **DC2005**. In scheduled sites or areas, the building height limitation may be subject to specific conservation policies and therefore may not be permitted to reach the maximum building height limitation indicated.

Building height limitation restraint is especially relevant to the edge treatment of settlements, especially the visually sensitive areas where the Development Zone boundary occurs near a ridge edge or fronts a sensitive Outside Development Zone Area. Existing policy guidance has already precluded relaxation of building height limitations on these ridge edges. The local plan is thus assisting with the interpretation of the extent of the ridge edges by delineating the areas to which the ridge edge policy would be applicable.

There are instances of buildings where the existing height is higher than that indicated by the Building Height Limitation Maps indicated in Policy GZ-HTLM-1. In such cases, provided that the building height is legitimate, requests for development on the same area would be favourably considered in terms of Section 33 (1) of the Development Planning Act. However, in view of the varied influence of different uses, the originally permitted height (i.e. that which exceeds the indicated building height limitation) shall be deemed to remain effective if and only if the proposed development remains within the same Use Class. Building height relaxation not exceeding one floor is being permitted on school sites if this is the only option available to accommodate school extensions needed for the provision of new ancillary educational facilities (e.g.; media room, computer labs, art rooms etc.) or to improve school open space standards. This is being sought so as to avoid the costly relocation of existing schools in order to provide for the new space standards needed by schools. However, these vertical extensions will be allowed by MEPA provided that they are strictly in line with the Department of Education's school design policy and regulations. MEPA will not permit that the new space provided by the extension be used for new classrooms as this would increase the student population and thereby lead to increased impacts in traffic generation and reduced amenity. School extensions above height limitation for sites located within RPAs or affecting important Local Views in UCAs are not being allowed in order to protect the environment and amenity of these areas.

**GZ-HTLM-1** **Building height limitations have been reviewed for each local council area and are detailed through the relevant area policies and Building Heights Limitation MAPS 14.2-C to 14.15-C (*where applicable*). The Local Plan designates only limited relaxation of Building Height Limitations established by the Temporary Provision Schemes (1988). Development shall comply with the maximum building height limitation indicated in the relevant Building Heights Limitation Maps, shall comply with the relevant area policies that regulate building heights, shall be in accordance with the criteria for building heights established in the DC2005, and shall comply with all the relevant sanitary regulations.**

**Where maximum building heights are not specified in this local plan, the redevelopment of land or buildings will be considered in relation to the prevailing building height limitation for the area in which the development is situated. In addition these proposals shall enhance the townscape and the setting of the development within its context.**

**Where the need arises for an existing school to extend so as to incorporate required ancillary facilities, and this expansion cannot be achieved by means of horizontal extensions due to site constraints, then MEPA in consultation with the Department of Education will consider the development of an additional floor for the school above the maximum building**

height limitation indicated in the relevant Building Height Limitations Maps. This additional floor will be considered irrespective of the predominant height of existing buildings in the vicinity of the site in question. However, extension above the height limitation will not be permitted by MEPA in the following circumstances:

- i. for additional classrooms which would result in an increase in the student population of the school;
- ii. for schools located within Residential Priority Areas; and
- iii. where the additional floor would, in MEPA’s opinion, create an unacceptable visual impact on important scheduled or landmark buildings as viewed in their setting and/or against the skyline.

The maximum building height limitations indicated in this local plan override any approved supplementary guidelines with respect to building heights.

Development specifically referred to in **TABLE 1.1** shall have special height limitation parameters.

**TABLE 1.1**  
**SPECIAL HEIGHT LIMITATION GUIDANCE**

Development	Height Limitation	Remarks
Churches	Not specified	Depends on aesthetic merits.
Industry/Mixed Use Area	On own merits when occurring in the <i>Xewkija</i> Industrial Estate	See section on Commerce and Industry
As specified by Development Briefs or Action Plans	Normally to correspond with that of the surrounding area	Some exceptions <u>may</u> be made on architectural features which give a focal point to the development. These exceptions should be amply justified (i.e. in terms of Floor Area Ratio), should respect high quality architectural buildings or UCA's nearby and should have a high architectural value.

**4.2.5 General Zoning**

The following zoning areas (in **TABLE 1.2**) are to be applied to Gozo and Comino. These are being indicated to facilitate development control as well as to guide future development in the most effective manner.

It is important to note that in the case of general zoning for “Terraced Housing Areas” and “Semi/Detached Dwellings”, different provisions may be applicable from one zoned area to another (although being in the same general zoning area). For example, certain types of commercial development will be restricted in designated Urban Conservation

Areas. In other cases, building height limitation may vary or special conditions may be applicable. In the case of semi/detached dwellings, there are variations in the zoning conditions for fully detached villas, semi-detached villas, bungalows and flatted dwellings. These zoning variations will be specifically indicated for each respective area.

**TABLE 1.2**  
**GENERAL ZONING PARAMETERS FOR AREAS WITHIN DEVELOPMENT ZONES**

Zoning	Permitted Development	Remarks
Residential *	<ul style="list-style-type: none"> <li>• Terraced Houses</li> <li>• Apartments/Flats</li> <li>• Offices</li> <li>• Non-industrial Commercial Activities</li> <li>• Public Buildings</li> </ul>	<p>Subject to building height limitations, conservation policies, the relevant conditions in DC2005 or the equivalent reference in any subsequent revision.</p> <p><b>Important:</b> The zoning conditions may vary within a Residential Area depending on area specific policy considerations.</p>
Detached *	<ul style="list-style-type: none"> <li>• Fully Detached Villas</li> <li>• Semi-Detached Villas</li> <li>• Bungalows</li> <li>• Flatted Dwellings</li> </ul>	<p>Subject to relevant conditions in DC2005 as well as other planning policies.</p> <p><b>Important:</b> The zoning conditions may vary within a Residential Priority Area depending on area specific policy considerations. Different colours and/or shadings may also be used on the maps for each sub-category indicated under the column "Permitted Development" to illustrate variations in the zoning conditions.</p>
CPPS	<ul style="list-style-type: none"> <li>• Areas to which the Commuted Payment Parking Scheme (CPPS) is applicable</li> </ul>	Applicable to <i>Rabat</i> and <i>Marsalforn</i> .
Commercial	<ul style="list-style-type: none"> <li>• Applicable to commercial development</li> </ul>	Mainly applicable to <i>Rabat</i> . Includes a Town Centre, Local Centre and Commercial Areas.
Action Areas	<ul style="list-style-type: none"> <li>• Generally guided or intended to be guided through an Action Plan or Development Brief.</li> </ul>	Each Action Area is addressed in the relevant policy section.
Industrial	<ul style="list-style-type: none"> <li>• Large Scale Manufacturing</li> </ul>	Applies to the <i>Xewkija</i> Industrial Estate only.
Micro-enterprises	<ul style="list-style-type: none"> <li>• Small and medium scale (less than 200 sq. m. footprint) manufacturing.</li> </ul>	Applies only to specially designated areas.
Tourism Areas	<ul style="list-style-type: none"> <li>• Areas specifically indicated to accommodate tourism related accommodation and services.</li> </ul>	Excludes major tourism projects Outside the Development Zones.
Entertainment Priority Areas	<ul style="list-style-type: none"> <li>• Sub-areas within Tourism Areas designated to focus on the catering and entertainment facilities.</li> </ul>	Differentiated from other Tourism Areas where in the latter the priority shall be on tourism related accommodation

\* In the case of "Residential Areas" and "Detached Dwellings", permitted development should not be interpreted to apply across the whole of the general zoning.

It is important to note that **TABLE 1.2** only indicates areas within development zones and relate only to the built infrastructure. Other policies and policy conditions within and outside Development Zones are indicated through the respective policy sections.

#### 4.2.6 Urban Open Spaces

There are a number of urban open spaces in *Rabat* and other urban areas in Gozo. As expected, the largest open spaces occur in *Rabat*. However, given the scale of development and population of *Rabat*, these open spaces are rather restricted in size to serve the needs of the community. Therefore, these open spaces should be retained in size, be upgraded, embellished and access should be facilitated for pedestrian circulation. The public piazzas and open spaces should also serve as urban pedestrian focal points which encourage social interaction and which promote the attractiveness, vibrance and vitality of these open spaces through increased permeability within the relevant settlement.

There are also a number of green urban spaces which are in private ownership. Many of these have been designated as green areas in former plans. These areas punctuate the urban grammar, provide green open spaces within urban areas and make the urban landscape more readable and interesting rather than monotonous and continuous stretches of buildings. In other instances, these stretches serve to provide access to particular vistas. Almost invariably, these areas can be viewed from nearby carriageways and thus can be appreciated from public areas. Unless otherwise indicated in the plan, the designation of these areas should thus be maintained.

**GZ-URSP-1: The spaces shown in MAPS 14.2-A to 14.15-A (where applicable) shall be designated as public urban open spaces and shall retain their open character unhindered by built development. These spaces should also be considered as an opportunity to create or enhance open and informal urban areas for the enjoyment of the public.**

**There may also be scope to utilize the space underneath these public urban open spaces if it transpires that such underground spaces are not of archaeological significance, would not prejudice infrastructural services and are compatible with nearby urban uses. In such cases, limited above ground structures (especially those meant to gain access to the underground space) may be permitted within the delineated open space.**

**Unless otherwise indicated in this plan, green areas in private ownership shall continue to retain their open character and no buildings should be permitted on them. Landscaping proposals would however be considered provided that the proposals enhance the character of the surrounding urban spaces and where relevant, do not obstruct access to interesting long distance views or features.**

#### 4.2.7 Ridge Edge and Development Zone Edge Development

The treatment of Development Zone boundary edges is very important since from an external viewpoint, it represents the interface between the built settlement and the surrounding landscape. The edge of a settlement also conveys the first impressions of a settlement when viewed from an approach route or from the countryside. Ill-designed

settlement edge treatment can effectively mask the superior quality of the townscape nearer to the centre of the settlement and discord conspicuously with the surrounding countryside. Attention therefore needs to be given to the design, massing, texture and building height of development directly facing the Development Zone boundary edge as indicated on the Building Height Limitations Maps. To this effect, great attention should be given to the design of external features of buildings (including treatment of curtilages) in areas near the edge of a Development Zone which overlooks an area ODZ.

There may be instances where new land is included within the Development Zone through the 'Local Plans Rationalisation of Development Boundaries (2006)' on the ODZ side of an area indicated as a GZ-EDGE-1 area. This will lead to a situation whereby this site or area is no longer directly facing the edge of the Development Zone. Therefore MEPA may in such cases reassess the building height limitation of these sites.

**GZ-EDGE-1: The massing and facades of new development which overlooks ODZ areas shall be designed in such a manner as to respect the traditional edge of settlement skylines. Additionally, it shall NOT be permissible to have blank party walls at the edge of a Development Zone. In such cases, the façade would need to have apertures and to be separated from the Development Zone Boundary by a back-garden (or side garden) of at least 3m. In cases where the existing plot cannot accommodate the side garden within the development zone boundary, the side garden may be accommodated outside the development zone boundary.**

**Unless otherwise indicated on **MAPS 14.2-C to 14.15-C (where applicable)**, the building height limitation of Development Zone edges shall be two floors with a three-course basement.**

**An additional floor to the two floors may be permissible provided that all the following conditions are adhered to:**

- a) The site does not qualify as Ridge Edge Development; and**
- b) The additional floor shall comply with conditions for Penthouses (except for criterion A (a) and C) as indicated in Section 10.6 of **DC2005**.**

**In condition (a) above, the recessing shall be 4.25 m. from each frontage in the case of buildings with a frontage on two or more sides.)**

**In cases where the two existing adjacent built plots (on both sides of an undeveloped intervening plot) have more than two permitted floors, the intervening plot may be allowed to reach the same height of the lower of the adjacent plots.**

**In cases where the edge of the development zone coincides with a UCA designation, the provisions of the UCA policies in**



terms of design and building height limitation for UCAs shall be applicable.

The relevant provisions in **PART 2** of the **DC2005** shall continue to apply. In cases of conflict with this policy, the provisions of this local plan policy shall prevail.

This policy shall be applicable to those plots having a direct frontage facing in the developable areas the edge of a Development Zone as indicated on **MAPS 14.2-D to 14.15-D (where applicable)**. In cases of conflict between this policy and other policy guidance, the provisions of this policy shall prevail.

In cases where, as a result of the ‘Local Plans Rationalisation of Development Boundaries (2006)’ exercise, new land is included into the Development Zone on the ODZ side of an area indicated by this Policy as a **GZ-EDGE-1** site reassessment of the building height limitation will be considered by MEPA.

In instances where the Development Zone boundary coincides with a ridge edge, the resulting development has a very strong impact on the visual amenity of the urban edge as seen from the surrounding countryside. Development proposed at the edge of ridges shall therefore be given even greater attention in view of the fact that these areas are scenically very conspicuous and are strategically and visually sensitive from a landscape point of view. To this effect, MEPA’s **DC2005** gives guidance on development on sloping sites and ridges. In order to assist with the guidance interpretation, the extent of applicability of the ridge edge policies is being delineated. Apart from the provisions of the DC2005, the following policy shall also be applicable.

**GZ-EDGE-2:** Apart from the provisions of **GZ-EDGE-1**, special attention shall be given to the design of building elevations on ridge edges and overlooking the ODZ areas. These elevations should strive to emulate in terms of massing, colour, texture, building height and the traditional architectural grammar found at the urban edge of the Gozitan settlements (refer to **Appendix 1**). This policy shall be applicable in areas identified in **MAPS 14.2-C/D to 14.15-C/D (where applicable)** as Ridge Edge Development. Development in such areas shall be guided through the relevant provisions in Sections 2.6 and 2.7 of the **DC2005** or the equivalent reference in any subsequent revision.

The policy on Swimming Pools ODZ (Feb 2000) shall not be applicable to ODZ areas adjacent to ridge edges unless it can be proven that these interventions are occurring on existing (permitted) established gardens, and the intervention

complements the sensitive characteristics of the ridge edge. (Also refer to **Policy GZ-URCO-4**)

**In cases of conflict with this policy, the provisions of this local plan policy shall prevail.**

**GZ-EDGE-3:** In cases where the distance (measured along the depth of a property) between a street frontage and the nearest Development Zone boundary is more than 30m it may be permissible to have a structure within the back-garden, provided that the guidelines listed in **APPENDIX 1** are adhered to. The provisions of this policy shall not be applicable to ridge edge areas indicated in policy **GZ-EDGE-2** or where this would in the opinion of MEPA conflict with other factors, including environmental protection considerations.

In cases where the edge of a development scheme is delineated by a carriageway, it is important to soften the transition from the urban area to rural areas. Many such areas have been degraded as a consequence of construction of the carriageway, buildings nearby or uncontrolled tipping. Consequently, an eyesore is created at the urban edge. Thus an opportunity arises not only to remedy such eyesores through the designation of green verges, to achieve the urban edge visual transition objective, but also to render the experience of walking along the edge of a settlement more enjoyable.

**GZ-EDGE-4:** Where an existing carriageway defines a Development Zone boundary, a development-free green corridor (between 3 to 10 m. wide) shall be designated. Proposals by local councils to create green verges with tree planting subject to MEPA's Guidelines on Trees, Shrubs and Plants for Planting and Landscaping in the Maltese Islands (2002) for public enjoyment and visual landscape appreciation shall be favourably considered. However, these interventions must not impinge negatively on the adjacent countryside and proposals that would simply shift the eyesore further out would not be acceptable. Proposals that would result in the destruction of areas of garrigue or other protected environmental areas will likewise not be permitted. Additionally, the provisions of this policy shall not be applicable to undisturbed areas where the gradient beyond (i.e. on the ODZ side of the carriageway) is higher than 1 in 6.

**In cases where planting of trees is contemplated, these shall conform to species indicated in the Guidance on Planting.**

#### 4.2.8 **Enclaves within a Development Zone**

A number of areas in Gozo within development zones currently do not have any specific zoning and are thus termed "white areas". The range of sizes of white areas

varies considerably from a few hundred square metres to a few hectares. Development has taken place in some of the white areas to the extent that future layouts are determined by the existing commitments. In this local plan, these areas are being zoned for residential development. The internal comprehensive layout of these areas shall be determined jointly (by the relevant land owners) through a joint application to MEPA. To facilitate the process of consultation, proposals for the layouts for each “white area” should be forwarded for consideration to MEPA where these will be determined according to the principles of good planning practice.

**GZ –WHIT-1: The Enclaves within a Development Zone (former white areas) indicated on MAPS 14.2-A to 14.15-A (where applicable) are being zoned for residential development. These areas shall be developed in a comprehensive manner, following a layout plan which shall be submitted for approval, jointly by the respective owner/s. Furthermore the following criteria apply:**

- a) **The proposals shall not cause unacceptable adverse effects (from a planning point of view) on adjacent third parties or on the nearby transport routes or amenities.**
- b) **After the layout of each comprehensive area is approved by MEPA, the infrastructure requirements (street formation, utility extension and ducting) for the relevant area have to be in place prior to commencement of any ground preparation or building works related to residential development.**

#### 4.2.9 **ODZ areas enclosed by development**

A number of Development Zones in Gozo have substantial pockets of undeveloped land which is totally or almost totally encircled by land zoned for urban development. Some of these areas are cultivated, whilst others are protected by virtue of scheduling (normally to protect important archaeological sites).

The Gozo and Comino Inception Report has identified that there is sufficient provision of residential development in Gozo. Therefore, development of Enclaves ODZ surrounded by residential development is not sensible. Given that some of these areas are cultivated, there may also be an opportunity to provide for medium scale (i.e. smaller than 50 sq. m. footprint) agricultural stores for agricultural products storage or agricultural processing units as well as for the location of greenhouses. These latter types of development are preferred given that agricultural land in Gozo is at a premium and that location of greenhouses or agricultural stores in the open countryside is almost invariably likely to impair and degrade the rural scenic qualities of the surrounding areas. These areas also have the added benefit of screening the resulting agricultural development from long distance views.

**GZ-ENCL-1: The Enclaves ODZ indicated on MAPS 14.8-A and 14.12-A shall be considered adequate for the development of greenhouses.**

**Requests for the construction of agricultural storage/agricultural processing facilities in these enclaves may be also considered provided that:**

- a) the proposed built-footprint shall not exceed 50 m<sup>2</sup>;**
- b) at least 20 tumoli (2.248 hectares) of good quality agricultural land (registered on the applicant's name) will be retained for cultivation as a condition for development permission. The geographic extent of the cultivated land shall be indicated with the request for development permission for the proposed building. The same agricultural land shall lie within a radius of 2 km from the built footprint of the store; and**
- c) no point along the edge of the proposed building footprint shall be closer than 50 m. from the nearest inhabited building or 25 m. from a nearby agricultural store.**

**Proposals for horse stables may also be considered in these enclaves, provided that adequate measures are taken to safeguard neighbour compatibility.**

#### **4.2.10 ODZ Settlements**

Settlements outside the Development Zones normally have different characteristics that need to be acknowledged in any policy intended to guide their development. These clusters of buildings were either extant before the designation of the TPS (1988) boundaries but were for some reason left out of the Development Zones or have emerged as a result of planning decisions which, over time, has permitted their establishment and/or growth. Three categories of ODZ settlements are recognized namely:

- a) Large settlements in close proximity to the urban area. (Large Rural Settlements Category 1 Settlements ODZ)**
- b) Settlements within a wider rural area (Rural Settlements Category 2 Settlements ODZ)**
- c) Small settlements within a wider rural area (Small Rural Settlements Category 3 Settlements ODZ)**

Rural settlements/hamlets can consist of a group of dwellings and can have a compact or linear form. These settlements/hamlets do not normally have the level of facilities to warrant significant levels of development and additionally, any policy to guide their development must have regard to their size, location, environmental constraints, employment opportunities and travel to work patterns. Care must also be taken to assimilate any development into the settlement/hamlet without an adverse impact on its character or the amenity of the surrounding countryside.

#### **4.2.11 Category 1 Large Rural Settlements ODZ**

The character of these settlements, due to their close proximity to the main urban areas, the building typology and land-uses within them does not distinguish them from the urban settlement within the boundary. However, they are separated from the main

urban area by a gap site, which is locally significant as it contributes positively to the character of the urban area. The permission of development on vacant land within these settlements will not substantially increase the amount of land released for development since the large part of them are already built up.

#### **GZ-RLST-1: Category 1 Large Rural Settlements ODZ**

**In Category 1 ODZ Settlements as indicated on **MAPS 4.2.10** (including the relative inset maps), which are in close proximity to the main urban area, but separated by an undeveloped gap of local significance, due attention must be given to the design of new buildings within the established boundary, especially those on the edge of the boundary of the settlement, to ensure there are no adverse visual impacts, especially through the creation of new party walls. A side garden of at least 3.0m, with an elevation fronting upon it, will be required for sites on the boundary's edge. Priority will be given to the rehabilitation of buildings of historical or architectural interest within these settlements. Land uses which fall within those identified by Policy **GZ-HOUS-1** will be permitted within this group of Category 1 ODZ Settlements.**

**Permissible height shall be two floors without underlying basement. The aesthetics of the façade should be complementary to that of the adjacent dwellings.**

**In exceptional circumstances, storage facilities for agriculture may be allowed provided that the facilities do not entail the creation of a basement or semi-basement and that the design fits with that of the rest of the Category 1 settlement. This concession (for agricultural facilities) shall not be applicable to areas which have a UCA character.**

#### **4.2.12 Category 2 Rural Settlements ODZ**

Category 2 Settlements ODZ are settlements which lie some distance away from the Development Zones and normally support an autonomous community. In a number of instances, these communities are located within rural areas of appreciable scenic and environmental value. A policy for development in Category 2 settlements seeks to reach a balance between allowing consolidation of these settlements through restricted growth and sustainable rural development and to protect their rural character by preventing development which will adversely affect those intrinsic features of the settlement (e.g. historic buildings, considerable gap sites between buildings, landscaping). Thus restrictions on site planning, footprints, building heights and car parking provision are being introduced to ensure that all new development for residential purposes will not create unacceptable environmental impacts. Strict criteria for the identification of “gap sites” are also identified to ensure that the minimum amount of uncommitted land is

taken up by development in line with the overall strategy for consolidation and prohibition of further growth.

The acceptable land uses in these settlements are aimed at ensuring the genuine needs of agriculture are met, the remnants of agricultural activity are retained and allowing for rural diversification. These settlements can also absorb some development, which might be necessary for diversification of the rural economy but could have an adverse impact if located in the open countryside, such as new tourist accommodation.

Settlement Design Statements are to be prepared by MEPA for these settlements and these Design Statements would describe the distinctive character of the settlement and its immediate surrounding countryside; show how the character of the settlement can be identified by its landscape setting, its shape and the nature of the buildings themselves; and draw up design principles based on the particular distinctive character of the designated settlement. Most importantly it would identify the specific locations where opportunities exist for new development to take place and investigate the need for settlement boundaries around these settlements, and make recommendations where appropriate.

Thus criteria for the identification of “existing buildings” and “uncommitted land” are also identified by the policy to ensure that the minimum amount of fresh land is taken up by development in line with the overall strategy of consolidation and conservation. The elimination of blank party walls, leading to the visual enhancement of the settlement, was the main objective of this definition.

#### **GZ-RLST-2: Category 2 Rural Settlements ODZ**

**In the areas classified as Category 2 Rural Settlements as identified in **MAPS 4.2.10** (including the relative inset maps), rehabilitation, development and re-development for the following land-uses will be permitted:**

**A. Dwelling units (new units on uncommitted land, redevelopment of existing buildings, rehabilitation of existing buildings, and extensions to existing buildings used for residential purposes) provided the units:**

- i. do not create a building with more than 150m<sup>2</sup> footprint measured externally at ground floor including any internal courtyards;**
- ii. have not less than 120m<sup>2</sup> and not more than 200m<sup>2</sup> total floorspace measured externally;**
- iii. have an independent access from any other residential unit;**
- iv. do not create a building which is higher than two floors without basement above road level at any point along the street frontage, provided that it would not have a detrimental affect on the character of the settlement and the surrounding rural landscape;**

- v. structures at roof level do not have a floorspace of more than 20m<sup>2</sup> measured externally, do not exceed 12 courses overall height measured externally from the lowest roof level, and are located to minimise their visual impact;
- vi. have a high quality design aimed at retaining and enhancing the existing character of the settlement and which demonstrates that due attention has been given to the impact of the new building on the character of the settlement and its surrounding rural environment, and which complies with any eventual Settlement Design Statement (SDS) to be prepared by MEPA; and
- vii. provide on site parking for not more than two car-spaces.

In addition, when the new dwelling unit is being proposed as complete redevelopment of an existing building:

- a) the existing building is not worthy of retention due to its historical and/or architectural merit and/or the contribution it makes to the character of the settlement;
- b) the new building, if allowable under (a) above, occupies the same position on the land in relation to the street as the existing building.

For the purposes of this policy an existing building includes only any building with an external footprint of not less than 50m<sup>2</sup> which is covered by a valid development permission or else has been existing prior to 1968 and can be identified in the MEPA 1967 aerial photographs. An existing building does not include greenhouses, agricultural buildings which are essential for the operation of an agricultural holding, abandoned and dilapidated structures which are isolated from the main settlement.

For the purposes of this policy uncommitted land includes only:

1. infill sites with a street frontage of not more than 14.0m which abut blank party walls one storey high, or more, on both sides;
2. corner sites defined by two public roads with a site area of not more than 300m<sup>2</sup> which abut blank party walls one storey high, or more, on both sides;
3. sites which have a road frontage of not more than 10.0m which abut blank party walls one storey high, or more, on one side and which form the end of a terrace of at least 3 dwellings with frontage on the same street, provided a strip of land of at least 3.0m in width adjacent to the side elevation of the new dwelling is landscaped. No structures will be permitted below this 3.0m strip.

**Boundary walls of gardens, yards, swimming pool areas and any other open space surrounding an adjacent land-use cannot be considered as a party wall in relation to this policy. Sites, which contain mature trees, which contribute to the character of the settlement, do not constitute uncommitted land even if they fall within the definition stated above.**

**B. Farmhouses for livestock farmers, arable farmers and other growers provided the criteria stated under “(A)” above are complied with.**

**C. Agricultural buildings for livestock farming and for arable farming provided they comply with the criteria set out in Draft Policy and Design Guidance document for Agriculture, Farm Diversification and Stables (2006) which is a revised version of the Policy and Design Guidance on Farmhouses and Agricultural Buildings (1994). The rural settlement is to be considered as an inhabited area for the purposes of the Draft Policy and Design Guidance document for Agriculture, Farm Diversification and Stables (2006).**

**D. Retail outlets provided that the shops**

- i. are located at ground floor level only of an existing building or of a proposed new building on uncommitted land as defined by this policy;**
- ii. sell convenience goods only; and**
- iii. do not have a floor area of more than 50m<sup>2</sup>.**

**E. Farm Retail Outlets provided they comply with the criteria set out in Draft Policy and Design Guidance document for Agriculture, Farm Diversification and Stables (2006). Proposals for rural tourist accommodation will be considered favourably provided they involve the conversion of (i) individual, existing vacant buildings of architectural or historic merit or (ii) a traditional group of buildings whose form and design represent a feature worthy of conservation.**

**The Settlement Design Statements (SDS) referred to in criterion A (vi) above, to be prepared by MEPA, should:**

- i. Identify precisely the uncommitted land within these settlements which can be released for development;**
- ii. Investigate the need to draw settlement boundaries around these settlements;**
- iii. Make recommendations for possible settlement boundaries should a need for them be identified through the further studies carried out under (ii) above;**
- iv. Provide additional guidance on the design of new buildings or extensions to existing buildings within these settlements;**



- v. **Identify additional measures to protect and enhance the character of these settlements.**

**The absence of an SDS for a particular settlement should not prejudice the implementation of the other provisions of this policy.**

#### 4.2.13 **Category 3 Small Rural Settlements ODZ**

The third category of settlements are characterized by low densities and can only be considered as small clusters of buildings. This is their most significant feature and this policy seeks to protect it by seriously curtailing the taking up of fresh land for buildings for the creation of new dwelling units, which increase densities and activity in the settlement. Thus restrictions on site planning, floor spaces, building heights, and car-parking provision are being introduced to ensure that all new development for residential purposes will not create unacceptable environmental impacts. The thrust of new development in these settlements should be towards rehabilitation and regeneration of the existing stock of buildings.

#### **GZ-RLST-3: Small Rural Settlements (Category 3 Settlements ODZ)**

**In the areas classified as Category 3 Small Rural Settlements as identified in **MAPS 4.2.10** (including the relative inset maps), only rehabilitation, and re-development of existing buildings, as defined in Policy GZ-RLST-2, for the land-uses identified in (A) to (E) and tourist accommodation will be permitted, provided the criteria stipulated in Policy GZ-RLST-2 for each land-use are complied with.**

**New development, which takes up fresh land, notwithstanding the location of the site in relation to existing buildings, will not be permitted. The definition of uncommitted land, which is available for development in Category 2 Rural Settlements, is not applicable to Category 3 Rural Settlements.**

#### 4.2.14 **Scattered Residential Development in areas ODZ**

Apart from distinct settlements, a number of residential dwellings are found scattered in the Gozitan countryside. The west of Gozo is particularly renowned as an area for rural farmhouses. These offer a different form of tourism related accommodation from hotels or apartments. A considerable proportion of these farmhouses are leased to local tourists. However, an increase of intensification of farmhouse related development is likely to compromise the very rural qualities (including remoteness) that attract visitors to these farmhouses in the first place. Furthermore, the thrust of the Structure Plan for the Maltese Islands is to direct development towards Development Zones rather than encourage additional urban development in areas ODZ.

**GZ-RLST-4:** MEPA will give favourable consideration to the upgrading of existing permitted residential farmhouses in Gozo, provided that the relevant design and layout conditions of the Draft Policy and Design Guidance document for Agriculture, Farm Diversification and Stables (2006) which is a revised version of the Policy and Design Guidance on Farmhouses and Agricultural Buildings (1994) are adhered to.

Also refer to **Policy GZ-TRSM-2**

**GZ-RLST-5:** In accordance with Structure Plan Policy RCO 2 and without prejudice to Policy **GZ-AGRI-3**, requests for the construction of new rural dwellings in Gozo or Comino will be refused.

**GZ-RLST-6:** In accordance with its status as a Nature Reserve and in view of its environmental sensitivity, new dwellings on Comino shall not be permitted. In this respect, Policy **GZ-AGRI-3** shall not apply to Comino or to any of the other minor islets.

# 5 HOUSING

## 5.1 Introduction

The Inception Report for the Gozo and Comino Local Plan indicates that the existing land allocated for housing should suffice till well beyond the local plan period. The main issue to be addressed is to bring the existing housing stock into the market through legislative, economic and educational measures.

The Inception Report also indicates that around 1,400 dwellings will be required during the Local Plan period. This demand can be satisfied in two ways namely through the utilization of the existing underutilized or vacant housing stock and on a lower priority to develop the existing pockets of land within the Development Zones. From a planning point of view, priority should be given to the utilization of vacant dwellings and underutilized buildings in preference to the building of new dwellings.

## 5.2 Residential Areas (RAs)

Residential areas make up the major parts of urban areas and are dominated by residential uses, especially on levels above ground floor. The range of activities, especially at ground floor, tends to be a mix of uses and includes shops and offices, mostly of a local scale and serving local need, spread throughout the predominantly residential area. Garage businesses, schools, bars, restaurants and coffee shops, and tourist accommodation can also be found in some residential areas but the range and scale of the mix of uses is greatly influenced by the locality itself.

In various areas in Gozo, it is possible to find housing which is intermingled with other forms of development that are not compatible with residential areas. These include areas allocated for industry or intensive commercial development. It is good planning practice to allocate specific areas for non-neighbour compatible activities especially activities whose impact cannot be easily mitigated. Another benefit of allocating non-neighbour compatible concerns within a specifically designated area would be to have this area adequately serviced for the particular needs of such enterprises. To this effect, Residential Areas are being designated to safeguard residents from additional neighbour incompatible activities. The foregoing notwithstanding, a number of small enterprises have been operating for some years in predominantly residential areas. Given that there is inadequate land designated for small enterprises, that land ODZ in Gozo is highly environmentally sensitive and that some enterprises may actually make a positive contribution to the vitality of a settlement, it is reasonable to seek an approach whereby some of these enterprises are allowed to continue operation in residential areas. This is especially true of circumstances where the activity is neighbour compatible or where sufficient mitigation measures of adverse effects are undertaken to render the activity neighbour compatible. In cases where due to the scale or nature of operations, the enterprise is inherently incompatible with good neighbourliness, it makes sense to contemplate relocation. In identifying such cases it is important to differentiate between

genuine health, safety and quality of life concerns and objections raised on grounds of personal conflict, Nimbyism or exaggeration of perceived adverse effects.

Development applications within the Residential Areas need to be carefully assessed since the areas have different characters, although still dominated by residential uses. The large urban settlement of *Rabat* has a wide mix of uses. To a considerably lesser degree, the same applies to *Xaghra (Ix-Xaghra)*, *Nadur (In-Nadur)* and *Ghajnsielem*. *Marsalforn* and *Xlendi (Ix-Xlendi)* tend to have more tourism and entertainment uses. *Rabat* is also associated with visitor attractions due to the numerous historic sites. *Zebbug (Iz-Zebbug)*, *Sannat (Ta' Sannat)*, *Xewkija (Ix-Xewkija)*, *Ghasri (L-Ghasri)*, *Gharb (l-Gharb)*, *San Lawrenz* and *Munxar (Il-Munxar)* act as limited local service centres but still have certain attractions to visitors to the rural and coastal areas.

Future growth of Residential Areas is encouraged through the location of more dwelling units within them. It is not the intention of the MEPA to create “dormitory towns” through a rigid zoning policy but it is important that these areas remain primarily an attractive place to live in.

A number of non-residential uses that can be located within the Residential Areas are being identified. These facilities support and enhance community identity (such as very small local shops, old people’s homes, or kindergartens) and/or do not create adverse environmental impacts (such as small offices or low impact small industries, small health facilities, hotels, or visitor attractions). It specifically excludes land-uses that are deemed to be incompatible with Residential Areas due to their scale and nature of activity. Industrial uses in Classes 11 (Use Classes Order) only must be stringently controlled to ensure that the activity is genuinely small scale, low impact and will not cause bad neighbourliness. Details of the nature, scale and intensity of use, number and type of machinery, type of materials, number of trips generated, number of employees, etc. must be submitted with the application and should be controlled by conditions on development permissions. In this regard, acceptable light industrial uses in residential areas shall only include very low impact industrial activities such as electronic repair, servicing and maintenance as well as handcrafts that do not inherently require the use of electrical machinery, especially those related to textiles. Activities which require the extensive use of manual percussive tools (e.g. hammers, mallets etc) and which do not therefore constitute low impact uses, are not deemed compatible with residential areas.

This policy applies to all sites that become available for development, and to change of use from existing/permitted uses, within the Residential Areas unless a specific site is controlled by other policies in this local plan in which case the site-specific policy should take precedent.

**GZ-HOUS-1: The Local Plan designates Residential Areas (RAs) within the Urban Development Boundaries of the following settlements as indicated in **MAPS 14.2-A and 14.15-A:****

**Ghajnsielem, Gharb, Ghasri, Kercem, Munxar, Nadur, Qala, Rabat, San Lawrenz, Sannat, Xaghra, Xewkija, Zebbug and Fontana.**

**The following is a list of acceptable land-uses (new uses, extensions to existing uses, and change of uses) within all frontages located within the RAs.**

- i. A mix of Class 1 (Use Classes Order, 1994) terraced residential development as detailed in the DC 2005, Part 3, and in accordance with the specific zoning conditions indicated in the same guidance, unless otherwise stated by a policy in this Local Plan;**
- ii. Class 2 (Use Classes Order, 1994) residential institutions, provided that:**
  - they are of a small scale and do not create adverse impacts on the residential amenity of the area;**
  - Class 2 (a) institutions are located in close proximity to a town or local centre; and,**
  - Class 2 (b) nursing homes and clinics are easily accessible from the arterial and distributor road network.**
- iii. Class 3 (Use Classes Order, 1994) hostels provided that these uses are in accordance with all other relevant Local Plan policies.**
- iv. Class 4 (Use Classes Order, 1994) small shops provided that:**
  - the small shops (of any nature) are not to exceed a total floor area of 50 sqm each, and convenience shops are not to exceed a total floor area of 75 sqm each;**
  - they comply with all the provisions of paras. 1.4.16 to 1.4.18 of the Interim Retail Planning Guidelines (2003); and**
  - they comply with any relevant section of the DC2005 (design, access, amenity, etc.).**
- v. Class 5 (Use Classes Order, 1994) offices provided that:**
  - the floorspace does not exceed 75 sqm;**
  - they do not unacceptably exacerbate parking problems in a residential street that already has an acute under provision of parking spaces for residents; and,**
  - they comply with any relevant section of the DC 2005 (design, access, amenity, etc.).**
- vi. Classes 7 and 9 (Use Classes Order, 1994) non-residential institutions, swimming bath or pool, skating rink, health club, sauna, sports hall, other indoor or**

outdoor land based sports or recreation uses not involving motorised vehicles or firearms, and interpretation centres, provided the facility:

- is of a small scale and does not create adverse impacts on the residential amenity of the area;
  - is located on land already occupied by buildings and will replace these buildings provided they are not worthy of retention due to their historic/architectural merit and/or their contribution to the character of the area, unless land is specifically allocated for the facility by this Local Plan; and,
  - the immediate surroundings of the site are already of a mixed use character.
- vii. Class 8 (Use Classes Order, 1994) educational facilities, provided that access and the character of the area are taken into account and are deemed adequate by MEPA to allow the safe and neighbour compatible use of such facilities.
- viii. Class 11 (Use Classes Order, 1994) business and light industry provided that:
- The gross floor area of the premises does not exceed 50 sqm (including storage of materials and/or finished products);
  - The activity conducted within the premises does not use heavy duty and/or noisy electrical/mechanical (including pneumatic) equipment, and equipment which requires a 3 phase electricity supply;
  - The activity conducted within the premises does not entail extensive and/or prolonged use of percussion hand tools (e.g. hammers, mallets etc);
  - The activity employs less than 5 people; and
  - The activity conducted within the premises does not inherently entail the generation of combustion, chemical or particulate by products.

Examples of acceptable uses considered by MEPA include tailor, cobbler, lace making and computer and electronic repair. Moreover, examples of unacceptable uses include carpentry, panel beating, mechanic, mechanical plant servicing, spray painting and bakery.

Proposals to convert from existing Class 12 (Use Classes Order, 1994) general industry to Class 11 (Use Classes Order, 1994) business and light industry within designated Residential Areas shall only be considered acceptable by MEPA if all the conditions

listed above are adhered to, and provided that it can be proven that the Class 12 Use (general industry) operation is a permitted one and the Class 11 Use (business and light industry) operation is actually more neighbourhood compatible than the Class 12 Use operation it intends to replace.

- ix. **Taxi Business or for the hire of motor vehicles as per para. 6.15 of DC2005.**

**Land-uses falling outside those mentioned above will not be considered favourably within the designated RAs, unless there are overriding reasons to locate such uses within these areas.**

### **5.3 Residential Priority Areas (RPAs)**

Residential Priority Areas are used exclusively for residential purposes and are distinct from the rest of the urban area because of particular building design (rows of terraced houses or detached dwellings), lower densities (bungalow areas) and appreciable landscaped areas within individual sites, and can be found within the wider residential areas. The proliferation of businesses in the Residential Priority Areas can have a serious impact on their particular character and amenity, and the location of businesses should be stringently controlled to ensure that no bad neighbour developments are permitted. MEPA has prioritised these areas for protective policy actions.

Each Residential Priority Area is regulated by the following policy:

**GZ-HOUS-2: The Local Plan designates Residential Priority Areas (RPAs) within the Development Zone Boundaries of the following settlements as indicated in **MAPS 14.2-A to 14.15-A (where applicable)**:**

**Munxar (Xlendi), Nadur and Xaghra.**

**The acceptable land-uses (new uses, extensions to existing uses and change of uses) within all frontages located within the RPAs are:**

- i. **A mix of Class 1 (Use Classes Order, 1994) terrace houses, maisonettes and flats on sites zoned in the relative Area Policy Maps for these specific forms of residential development. This development is to be in accordance with the relevant conditions as detailed in the DC2005, Part 3, unless otherwise stated by a policy in this Local Plan.**
- ii. **A mix of Class 1 (Use Classes Order, 1994) detached and semi-detached dwellings on sites zoned in the**

**relative Area Policy Maps for these specific forms of residential development. This development is to be in accordance with the relevant conditions as detailed in the DC2005, Part 3, unless otherwise stated by a policy in this Local Plan.**

## **5.4 Housing Improvement Action Area (HIAAs)**

Certain parts of the urban area are affected by serious deterioration and include pockets of housing in need of radical improvements. The designation of Housing Improvement Action Areas should help to indicate priorities for public sector investment and give guidance on how it is intended to achieve the improvements and what type of new development is being sought. The designation also highlights the localities where Local Councils can introduce environmental improvements and general upgrading schemes.

In consultation with the Ministry of Finance and the Housing Authority, it may be possible to give a Housing Improvement Action Area status to the designated parts of the urban area, where fiscal and other incentives would be available for the improvement and modernization of property, in accordance with specified works.

The incentives could include help in lift provision, tax rebates, or grants in the form of a percentage of the cost of eligible works, paid retrospectively on completion, inspection and certification by a competent, independent authority. Another possibility would be the availability of 'soft' loans for specified housing-related work. The measures could also support for the purchase or use of adjacent unused properties in order to be able to attain modern standards of accommodation.

**GZ-HOUS-3: MEPA will accept proposals for the redevelopment of properties within the Housing Improvement Action Area (HIAA) on **MAP 14.9-A** provided that:**

- a) a better standard of residential accommodation is provided;**
- b) innovative forms of housing design and layout are adopted;**
- c) non-residential uses within the HIAAs will be considered provided that:**
  - (i) they fall within a use class that is acceptable in a residential area;**
  - (ii) they will not compromise a possible residential rehabilitation/redevelopment project; and**
  - (iii) when forming part of a mixed-use scheme, they should not occupy more than 10% of the total floorspace of the scheme.**



## 5.5 Public Housing

The Inception Report indicates that there is a very limited demand for public housing. This fact notwithstanding, it is considered to be strategically important to reserve Government or Joint Office land currently within development schemes reserved for any future demand that may arise. However, given that the population is concentrated along the Rabat-Mgarr route, and given that the demand for public housing is very limited in Gozo, it is sensible to allocate only limited provision for public housing.

**GZ-HOUS-4: Government or Joint Office land parcels within the development zones which are larger than 500 m<sup>2</sup> and which are not earmarked by this local plan for other purposes, shall be safeguarded for public housing projects. Height limitation for these areas shall be based on **MAPS 14.2-C to 14.15-C (where applicable)**.**

# 6 TRANSPORT

## 6.1 Introduction

Like Malta, Gozo depends heavily on roads for the transport of people and goods. However, Gozo is also heavily dependent on sea transport to maintain communication with mainland Malta. More recently, an air link has been introduced to facilitate transport between the islands. Communication between the islands and within the islands is envisaged to intensify in view of ever increasing number of visitors to the islands as well as to improvement in lifestyle. To this effect, it is important to safeguard land to ensure the continued improvement in transport links both within the islands as well as with mainland Malta.

There has been a dramatic increase in car usage over recent years throughout the Maltese archipelago; fortunately the resultant problems have not generally been as great in Gozo, as on the mainland. Nevertheless, problems do exist, particularly in *Rabat*, and these will get worse unless positive measures are adopted to tackle the root causes. Whilst levels of vehicle ownership in Gozo are similar to Malta, there appears to be greater reliance on private modes of travel in the former. The very poor provision of scheduled bus services may have contributed to this situation. This deficiency certainly makes it difficult to promote and encourage more sustainable modes of travel.

The local plan regulates land use and related matters, therefore it is outside the scope of this plan to propose changes to the organization and operation of bus services. However it is clear that without radical changes and improvements in these areas, not all the goals of the local plan will be achieved. It is recognized that the semi rural character of much of Gozo makes it more difficult to offer attractive public transport services. But experience in other countries shows that innovative ideas, like community transport, flexible routing, and ‘ring and ride’ services can bring benefits. Progress will not be made in this respect whilst the concerns of the operators solely revolve around the provision of the more lucrative tourist excursions.

Whilst the increase in car ownership and usage has, so far, only resulted in congestion in a limited number of places, it is adversely affecting the character of many village centres and other important locations. Many village squares are now no more than car parks, seriously undermining their charm and attractiveness. The design and control of these areas needs to be addressed if the island’s fabric and heritage is to be protected.

In order to safeguard and improve safety and amenity, particularly in historically and environmentally important locations, the local plan aims to:

- a) Control car parking in areas of high demand, to make best use of available spaces, to encourage, where possible, greater use of more environmental modes of transport, and to prevent traffic congestion.

- b) Introduce traffic management and, where appropriate, road improvements to reduce or remove traffic congestion and improve road safety, ensure the efficient and effective operation of the road network, and prevent the unsuitable routing of lorries (for example quarry traffic).
- c) Promote schemes that encourage and support alternative transport (i.e. cycling and walking).
- d) Promote schemes that enhance environmental conditions in town/village centres, UCAs, and other sensitive areas.

## 6.2 Land Transport (Traffic Circulation)

### 6.2.1 Road Hierarchy

The Structure Plan emphasizes the need to have a hierarchical road system with traffic channelled onto appropriate main roads, thereby reducing impact elsewhere. Roads are designed and controlled in a manner consistent with their role in the hierarchy. The arterial and distributor roads are the important routes intended to carry most traffic.

In some cases it is recommended that existing arterial roads be downgraded to distributor roads, because it would be inappropriate in these cases to apply Structure Plan Policy RDS 5, which prevents direct access to such roads. Additionally, it is recommended that some existing distributor roads be changed to local access roads to better reflect the guidance in paragraphs 14.7 and 14.8 of the Structure Plan. Conversely, it is proposed that some local access roads should become distributor roads, to more accurately reflect their function and importance and, in two cases in Rabat, to indicate the need for new roads. The proposed changes will be considered as part of the Structure Plan Review.

**GZ-TRAN-1: The road hierarchy for the local plan area is indicated on **MAP 6.2.1**. This includes a number of modifications recommended by MEPA in conjunction with ADT that are intended to update and rationalize the network.**

**The road hierarchy will be used as the framework for transport planning, helping to determine the priority for road investment (maintenance, improvements and new construction) and traffic management (route signing, lorry routing, local schemes and traffic calming).**

**In accordance with Structure Plan Policy RDS 2, the following routes will be safeguarded from development in order to accommodate an eventual development of a route.**

**The main proposed links are:**

- a) **A link between Triq Viani and Triq Patri Camenzuli in Rabat (refer to **MAP 14.9-B**).**
- b) **An emergency link from Mgarr Port to Triq L-Imgarr Route. (refer to **MAP 14.2-B**)**

## 6.2.2 Junction Improvements and Accident Remedial Measures

There is a need to have a good road system in the local plan area, especially where routes have a wider strategic importance. Gozo is fortunate, in that, outside *Rabat* there are few junctions where congestion is common. There are however a number of sites where inefficient, or poor design will potentially cause problems over the local plan period. In some cases relatively low cost schemes that better define priorities will be sufficient to produce improvements.

Junction improvements, and in some cases new road links, are necessary to improve the efficiency of the road network, however, the primary purposes of any improvements must be consistent with overall transport policy, and therefore they should result in benefits for vulnerable road users and in some cases public transport. Road improvements will only be justifiable where they form part of the sustainable, integrated transport strategy.

In the case of road improvements required to mitigate the impact of a development, it will not be sufficient to simply increase road capacity. Improvements should also aim, where feasible, to increase the use of public transport and other sustainable modes.

The number of road accidents is a particular cause of concern. In addition to the paramount need to improve the general standard of driving, significant benefits would arise from in-depth accident investigation and a programme of accident remedial measures. Realistically, this will not effectively be instituted until specialist staff are trained and a modern accident recording and analysis system is available. MEPA will therefore, support initiatives to reduce accidents on the road network. This would most effectively be achieved by the introduction of an accident monitoring, investigation, and remedial works programme.

**GZ-TRAN-2: MEPA will encourage appropriate government agencies including the ADT to improve congested or poorly designed junctions on the main road network. The improvements should take account of the needs of vulnerable road users.**

**MAPS 14.2-B to 14.15-B indicate these junctions and locations where road improvements will be required either to improve general conditions, or as a consequence of future development. No development permits that might adversely affect the satisfactory improvement of these sites shall be issued. Where major developments will produce a material adverse impact at junctions, in terms of safety and/or congestion, MEPA will require the developer to undertake improvements or mitigating measures.**

## 6.2.3 Traffic Calming and Road Safety

Through traffic should be concentrated on the main road network (arterial and distributor roads) and therefore it is appropriate to use traffic management measures to

prevent or discourage the use of unsuitable routes. Traffic calming measures, if well designed and comprehensively introduced can significantly improve road safety and create good conditions for walking and cycling.

The layout and design of roads within new developments and scribed areas should create a safe and attractive environment. The general alignment of roads within scheme is already established, however the carriageway widths and junction designs should restrain vehicle speeds, and footway widths should be adequate. Where appropriate, specific measures to improve access and segregate movements by pedestrians and cyclists, should be provided. In order to protect conditions within developments, sites should be designed to prevent use by extraneous traffic, for example, short-cutting and unregulated parking.

Poor design of developments and the obstruction of visibility, both at junctions and along roads, unacceptably reduces road safety and interferes with the free flow of traffic. Consequently, MEPA will refuse permission for any development that does not meet standards and decreases road safety.

Some of the vehicular transport links in Gozo occur in areas ODZ. These areas are predominantly rural and the carriageways are often flanked by rubble walls. This predominant rural character should be safeguarded. There is also scope for pedestrian enjoyment of the countryside through the creation of pavements alongside low rubble walls and which permit the enjoyment of the countryside by pedestrians commuting from one settlement to another. This is only possible where the carriageway is wide enough to accommodate a pavement. In certain circumstances, the pavement may be wide enough to permit the planting of trees. Planting of trees should not however be resorted to if the pavement is less than 2m. wide as otherwise, trees would block unobstructed pedestrian commuting. Trees should be planted in such a manner that it shall be possible for a person pushing a pushchair to use the pavement without having to occasionally use the road surface to avoid an obstruction. The separation of trees on the pavement should be wider than 10m. to permit enjoyment of the countryside by pedestrians as well as by vehicles using the ODZ carriageway. The choice of trees should also be such that they fit into the Maltese landscape, are relatively maintenance free and have a high crown upon reaching maturity (so as not to block long distance views from vehicles) and are in accordance with the Guidelines on Trees, Shrubs and Plants for Planting and Landscaping in the Maltese Islands (2002)).

High walls also block visual access to pleasant rural scenery. It is thus imperative to restrict the height of rubble walls flanking ODZ carriageways in order to promote visual access to the Gozitan rural countryside. A height of not more than 0.75 m. above the finished road level will normally permit access to longer distance views to a person seated in a car.

**GZ-TRAN-3: Working with the local councils and the ADT, MEPA recommends traffic calming and other traffic management measures to improve road safety, particularly for vulnerable road users, and to discourage inappropriate through traffic, notably in residential areas and areas with high pedestrian**

activity. Specific recommendations are identified in the relevant Area Policies and Transport Policy Maps, however these do not exclude other required traffic calming measures as identified by the relevant authorities.

New developments should be designed in such a way as to inherently discourage extraneous traffic and restrain vehicle speeds, so as to produce a safe, pleasant environment and give priority to sustainable modes of transport.

New road layouts should conform to appropriate standards that ensure satisfactory visibility and geometry. Additionally, development proposals should not adversely affect safety and traffic flow at existing junctions and roads.

Where the width of carriageways ODZ permits, provision should be made for the construction of pavements which shall be at least 1 m wide (where no trees are envisaged to be planted) and 2 m wide where trees are envisaged to be planted. In the latter case, the trees trunks shall be separated by a distance of not less than 10m. The height of rubble walls flanking ODZ carriageways shall not exceed 0.75 m above the road surface level.

#### 6.2.4 **Environmental Enhancement and Traffic Management in Town and Village Cores.**

In many towns and villages, the central square and surrounding streets symbolize the character of the area, and act as a focal point for life within the settlement. Unfortunately, many such areas are currently monotonous tarmaced spaces, dominated by haphazard parking. Not only does this detract from the visual amenity of what would otherwise be pleasant areas, but it also produces potentially unsafe conditions, and discourages more environmentally friendly modes of travel.

There is clearly a need for parking in many of these centres, but the number of spaces provided needs to be balanced against the opportunity to create attractive public spaces. It is not always possible to accommodate peak levels of parking demand and this needs to be recognized. The layout of the UCAs reflects an era before the widespread use of motor vehicles. This is part of their charm which needs to be conserved. Unfortunately, driving at inappropriate speeds in such areas is a common problem, causing dangers and discomfort to pedestrians, and vulnerable road users. Traffic calming measures, if comprehensively introduced, can overcome such problems, thereby enhancing the quality of life in these areas.

As already indicated, the need to improve the structure, organization and operation of bus services is normally outside the scope of a local plan. However, the operation of standard size buses in some Urban Conservation Areas causes physical problems. Consequently MEPA will support calls for the use of more appropriately sized buses where such problems arise.

**GZ-TRAN-4: MEPA will encourage environmental improvement schemes to secure the enhancement of the areas in and around the**

centre of settlements. The schemes should pay particular attention to:

- a) reducing traffic speeds and improving conditions for pedestrians and cyclists;
- b) reducing the visual impact of parking, and providing facilities for cyclists and motorcyclists;
- c) providing more space for informal recreation, and in some cases providing the space for street cafes and similar uses; and
- d) achieving a better balance between the requirement for parking and the need for attractive public space.

The areas where such enhancements could take place are shown on **MAPS 14.2-B to 14.15-B**.

In the remainder of the Urban Conservation Areas, MEPA will support the introduction of traffic calming measures that uniformly reduce speeds to 25 kph, or below. Such measures will generally improve road safety, and help overcome inherent ‘deficiencies’, such as restricted visibility, and narrow or non-existent pavements. **MAPS 14.2-B to 14.15-B** also indicate the localities where such traffic calming could be introduced.

#### 6.2.5 Quarry Access Network

Most quarries in Gozo are located on the west side of the island, to the west and south of *San Lawrenz*. In absolute terms, the daily number of movements of stone is small, but the passage of loaded lorries is a cause of concern for those living on the routes taken by the vehicles. The anticipated life of the quarries is in excess of 10 years, and therefore it is appropriate to seek to minimize the impact of related lorry traffic wherever possible.

Given the dispersed location of the quarries and their proximity to established settlements, it is not possible to eliminate quarry movements from all towns and villages. Building by-passes is not a realistic solution, given the modest flows in question, the cost of road construction, and the environmental damage new roads would cause. It is therefore necessary to proactively manage the movement of lorries.

It is proposed that a lorry route network should be established, and lorries would be required to use this at all times, except to gain access to building sites. Measures and regulations will be needed to enforce use of the network.

By definition arterial roads and distributor roads are expected to cater for lorry movements, and therefore, based on the proposed road hierarchy, these roads form the main framework for the network. The remainder of the network is made up of the access routes to and from the quarries themselves (i.e. the links between the quarries and the arterial/distributor roads). In most cases there is only a single possible access route, however, where alternatives exist, the most suitable road, which avoids residential property has been chosen.

Whilst it may not be possible to remove lorries from some sensitive residential streets, improvements can be made to reduce nuisance and disturbance. In this respect high standards of road construction and maintenance are probably the single most important factor, as these can decrease the noise and vibration caused by heavily laden lorries. Other physical measures, which prevent excessive speed and ease the movement of lorries, will be beneficial.

It appears feasible and realistic to alter the access route used by the three soft stone quarries situated in the southwest corner of the island. At present, movements to and from these sites appear to be via *Kercem (Ta' Kercem)*, however works to improve the condition and gradient of the existing track towards *Wied il-Kbir* would establish a route that mainly avoids residential areas.

In due course, new legislation relating to maximum axle loading, should, if effectively enforced, control the gross weight of lorries, thereby reducing some of the problems associated with quarry movements. However, because maximum payloads will be lower, the number of lorry movements may increase somewhat.

In order to reflect the external costs that quarrying operations place on surrounding communities, applicants for new or extended quarries will be required to contribute towards the costs associated with the works and measures necessary to establish and maintain the lorry route network.

**GZ-TRAN-5: MEPA will support the introduction of a lorry route network in order to:**

- a) ensure that quarry traffic uses the most suitable routes;
- b) minimize nuisance to residents; and
- c) limit damage to the road network.

The proposed lorry route network shown on **MAP 6.2.5** is based on the proposed arterial/distributor roads, plus designated access routes to and from quarry entrances.

In the case of quarries SG01/SG03/SG07, MEPA will permit works to upgrade the access route across *Wied il-Kbir*, to establish a lorry route, which avoids *Kercem (Ta' Kercem)*.

To ensure that the network is effective, traffic management measures and regulations will be required. This could include lorry prohibitions and possibly width restrictions to ensure that unsuitable routes are not used. In the cases where the lorry route network overlaps the cycle way network particular attention should be paid to providing measures that limit the conflict between these two modes.

MEPA will encourage the ADT to give priority to road maintenance, both structural and routine, along the sections of the lorry route network, which pass through residential



**areas. This will ensure that problems associated with noise and vibration caused by the passage of lorries are reduced as much as possible.**

**MEPA will require all applications for new quarries, or extension of existing ones, to contribute toward the cost of introducing and maintaining the lorry route network.**

#### 6.2.6 **Cycle Routes and Related Facilities**

There is a real opportunity to promote cycling in parts of Gozo. The short distance of many trips, the relatively flat terrain to the west and south of *Rabat* and towards *Qala* makes cycling a realistic option for some. Not only is cycling cheap and healthy, but it can be a convenient way to undertake short journeys if facilities are provided and if it is actively promoted. Cycling is also a pleasant recreational pursuit. In countries like Denmark, Holland and Belgium a wide range of physical and promotional measures are used to make cycling safer, convenient, and attractive. These could be appropriately adapted to Gozo to positively encourage greater levels of cycling.

Many parts of the proposed network are inherently suitable for cycling because of low traffic flow levels. In some cases the road surfaces will need improvement to increase comfort and safety. Along the busier roads it may be appropriate to use road markings to define the cycle ways and at busy junctions additional measures may be required.

In the first instance, it is anticipated that the network would primarily be used by tourists, which would complement the desire of the Malta Tourism Authority to promote greater eco-tourism in Gozo. However, for the network to be popular, it is important that it is of a high quality and standard, suitably designed and promoted by the appropriate authorities.

The proposed network focuses on areas where the terrain is in general either relatively flat or moderately steep. This will not prevent more enthusiastic cyclists from venturing into the more hilly and remote parts of the island. This will be dependant on them having access to good, detailed maps of Gozo.

**GZ-TRAN-6: MEPA will support the introduction a network of cycle ways, particularly in the less hilly parts of the island, as shown on MAP 6.2.6. Initially, this network would provide good cycling conditions for tourists, but in the longer term it could encourage more Gozitans to undertake short trips by bicycle. The network should include complementary measures such as secure cycle parking in pedestrian zones and at major tourist attractions, traffic management to aid cyclists, and promotional schemes (e.g. leaflets and educational campaigns) to encourage greater levels of cycling.**

**Development permission will not be granted for developments that will jeopardize this network, and major developments located close to it may be expected to contribute towards it and associated measures.**

### 6.3 Land Transport (Parking)

The control of car parking is an essential element of transport strategy. It is required not only to achieve broad objectives, like the greater use of public transport and better environmental conditions, but also to make more effective use of available resources and permit specific improvements like, cycle-ways, pedestrian facilities and environmental enhancements.

Parking in *Rabat* and similar areas is often difficult because commuters occupy the prime spaces for much of the day. This is inefficient and undermines the attractiveness of these areas. Short stay controls, which overcome such problems, can be introduced in a number of ways, both with and without payment. These include, limited-waiting regulations, parking discs, vouchers, and “pay and display”.

In some areas, residential streets will need to be protected from existing extraneous parking, or future over spill parking, by the introduction of Residents Parking Zones (RPZs). By safeguarding spaces for residents and their visitors the quality of life in these areas will be improved.

Where there are realistic alternatives, the above measures should be used to restrain commuter parking, so as to encourage more sustainable travel, thereby reducing congestion and improving environmental amenity.

It is recommended that the Structure Plan Review should introduce maximum parking standards for most land uses. These should be related to public transport availability, opportunities to cycle and walk, levels of traffic congestion, existing levels of available parking, and environmental conditions.

**GZ-TRAN-7: In Rabat/Fontana, Marsalforn, Xlendi, Mgarr Harbour, and village squares where parking demand is high, MEPA will encourage and support the introduction of controlled parking measures to ensure that available on-street and off-street parking is used more efficiently and effectively. Short stay restrictions will ensure that the needs of shoppers, short-stay visitors, and service vehicles are given priority. Where necessary, Residents Parking Zones (RPZs) can be introduced to safeguard the needs of residents.**

**In tandem with the car parking standards set out in the Structure Plan, the appropriate level of parking for a development shall be determined having due regard to the level of public transport provision and the environmental conditions in the locality.**

It is currently proposed that an underground car park be constructed as part of the development of the Gozo Communal Centre. This will replace spaces lost as part of the project, address the existing general short fall in parking, and allow parking to be removed from various sites within the UCA, thereby permitting much needed embellishments. It is essential that the control and pricing regime is in line with general parking policy, and to this end the best-located spaces should be reserved for short-term visitors. Part of the funding for this car park will come from the approved Commuted Parking Payment Scheme (CPPS) for *Rabat*.

The approved permit for the improvement of the harbour includes a 200 space underground car park. As there are currently some 270 formal and informal spaces, which are often all used, the pressure on parking will obviously increase. Control and management of parking and traffic movements will be vital to the smooth operation of the harbour. As parking will be limited, priorities must be enforced, and users of the ferries must have preference over recreational users. The ‘knock on’ consequences of the likely increase in parking outside the harbour will need to be examined by the local council.

**GZ-TRAN-8: MEPA will permit the construction of basement car parks at Rabat and Mgarr harbour, as part of the Gozo Communal Centre project and the harbour improvement scheme, respectively. The operation and control of the Rabat car park should be consistent with Policies GZ-TRAN-3, 4 and 6. In the case of the harbour car park, the parking needs of those commuting to and from the mainland must have priority over recreational parking.**

#### 6.3.1 **Motorcycle Parking**

Compared to the mainland there is a high use of motorcycles in Gozo, and this should be supported and encouraged. One practical way of doing this is to ensure that sufficient spaces are provided for parking motorcycles within major developments, and that these are better placed than car parking.

It would also be very beneficial if Government considered ways of reducing the cost of owning and using motorcycles, so as to encourage greater use of this comparatively space efficient form of transport.

**GZ-TRAN-9: In order to encourage the use of motorcycles in Gozo, MEPA will require all major developments to provide motorcycle parking at appropriate locations more convenient than car parking.**

#### 6.3.2 **Parking in Popular Coastal Areas**

The sites in question vary markedly, ranging from the much-visited beach at *Ramla*, to the relatively remote and little used bay at *San Blas*. The requirements of each site will

differ, but at all, there is a need to prevent parking from spoiling the environment that visitors come to enjoy.

At peak times, parking at *Qawra* takes place over a wide area, and is very visually intrusive due to the area's open aspect. The parking management plan for this area must seek to contain parking and prevent damage to the ecosystem of this important area. Interventions in this site shall be implemented as part of the wider framework of the management action plan for the entire *Qawra/Dwejra* area, the approved *Qawra/Dwejra Heritage Park Action Plan (2005)* (**refer to the Area Policies for San Lawrenz**).

There is little parking at *Xwieni Bay (il-Bajja Tax-Xwejni)* and it would be inappropriate to provide more spaces. The area would benefit from improvements along the road fronting the bay, for example the provision of benches. To the west of *Xwieni Bay (il-Bajja Tax-Xwejni)* measures are necessary to restrict parking to the road and prevent vehicular access to the salt pans and cliffs.

Parking demand at *Ramla* is high during the summer months. This should be restricted to the wide road on the approach to the beach. Despite prohibition signing, some vehicles still use the area behind the bar/restaurants and by the dunes thereby causing damage. Physical measures to prevent such parking and reinstate these areas are required. At the end of the road, spaces should be reserved for service vehicles and to allow wind surfers to off load their boards.

*San Blas Bay* has a wonderful environment, largely still pristine due to its very restricted access. Hence, it is important that pressures to increase parking provisions or to improve vehicular accessibility to this bay are resisted in order to safeguard this sensitive location. For this reason it would be appropriate to pursue a very restrictive access policy. Despite being very narrow and steep, informal parking bays have been created on the approach road. These should be removed, or their use be restricted to those farming adjacent fields. Road space for alternative parking spaces is available at the top of the approach road, adjacent to the scheme boundary where it should be accommodated.

*Dahlet Qorrot* is also a remote and restricted site. Given its limited area, it would be advantageous to define the available parking spaces and ensure that parking doesn't take place on the approach road.

At *Hondoq ir-Rummi* there is evidence of encroachment and erosion caused by unregulated parking. This needs to be prevented, and remedial measures and improvement works need to be undertaken.

Access to *Mgarr ix-Xini* is very limited and parking is restricted. The parking areas need to be strictly defined, to prevent encroachment onto the beach. Automatic signing at the top of the valley, which informs motorists if spaces are available, could be beneficial.

**GZ-TRAN-10: MEPA will encourage the preparation of parking management schemes to upgrade and regularize car parking at the following sensitive areas, situated by the coast:**

- a) Qawra (Dwejra Bay and Inland Sea)**
- b) Xwieni Bay (il-Bajja Tax-Xwejni)**
- c) Ramla Bay**
- d) San Blas Bay**
- e) Dahlet Qorrot**
- f) Hondoq ir-Rummien**
- g) Mgarr ix Xini.**

**These schemes should include measures to stop the encroachment of parking along the coast, strictly define where parking is permitted, and introduce landscaping to screen parking areas. The amount of parking provided should take account of the environmental capacity of the site and the standard of the approach road. The schemes should balance the requirement for parking against the need to safeguard and improve the environment of these sensitive areas. Access to legitimate boathouses and slipways also needs to be considered.**

**The areas where such interventions may be considered are indicated on **MAPS 14.2-E to 14.15-E (where applicable)**. Depending on the extent of the proposal, the nature of the intervention and the sensitivity of the effected area, an environmental planning statement may be required.**

## **6.4 Sea Transport (Mgarr Harbour)**

Transfer of goods and people between Gozo and mainland Malta is heavily dependent on sea transport. This transport mode is the main method to ferry workers, students, tourists, industrial products, agricultural goods and hardware between the islands. Disruption of this service is known to pose additional hardships on a population already facing a double insularity problem. To this effect it is essential to provide harbour facilities which ensure the most rapid possible ferrying between the islands and to ensure a good link between the harbour and the rest of the island.

The main problems with the existing harbour include that:

- a) *Mgarr* Harbour has become congested with facilities for three ferry ships, a yacht marina, the catamaran service, the occasional ship ferrying goods from abroad, large fishing craft as well as smaller fishing vessels and marine craft. The situation is likely to become more congested in the foreseeable future.**
- b) Facilities which segregate passengers from vehicular traffic need to be in place as this renders loading/unloading operations more streamlined. However, this would mean that a proportion of visitors who use the area for recreational purposes will need to be displaced.**

- c) *Mgarr* Harbour cannot cope with demand during long weekends and special occasions such as *Santa Marija* during summer.

Therefore, whilst it is clear that there are problems with the existing harbour, the details and extent of any eventual modifications (including expansion) can only be determined after an in-depth and quantified examination of the issues in order to arrive at a feasible proposition for changes to the design of the harbour. Whilst the proposal for the *Mgarr* Terminal will address some of the problems, other land-use and circulation problems in the rest of the harbour will still need to be addressed.

**GZ-TRAN-11: Proposals for the upgrading of *Mgarr* Harbour shall be favourably considered. The designs for improvement and enlargement of the harbour shall be subject to an environmental impact assessment which shall take into account amongst other matters:**

- a) a reasoned justification for the enlargement of the harbour based on scientific projections of local and transient populations, trends in vehicular movements and in the transfer of goods between the islands, justification for additional berthing or manoeuvring space and increase in the provision of harbour facilities;
- b) any physical expansion to the port should be proposed in a direction due south of the existing *Mgarr* Harbour breakwater (as indicated on **MAP 14.2-A**);
- c) special attention shall be given to the sensitive landscape around *Mgarr* Harbour; and
- d) the designs shall also include an aquatic management plan to manage water related activities.

It seems reasonable to propose that the larger vessels would be confined to the southern sector of the enlarged port whilst the inner and northern portion of the port would be allocated to fishing vessels and an enlarged yacht marina.

## 6.5 Sea Transport (Popular Bays)

*Xlendi* and *Marsalforn* are two very popular bathing and water sports areas in Gozo. However, the water areas are rather restricted in extent and have to be shared by marine vessels and bathers. It is therefore sensible to support initiatives to develop aquatic management plans to reduce conflicts and improve safety in terms of water activities. At this stage it is also envisaged that *Marsalforn* would need an upgrading of its current jetty to facilitate the mooring of slightly larger marine craft such as those used by the Civil Protection Department. This department has pointed out instances where its marine craft had difficulty in berthing as the existing facilities are not adequate. There are also other existing jetties around the islands which merit upgrading either because they are in a state of disrepair or because they do not cater for the type of marine vessels that are actually using such facilities. There is little scope in creating new berthing facilities on

uncommitted sites as in terms of berthing locations, the islands of Gozo and Comino are well catered for.

**GZ-TRAN-12: Proposals for the upgrading of existing jetties at Marsalforn, Xlendi and Hondoq ir-Rummien shall be considered provided that interventions shall be mainly limited to the remediation of disrepair and limited upgrading of ancillary facilities (e.g. berthing buoys).**

**Proposals for the extension of these facilities (whether in width or length) shall only be considered by MEPA following submission of a detailed justification on the need for additional berthing space for essential operations and subject to the findings of a detailed technical report assessing the impacts of the proposed extensions on the wave dynamics and currents in the area. The effects of the extension on sediment transport and erosion as well as on existing uses shall also be assessed. These proposals shall also be subject to approval by the Malta Maritime Authority.**

**Depending on the location and the extent of the extension, an Environmental Impact Assessment may also be required.**

**MEPA will encourage the creation of swimming zones at Xlendi, Marsalforn, Hondoq ir-Rummien and Comino as well as the zoning of other marine activities, in order to minimize conflicts and increase safety measures in these heavily used bays.**

Gozo and Comino are a favourite boating and yachting area, especially among Maltese boat owners. In fact, in summer, a number of bays and coves, especially around Comino and the north coast of Gozo are often cluttered with boats in the weekends, resulting in a chaotic and unmanaged situation, which is also taking its toll on the marine benthic environmental resources of these areas. There is therefore a need to upgrade facilities for nautical tourism while protecting the environment. One way of doing this is through the provision of managed moorings and destination moorings. Destination moorings, which could be linked to existing commercial concerns such as hotels, aquatic sports centres or restaurants. These destination moorings would also provide additional scope for the establishment of sailing routes and the further development of niche markets, such as boat charter. Destination moorings will:

- a) be seasonal in nature, so that the infrastructure can be stored away in winter;
- b) provide appropriate anchor systems so as to eliminate the need for individual anchoring by boats, thereby protecting the seabed;
- c) be managed so that the moorings will be booked in advance; and
- d) be linked to existing commercial establishments that would provide the necessary services such as onshore toilet facilities, garbage disposal, etc.

**GZ-TRAN-13: MEPA will encourage the Malta Maritime Authority, in consultation with the Malta Tourism Authority, to develop**

***Destination Ports* in specific areas around the Gozitan coast and in Comino in order to improve the tourism product, upgrade facilities for boating and yachting while protecting the environmental resources. Subject to the findings of an Environmental Impact Study, candidate sites for the development of *Destination Ports* on Gozo include Marsalforn and Hondoq ir-Rummien, together with San Niklaw and the Blue Lagoon area on Comino.**

## 6.6 Air Transport

The helicopter service provided by Malta Air Charter provides a useful connection between the mainland and Gozo, particularly for some passengers of international flights. There has been some debate about the advantages, both operational and financial, of converting the service to a fixed-wing operation. However, there has been no comprehensive study that evaluates the potential benefits and compares them with the environmental consequences, most notably the implications of constructing an airstrip. Until this study is undertaken, MEPA will continue to safeguard the land required for an airstrip and its associated facilities. MEPA would assist the relevant agencies in drafting the Terms of Reference for this Study which would necessitate studies particularly relating to the environmental impacts arising from the proposals being considered.

Apart from environmental and other planning considerations, in line with policy AVN 4, the case for a fixed-wing aircraft should only be established after the following issues are studied:

- a) A justification for proposing a fixed wing aircraft solution in lieu of a rotary wing air link;
- b) Alternatives to using a hard runway (e.g. the use of an amphibious aircraft which for example would leave from *Luqa* and land at *Marsalforn*);
- c) An economic feasibility study to determine envisaged long term revenue against capital and operational costs involved (including those costs related to the provision of additional infrastructure, land-purchase, ground staff, and machinery) and comparison of costs and revenue of the proposed alternatives against the existing helicopter service;
- d) A social impact study on the nearby community and the implications of the project on employment; and
- e) In the case of a hard runway alternative, the land-use requirements in terms of extensions to the existing runway, navigation aids, extensions to the terminal facilities etc.

These requirements would complement additional studies relating to the environmental impacts arising from the proposal.

A number of agencies and constituted bodies have expressed the view that fixed wing aircraft operations should be encouraged in order to attract a higher quality tourist to Gozo. At the present moment, there does not appear to be a coherent view indicating how future air transport in Gozo should be organized. However it is clear that if the option to extend the current airstrip is resorted to, the extent of extension is limited by existing



buildings in an area known as *Ta' Gorgun*. On the other hand environmentalists and a significant number of Gozitans and Maltese have objected to an extension in view of the environmental implications in terms of visual impact, take-up of good agricultural land, increased noise footprint and safety related hazards. These groups also argue that the main reason why the helicopter service is proposed to be replaced by a fixed wing service is that it is financially not viable. However, there is no concrete evidence to demonstrate that a fixed wing service would be viable, especially at a stage when details of operation are as yet unknown.

Structure Plan policy **AVN 4** indicates the requirements upon which a decision on the implications of a domestic air service between Malta and Gozo needs to be taken. As indicated before, there has been no comprehensive study that evaluates the potential benefits and compares them with the financial, social and environmental consequences. In order not to compromise future developments related to the extension of the runway and pending the approval of the Structure Plan review, the local plan is retaining the area safeguarded for this purpose. Given that the area more than 30m. on either side of the runway is not considered by the Department of Civil Aviation (DCA) and the Malta International Airport (MIA), to interfere with flight operations, the area outside the 60m. corridor as shown on **MAP 14.13-E** will be safeguarded for rural recreation.

**GZ-TRAN-14:** As indicated in Structure Plan policy **AVN 4**, the land at *Xewkija* indicated on **MAP 14.13-E** is being designated as a safeguarded area for a possible extension of air transport facilities. Any extension to the existing facilities will only be considered if the provisions of Structure Plan policy **AVN 4** are fully implemented.

**Submissions for development permission in this area must be developed in co-operation with the agencies responsible for the management of the air-link as well as the Malta Tourism Authority and the Gozo Tourism Association.**

**The areas immediately outside the safeguarded area shall be developed for informal rural recreation and shall be predominantly planted according to the approved Guidance on Planting.**

# 7 SOCIAL AND COMMUNITY FACILITIES

## 7.1 Introduction

Social and community facilities play an important role in civilized life. Fortunately, given the size of the island, Gozo is generally well provided for in terms of social and community facilities. However, this does not mean that there is no room for improvement. Indeed, it is envisaged that a number of social and community facilities will need to be upgraded or developed over the local plan timeframe.

## 7.2 Education

Most of the primary schools in Gozo have good accommodation standards for the education of the younger members of the community. There is however the opportunity to maximize on the use of these strategic facilities through a programme of upgrading of the existing schools and through utilization of space during extracurricular hours especially for social and educational purposes. There is also scope to upgrade the existing schools to be able to utilize modern technological facilities especially in terms of information technology equipment and the possibility of fast data transfer to remote locations. It is even more important to upgrade the secondary school complex as well as the Gozo University with modern IT equipment.

The main demand for new facilities arises from two main areas, namely the need of additional facilities to the Gozo Secondary School Complex to conform with the standards relating to school facilities and to cater for private schools (especially girls' private schools) *Rabat* is a good area for the location of new schools, given its position at the centre of gravity of the main population centres, its being the capital of Gozo and as currently accommodating a number of other educational facilities.

Preferably, the selected areas should lie at the outskirts of *Rabat* so that transportation from other inhabited centres does not need to pass through the Town Centre.

**GZ-SOCF-1: Proposals for the development of new educational facilities shall be favourably considered within the area shown on **MAP 14.9-A** subject to their compliance of the following requirements:**

- a) site is easily accessible by both private and public transport;
- b) the site has the potential to cater for future expansion needs arising from its catchment;

- c) the site has the potential to provide for the minimum space standards for essential sports facilities within the curtilage of the site;
- d) the development provides access to persons with special needs;
- e) the development includes the implementation of good quality hard and soft landscaping; and
- f) the use of energy saving devices which do not compromise the aesthetic quality of the school building.

Criteria (b), (c) and (d) would need to be satisfied in case of “proposals for change of use of buildings to educational purposes”.

Requests for development permission to construct new schools in areas Outside Development Zones will not be favourably considered.

**GZ-SOCF-2:** MEPA shall favourably consider proposals to upgrade and/or better utilize existing schools in Gozo, so long as the proposals are confined to the current footprint of the school, an area specifically identified for their expansion or an additional floor as per policy **GZ-HTLM-1**. The proposals should pay due regard to the minimum standards relating to school facilities stipulated by the Ministry of Education.

MEPA shall also give favourable consideration to proposals for change of use of existing buildings (within the Development Zone) for educational purposes, provided that the provisions (b), (c), (d) and (e) in policy **GZ-SOCF-1** are adhered to.

## 7.3 Health

Given the size of the island and its population, Gozo can be considered to be fairly well catered for with respect to health services. However, there is much room for improvement. The focus of the health services in Gozo shall continue to be the Gozo General Hospital. The *Rabat* Health Centre is envisaged to be relocated and upgraded within the Gozo Communal Centre whilst there is ample scope to upgrade other local health centres (see area policies for *Rabat*).

**GZ-SOCF-3:** MEPA will favourably consider development proposals for the upgrading of local health centres (especially those related to the upgrading of medical facilities and the improvement of access for people with special needs), provided that all the other planning considerations are adhered to. There shall be a general presumption against the location of new health related facilities in areas Outside Development Zones.

### 7.3.1 Cemeteries

Cemeteries tend to occupy considerable tracts of land in areas ODZ. Demographic projections indicate that the number of people who pass away each year oscillates between 250-300 per year. From a cultural point of view, it is very difficult to justify rationalization of land allocated to cemeteries, it must be borne in mind that the option to maximize the utilization of existing land allocated for cemeteries should be given very serious consideration. Studies on social and community facilities related to the Structure Plan review indicate that the existing cemeteries in Gozo are deemed sufficient for the duration of the local plan and beyond.

**GZ-SOCF-4: Requests for the extension or relocation of existing cemeteries will only be considered if it can be demonstrated that all of the following factors are satisfied:**

- a) the existing cemetery facilities cannot accommodate more burials within the existing plots;
- b) the option to utilize the land more intensively has been fully considered;
- c) the extension or relocation lies in an area which is more than 183m. (unless otherwise indicated by the Department of Public Health) from the edge of a development zone;
- d) the extension or relocation does not lie in an aquifer protection zone; and
- e) the extension or relocation does not lie in a scheduled area or an area which qualifies for such scheduling.

**In all such cases, the proposal shall be subject to an Environmental Impact Assessment process.**

**At least one Cypress tree (*Cupressus sempervirens*) tree for every five burial plots shall be planted within the cemetery curtilage.**

**With applications relating to the relocation of cemeteries, the planning reason for the proposed relocation as well as the proposed after use of the site must be submitted with the development planning application.**

**Such requests shall also be subject to clearance by the Department of Public Health.**

## 7.4 Elderly

The population of Gozo is an ageing population. By 2010, c. 22% of the population of Gozo will be over 60 years old. To complicate matters, the number of elderly over 75 years of age is increasing in number and proportion to the rest of the population. In terms of land-use, the main implications translate into more facilities for the elderly as well as improvement to access within the urban fabric.

An estimate of facilities required till the year 2010 is rather complicated as it depends on a large multitude of parameters, all of which have a significant effect on demand. These range from life style to state of health at a particular age to actual costs in running of facilities. The prevailing trend is to encourage the elderly and their families to remain in the community. Provision of day and night shelters is also contemplated with a view to keeping the mobile elderly within the community.

**GZ-SOCF-5: Proposals for day or night shelters within the Development Zones will be given favourable consideration by MEPA, subject to their being sited:**

- a) in the Town Centre and Local Centres; and
- b) at locations easily accessed preferably by public transport.

**Preference will also be given to proposals which seek to utilize existing buildings, including reuse of existing lower class tourist accommodation and comply with the above set of criteria and the development is approved by the Department of Health, the Department for the Welfare of the Elderly and the National Commission for Disabled Persons.**

**There will be a general presumption against planning proposals for the provision of new facilities for the elderly or retirement complexes outside areas designated for development (i.e. ODZ).**

## **7.5 Special Needs**

Every society has members with special needs. These do not only include disabled people but also persons who are somehow hindered from undertaking mundane activities. In the modern context, with ever increasing female work participation rates, childcare facilities are also considered as special needs. Development has to ensure that facilities are in place to aid the mobility of people with special needs not only within built structures but also within the urban fabric.

**GZ-SOCF-6: MEPA will give favourable consideration to requests for development permission to urban projects which promote urban mobility of persons with special needs. These will also be understood to include projects devoted to the provision of childcare services. These projects should conform to the guidance “Access for All” or its subsequent revision, as well as other relevant planning policies.**

# 8 UTILITIES AND SERVICES

## 8.1 Introduction

The quality of life and opportunities in an area are very much dependent on the good provision of utilities and services. Gozo and Comino can be said to be very well provided in terms of services although this does not mean that there is no room for improvement. Facilities for utilities and services use land and often have an impact on the landscape. For example, distribution centres, substations, water purification plants, sewage pumping stations and other facilities occupy land and thus are of relevance to land use planning. Aerial cables and pylons represent detracting features which lower the scenic qualities of sensitive locations such as in Urban Conservation Areas and in rural areas. In the case of Gozo and Comino, the main areas identified for improvement include the extension of services to the more remote areas as applicable, the upgrade in quality (e.g. water quality, non-fluctuating power supply), the upgrade in reliability (e.g. fewer power cuts) and mitigation of environmental impact (e.g. dangling wires, visual mitigation of plant...). Fortunately, most of these improvements will utilize the existing network routes.

### 8.1.1 Integration of Services

From a land-use point of view, it is sensible to integrate networks along the same routes so that the least possible amount of land is taken up. There may be instances where this is not always possible due to incompatibility between the services. In other instances, damage to one service (or maintenance thereon) could disrupt other services. To this effect, service providers are encouraged to closely liaise with each other, the respective local council and central government in order to ensure that any subsequent works or maintenance do not disturb the provision of other services. In the case of high-speed data links, the possibility exists to share the same cables between the various service providers. This approach would be given favourable consideration by MEPA.

**GZ-UTIL-1: MEPA promotes the sharing of common facilities (e.g. underground ducts, cables etc.) by different service providers. To this effect, service providers are encouraged to utilize existing service facilities used by other service providers as opposed to the creation of new networks. Service providers are also encouraged to liaise amongst each other and with the respective local councils to ensure the least possible disruption to the continuity of service provision.**

## 8.2 Electricity

In terms of electricity supply, the main upgrade envisaged within the local plan horizon is in terms of consolidating the existing power supply, mitigation of environmental impact (especially in terms of under-grounding), the development of a distribution centre near the *Xewkija* Industrial Estate and the development of new substations.

**GZ-UTIL-2:** MEPA shall give favourable consideration to proposals for upgrading of the electricity supply in Gozo provided that the following points are observed:

- a) in urban areas (especially Cittadella and other urban conservation areas), preference shall be given to undergrounding of cables; and
- b) new distribution centres or substations intended to consolidate the electricity supply in urban areas shall be constructed within Development Zones. Substations shall not be permitted on scheduled sites. New substations in UCAs or along ridge-edges should preferably be avoided. Substations on ridge edges shall, unless they are incorporated within existing buildings, include a 5 m. perimeter around the building, 3 m. of which shall be earmarked for soft landscaping. The perimeter wall shall be in un-rendered and unpainted franka stone.

#### 8.2.1 Electricity Facilities in Areas ODZ

In view of Structure Plan provisions against urban sprawl, the presumption is against the location of new substations or other electricity supply facilities in areas ODZ. This provision notwithstanding, if it can be proven that after a documented extensive search, the substation could not be located in development zones, then, consideration may be given to locating a new substation ODZ. New substations in rural areas should be situated adjacent to or as close as possible to the development intended to be served. Special attention shall be given to scheduled areas, as well as other areas of natural or cultural heritage value. In all such cases, visual mitigation measures should be introduced to merge the building and the perimeter wall with the surrounding rural landscape. A perimeter of at least 6 m. should be left around the building with the outer 3 m. reserved for soft landscaping. The external boundary wall should not be higher than 1.5 m.

**GZ-UTIL-3:** Proposals for the installation or maintenance of facilities related to electricity distribution (including trenching, laying of cables, erection of poles etc.) in areas ODZ shall be undertaken in such a manner as to cause the least possible disturbance.

Therefore such proposals shall be accompanied by details of areas affected by vehicular trampling, temporary storage or parking of machinery and all operations related to the cable laying site during trenching, construction or maintenance. As a condition for clearance from the MEPA, including where permitted by the Development Notification Order, such proposals shall include the excavation method employed, the method of covering the cable and the method of clearing and disposal of the debris.

**After the intervention, all measures shall be taken to ensure the removal of debris resulting from excavation, installation and/or maintenance operations and to reinstate the land to its original condition.**

**Trenching and/or laying of cables through areas of garrigue, Areas (or Sites) of Archaeological Importance and other scheduled sites (Levels 1 – 3) shall be prohibited.**

## 8.2.2 Renewable Energy

Gozo depends on energy generation facilities on mainland Malta. The generation of energy from renewable resources is therefore commendable in principle. However, such facilities suffer from a number of drawbacks, which include:

- Inherent unreliability in terms of power supply
- Relatively large land-take
- Very adverse scenic impact especially in sensitive rural areas and the proximity of cultural landscapes.

Given these drawbacks, there is limited scope for large-scale renewable energy generation in Gozo or Comino. However, there is scope for supplementing the national grid through solar collection panels on the roofs of factories at the *Xewkija* Industrial Estate. Wind generation facilities on isolated farms may also be considered provided that visual impact is contained. The use of domestic water heaters is encouraged in principle, however care should be taken to limit visual impact especially on development close to or within the Visual Integrity Buffer Zone for *Cittadella* and in rural areas. In Gozo the general energy conservation measures should be directed through the better insulation of built structures as microclimate control is responsible for a significant proportion of energy consumption. Estimates indicate that around one third of all the electrical energy produced is wasted in regulating temperatures within buildings or structures.

**GZ-UTIL-4: Proposals for the generation of power from solar energy through the utilization of the large surfaces on existing permitted buildings (e.g. factories), will be given favourable consideration in areas earmarked for industry but measures to mitigate against visual impact shall be incorporated in the design of the generating scheme.**

**There shall be a general presumption against large-scale wind generating facilities on Gozo and Comino. Proposals for generation of power from wind energy through offshore structures will normally be favourably considered. Apart from environmental considerations, special attention should be given to marine traffic and safety. The wind generation structures should preferably be not closer than 100 m. from the shoreline.**



### 8.2.3 Nocturnal Illumination

Nocturnal illumination is considered essential in order to promote safety in the absence of natural light. However, most of the existing luminaires are inefficient as they project considerable amounts of light in inappropriate directions (thus causing glare) or towards the sky (thus wasting precious energy). It is therefore important to install luminaires which are energy efficient and reduce light pollution.

**GZ-UTIL-5: MEPA will request that proposals including outdoor illumination will have luminaries which are energy efficient and have an Upward Light Ratio of 0%. MEPA will also request that low-wattage, low level lighting is employed in public gardens and that in environmentally sensitive areas (e.g. scheduled areas or sites, valleys, ridge edges), external artificial illumination levels should be kept to the barest minimum (refer to policy GZ-DARK-1).**

## 8.3 Water

It is envisaged that the main thrust of water infrastructure related work in Gozo will be directed along three main courses of action namely to improve the distribution, to improve water quality and to minimize wastage. It is not envisaged that large tracts of land would be required to effect these improvements.

**GZ-UTIL-6: Proposals for additions to existing facilities related to the water supply system in Gozo shall be favourably considered by MEPA provided that:**

- a) upgrades on the existing infrastructure shall give regard to the other services and after the intervention, the impacted area shall be re-instated to good condition; and**
- b) proposals for new reservoirs, pumping stations, water purification plants or other water related infrastructure in areas ODZ shall, where technical considerations permit, be located within the Development Zone. If a satisfactory site to this effect cannot be found, sites adjacent to Development Zones or on existing disturbed ground may be considered. Garrigue, good quality agricultural land, clay slopes, the coast, afforested areas, scheduled sites, areas of cultural or natural value, and areas of high landscape sensitivity should be avoided to this effect. The design shall also ensure that adverse visual impact on the surrounding landscape shall be kept to the barest minimum.**

### 8.3.1 Surface Water Management

The Ministry for Gozo and a number of local councils have reported that instances of torrential rain often cause flooding problems especially in low-lying areas. It is possible to limit damage through four alternatives, namely:

- a) Location of urban development away from areas prone to flooding
- b) Diversion of flows away from urban areas
- c) Reduction of flow speeds
- d) Provision of water collection facilities, preferably under existing roads or development

Option a) is rather difficult to achieve in areas prone to flooding which are already developed, but should be exercised in areas not yet developed. But options b) and c) can be resorted to. For example, dams help to slow water speeds and aid infiltration but the mitigation is limited by the dimensions of the dam, the surrounding topographic features as well as rainfall intensity. It is also important to recall that dams tend to occur on generally environmentally sensitive water courses. Another approach is to profile the surface of the many country roads in order to channel water into the surrounding fields. This would not only help with slowing down water speeds but would also assist with irrigation, reduce erosion damage and help recharge the aquifers. However, care has to be taken in order to design the profiling because ill-designed profiling and shoddy workmanship can actually exacerbate the problem, leading to water-logging and to a possible destruction of the soil structure and increased erosion.

Ideally, the issue of surface water management should be integrated with all the other water management issues through a holistic approach, following the directions emerging from the EU Directive on Flooding, which takes into account all the implications related to the collection, storage, treatment and distribution of surface water run-off and flooding and requires the preparation of Catchment Management Plans for flood prone risk areas. In the case of water retaining dams in Gozitan valleys, a comprehensive report should be drawn up and amongst other matters examine the following considerations:

- a) The objectives of the exercise and the envisaged benefits;
- b) The amounts of additional water retained behind the dams;
- c) The benefits (if any) to comprehensive flood control and defence measures for the relevant water catchment area;
- d) The envisaged methods of utilization of this water; and
- e) A cost-benefit analysis.

Furthermore, the proposals shall be subject to an Environmental Impact Assessment.

**GZ-UTIL-7: Proposals for the construction of additional water retaining dams in Gozitan valleys (to make better use of surface runoff)**

shall only be considered following an Environmental Impact Assessment process.

In all cases, valleys that have been scheduled as Level 1 or Level 2, or qualify to be scheduled as such, should be avoided for water catchment purposes. Furthermore, maintenance and upgrading of existing dams will be preferred to the construction of new ones.

Interventions on existing dam areas, that have since been colonized by environmentally important species, may also be subject to an Environmental Impact Assessment.

**GZ-UTIL-8:** The areas indicated on **MAPS 8.3 (including the relevant insets)** are identified as areas prone to flooding. MEPA shall only consider requests for new development in these areas favourably if they are related to any one of the following:

- a) water management;
- b) environmental conservation;
- c) rural informal recreation; and
- d) maintenance on existing facilities or future approved structures.

The problems associated with surface water runoff are usually exacerbated when water flows over smooth surfaces lying at a steep incline, as present in many country roads in Gozo. To this effect, it is beneficial to direct the flow of storm water onto adjacent fields before the water attains sufficient velocity to do any damage. This can be achieved in a number of ways (e.g. carriageway surface profiling/texturing). Storage of this water for later agricultural use is also commendable and thus the construction of reservoirs to this effect is encouraged where appropriate.

**GZ-UTIL-9:** MEPA shall encourage initiatives to channel surface runoff conveyed through country-roads onto the surrounding fields and/or into appropriate agricultural irrigation reservoirs (where permitted). These reservoirs shall be constructed in a manner whereby the perimeter above ground shall not be higher than 1.2 m. above the surrounding soil surface and shall be constructed in random rubble stone. Other provisions of the Development Notification Order (or its subsequent revisions) shall be applicable. Where conflict with the provisions of the DNO arise, the provisions of this policy shall prevail.

The planting of indigenous, archaeophytic or fruit trees (refer to Guidance on Planting) around such reservoirs shall be encouraged.

### 8.3.2 Fuel

During the life span of the local plan, there is the possibility of requests for development permission to accommodate fuel storage facilities. Given the hazards associated with such storage, and the visual impact associated with such storage, it is important to take precautions to address these considerations. It is also important to locate any such facilities close to the *Mgarr-Rabat* link.

**GZ-UTIL-10: Requests for development permission for new fuel storage facilities shall address the following considerations:**

- a) the storage tanks should be located underground.
- b) the proposal is subjected to an environmental impact assessment, which is to include a risk assessment, health impact assessment and a hazard/disaster management plan;
- c) visual mitigation measures will be imposed as a condition for planning permission. At least 6 m. of soft-landscaped area shall be incorporated at the perimeter of the site;
- d) the site should be accessed by an existing carriageway which is more than 5.5 m. wide;
- e) the site should not be located more than 500 m. from the road linking Mgarr Harbour to the south-eastern edge of Victoria;
- f) the site shall be at least 100 m. away from residential areas; and
- g) the site does not lie on a scheduled site or an area which qualifies for such protection.

## 8.4 Telecomms

The quality of life in Gozo during the local plan time frame will be highly dependent on the provision of a wide range of telecomm facilities. Apart from the provision of public broadcasts, high-speed digital links are envisaged to be essential to increased communication on the island, with mainland Malta and with the rest of the world. To this effect it is essential that the telecomms infrastructure is well developed to meet these demands. Special consideration should be given to schools to facilitate the installation of high-speed data links for educational purposes.

### 8.4.1 Unsightly Cables and Antennae

The most obvious impact of upgrading the networks lie with visual impacts presented through unsightly dangling cables and the erection of antennae. Fortunately, most antennae and microwave dishes tend to be smaller. However, the installation of such facilities onto buildings or structures of conservation importance, leads to a local deterioration of the skyline. Careful visual mitigation should also be applied to all buildings but special attention should be given to buildings in urban conservation areas,

scheduled buildings and structures which qualify for scheduling. Under-grounding is a preferred option, however the process will inevitably take time. In the short term, under-grounding may not be resorted to in all areas. In such cases, efforts by the service providers to organize the cables along the facades (eg. careful bundling, passing over cornices etc.) will be encouraged.

**GZ-UTIL-11:** MEPA will encourage proposals to install new cables, or to re-route dangling cables, underground in scheduled areas. Priority should be given to the Cittadella, to buildings in UCAs, to scheduled sites and buildings which qualify for scheduling. In all such cases, care should be taken to prevent damage to existing facades and to carefully conceal the underground ducting underneath a planned paving or surfacing scheme. Preference shall be given to under-grounding schemes which permit maintenance, repair or upgrading with minimal disturbance to surface features or adjacent services.

**GZ-UTIL-12:** Requests for development permission to erect antennae on scheduled buildings will not normally be given favourable consideration, unless the antennae are well hidden from view. Limited exceptions affecting such buildings shall be regulated by the Policy & Design Guidance ‘Satellite Dishes & Telecommunications Antennae (1995) or its subsequent revision.

## 8.5 Sewerage

In accordance with the Sewerage Master Plan for Malta and international requirements, upgrade of the sewerage network in Gozo envisages the construction of a sewage treatment plant and the redundancy of the outlets at *Wied il-Mielah* and *San Blas*. The same master plan indicates measures to upgrade the network and minimize leakages. The Structure Plan envisaged one of these sewage plants to be located in the north of *Mgarr ix-Xini* and it has been decided to provide the facility at *Ras il-Hobz*. An EIA has been prepared and the permit has been approved by MEPA.

**GZ-UTIL-13:** The sewage treatment plant for Gozo shall be located near *Ras il-Hobz* within the area indicated on **MAP 14.2-A**. Proposals for the recycling of treated water in the vicinity, will be favourably considered, provided that:

- a) Reservoirs shall be carefully concealed through measures such as lowering into the ground, cladding with rusticated stone and soft landscaping;
- b) Water shall be conveyed through pipes which shall be concealed from view; and
- c) The interventions may be subject to an EIA.

**GZ-UTIL-14: Proposals for the construction of sewage pumping stations in rural areas will be considered provided that:**

- a) it can be demonstrated that the proposal cannot be accommodated within the development zones;
- b) as much as possible of the proposal will be sunk into the ground. Overflow buffer tanks beneath the pumps will be preferred;
- c) a perimeter of at least 3 m. shall be left around the built structure to accommodate soft landscaping mitigation measures. The external wall of the structure and the perimeter wall shall be appropriately designed to merge with the existing context; and
- d) safeguards should be employed to prevent overflow of sewage onto surrounding areas in the event that pump failure occurs.

## **8.6 Solid Waste Management**

The disposal of solid waste in Gozo represents a major issue. This topic has also been addressed in the “Space for Waste” management subject plan commissioned by MEPA. This plan mentions, amongst other matters, the need for a solid waste transfer station. The preferred site to this effect should be located as close as possible to the *Mgarr* Harbour.

Location of such a transfer station would require all the necessary safeguards to prevent spread of disease and vermin, toxic emissions or contamination of water resources. It is also proposed to incorporate a civic amenity site within the Gozo Solid Waste Transfer Station. Land for such a purpose has been identified in a disused quarry at *Xewkija*.

Minimization of waste generated should also be encouraged. However, the ever-increasing need for underground space implies that considerable amounts of construction waste (in Gozo mostly clay) are generated. There are possibilities to employ this material in agriculture especially in reclamation schemes. In the case of more substantial construction waste, it is possible to dispose of this waste through reclamation of existing quarries.

**GZ-UTIL-15: Solid waste in Gozo shall be processed through a waste transfer station.**

**Moreover, MEPA, in conjunction with Wasteserve Ltd. and the Ministry for Gozo, will seek to identify land for a Civic Amenity Site subject to the following criteria:**

- i. the location is within or close to (within 100 m) of the community(s) it is intended to serve;
- ii. the site is situated on degraded land;
- iii. the site has adequately positioned and designed pedestrian and vehicular access to accommodate the anticipated level of movements it will generate;
- iv. provides access and suitably hard-surfaced and drained off-road parking and turning space for vehicles using or servicing the site;
- v. the site is located, designed and operated having due regard to the need to minimise its impact on the amenities of residential areas and other environmentally protected areas where relevant;
- vi. a landscape scheme shall be submitted and approved with any permit application, which shall be implemented in its entirety within the first planting season and thereafter maintained;
- vii. the submission and approval of a satisfactory Environmental Impact Assessment;
- viii. The location shall lie more than 100 m from areas used for quiet recreational uses or similar sensitive locations and developments, particularly with regard to potential problems of noise, vibration, pollution and visual intrusion; and
- ix. The site is not larger than 2000 sq. m.

Additionally, in accordance with the Waste Management Subject Plan, Local Councils will identify locations for small drop off centres known as 'bring in sites'.

Where a site is not managed and problems associated with smell, vermin and litter cause complaint, measures will be taken to close the site and revoke its licence, unless the necessary management procedures are put in place and effectively implemented.

**GZ-UTIL-16:** The existing waste tip at Xaghra shall be designated as a Public Informal Recreational Area.

The site shall be predominantly afforested with some facilities to enhance the rural experience (e.g. informal seating arrangement, dirt tracks etc.) The planting shall conform to the Guidance on Planting.

The request for development permission shall be accompanied by a study/assessment of:

- a) the stability of the site;
- b) re-profiling of the terrain measures;

- c) details of the cover employed; and
- d) safety of the site for use as a recreational area.

The submissions shall also be accompanied by a detailed management plan covering the area shown on **MAP 14.12-E**.

## 8.7 Security Infrastructure

The main three agencies responsible for national security are the Civil Protection Department, the Armed Forces of Malta and the Police Corps. These three agencies have indicated a need to upgrade their existing facilities rather than requesting additional land to cater for their requirements within the lifespan of the local plan. The Police Corps and the Civil Protection Department have requested facilities which are either compatible with development within the Development Zones or else would form part of an area already indicated for a specific kind of development. The Armed Forces have facilities on Comino and at *ix-Xaghra ta' Esopu* and they are seeking to consolidate their facilities at *ix-Xaghra ta' Esopu*. Nonetheless, the latter site is of high ecological and scientific importance and any interventions that may be permissible in the area are to be kept to the barest minimum and undertaken with the highest sensitivity to the site's importance.

**GZ-UTIL-17:** The land indicated in **MAP 14.7-E** shall be safeguarded for use by the Armed Forces in Gozo. However, in view of the ecological and scientific importance of the entire Qortin, proposals for development in the area shall be restricted to military facilities such as rifle ranges. Requests for development permission shall:

- a) be kept to the barest minimum required for strictly operational purposes;
- b) not impinge on the scenic qualities of the area by virtue of massing, texture, colour and materials;
- c) be subject to an environmental impact assessment; and
- d) if appropriate, be complemented by a landscaping scheme which observes the provisions of the Guidance on Planting.

In order to protect wildlife, in particular birds, no new lights shall be permitted on this promontory and existing luminaries shall be replaced by luminaires which have an upward waste light ratio of zero. In particular, no services are to be made available at the Tower, which shall also not be illuminated at night.



# 9 COMMERCE AND INDUSTRY

## 9.1 Introduction

The commercial and industrial sectors in Gozo are vital for the well being of the Gozitan Economy. The island is facing a number of challenges as traditional industries are going through modernization and restructuring in order to compete in today's international markets. The main challenge for the local plan is to provide adequate and appropriate land in order to accommodate for the envisaged needs in a manner which is neighbour compatible and respects the landscape as well as other natural and cultural heritage.

## 9.2 Retail

Apart from tourism related retail concerns which are addressed in **Section 8**, the main commercial activity in Gozo is largely based on relatively small retail outlets. The main hub of retail activity is concentrated in *Rabat* which is practically Gozo's only Primary Town Centre. The rest of the settlements in Gozo are either designated as Local Centres or Commercial Areas as identified in *Rabat* and *Xewkija*. The status of *Rabat* as Gozo's Primary Town Centre will be further consolidated through the development of the Gozo Communal Centre.

### 9.2.1 Town Centres

The Retail Strategy embraces a hierarchy of centres. It comprises:

- a) **Town Centres:** These include the Primary Town Centre that serves the needs of a regional or sub-regional function for non-food shopping;
- b) **Local Centres:** These are locations providing local retail services in new and expanding housing areas. These areas should provide coherent groupings of appropriate facilities, with shared parking and service delivery provision, pedestrian access routes and planned public transport provision. Convenience goods retail outlets are to be directed towards such Local Centres which are the appropriate commercial areas for this type of shopping.

The local plan area is represented by the various types of centres in the above hierarchy. Although retailing is a dominant activity in a town centre, the attraction of each centre for the location of other businesses and social and community facilities were taken into account in identifying the range and mix of uses indicated in **Policy GZ-CMRC-1/2** below, acceptable within town and local centres. The vitality and viability of town centres depends on a varied mix of uses and activities which encourage people to visit the centre whilst ensuring that they remain an attractive place to live in.

The success of Town Centres as a commercial and social hub depends on a pleasant external environment, good car parking provisions and public transport facilities and

proper management of traffic. The designation of the town centres gives an indication where enhancement and embellishment schemes would be appropriate and encouraged.

**GZ-CMRC-1: MEPA designates the following Primary Town Centre within the local plan area:**

Type of Centre	Locality	Area Policy Map
Primary Town Centre	Rabat	MAP 14.9-A

The boundaries of the Town Centre are indicated on **MAP 14.9-A**. The acceptable land uses (new uses, extensions to existing uses, and change of uses) within all frontages located within the town centre are as follows:

- i. Class 1 (Use Classes Order, 1994) dwelling units on upper floors only. Proposals for residential development at ground level will only be considered by MEPA provided that the proposed development scheme includes one dwelling unit only. Conversions from existing commercial uses at ground floor level to new residential units will not normally be permitted by MEPA.
- ii. Class 2 (Use Classes Order, 1994) residential institutions on upper floors only.
- iii. Class 3 (Use Classes Order, 1994) hostels and hotels provided that these uses are in accordance with all other relevant Local Plan policies.
- iv. Class 4, (Use Classes Order, 1994) retail uses including shopping malls and speciality shopping, but excluding showrooms, provided they comply with the provisions of MEPA's Interim Retail Planning Guidelines (2003).
- v. Supermarkets provided that they comply with all the provisions of Interim Retail Guidance.
- vi. Class 5 (Use Classes Order, 1994) offices.
- vii. Class 6 (Use Classes Order, 1994) food and drink, including hot food take-away. However take-aways are not to be allowed above ground level.
- viii. Class 7 (Use Classes Order, 1994) non-residential institutions including interpretation centres. However public halls are to have a floor area that does not exceed 150 sqm.
- ix. Class 8 (Use Classes Order, 1994) educational facilities.
- x. Class 9 (Use Classes Order, 1994) assembly and leisure.
- xi. Class 11 (Use Classes Order, 1994) business and light industry provided that:

- The gross floor area of the premises does not exceed 50 sqm (including storage of materials and/or finished products);
- The activity conducted within the premises does not use heavy duty and/or noisy electrical/mechanical (including pneumatic) equipment, and equipment which requires a 3 phase electricity supply;
- The activity conducted within the premises does not entail extensive and/or prolonged use of percussion hand tools (e.g. hammers, mallets etc);
- The activity employs less than 5 people; and
- The activity conducted within the premises does not inherently entail the generation of combustion, chemical or particulate by products.

Examples of acceptable uses considered by MEPA include tailor, cobbler and computer repair. Moreover, examples of unacceptable uses include carpentry, panel beating, mechanic, mechanical plant servicing and spray painting.

Proposals to convert from existing Class 12 (Use Classes Order, 1994) general industry to Class 11 (Use Classes Order, 1994) business and light industry within designated Town Centres shall only be considered acceptable by MEPA if all the conditions listed above are adhered to, and provided that it can be proven that the Class 12 Use (general industry) operation is a permitted one and the Class 11 Use (business and light industry) operation is actually more neighbourhood compatible than the Class 12 Use operation it intends to replace.

- xii. Class 17 (Use Classes Order, 1994) storage facilities only provided that the gross floor area does not exceed 75 sqm.
- xiii. Taxi Business or for the hire of motor vehicles.
- xiv. Band club and social club.
- xv. Cleaning of clothes in venues where articles are brought by the public, provided that the gross floor area does not exceed 75 sqm.
- xvi. Conference Centre.
- xvii. Indoor shooting range provided that all the conditions of the Guidance on Shooting Ranges are fully adhered to.
- xviii. Bakery and Confectionery with provision for outside catering.

**MEPA will support initiatives from public agencies and the private sector that contribute to the enhancement of the external environment of town centres and add to their attraction as a community and retail hub. Proposals for appropriate pedestrianisation schemes, landscaping schemes and traffic management will also be considered favourably. MEPA will strongly encourage the establishment of town centre management initiatives in the primary town centre.**

**9.2.2 Local Centres**

A Local Centre should be:

- a)** a cluster of shops, primarily selling convenience goods or providing retail services (e.g. hairdresser, dry cleaners, video hire), together with other social and community services for the immediate neighbourhood;
- b)** easily accessible on foot from surrounding residential areas; and located close to the geographical centre of the neighbourhood that it serves; and
- c)** Small supermarkets and other shops will be allowed in local centres provided they do not cause nuisance through noise, smell or other factors.

Access and servicing arrangements together with goods storage shall not adversely impact neighbouring residents, businesses, or other users.

**GZ-CMRC-2: MEPA designates the following Local Centres within the plan area:**

Type of Centre	Locality	Area Policy Map
Local Centres	Ghajnsielem, Nadur, Rabat and Xaghra	MAPS 14.2-A, 14.7-A, 14.9-A, 14.12-A

**The boundaries of the local centres are indicated on MAPS 14.2-A and 14.15-A. The acceptable land uses (new uses, extensions to existing uses, and change of uses) within all frontages located within the local centres are as follows;**

- i. Class 1 (Use Classes Order, 1994) dwelling units on upper floors only. Proposals for residential development at ground level will only be considered by MEPA provided that the proposed development scheme includes one dwelling unit only. Conversions from existing commercial uses at ground floor level to new residential units will not be permitted by MEPA.**
- ii. Class 2 (a) (Use Classes Order, 1994) residential accommodation and care to people in need of care on upper floors only.**

- iii. **Class 4, (Use Classes Order, 1994) retail uses including speciality shopping but excluding showrooms, provided:**
  - that the gross floor area does not exceed 250 sqm; and
  - they comply with the provisions of MEPA's Interim Retail Planning Guidelines (2003).
- iv. **Supermarkets provided that they comply with all the provisions of the provisions of Interim Retail Guidance.**
- v. **Class 5 (Use Classes Order, 1994) offices provided that the gross floor area does not exceed 100 sqm.**
- vi. **Class 6 (Use Classes Order, 1994) food and drink including hot food take-away. However take-aways are not to be allowed above ground level.**
- vii. **Class 7 (Use Classes Order, 1994) non-residential institutions including interpretation centres. However public halls are to have a floor area that does not exceed 150 sqm.**
- viii. **Class 8 (Use Classes Order, 1994) educational facilities provided that the gross floor area does not exceed 75 sqm.**
- ix. **Class 9 (Use Classes Order, 1994) assembly and leisure provided that the gross floor area does not exceed 75 sqm.**
- x. **Class 11 (Use Classes Order, 1994) business and light industry provided that:**
  - **The gross floor area of the premises does not exceed 50 sqm (including storage of materials and/or finished products);**
  - **The activity conducted within the premises does not use heavy duty and/or noisy electrical/mechanical (including pneumatic) equipment, and equipment which requires a 3 phase electricity supply;**
  - **The activity conducted within the premises does not entail extensive and/or prolonged use of percussion hand tools (e.g. hammers, mallets etc);**
  - **The activity employs less than 5 people; and**
  - **The activity conducted within the premises does not inherently entail the generation of combustion, chemical or particulate by products.**

**Examples of acceptable uses considered by MEPA include tailor, cobbler and computer repair.**

Moreover, examples of unacceptable uses include carpentry, panel beating, mechanic, mechanical plant servicing and spray painting.

Proposals to convert from existing Class 12 (Use Classes Order, 1994) general industry to Class 11 (Use Classes Order, 1994) business and light industry within designated Local Centres shall only be considered acceptable by MEPA if all the conditions listed above are adhered to, and provided that it can be proven that the Class 12 Use (general industry) operation is a permitted one and the Class 11 Use (business and light industry) operation is actually more neighbourhood compatible than the Class 12 Use operation it intends to replace.

- xi. Class 17 (Use Classes Order, 1994) storage facilities only provided that the gross floor area does not exceed 75 sqm.
- xii. Taxi Business of for the hire of motor vehicles.
- xiii. Band club and social club.
- xiv. Cleaning of clothes in venues where articles are brought by the public, provided that the gross floor area does not exceed 50 sqm.
- xv. Bakery and Confectionery with provision for outside catering.

#### 9.2.3 **Speciality Shopping Provision outside the designated Town Centre: Cittadella.**

The site is a prime tourist attraction. The provision of well-designed speciality shopping facilities could be an important mechanism for generating investment within historic cores that are already visitor attractions.

**GZ-CMRC-3: Proposals for speciality shopping provision outside the designated town centre will be considered on their individual merits and will be subject to the following requirements:**

- a) the scale and type of specialist shopping provision proposed will require careful justification. The developer will need to present detailed reasoning to justify the need to provide such facilities in the proposed location, rather than within a designated Town Centre;
- b) MEPA must be satisfied that the proposal will not undermine the vitality and viability of a Town or Local Centre;

- c) where such proposals are approved, conditions will be applied to restrict future extensions to the retail uses and to prevent changes in the type of goods sold;
- d) goods vehicle servicing arrangements, goods storage and access arrangements will not have detrimental impacts on neighbouring residents, businesses, or other land uses;
- e) the shop will not create a nuisance for neighbouring residents through noise, smell, lighting, hours of servicing, hours of operation or other factors; and
- f) traffic impacts associated with the new development can be accommodated, without negative environmental impacts on the affected areas.

Requirements for off-street parking, public transport facilities and pedestrian access in association with speciality shopping facilities will require careful evaluation. At the discretion of MEPA, there may be a requirement for off-street parking, in accordance with MEPA standards for non-food outlets, for public transport provision and for comfortable and safe pedestrian access from neighbouring residential and commercial areas.

#### 9.2.4 Commercial Areas

Showrooms are defined as premises primarily used to display goods for sale where little direct (over the counter) retail sale is intended. Showrooms normally display a specialist range of bulky, non-food goods, such as: white goods; furniture; motor vehicles; household items, hardware and bathroom fittings. Office development on the upper floors of showrooms is considered to be a compatible use and is therefore normally permitted by MEPA.

**GZ-CMRC- 4: MEPA will permit the development of Commercial uses within the designated Commercial Areas at Rabat and Xewkija as indicated on MAPS 14.9-A and 14-13-A. The following is a list of acceptable uses (new uses, extensions to existing uses, and change of uses) within all frontages located within the designated Commercial Areas.**

- i. Class 1 (Use Classes Order, 1994) dwelling units preferably on upper floors.
- ii. Class 4, (Use Classes Order, 1994) small shops only provided that:
  - The small shops (of any nature) are not to exceed a total floor area of 50 sqm each, and convenience shops are not to exceed a total floor area of 75 sqm each;

- They comply with all the provisions of paras. 1.4.16 to 1.4.18 of the Interim Retail Planning Guidelines (2003); and
  - They comply with any relevant section of the DC 2005 (design, access, amenity, etc.)
- iii. **Class 4, (Use Classes Order, 1994) showrooms provided that they comply with the relevant provisions of MEPA's Interim Retail Planning Guidelines (2003).**
- iv. **Class 5 (Use Classes Order, 1994) offices preferably on upper floors.**
- v. **Class 6 (a) (Use Classes Order, 1994) sale of hot and cold food and drink for consumption on or off the premises.**
- vi. **Class 11 (Use Classes Order, 1994) business and light industry provided that:**
- **The gross floor area of the premises does not exceed 50 sqm (including storage of materials and/or finished products);**
  - **The activity conducted within the premises does not use heavy duty and/or noisy electrical/mechanical (including pneumatic) equipment, and equipment which requires a 3 phase electricity supply;**
  - **The activity conducted within the premises does not entail extensive and/or prolonged use of percussion hand tools (e.g. hammers, mallets etc);**
  - **The activity employs less than 5 people; and**
  - **The activity conducted within the premises does not inherently entail the generation of combustion, chemical or particulate by products.**

**Examples of acceptable uses considered by MEPA include tailor, cobbler, lace making and computer and electronic repair. Moreover, examples of unacceptable uses include carpentry, panel beating, mechanic, mechanical plant servicing, spray painting and bakery.**

**Proposals to convert from existing Class 12 (Use Classes Order, 1994) general industry to Class 11 (Use Classes Order, 1994) business and light industry within designated Commercial Areas shall only be considered acceptable by MEPA if all the conditions listed above are adhered to, and provided that it can be proven that the Class 12 Use (general**



industry) operation is a permitted one and the Class 11 Use (business and light industry) operation is actually more neighbourhood compatible than the Class 12 Use operation it intends to replace.

- vii. Class 17 (Use Classes Order, 1994) storage facilities only provided that the gross floor area does not exceed 75 sqm.
- viii. Taxi Business or for the hire of motor vehicles.
- ix. The sale or display of motor vehicles.
- x. The sale of fuel for motor vehicles.
- xi. The cleaning of clothes in venues where articles are brought by the public.

In granting permission for the above-listed uses, MEPA is to be satisfied that the design of the commercial developments shall be complimentary with, and shall enhance the existing streetscape. Particular regard will also be given to the provision of advertising space in order to ensure that this will not be too conspicuous.

### 9.3 Offices

Large-scale office development in Gozo is almost invariably concentrated in *Rabat*. There is scope for further office development especially in view of the policy to encourage more back office work and to promote more white-collar employment in Gozo. Most of the demand for pure office use (both large and small scale) is envisaged to be met by the Gozo Communal Centre. There is still scope for small-scale local office development within residential areas. The rehabilitation of existing buildings to this effect should be encouraged, especially if the existing building is underutilized. The Local Shops Policy provides guidelines for the conversion of existing buildings in residential areas for small-scale office development.

**GZ-CMRC-5:** MEPA shall favourably consider requests for small-offices within Residential Areas provided that these adhere to the provisions of policy **GZ-HOUS-1**.

However, MEPA shall not favourably consider requests for the lateral or vertical expansion of buildings in the older part of *Rabat* as defined in **MAP 14.9-A**, for office development. In this area, parking requirements will be met through the provisions of the Commuted Parking Payment Scheme.

## 9.4 Micro-Enterprises

A significant proportion of the private sector market in Gozo is occupied by enterprises which employ a total of ten or less employees. Although individually small, the total contribution of these enterprises is quite important to the economy. The main problem in Gozo is that there are very limited areas, which are specifically earmarked to accommodate these concerns. Many of the existing enterprises are based within residential areas and operate from garages.

In the case of micro-enterprises, there may be a case for retaining these concerns within residential areas for the following reasons:

- a) the enterprise services the immediate locality;
- b) the inconvenience to residents generated by the activity is minimal; and
- c) in most cases, adverse effects can be significantly decreased through mitigation measures.

Given the above, it is perfectly sensible to retain those existing concerns within residential areas where sufficient mitigation measures are undertaken to render them acceptable in residential areas. However, there are instances where due to the nature of the enterprise, its scale, the traffic it generates or the pollution that it creates, renders it unsuitable to be retained in residential areas. To this effect, the local plan is proposing two new sites where such micro-enterprise activity could take place. The main emphasis needs to be on the management aspect of these sites and to create a pleasant and productive working environment as opposed to a shanty environment which characterizes so many Maltese industrial areas. The existing sites at *Xewkija* are being identified for Use Classes 11 and 12 micro enterprises.

**GZ-CMRC-6: Areas are indicated at Xewkija on MAP 14.13-A to accommodate Use Classes 11 and 12 (Use Classes Order, 1994) micro-enterprises. A Business Incubation Centre on one of the sites would be favourably considered. The design of the sites shall take into consideration the following:**

- a) the buildings shall have a maximum height of not more than 10 m. above the finished surrounding surfaces;
- b) at least 30% of the site shall be left as open space to accommodate vehicular circulation and landscaping;
- c) preferably at least 25% of the built-up area should be allocated for warehousing;
- d) services should be directed through underground conduits; and
- e) a perimeter of at least 3 m. shall be left around the site for soft landscaping. Trees employed in this stretch shall have a mature height of 3 m. or more and shall conform to the approved Guidance on Planting. This requirement may be partially waived on sites which are already committed by development.

## 9.5 Large Scale Industry

The Malta Industrial Parks (MIP) has indicated that as far as industrial uses are concerned, the scope for the provision of additional land other than that already committed for this purpose is not envisaged. Indeed, a number of industries were showing indications to transfer operations to mainland Malta in view of problems with double insularity and the main market being located in Malta rather than Gozo. However, it is not strategically sensible to reduce the size of the existing industrial estate (which will include the area considered to be committed through Structure Plan Policy SET 11.

**GZ-CMRC-7: The area within the boundary indicated on MAP 14.13-A will continue to be safeguarded for Use Classes 11 and 12 (Use Classes Order, 1994) Large Scale Industry. MEPA shall not favourably consider requests for development permission to accommodate construction industry related enterprises within this area. Small-scale industrial concerns (gross site area less than 500 m<sup>2</sup>) may only be located on the areas shown on MAP 14.13-A for micro-enterprises as per Policy GZ-CMRC-6.**

## 9.6 Construction Related Industry

The building industry in Gozo is supported by extractive industries (mainly quarrying) and rock product processing industries (e.g. batching plants, tarmac plants etc.). For the purposes of this section the term *construction related industry* refers to industry such as quarries, lime kilns, batching plants and tarmac plants. These plants tend to be inherently neighbour incompatible by virtue of their considerable noise generation, dust generation and heavy vehicle movements. Therefore, such enterprises are normally located either on the site where the relevant mineral deposit occurs or else away from built up areas. The main problems with such industries relate to difficulties with regulation on operations and location is scenic or environmentally sensitive areas. It is therefore desirable to address these problems in two main ways. The first is to discourage new construction operations in environmentally sensitive areas. The second is to encourage mitigation of visual and environmental impact of existing plant and implementation of remedial works after cessation of operations.

The Minerals Subject Plan for the Maltese Islands indicates that the current supply of softstone and hardstone is enough to cater for the demand projected over the Plan's period (up to 2010). Consequently no new quarries are required over the Plan period. The Minerals Structure Plan proposes a strategy whereby no new quarries will be permitted by MEPA at least until the first review of the Plan. Requests for the extension of existing quarries will be considered in the light of the policy framework provided by the Structure Plan and the Minerals Subject Plan. The strategy adopted by the Gozo and Comino Local Plan with regards to quarrying is in line with the way forward proposed in the Minerals Subject Plan.

**GZ-CMRC-8: There is a presumption against the granting of new hardstone and softstone quarries, at least until the first review of the Minerals Subject Plan.**

**Requests for the extension of existing quarries shall be judged against policies in the Structure Plan and the policies contained in the Minerals Subject Plan for the Maltese Islands.**

Most construction-related plant in Gozo lies in areas outside development zone. In the majority of cases, such plant is leading to significant environmental impacts, especially those relating to visual impacts, dust and noise generation, traffic generation in rural areas, etc. There is definitely a need to review operations with a view to rationalize operations and mitigate the adverse impacts. This is especially relevant in those instances where the relevant construction related plant lies in an environmentally sensitive area.

**GZ-CMRC-9: MEPA will make a review of operations of existing construction related plant in areas ODZ with a view to require mitigation measures to be implemented by operators in order to reduce the existing negative impact. The use of extensive planting of tree species as indicated in the Guidance on Planting, the cladding of boundary walls in rusticated stone, the architectural screening of mechanical plant, the use of dust absorbing material, the use of noise absorbing plant and other mitigation measures on existing plants, will thus be favourably considered.**

**There shall however be a general presumption against the lateral extension of existing construction related sites unless the applicant can clearly demonstrate (through an Environmental Impact Assessment) that the extension will result in a net positive environmental amelioration. The proposal shall also be accompanied by a professional economic feasibility study.**

The number of facilities already licensed to operate in Gozo are deemed to be sufficient to sustain the construction industry in the island for the foreseeable future. Therefore, it is not recommended to permit further tarmac plants, batching plants or similar construction related plants over the plan period.

**GZ-CMRC-10: There shall be a general presumption against the creation of new tarmac plants, batching plants or similar construction related plants on Gozo or Comino.**

In Gozo there is a problem relating to the disposal of inert construction waste. Disused quarries (unless indicated for some other purpose) are deemed suitable to achieve this purpose but this needs to be undertaken under the proviso of ensuring that the material is definitely inert so that no chemical contamination to aquifers occurs. Furthermore, these

quarries could serve as depots for temporary storage so that the inert waste could be recycled by the construction industry. Conditions for rehabilitation of the relevant area to agriculture or other uses acceptable in rural environments (once the depot function ceases) should also be given special consideration.

**GZ-CMRC-11: Request for development permission to use disused quarries as depots for construction waste may be considered. However, the acceptability or otherwise of each proposal will depend on the environmental characteristics surrounding each quarry.**

**Should a site be deemed acceptable for such purposes, the applicant has to submit proposals which indicate that the site will be sealed against contaminated water infiltration, that measures will be taken to ensure that infiltration by contaminated leachates will be prevented and that the site will be managed to ensure best practice of operations as well as to conform with the restoration of quarries provisions specified in the Minerals Subject Plan (or its subsequent revisions). The developer will be required to deposit a bank guarantee prior to the issue of the relative development permits, to secure compliance with permit conditions.**

## **9.7 Mixed Use Area**

A Mixed Use Area is being designated at *Xewkija*. This includes an existed area that contains a number of different and often incompatible land uses including garages, warehouses, showrooms, retail, dwellings and small industries. The area was zoned in the Structure Plan under Policy IND3 for showrooms and retail warehouses and is being rezoned to a Mixed Use Area. It is noted that strict zoning measures together with the separation or relocation of conflicting uses in this area would be difficult, costly and unfeasible to accomplish in practice. In the circumstances, the strategy being adopted by the plan consists in the creation of a mixed use area. The area is also suitable to incorporate land uses that are not easily possible to locate and accommodate elsewhere in Gozo, such as assembly and leisure uses.

**GZ-CMRC-12: The area as indicated in Xewkija in **Map 14.13-A** is designated as a Mixed Use Area. Within this Mixed Use Area, MEPA will consider the development of the following land uses:**

- i. Class 4, Use Classes Order (1994) retail.**
- ii. Class 5, Use Classes Order (1994) offices.**
- iii. Class 9, Assembly and Leisure.**
- iv. Classes 11 and 12, Use Classes Order (1994) business and light industry and general industry**

- v. **Class 17, Use Classes Order (1994) warehousing, storage and distribution.**

## **9.8 Fireworks Factories**

Fireworks factories need special land-use requirements for the manufacture and storage of fireworks. These facilities also need special requirements in view of the hazards that these facilities present. Some of the existing factories are located in environmentally sensitive areas. The major land-use implications of fire-works factories and fireworks displays are neighbour compatibility and hazard as well as the requirement to be located in areas ODZ. Given the sensitivity of the Gozitan rural context and the fact that these facilities tend to require very extensive buffer zones, it is not reasonable to encourage the building of additional fireworks factories.

**GZ-CMRC-13:** There shall also be a general presumption against the construction of new fireworks factories unless the site lies in a permitted disturbed area (e.g. a disused quarry) whereby any structures would be totally hidden from view.

**Proposals for the provision of new and upgrading (including extensions) of existing fireworks factories may be considered, subject to all the following conditions being observed:**

- a) all the statutory safety and design regulations shall be observed;
- b) visual mitigation measures shall be included in a perimeter of at least 3 m. around the boundary of the site. All planting shall conform to the criteria in the Guidance on Planting;
- c) unrendered and unpainted franka stone shall be used for the built structures;
- d) the perimeter wall shall be designed to complement the surrounding random rubble walls;
- e) an extension to existing factory shall not be larger than 50% of the existing footprint. Requests for subsequent extensions which exceed the 50% limit shall not be favourably considered;
- f) there shall be a minimum buffer of 200m between the fireworks factory and any development; and
- g) the site is not scheduled (or qualifies to be scheduled), and does not lie in an AHLS.

# 10 TOURISM AND RECREATION

## 10.1 Introduction

The Islands of Gozo and Comino are renowned for their tourism and recreational value. A considerable proportion of the economy of Gozo is based on domestic and international tourism. Domestic tourism features more prominently in the tourism industry in Gozo and therefore should be given the requisite attention. The highly seasonal aspect also needs to be addressed in view of considerable fluctuations in the number of visitors between the warmer and cooler months. Gozo and Comino have special appeal in terms of cultural and natural heritage, factors which have the potential to attract quality tourism all year round.

It is important to upgrade facilities in Gozo to further improve this sector but special care has to be taken to ensure that the very features that attract visitors are safeguarded rather than destroyed by tourism related activities. Special attention and investment therefore need to be directed towards the natural and cultural heritage assets which make Gozo and Comino so much sought after. It is simply not enough to provide good accommodation facilities within a dilapidated context. It is therefore fundamental to achieve an overall high standard of environmental quality and to create a sustainable balance between urban and rural environments. Otherwise visitors will seek fresh pastures and the competitive edge is lost.

Recreation is equally important and is an essential component of a good quality of life. Good quality recreation helps to better address the challenges of life. It is therefore imperative to provide good quality, formal and informal recreational facilities. This is especially true of Gozo where the estimated per capita free open public space ratio is extremely low at less than 10 m<sup>2</sup> per person. Open spaces within Development Zones amount to a mere 2.3 m<sup>2</sup> per capita. These figures are unacceptably low.

## 10.2 Tourism

### 10.2.1 General

The main attractive features for tourism in Gozo can be broadly categorized as follows:

- d) the quiet atmosphere and the 'get-away-from-it-all-feeling';
- e) the spectacular rural landscape (especially in the winter months);
- f) the features and activities of cultural importance; and
- g) the clean seas and the outstanding diving experience.

It is therefore imperative that these four features are enhanced by encouraging land-use which is compatible with the attractive features indicated above. There is a lot of scope for leasing or renting property which enhances the appreciation of rural landscapes. Fortunately, existing traditional ribbon development close to the ridge edges enables occupants to enjoy breathtaking views. Existing rural farmhouses also serve this function (see **Policies GZ-RLST-5 & 6**). The main advantage of making use of these traditional houses for tourist accommodation purposes in built-up settlements is that it encourages the tourist to share the experience of living in a Gozitan settlement and to contribute to its economy whilst at the same time enjoying the rural landscape and the quite atmosphere.

However, there is also scope for additional tourism related development in urban areas. The proximity of rural areas to urban areas in Gozo is such that urban development with views towards the countryside would offer a rural experience with the added advantage that the tourist would also be living within a community and with easy access to the urban services.

There are several hundred tourism residential units in Gozo offering a more direct rural experience to the visitor. These so-called farm-houses are either converted residential units equipped with modern amenities or recently constructed units with a design which emulates traditional features and design. Whilst acknowledging that these 'farm-houses' have a niche in the tourism sector, they represent a form of urbanization which is actively discouraged by the Structure Plan. Furthermore, they compete directly with the large number of partially utilized or vacant dwellings which lie within the development zones and which can be marketed to offer a combination of urban/rural experience.

**GZ-TRSM-1: MEPA will give favourable consideration to the sensitive conversion of traditional urban houses of character (within Development Zones) with the scope of accommodating tourism. In such cases, the basic planimetric features and the facades should be as much as possible retained. The creation of back-garden landscaping (including swimming pools) will also be encouraged provided that the landscaped area does not overspill beyond the Development Zone Boundary and the design of the landscaped areas complements the sensitive character of the Ridge Edge. (In all cases, the conditions for development shall be compliant with the Settlements and Housing policies of this local plan together with other relevant approved policies).**

**GZ-TRSM-2: Requests for development permission to rehabilitate existing buildings and structures Outside Development Zones (for tourism accommodation) may be favourably considered provided that proposals comply with Development Control Guidance: Development Outside Built-up Areas (PLP 20) or its subsequent revisions but subject to policy **GZ-AGRI-3**.**



## 10.2.2 Enhancement of Tourism Areas

Tourism Areas are designated areas where activities related to the tourism industry are encouraged. A significant proportion of Tourism Areas is dominated by facilities which cater for residence of a temporary nature. Tourism Areas incorporate zones (termed Entertainment Priority Areas) whereby non-residence related facilities are directed. These facilities include restaurants, night-clubs, cinemas, leisure outlets and so forth. Hotels and other tourist complexes tend to combine the residential with the leisure aspect. The main role of these entertainment use sites is recognized by the Local Plan. Proposals for hotels, bars, restaurants and a wider range of entertainment uses will therefore be encouraged within these areas. The provision of retail and office facilities in the areas delineated as Entertainment Priority Areas is to be limited to small scale developments only in line with the stance of directing the development of larger scale commercial facilities to Town and Local Centres.

Residential development and areas which cater for the tourism and leisure industry are not normally compatible. The main conflict is one of synchronization in the sense that the average resident usually rests at a time when the tourism and leisure related activities are at their peak. The situation is locally compounded by the open-air activities during the warmer months whereby the noise generated is difficult to control through mitigation measures that can be applied within buildings. Furthermore, the activity created by people entering and leaving the various outlets also creates problems of neighbour compatibility. To this effect, residential areas, Tourism Areas and Entertainment Priority Areas should be segregated wherever possible so that the incompatibility problems are minimized. However, dwelling units are still considered in these areas as these are usually sites that include numerous summer dwellings.

**GZ-TRSM-3: The Local Plan designates Entertainment Priority Areas within Ghajnsielem, Marsalforn and Xlendi as shown on MAPS 14.2-A, 14.6-A1 and 14.14-A1. Within these areas, MEPA shall give favourable consideration to requests for development permission to non-residential facilities related to the tourism and leisure industry, provided that other planning conditions on the same areas are observed.**

**The following is a list of acceptable land-uses (new uses, extensions to existing uses, and change of uses) within all frontages located within the Entertainment Priority Areas:**

- i. Class 1 (Use Classes Order, 1994) dwelling units.**
- ii. Class 3 (Use Classes Order, 1994) hostels and hotels provided that these uses are in accordance with all other relevant Local Plan policies.**
- iii. Class 4 (Use Classes Order, 1994) small shops provided that:**
  - a. the small shops (of any nature) are not to exceed a total floor area of 50 sqm each, and convenience**

- shops are not to exceed a total floor area of 75 sqm each;
- b. they comply with all the provisions of paragraphs 1.4.16 to 1.4.18 of the Interim Retail Planning Guidelines (2003); and
- c. they comply with all the relevant sections of the DC2005 (design, access, amenity, etc.),
- iv. Supermarkets.
- v. Class 5 (Use Classes Order, 1994) offices provided that the gross floor area does not exceed 100 sqm.
- vi. Class 6 (Use Classes Order, 1994) food and drink, including hot food take-aways. However the sale of food and drink for consumption on or off the premises is to be at ground floor level only.
- vii. Class 7 (Use Classes Order, 1994) non-residential institutions including interpretation centres.
- viii. Class 8 (a) (Use Classes Order, 1994) small-scale educational facilities only.
- ix. Class 9 (Use Classes Order, 1994) assembly and leisure.
- x. Class 10 (b) (Use Classes Order, 1994) marine leisure, diving, sailing or windsurfing school or other marine based sports or recreation.
- xi. Taxi Business or for the hire of motor vehicles.
- xii. Amusement Arcade or centre, or a funfair.
- xiii. Band club, social club, dance hall, wedding hall and discotheque.
- xiv. Cleaning of clothes in venues where articles are brought by the public, provided that the gross floor area does not exceed 50 sqm.
- xv. Cinema.
- xvi. Bakery and Confectionery with provision for outside catering.

**In the case of the Mgarr Harbour (MAP 14.2-A) and part of Qbajjar (MAP 14.14-A1) and which currently lie ODZ, need to be considered as Entertainment Priority Areas during the Structure Plan Review process.**

In coastal areas designated for tourism related development, the mass of buildings do not integrate well with the surrounding rural areas. These areas are also lacking in terms of organized urban spaces, amenities and designed features and focal points which enhance the sense of space and permeability throughout such areas. Large scale and long term interventions are required in order to effect the desired upgrading of these areas. Considerable public expense is also involved.

This situation has resulted from a lack of integrated planning and the piece-meal development that has occurred in these areas. Most of the intervention was focused on the provision of temporary accommodation facilities rather than on the provision of quality and amenity in the buildings and the surrounding urban spaces. In the 1990's, the situation was partially reversed through the introduction of some urban amenities (e.g. the *Qbajjar* Promenade, embellishment of the *Marsalforn* waterfront etc.) However these interventions were ad hoc and were not part of an integrated urban strategy for the area.

Apart from the architectural details on the façade and the massing, the main element which contributes to long distance view degradation is colour. If glaring white colours are avoided and earth colours (or weathered *franka* stone) are employed, the long distance views will be softened. Examples of acceptable colours include 0030-Y20R, 1030-Y30R, 0742-Y32R, 0050-Y50R, 0860-Y50R, 0050-Y70R. (The numbers refer to the Natural Colour System) These colours merge well with the summer as well as winter rural landscapes and there is scope for incentives to encourage painting of facades in these colours. It is thus perfectly sensible to initiate improvement to the tourism priority areas through a relatively low cost intervention which can achieve a disproportionate positive effect.

**GZ-TRSM-4:** Favourable consideration will be given to planning proposals for the external painting or rendering of existing non-traditional building facades (including back elevations) in Marsalforn, Xlendi and the Mgarr Harbour area (delineated in **MAPS 14.2-A, 14.6-A1 and 14.14-A1** as Entertainment Priority Areas), in colours that approach a dark shade of terracotta.

This policy shall not be applicable to existing facades with a well-weathered *franka* stone façade.

**GZ-TRSM-5:** MEPA shall give favourable consideration to proposals for development permission in Marsalforn, Xlendi and the Mgarr Harbour area which are earmarked for the longer term upgrading of these urban spaces. The envisaged interventions would include:

- a) creation of active public spaces which impart a sense of identity to each respective area;
- b) upgrading of existing and creation of new key visual links within the urban fabric;
- c) improvement of building elements and fenestration in order to create a richness in details whilst at the same time ensuring an element of continuity along the facades;
- d) enhancement of linkages with identified activity spines and nodes;
- e) traffic calming measures and pedestrianisation of certain areas;
- f) improvement of access to public transport;

- g) rationalization of traffic circulation and parking;
- h) proper use of street furniture, public information, public art, lighting and user-friendly signage to create attractive public spaces;
- i) the rehabilitation of dilapidated buildings;
- j) removal of clutter from streets, facades and roofscapes;
- k) the upgrading of green areas especially through the use of significant proportions of indigenous and archaeophytic species (refer to Guidance on Planting);
- l) resolution of conflicts between maritime and land-based activities; and
- m) Securing public access along the coast.

**These interventions should be adopted as part of a long-term holistic strategy through a partnership approach between the local councils and the private sector, whereby the various interventions are set within the context of a plan for implementation which shall accompany the relevant request for development permission. The designs should also have due regard to the very sensitive environment around Marsalforn and Xlendi.**

## **10.3 Recreation**

### **10.3.1 General**

Recreation is a fundamental component of modern civilized life. It is therefore imperative to provide facilities for formal and informal recreation in order to enhance amenity in an area. In the case of Gozo and Comino, special emphasis should be given to the utilization of rural areas for informal recreational purposes. Informal rural recreation is an activity whereby enjoyment of the site is provided free of charge and where the level of active control of activities is limited to a minimum. It is possible to devise investment-recouping schemes without resorting to an entry fee (e.g. charging for interpretation services). Such areas should invariably be managed by public agencies or NGO's monitored by a public agency. The construction of new built facilities should be avoided giving preference to upgrading of existing ones.

The general objectives in the Structure Plan encourage the provision of opportunities for recreation in a coordinated manner to ensure that sites for an adequate range of

facilities are included in local plans. Rural recreation is considered as an important component of informal recreation. To this effect, the Structure Plan for the Maltese Islands contemplates a number of planning initiatives. Policies **REC 13** and **REC 14** indicate the creation of a network of country parkways, coastal and inland rights of way for footpaths, cycling routes and horse riding trails.

**GZ-RECR-1: Proposals to encourage informal rural recreation will be given favourable consideration provided that the following conditions are observed:**

- a) **physical intervention shall be limited to the re-instatement of pre-existing rural features and upgrading of existing countryside lanes to facilitate walking for pedestrians;**
- b) **proposals to encourage pedestrian and vehicular segregation along existing carriageways will be favourably considered provided that vehicular circulation, safety and environmental considerations are all taken into account;**
- c) **proposals to introduce new access for vehicular traffic shall not be considered; the creation of new routes (pedestrian or otherwise) on garrigue, through boulder screes or other environmental sensitive areas shall be prohibited;**
- d) **where existing routes pass through ecologically important sites that would be negatively affected by trampling, such as sand dunes and marshlands, their continued use shall be subject to the findings of a detailed ecological impact assessment. If the findings of the assessment indicate that continued use of the route will cause damage to the ecological areas, the route will be closed down and nearby detours considered within the light of the ecological impact assessment;**
- e) **additional soft landscaping of an informal nature will be favourably considered. All planting shall conform to the criteria of the Guidance on Planting.**

**A number of sites which qualify for specific types of informal rural recreation are indicated in the relevant area policies.**

### 10.3.2 Coastal Recreation

Coastal recreation in summer assumes an important dimension as water related activities help to mitigate against the effects of hot weather. However, the coast of Gozo is not easily accessible with the exception of the few bays and inlets found scattered predominantly on the eastern part of the island. Additionally, the accessible areas are subject to intense pressure resulting from the number of activities taking place within a very restricted area.

It is therefore sensible to zone the maritime areas to provide adequate facilities for bathers whilst reducing conflict with other maritime activities, most notably those employing motor vessels.

Diving is an activity which is steadily gaining popularity in Gozo and Comino. The underwater features and the clear waters attract divers from all around the world. Diving is also gaining in popularity with the local population. It is also acknowledged that diving generates considerable tourism related revenue. There are four main diving sites within the local plan area, three on Gozo and one around Comino. The main diving sites on Gozo are (see **MAP 3.1**):

- a) *Qawra/Dwejra* Area
- b) *Qbajjar* Area
- c) *Xatt l-Ahmar/Ras il-Hobz* Area

There are a number of popular diving spots around Comino. To this effect, a special marine protection status is being proposed in policy **GZ-Ghjn-12**. An area to support diving related services is also being designated due west of *Qbajjar* through policy **GZ-Zbug-4**.

**GZ-RECR-2:** **MEPA will encourage the creation of swimming zones as well as the zoning of other marine related activities in order to minimize conflicts and increased safety measures in heavily used bays.**

**MEPA shall also support the Malta Maritime Authority and the respective Local Councils in the formulation of Marine Area Management Plans for these localities.**

### 10.3.3 **Circular walkways**

The rural character of Gozo presents many opportunities to encourage walking, cycling or horse-riding. The main constraints to these activities include:

- a) Relatively steep topography
- b) Adverse weather conditions (e.g. exposure to hot sun, high winds, torrential rain or high levels of humidity)
- c) Sharing of many carriageways with vehicular traffic (especially on narrow carriageways)
- d) Lack of interpretation facilities along the routes
- e) No defined circular walking/cycling routes

It is rather difficult to address factors **a)** and **b)** but **c)**, **d)** and **e)** can be addressed. It is possible to create a number of circular routes starting within the urban centres and integrating the urban experience with rural walking routes. Given the light traffic loading on the Gozo routes, it is also possible to contemplate a system of sharing the same carriageway between pedestrian and vehicular traffic. This is especially relevant during the weekdays in winter (i.e. the best time to enjoy the Gozitan landscape) when vehicular traffic is even lighter. Policy **GZ-RECR-1** has already indicated interventions that can be

undertaken with respect to rural recreation and it is recommended that some of the relevant informal recreation facilities are provided along the walking routes.

**GZ-RECR-3: Proposals for upgrading walkways indicated on MAP 10.3.3 will be favourably considered by MEPA provided that all the following criteria are observed:**

- a) the proposal shall include one or more whole circular routes wherever possible;
- b) a management programme that clearly indicates responsibilities and accountabilities, phasing of projects, implementation and maintenance programmes, will be prepared and submitted together with the planning application; and
- c) proposals for the creation of new pedestrian routes (i.e. excluding vehicular access) other than those indicated on MAP 10.3.3 will need to be strongly justified. The creation of new pedestrian routes on garrigue or boulder screes shall be prohibited.

#### 10.3.4 Public Urban Open Spaces

The range of site areas for public open urban spaces varies substantially i.e. from a few square metres to around 1 hectare. The Inception Report has indicated that there is a need for more urban public open spaces which can accommodate the needs of the various age groups. These facilities can greatly enhance the vitality and interaction within a settlement and contribute towards a better quality of life. In most of the settlements in Gozo, the space to accommodate new facilities are lacking. However, in some localities, there are open spaces which are covered in tarmac (or allocated for parking) and which can with some imagination can be converted into interesting urban spaces. In many such instances, it is vitally important to integrate the new design with the existing urban fabric, especially in cases where the open space occurs in front of a church. It is sensible to create public gardens as being distinct from playing fields as younger children (using playing fields) tend to create noise which disturbs senior citizens. Given that demographically, the younger age groups tend to reside outside the UCAs, it is sensible to design new urban open space recreational facilities on green areas in UCAs for the older age groups whilst new playing fields should be accommodated nearer the outskirts of the respective settlement.

Belvederes are of a special relevance to Gozo in view of the large number of points which can get access to breathtaking urban and/or rural panoramas. These areas have an open character and represent excellent opportunities for enjoying the scenery whilst relaxing and socialising.

**GZ-RECR-4: MEPA will encourage the rehabilitation of urban areas for public recreational purposes. These areas are to conform with policies GZ-URSP-1 and are shown on MAPS 14.2-A to 14.15-A (where applicable). The creation of new gardens or planted urban spaces on green areas is preferred to the**

creation of playing fields within the Urban Conservation Areas.

The creation of new playing fields on green areas is preferred in the newer built-up areas.

A number of sites which qualify for the development of belvederes are identified in **MAPS 14.2-A to 14.15-A (where applicable)**. Other sites not indicated on these maps and which lie within the development zone may be considered for the development of belvederes provided that other planning policies are not infringed.

In cases where MEPA is satisfied that a thorough site selection exercise has been undertaken and a suitable site for a garden or belvedere is not found within the development zone, sites adjacent to the development zone may be considered.

#### 10.3.5 **Non-Public Recreational Facilities in Areas ODZ**

A number of non-public recreational activities cannot be accommodated in areas within Development Zones. The main considerations are safety, downgrading of urban amenities, the requirement for considerable undeveloped land and the requirement for a rural setting. Some of these activities (e.g. fireworks factories – see **Section 9.8 on Commerce and Industry**) often create structures which are discordant with the surrounding picturesque scenery. Structures such as hunting or trapping hides and clearings for bird trapping, often result in unsightly features in the countryside. The proliferation of such structures and unsightly features should be strongly discouraged.

**GZ-RECR-5:** Structure Plan policy RCO 2 specifically excludes all forms of urban development from areas ODZ. Therefore, unless otherwise specifically indicated in other Local Plan policies, MEPA shall encourage recreational facilities to be located within Development Zones. However, when sufficient evidence is provided to the MEPA that the nature of the development precludes it from being developed within Development Zones, degraded sites identified in **Policy GZ-RLCN-5** and which do not qualify through policies **GZ-AGRI-1, GZ-RLCN-1, 2, 3 and 6, and GZ-COAS-1**, may be considered to this effect. In such cases, the scale of the development shall be limited to the smallest practicable scale and the project may require an Environmental Impact Assessment.

In all the other areas, MEPA shall not permit:

- a) excavation;
- b) earthmoving;
- c) levelling;
- d) assembly;



- e) **building;**
- of facilities related to recreation in Rural Conservation Areas.**

#### 10.3.6 **Sports Facilities in Areas ODZ**

The Structure Plan considers that sports complexes are part and parcel of the Development Zones and should be ideally located within urban areas. However, there are instances where requests to upgrade existing sports facilities which lie ODZ can be considered in view of the fact that otherwise, additional land which is not yet effected by development may be adversely effected. This approach is also in line with the Structure Plan policy to channel development into existing and planned areas as opposed to occupying fresh land.

**GZ-RECR-6: Proposals for new sports facilities shall be limited to areas within Development Zones.**

**In exceptional circumstances, upgrading or extensions to existing sports facilities that already lie ODZ may be considered provided that the proponent clearly demonstrates:**

- a) **that a study has been undertaken to justify the need for the upgrading/extension. (This study shall be based on demographic projections and realistic assumptions which demonstrate the requirement for additional facilities);**
- b) **the extension does not propose to occupy cultivated land or land which is potentially cultivable;**
- c) **the extension does not propose to take up garrigue;**
- d) **the extension is not proposed on land which is scheduled or qualifies to be scheduled;**
- e) **identified existing features which jar with the surrounding landscape are either removed or mitigated;**
- f) **the development does not necessitate in the provision of an improved road access or the provision of additional support facilities within the curtilage of the site; and**
- g) **the associated impacts of the extension can be appropriately mitigated.**

# 11 AGRICULTURE

## 11.1 Introduction

The agricultural sector is one of the main pillars of the economy of Gozo. Apart from direct economic considerations, agriculture also contributes to the tourism sector and to the maintenance of the Gozitan landscape. Therefore, it is fundamental that this sector is nourished so that the traditional aspects of Gozitan agriculture will continue to sustain the Gozitan economy. There are however challenges that have to be addressed.

Many modern agricultural practices have a deleterious impact on the environment. The main impacts relate to contamination and adverse visual impact. The influence of planning is mainly limited to the location of the more visually degrading facilities away from the more sensitive areas. Adverse visual impact can be addressed in three main ways namely:

- a) optimisation of resources so that over development does not occur;
- b) minimization of visual impact through judicious location of development; and
- c) sensitive design of the development so as to be complementary with the surrounding landscape.

The most offensive agricultural structures are animal farms (and their invariably degraded surrounding areas) and micro-climate control structures (e.g. greenhouses or cloches). In the first instance it is possible to mitigate against visual impact by careful design, attention to detail, minimization of waste and clutter around the farm, hard and soft landscaping. In the case of micro-climate control structures, the choice of the location is the most effective form of visual mitigation measure.

## 11.2 Safeguarding of Agricultural Land

Agricultural land in Gozo is threatened by a number of forces which could result in its decline. It has been established that traditional agricultural practices require a considerable degree of human intervention. If the requisite human effort is not maintained, the land would, in a short space of time become degraded and result in a totally different character and the traditional scenic contribution that is intimately linked with the rural countryside in Gozo, would be lost. Apart from pressure resulting from urban (or urban related) development, lack of maintenance, waste tipping and erosion, there are other factors which are specific to agriculture and which lead to degradation of agricultural land. The most obvious are modern agricultural practices which often lead to the introduction of structures which are often incompatible with the surrounding countryside. (e.g. greenhouses). Agricultural malpractices also lead to scenic degradation (e.g. steel drums, rubble mounds, dumped irrigation pipes, scattered junk etc.) and may contribute to accelerated soil erosion.

A less obvious but nevertheless very important issue related to degradation of agricultural land is linked to fragmentation of land ownership. The tiny parcels of land render economies of scale impracticable and may encourage the multiplication of (otherwise common) agricultural facilities. Apart from obvious repercussions on economies of scale, fragmentation results in the littering of the countryside with agriculture related facilities. This outcome greatly detracts from the special scenic character of Gozo and thus should be discouraged. In many instances, farmers have been discouraged from cultivating their land because the potential revenue from the respective tenement is not considered as being economically feasible. Thus, potentially good quality arable land is abandoned. It is therefore essential to encourage the consolidation of agricultural land so that this very important asset is protected. Good quality agricultural land also needs to be safeguarded to enable the continuation of traditional agricultural activities which contribute to the unique landscape qualities attributed to the interaction between these activities, physiognomy and climatic factors.

**GZ-AGRI-1: MEPA will safeguard Areas of Agricultural Value and these are indicated on MAP 11.2. Requests for development permission for agriculture related development in these areas which will result in the subdivision of agricultural land, will be refused.**

### 11.3 Greenhouses

Modern intensive cultivation methods have introduced greenhouses into the Gozitan rural landscape. In fact, the largest area covered by greenhouses in the Maltese Islands occurs in the depression between *Xewkija* and *Rabat* (Victoria). Greenhouses (and cloches) tend to stand out as alien structures in the countryside and invariably tend to jar with picturesque qualities. It is rather difficult to mitigate against visual impact arising from greenhouses as one of the main operational requirements is to allow the maximum possible amount of sunlight to reach the structure. Careful siting of greenhouses is one of the best ways to reduce visual signature of these structures.

A number of sites have been designated as Intensive Agriculture Zones. These areas lend themselves to visual mitigation either because they are totally (or significantly) surrounded by built development, or lie on areas whose visual footprint is relatively restricted or on areas which have been predominantly committed for this use.

**GZ-AGRI-2: Proposals for the construction of new greenhouses shall be favourably considered if they are located within the Intensive Agriculture Zones indicated on MAP 14.2-A to 14.15-A (where applicable). Proposals for the location of greenhouses in areas which satisfy the provisions of policy GZ-ENCL-1 also apply (See APPENDIX 1).**

**Location of greenhouses in other areas shall be subject to their impact on the landscape and the environment. In particular, the location of new greenhouses on:**

- a) Areas of High Landscape Sensitivity (see **MAP 13.1-B**); or**
- b) Valleys (see **MAP 13.2**) ; or**
- c) Existing or Proposed Scheduled areas and/or sites or areas which qualify for such scheduling (see **MAPS 14.2-E to 14.15-E (where applicable)**); or**
- d) Sites where the slope is greater than 1 in 6 (see **MAP 11.7**);**

**shall not be permitted.**

**Extensions to existing greenhouses will only be considered if the impact of their provision could be satisfactorily absorbed into the surrounding landscape and adverse visual impacts are carefully mitigated (see **APPENDIX 1**).**

**Clutter around existing greenhouses shall be requested to be removed according to a timetable to be devised by MEPA in conjunction with the Department of Agriculture.**

**All development permissions for greenhouses, shall include a condition requiring that, should the structure cease to be used for the permitted purpose, it shall be demolished/dismantled and removed from site and the land returned to its former agricultural use.**

## **11.4 Farm-buildings, Farm Dwellings and Agricultural Stores**

Farm buildings are problematic by virtue of their normally visually detracting character and their location in otherwise undeveloped agricultural land. Apart from location in visually sensitive areas, little attention is normally given to the design and layout of farm-buildings and they are often not well maintained. Various meetings with the Department of Agriculture in Gozo indicate that the Department does not envisage the need for additional provision for new poultry, pig or bovine farms on Gozo. However, there may be scope to relocate some of the existing farms that are currently within residential areas. In view of this situation, areas have been identified whereby, either by virtue of existing agricultural concerns or the fact that the area is not particularly conspicuous from a scenic point of view, were deemed suitable for the location of farm-buildings. These sites are being designated as Intensive Agriculture Zones. In the year 2000, there were around 180 registered farms in Gozo. The Gozitan rural landscape is highly sensitive and the location of additional farm units will definitely contribute to additional degradation of picturesque rural qualities. To this effect, it is imperative to locate farm units in areas where visual impact can be contained.

Furthermore, there are numerous requests for development permission for farm-dwellings in Gozo. Some of these are indicated as being necessary for continued agricultural practices. However, given the very short distances in Gozo, the need to

protect the rural landscape and the abuse of the system, new farm dwellings may only be permitted in those instances where relocation of existing animal husbandry farms is permitted.

A percentage of agriculture related planning applications are for agriculture storage facilities. These structures tend to introduce an unsightly element in the rural landscape and when present in large numbers, their presence seriously degrades the picturesque qualities of an area. Construction of storage facilities on steep slopes tends to promote erosion and this goes against the provisions of Structure Plan Policy **RCO 21**. In Gozo, the situation is further complicated by clay slopes which render the building of structures problematic due to unstable foundations. It is well known that a significant percentage of the “agricultural stores” are used as weekend family shelters, as hunting and trapping hides or to accommodate other non-agriculture related activities. Some of these structures also serve as a pretext for larger development. It is also well known that most farmers do not leave their produce or implements in their stores overnight for fear of theft or vandalism. Most farmers prefer to store their produce in a garage adjacent to their home. However, it is not appropriate to penalize genuine farmers to curtail abuse. To this effect, it is important to develop a policy framework which will allow for limited storage facilities if certain conditions are met.

**GZ-AGRI-3: Development proposals relating to farm buildings, farm dwellings and agricultural stores shall follow the planning policy guidance of the Draft Policy and Design Guidance document for Agriculture, Farm Diversification and Stables (2006) which is a revised version of the Policy and Design Guidance on Farmhouses and Agricultural Buildings (1994).**

## **11.5 Access to fields**

Access to agricultural land is considered to be an important consideration for cultivation. Farmers need to reach their fields to work them and to take out their products. Increased mechanization has resulted in a demand for access of mechanical plant to the fields. Consequently, a number of country lanes have been widened and concreted. There are adverse consequences to these interventions. Concreting on steep slopes encourages higher water velocities during episodes of torrential rain, damaging field-walls and increasing soil erosion. Furthermore, wider concrete country lanes have an adverse effect on the picturesque qualities of the Gozitan rural landscape.

The above notwithstanding, there are instances where access to fields either double as as carriageways linking one settlement to another or are too narrow to allow flow of traffic coming from opposite directions. Traditionally, countryside lanes had gradual widening at intervals to permit the passage of carts coming from opposite directions. The same principle could be applied to countryside roads.

**GZ-AGRI-4: Unless otherwise indicated in this plan, MEPA shall strongly discourage the widening of country roads.**

In cases of country roads which are less than 3 m. wide, consideration may be given to gradual sensitive widening at intervals. The widening shall consist of curvilinear “bays” not longer than 6 m. and with a maximum width of the “widened” stretch of carriageway of not more than 4.8 m. The minimum distance between the extremities of these “bays” shall not be less than 50 m. The widening shall be bound by traditional rubble walls of a height corresponding to that of the adjacent rubble walls.

## 11.6 Rubble Walls

Rubble walls are considered to be an important characteristic of the Gozitan rural landscape. There are however indications that reflect pressures to replace traditional rubble walls with unsightly *franka* block walls. Cases of requests to increase the height of rubble walls or to create new rubble walls have also been encountered. Given that most of the Gozitan countryside is visually accessible only from vehicular or walking routes, it is important to limit the height of rubble walls, especially those adjacent to country roads. The height of such walls should permit access to long distance views from a seated position in a car (the height of a rubble wall along a carriageway ODZ should therefore not exceed 0.75 m.

The detail of construction of random rubble walls should ideally be limited to the use of roughly oblate unhewn stones which are arranged without the use of mortar or other bindings agents. However, whilst it is desirable to adopt the traditional approach, it is known that these types of walls are maintenance intensive and prone to collapse in stormy weather or flooding conditions. Therefore in certain instances (e.g. very high differences in level, argillaceous terrain) it may be practical to introduce internal reinforcement in order to consolidate the structure and limit maintenance. However it is of paramount importance that this reinforcement is not externally visible so that the structure ultimately “reads” as being a random rubble wall. Reinforcements such as visible concrete copings, stone pilasters at regular intervals, regularly hewn *franka* blocks, gabions and other external reinforcing structures, tend to detract from the qualities of the traditional rubble walls and read as alien structures.

**GZ-AGRI-5:** MEPA shall encourage the rehabilitation of existing rubble walls which lie in a state of disrepair. However, in line with policy **GZ-AGRI-1**, MEPA shall discourage the further subdivision of agricultural land. Proposals for increase in height of rubble walls along country lanes or country roads may be permitted provided that the overall height above the road surface does not exceed 0.75 m. In accordance with Structure Plan Policy AHF8, MEPA will encourage the appropriate Government agencies including the Department of Agriculture and local councils, to promote a grant scheme to assist farmers and landowners to reinstate and maintain random rubble walls throughout the countryside with priority given to walls alongside rural roads, and the removal

**of visual intrusions, provided that, subject to the provisions of GZ-AGRI-5, the alignment of existing rubble walls is retained.**

## **11.7 Abandoned Agricultural Land**

There is a tendency for agricultural land to be progressively abandoned. This phenomenon is especially relevant on the west of the Island of Gozo as well as on the steeper inclines. Traditional agricultural practices make a considerable positive contribution to the Maltese landscape and it is important that this character is safeguarded. To this effect, efforts to revamp traditional agricultural practices should be encouraged.

There is also scope to afforest these areas but this normally is dependent on many parameters including topography, soil type, drainage, land-ownership and access. There are a number of traditional measures that can be implemented so that the re-instatement of agricultural land can fit into the rural landscape. These include:

- a) the re-instatement of traditional rubble walls (not higher than 0.75 m. above soil or carriageway (according to case) when lying adjacent to a countryside road or footpath); and/or
- b) the planting of fruit trees (e.g. soft fruit, vines etc.), indigenous trees (e.g. Aleppo Pine, Holm Oak ...) or archaeophytic trees (eg. Olives, Figs, Carob, Dates ...) as indicated in the Guidance on Planting; and/or
- c) the installation of traditional cane-reed windbreakers.

Proposals for non-traditional cultivation (e.g. farm buildings, stores, greenhouses, cloches, unsightly pipeworks, stone block walls, wind pumps, pump rooms, electrical poles and other non-traditional agricultural development and practices) shall be not be encouraged on abandoned agricultural land which lies outside Intensive Agriculture Zones.

**GZ-AGRI-6: MEPA in conjunction with the Department of Agriculture, will initiate the preparation of management plans for the re-instatement of abandoned agricultural land to traditional cultivation.**

**The provisions of the relevant policies (ie. GZ-AGRI-1, 2 and 3) of this plan will apply in respect of such land which also happens to lie within an Intensive Cultivation Zone.**

# 12 URBAN AND CULTURAL CONSERVATION

## 12.1 General Provisions

In Gozo, practically all the settlements save for *Marsalforn* and *Xlendi*, have an Urban Conservation Area (UCA). These traditional settlements have a significant contribution on the picturesque characteristics of Gozo. The Structure Plan for the Maltese Islands emphasizes the need to conserve these traditional settlements in view of their importance to national identity, their contribution to the landscape and their cultural importance.

Urban Conservation Areas have been envisaged in the Structure Plan to conserve the architectural and urban qualities of these special areas. However, apart from the protection given through scheduling, a hierarchy of character areas within UCAs is also being developed and which are linked to different conservation measures appropriate to each area rather than blanket provisions to the whole UCA. This categorization of UCAs needs to be extended also to Gozo.

MEPA in accordance with the Development Planning Act (1992) and as amended will identify historic urban areas worthy of retention and seek their designation and protection as Urban Conservation Areas in line with Structure Plan Policies UCO6 - UCO15. Structure Plan Policy UCO2 requires local plans to specify the precise boundaries of Urban Conservation Areas, and to this affect the local plan has revised the boundaries of UCAs in Gozo.

MEPA's Design Guidance: Development Control in Urban Conservation Areas (1995) together with the street hierarchy system specified in this policy and on the UCA Categorisation **Maps 14.2-F to 14.15-F** drawn in accordance with the mentioned Design Guidance are indicated to those proposing to undertake work on buildings within Urban Conservation Areas. This guidance and classification gives further information and advice on the features considered by MEPA to be important, and which the Authority will take into account in considering development applications.

The street hierarchy system prioritises streets where it is important to retain the traditional characteristics in terms of style, scale, height, detailing or views. In streets where there has been some encroachment by unsympathetic building forms, there is scope to allow limited demolition and redevelopment where, in the case of redevelopment, the proposal would positively contribute to the character and appearance of the UCA. This policy therefore aims to ensure that redevelopment in the UCAs respects the basic character of the street and is directed away from streets of outstanding historic character.



The use of alternative materials, colours and textures may be considered by MEPA in streets that are classified as Category C. However detailed guidance on this particular issue shall be fully explained in a subsidiary document that is to be approved by the Authority. This subsidiary document shall also include recommended samples of apertures, louvers, acceptable materials etc.

**GZ-URCO-1:** MEPA designates Urban Conservation Area boundaries for all the localities of Gozo. Their boundaries are shown within the relevant **Maps 14.2-C to 14.15-C, D and F**. Within all designated Urban Conservation Areas, MEPA will promote the rehabilitation of traditional buildings and will seek to secure the conservation or enhancement of the character and appearance of the UCA.

MEPA is also categorizing the above-mentioned UCAs according to a street hierarchy system that takes into account the overall quality of the architecture, streetscapes and open spaces within the various sub-areas. The extent of the various categories is indicated on the relevant **UCA Categorisation Maps 14.2-F to 14.15-F**. The hierarchy shall be as follows:

**Category A:**

There shall be a strong presumption against any changes to the facades of (including changes in apertures) the built fabric and ancillary open spaces, street alignment and the addition of accretions in these areas. Structural interventions should be limited to the replacement of deteriorated components (which shall be carried out in materials and structures identical to the original) and the removal of incompatible accretions from the facades. No additional floors or significant structures will be allowed over the existing Category A properties.

**Category B plus (B+):**

There shall be a presumption against any changes to the facades of the built fabric, street alignment and the addition of accretions in these areas. Structural interventions shall be limited to repair, upkeep and minor compatible interventions unless these are envisaged to restore the original façade. Additional floors over the existing Category B plus properties may be considered by MEPA provided that the design of the additional floors is of exceptionally high standard, that they do not detract from the architectural homogeneity of the existing vernacular building, and that such extension reflects the scale, floor heights, proportions, fenestration, architectural

characteristics, materials, colours, textures and detailing of the existing building. In certain circumstances, sensitive signage, decorative and illumination fixtures may be considered, provided that these are deemed by MEPA to be compatible with the overall street context.

**Category B:**

Minor alterations to the facades (e.g. changes to apertures), over and above those allowable in Grade B+ may be allowed, provided that traditional proportions, fenestration, architectural characteristics, materials, colours, detailing and textures are used. Complete replacement of facades is not allowed. Additional floors over the existing Category B properties may be considered by MEPA provided that the design of the additional floors does not detract from the architectural homogeneity of the existing vernacular building, and that such extension reflects the scale, floor heights, proportions, fenestration, architectural characteristics, materials, colours, textures and detailing of the existing building.

**Category C:**

Significant alterations or even demolition of the façades, and/or the construction of additional floors may be allowed provided that the replacement building respects the surrounding context in terms of scale, floor heights, proportions, fenestration, materials, colours, and textures.

In all cases, if a building or feature is listed under the provisions of Structure Plan Policy UCO 7 and this listing has more onerous restrictions than those of the above-mentioned Street Categorization, then the more restrictive provisions shall prevail.

In all cases should a building or group of buildings which are incongruous\* in character with the rest of the Categorization of a streetscape be proposed for total re-development, the replacement of such buildings which emulates the character indicated by the rest of the streetscapes shall be sought by MEPA. Massing, design, overall height, alignment of the façade as well as choice of materials, colours and detailing shall play a determinant role on whether the request for development permission for such replacement buildings is acceded to or otherwise.

**In the case of vacant sites within a designated UCA and which is as yet un-built and not otherwise protected, or designated for another use, a new building may be allowed. The design of the façade, scale, massing, floor to ceiling height, the number of floors and the finishes used in the new building should reflect the predominant streetscape character.**

*\*incongruous refers to a building or group of buildings whose architecture and/or design elements clearly stand out as not belonging to the same era (e.g. new buildings built after the 1960's) and/or being clearly so ill-designed that a well designed compatible replacement building would constitute a rehabilitation of the streetscape. Vernacular and/or traditional buildings shall not be considered to constitute incongruous buildings.*

In various Urban Conservation Areas, the quality of architecture can vary dramatically from one set of façades to that on the opposite side of the carriageway. This occurs in situations where one side of the street was developed with UCA planimetry and characteristics whilst the opposite side of the street was developed at a much later stage. In such situations, it is sensible that new development or alterations to existing development follow UCA characteristics. Therefore, whilst one side of the carriageway would lie outside the UCA designation, in terms of street alignment and design of the facades, UCA quality should be emulated. Thus the quality of the streetscape is enriched. These areas are being designated as Design Priority Areas.

**GZ-URCO-2: The areas shown on MAPS 14.2-D to 14.15-D shall be designated as Design Priority Areas. In such areas, the existing street alignment shall be maintained. Although these buildings lie outside the UCA, the design, materials, colours and textures employed on the facades shall introduce architectural elements which are found in the UCA.**

**In these areas, MEPA shall also encourage similar changes in existing dwellings that have a façade which is incongruous with the rest of the UCA streetscape.**

In UCAs, the carriageways are normally narrow and winding. In order to retain the character of these settlements and to protect the continuity of the streetscapes, it is important to maintain the existing building alignments.

**GZ-URCO-3: The existing street alignments within UCAs shall be adopted. Proposals to modify building alignments shall only be considered in exceptional circumstances where demolition is the only feasible option to create or enhance a public urban open space or where MEPA considers that minor changes to the alignment would remove a serious safety hazard.**

## 12.2 UCA Visual Integrity Buffer Zones

Some Urban Conservation Areas have Visual Integrity Buffer Zones which extend onto areas outside the Development Zones. These areas, designated by virtue of Structure Plan policy UCO 10, in the appropriate area maps are intended to protect the appreciation of built cultural heritage within a surrounding unbuilt context and to prevent obstruction to view.. Special provisions restricting development within this buffer zone shall be applicable. The precise extent of this buffer zone shall be determined as soon as practicable after the adoption of the local plan.

**GZ-URCO-4: New development in Visual Integrity Buffer Zones outside UCAs shall be restricted. Unless a UCA buffer zone has already been scheduled (or as otherwise indicated in this plan), a minimum distance of 50 m. beyond the Development Zone boundary shall be adopted as a Visual Integrity Buffer Zone. The policy context applicable to such areas shall be that related to rural conservation. In such areas, traditional cultivation and maintenance of existing rubble walls will be encouraged. However, requests for new non-traditional rural development which may be legitimate in various ODZ areas (e.g. greenhouses, animal farms) shall be refused within the said 50m. unless the area has been specifically designated as an Intensive Agriculture Zone.**

## 12.3 Enhancement of UCAs

Designation of UCAs is the first step towards conservation of these important urban spaces. Structure Plan policy UCO 6 aims to safeguard and upgrade the various features within an Urban Conservation Area. UCAs need to be managed in order to achieve a space that enhances the quality of life and attracts activity, amenity and vitality into the area. An integrated heritage management approach is essential to ensure the protection of the important elements of a UCA whilst allowing for sufficient intervention to attract compatible activities to the area. There are a number of essential requisites for the successful outcome of an integrated heritage management of a UCA including:

- a) An authorized and accountable focal point responsible for the management of the relevant area and empowered to act on behalf of the local authority, supported by the trust of the local community;
- b) A business plan which outlines the resources, the activities and the time frames within which the tangible targets are to be achieved within a system where each party is responsible and accountable for the germane activities. The business plan should include proposals which are economically feasible and sustainable in the long term;
- c) The support of the national/local authorities and the local community;
- d) An orientation scheme to facilitate movement within the urban spaces. This should be coupled with a good transport system; and

- e) Interpretation facilities to enrich the UCA experience together with ancillary educational programmes.

There are a number of measures that may be considered to reinvigorate urban life in the declining Gozitan centres. Given the complexity of the problem, none are easy to implement and all possible solutions require considerable resources, effort and commitment in order for them to materialize. Therefore the principal goal of achieving effective urban regeneration is to stimulate the necessary commitment so that the task is eventually implemented. It is only then that the necessary effort and resources can be summoned so that the envisaged interventions can take place.

Planning instruments can go a long way in promoting the rehabilitation and regeneration of Urban Conservation Areas. However, planning on its own is not sufficient to achieve the desired results within a reasonable timeframe.

Education of the local population is one of the best ways to mobilize support for positive intervention. In this way, appreciation of heritage is fostered, encouraging initiatives towards conservation. Apart from appreciation, lessons in the importance of sharing experiences, integrated approaches as well as research and monitoring, need to be communicated. Otherwise, actions could be misdirected and more harm than benefit would result. The educational process also needs to target different age groups and people with different socio-economic backgrounds. Special emphasis needs to be made on the education of the younger generation. The educational approach should include a thorough understanding of the local culture and be adapted to take into account local cultural traits. Although a good educational programme is the most effective tool towards conservation, unfortunately it is also the one that takes longest to implement and to reap benefits from. The effort also needs to be continuously maintained and upgraded. The benefits usually appear after a generation rather than after a number of months or years.

Economic instruments are also important tools for regeneration of urban conservation areas. These could be many and varied but could include grants to promote good urban regeneration projects, tax exemptions, soft loans, international assistance, supply of labour and subsidized or free services, lease or selling of land under more favourable conditions, free or subsidized promotion of the enterprise and other such economic instruments which encourage the rehabilitation and regeneration of UCAs. These incentives should be intimately coupled with conditions of integrated approaches, development permission and local community involvement. Economic instruments are normally very effective at promoting urban regeneration and results can be achieved in a relatively short period of time. In such instances, there is usually great dependence on public sector involvement and well-guided private entrepreneurship.

Legal instruments also play an important role in the rehabilitation of urban conservation areas. A number of legal stumbling blocks have already been mentioned as impeding the development of potentially available urban areas. These include inheritance related legislation, rent legislation, sanitation related legislation (in need of dire updating) and even certain aspects of planning related legislation.

- GZ-URCO-5:** MEPA will favourably consider schemes to upgrade spaces within UCAs provided that all the following criteria are met:
- a) the main objective should be to preserve and enhance all buildings, spaces, townscapes and landscapes which are of architectural or historical interest and generally to safeguard areas of high environmental quality and to improve areas of low quality;
  - b) consultation should be undertaken with all the relevant local authorities and service providers;
  - c) the project should be supported by central government and the relevant local council;
  - d) the proposal should include studies that clearly demonstrate the long-term viability of the project;
  - e) the project should demonstrate an ability to achieve marked improvements in the appreciation of urban space through the provision of interpretation and orientation facilities which however do not compete for attention with the salient UCA spatial and architectural features;
  - f) the interventions should observe all the other relevant planning policies; and
  - g) a management plan should be submitted which shall include long-term proposals for maintenance and a timetable for its implementation.

Gozo is especially renowned for stone balconies that adorn many facades in the older parts of the settlement. These constitute a unique and important feature of Gozitan traditional heritage and should thus be conserved. There are concentrations of such balconies in *Gharb* and *San Lawrenz*. It is also strongly recommended that subsidy schemes for the maintenance and repair of these stone balconies be introduced in Gozo so that this heritage, which is closely linked to Gozitan heritage, is conserved.

- GZ-URCO-6:** MEPA will encourage schemes earmarked at the maintenance and repair of traditional stone balconies.

The demolition and replacement of stone balconies shall not normally be permissible. In cases where the relevant balcony is beyond reasonable repair, its replacement shall emulate the original design. The same materials and construction techniques should be employed in the reconstruction.

In cases where the balcony is in danger of collapse, a detailed photographic survey should be undertaken so that future re-assembly or reconstruction is rendered possible.

## 12.4 Archaeology

The islands of Gozo and Comino have been occupied for millennia and the archaeological heritage is very rich. Although a very significant proportion of archaeological features are found in areas ODZ, a number of measures applicable to other cultural heritage is also applicable to archaeological heritage, the main difference being in the details of approach and the application of a number of rural conservation policies. Policies **ARC 1 to ARC 7** in the Structure Plan for the Maltese Islands set out the strategic context for the protection of archaeological heritage. The location of many of the archaeological features in Gozo have been identified. Some of these features have already been scheduled. All the scheduled sites and those listed in the National Protective Inventory shall be protected from development according to the provisions of the ARC policies of the Structure Plan and their class of protection. In cases where precise boundaries of protection need to be refined, these are indicated as precautionary area where extra measures need to be implemented in order to ensure that development does not adversely affect the relevant archaeological feature or site.

**GZ-ARCO-1:** The scheduled archaeological sites and the identified candidate archaeological sites in Gozo (indicated in the **Map A3 in Appendix 3**) shall continue to be protected according to Structure Plan policies **ARC 2 to ARC 4**. Safeguarded areas are being indicated for identified archaeological sites as shown on **MAPS 14.2-E to 14.15-E (where relevant)**. Until such time that the relevant area or site is scheduled, requests for development permission shall be considered in the light of the proposed scheduling.

**GZ-ARCO-2:** MEPA will give favourable consideration to development which facilitates the interpretation of an archaeological monument, provided that all the following conditions are observed:

- a) the interpretation facilities should preferably utilize existing built structures and accesses where existing and which do not entail any addition of vertical or lateral extensions to the structures. However in exceptional cases where such built structures are not available, MEPA may consider the development of such interpretation facilities not necessarily directly adjacent to the heritage site and subject to an impact study;
- b) in areas ODZ, the general landscape context around the archaeological site shall be retained (see condition c);
- c) the removal of accretions from nearby buildings (in the case of archaeological features within Development Zones) and the reinstatement of traditional rural landscapes in the case of features ODZ, will be encouraged; and

**d) the provision of new access to archaeological features shall not be permitted.**



# 13 RURAL CONSERVATION

## 13.1 General Provisions

Gozo and Comino are indicated as Rural Conservation Areas in the Structure Plan for the Maltese Islands. A significant proportion of rural areas in Gozo is either cultivated land or abandoned agricultural land. A significant proportion of the coast is of very high scenic value and of considerable ecological and geological importance. Valleys are also of particular scenic, ecological, hydrological and geomorphological importance and their protection is deemed essential to promote the unique rural characteristics of the local plan area.

In the section on Rural Conservation, the Structure Plan for the Maltese Islands establishes the policy framework for the conservation of Maltese rural resources. The strategic plan also provides for the designation of areas according to a hierarchy of relative importance. Thus the designation of areas and sites of ecological, scenic, agricultural and scientific importance is contemplated through delineation in the respective local plans and through the scheduling process outlined in Sections 46 to 48 of the Development Planning Act.

The Maltese landscape and its appreciation in terms of general public perception is considered to be a major natural resource. In the case of Gozo, the intimate relationship between topography, the urban skylines and the rural context creates a landscape which has a special appeal that attracts many visitors from Malta and from abroad. The protection of this landscape is therefore essential to improve the quality of life. The economy of Gozo is also heavily dependent on the picturesque landscape and this reinforces the argument for protection. Comino is relatively un-spoilt and is highly appreciated for its tranquility and sense of isolation.

In the case of Gozo, the designation of Areas of High Landscape Sensitivity (AHLSSs) is based on areas which have access to long distance views and the valleys as designated in policy **GZ-RLCN-2**. These areas are particularly important by virtue of their character, the viewshed that they command or the features that render them so picturesque. The Structure Plan review may include other areas (including sites within urban areas) as Areas and Sites of High Landscape Sensitivity. The development of a hierarchy of landscape importance is also envisaged within the Structure Plan review process.

**GZ-RLCN-1:** The areas indicated on **MAP 13.1-A** and **MAPS 14.2-E to 14.15-E (where applicable)** include areas and sites that have been scheduled by MEPA for their environmental, scientific or cultural importance or are proposed for scheduling according to the provisions of Structure Plan policies **RCO's 1-5** and **RCO's 10-12**. Scheduled sites and

areas designated by MEPA for protection include also Natura 2000 Special Areas of Conservation (SACs) of international importance.

In addition to all the minor islets, the areas indicated on **MAP 13.1-B** shall be designated as Areas of High Landscape Sensitivity (AHLs).

Apart from the normal restrictions on development in rural areas, there shall be a strong presumption against the creation of new built structures (including cultivation and animal husbandry related structures) in AHLs. The guidance provided in the Explanatory Memorandum to the Structure Plan clauses 15.34 to 15.40 shall also apply.

The strategic guidance emerging from the Structure Plan Review may include additional areas and shall introduce a hierarchy of importance within the AHLs.

## 13.2 Valleys

Valleys (*widien*) are a valuable national resource in terms of water resources, agriculture, wildlife, landscape, soil conservation and leisure. Therefore, these features should be given special attention so that (in line with the concept of sustainable development) these heritage items are maintained in a good condition for the current and future generations. Structure Plan policies RCO 28 and RCO 29 are intended to safeguard the heritage features indicated above. There are two main types of valleys namely v-shaped valleys and u-shaped valleys. V-shaped valleys tend to have fairly steep slopes all the way from the ridge edges right down to the watercourse. These types of valleys tend to be narrow and often, the slopes are so steep that cultivation is either difficult or impracticable. U-shaped valleys tend to be wider and a significant proportion of the valley floor tends to be dominated by a gentler slope. The lower areas are generally heavily cultivated.

The different topography of the two main valley types implies that the policy framework for the two types should be slightly different. Therefore, since with v-shaped valleys the physiography tends to promote scenic qualities which have a high natural component, the provisions of policy RCO 29 are adopted *in toto*. The heavily cultivated valley floors and the extent of U-shaped valleys, call for special provisions to be made to permit the continuation of traditional cultivation whilst undertaking provisions to safeguard the natural and cultural features of these important landforms.

For the purpose of planning policy **GZ-RCLN-2**, V-shaped valleys are classified as Category A Valleys whilst U-Shaped valleys are classified as Category B Valleys. Both types of valleys are indicated on a map base to facilitate interpretation.

**GZ-RCLN-2:** The valleys indicated on **MAP 13.2** shall be designated to qualify in terms of Structure Plan Policy RCO 29. The valleys are designated according to two broad categories.

### **CATEGORY A VALLEYS:**

**Category A Valleys shall be fully subject to the provisions of Structure Plan policy RCO 29.**

### **CATEGORY B VALLEYS:**

**Category B Valleys shall also be generally subject to the provisions of RCO 29 but some flexibility in terms of road upgrading, services upgrading, wind-pumps, small stores (subject to policy **GZ-AGRI-3**), reservoirs and other limited facilities which are deemed necessary for the continuation of traditional agricultural practices, may be considered. In all such cases, special consideration shall be given to mitigation measures so that the intervention blends well in the rural landscape.**

**The strong presumption against the construction of new structures (including greenhouses) shall be also applicable to Category B valleys.**

## **13.3 Protection of Garrigue**

Tracts of *garrigue* tend to occur at the top of the plateaux (especially the non-developed mesas), where erosion forces act to strip the rock surface from its soil cover. The most extensive stretch of *garrigue* in Gozo occurs at *Ta' Cenc*. A significant proportion of Comino is also *garrigue*. In comparison with Malta, *garrigue* tends to be rather restricted on Gozo and hence the need for specific protection. Apart from the ecological importance of *garrigue*, these areas have particular recreational and economic importance. From a recreational point of view, *garrigue* conveys an atmosphere of unrestricted viewshed with good access to long distance views. Hikers often opt to experience *garrigue*, especially during spring and early summer when the flowering plants are blooming. A number of *garrigue* plants, being aromatic, release an appealing pleasant fragrance. Good quality honey is also obtained from bees which obtain the nectar from flowers growing on *garrigue* (e.g. wild thyme).

In some circumstances, it is envisaged that access or utility services may need to undertake works on *garrigue*. In such cases, it is imperative to direct the intervention towards areas which are already disturbed and to minimize the visual and ecological impacts resulting from the intervention. In a number of instances, utility services providers have undertaken work in *garrigue* areas that resulted in an unacceptable impact on these sensitive habitats. Service providers need to appreciate that *garrigue* is not “wasteland” and that it is a very biodiverse and important Mediterranean habitat. Hence, it is important to direct interventions towards areas that are already disturbed and to avoid *garrigue*, even if this would entail a higher cost. Only in exceptional circumstances where it has been demonstrated that all other viable options have been evaluated, would works through *garrigue* be considered. In such cases, the interventions should be kept to the barest minimum. The service providers would therefore be required to minimize visual and ecological impacts resulting from the intervention.

**GZ-RLCN-3:** Except for areas specifically earmarked in this plan, there shall be a general presumption against any form of development (including reclamation for cultivation purposes) on garrigue in Gozo or Comino (as shown in **MAP 13.3**).

**GZ-RLCN-4:** There shall be a general presumption against the passage of services through garrigue (shown on **MAP 13.3**). In situations where the service providers tangibly demonstrates that other options have been explored but found to be unacceptable from an operational point of view, the creation of underground ducts to accommodate such services may be considered. In such cases, the extent of the intervention shall be limited in scale and extent to the least possible degree. Mitigation measures shall also be adopted during the construction and operational phases of the project (including access during construction and maintenance routines). No construction debris shall be left on site after cessation of works and to this effect, the deposition of an adequate bank guarantee shall be a condition of the relevant development permission.

## **13.4 Rehabilitation of Damaged Landscapes**

Human intervention over the past several millennia has drastically changed the landscape of Gozo. Thus Gozo has a cultural landscape. In many instances, human intervention has created a distinctive character (i.e. through cultivation).

A number of rural areas in Gozo have been identified as degraded areas. Policies **RCO 19** and **RCO 20** of the Structure Plan relate to rehabilitation of degraded habitats. Although no detailed studies to this effect have been undertaken, a number of sites for rehabilitation of degraded habitats have been identified.

**GZ-RLCN-5:** The areas indicated in **MAP 10.3.3** are indicated as candidate sites for rehabilitation of damaged landscapes. Rehabilitation can also be integrated with the provisions of local plan policies **GZ-RECR-1, 2 and 3**.

## **13.5 Afforestation**

Although the island of Gozo is reputed to be greener than mainland Malta, there is a dire lack of mature trees. A number of sites have been identified for afforestation, based on the provisions of Structure Plan policy **RCO 31**. It is important to note that in such a dry climate, the provision of water is envisaged to be a necessary pre-requisite for new afforestation projects. Hence, there may be a need to construct reservoirs or to drill boreholes (subject to approval from the Water Services Corporation) to satisfy this need.

Ideally, given that many of the areas proposed for afforestation are located on slopes, the reservoirs should be located in such a manner as to be well hidden from view and for water distribution to operate by means of gravity. The location of such reservoirs within existing and committed urban areas is preferred to the location of the reservoirs on the site of the afforestation project but this issue has to be addressed on a case-by-case approach. Vehicular access to these areas shall be prohibited and rubbish collection points and fire-fighting stations should be provided at strategic locations.

Afforestation projects shall be treated as ecological projects including the creation of the entire habitat type and not treated as monocultures or public gardens.

**GZ-RLCN-6: The areas shown in MAP 13.4 shall be considered as locations for the siting of afforestation projects according to the provisions of Structure Plan policy RCO 31 and subject to the findings of a study assessing the effect of such afforestation on the environment of the area. Submissions for development permission shall include details on the implementation of the project as well as its management.**

**The incorporation of features that help to attract wildlife as well as the re-creation of the entire habitat (complete with undergrowth vegetation) is particularly encouraged. Monocultures shall not be acceptable.**

**Where possible and appropriate, proposals for afforestation projects shall include routes to channel the flow of pedestrian visitors through the area. These afforested areas shall not be made accessible to vehicular traffic, although very limited access to emergency vehicles will be considered on a case-by-case basis, depending on the size and importance of the site as well as the proximity of existing carriageways. Afforested areas created for public enjoyment are to include fire-fighting stations and rubbish collection points at strategic locations.**

## 13.6 Coast

Approximately half the coast of Gozo is not accessible and a significant proportion of the rest is not easily accessible. Matters are exacerbated by the development pressures on the coast. Significant stretches of the coasts are also ecologically sensitive and of great geological importance. The appreciation of coastal areas assumes a very important dimension for the following reasons:

- a) The coast represents the only area where panoramic range is unconfined and extends till the horizon;
- b) The water land interface always adds interest to the landscape and contributes positively to landscape quality;
- c) The undeveloped coast is a source of education and inspiration; and
- d) The developed coast generates interest by virtue of human interaction with the water element.

In a densely populated country like the Maltese Islands, the coast assumes an even greater role as a stretch of territory which relieves the tensions created by the limitations of space. It also represents the perceived doorway to links with the rest of the world. From a conservation point of view it is essential to protect the coast for its heritage value, for its scenic qualities, for its contribution to the quality of life, for its economic importance as well as for its role as the showcase to the points of entry to the islands. The Structure Plan for the Maltese Islands protects coastal access by virtue of **policy CZM3**.

Apart from including provision for physical access, the local plan is also designating Coastal Viewshed Protection Zones. Given that visual access to the coastline is constantly being eroded through the creation of structures on the coast, it is imperative to protect the relevant views from further incongruous development so that the only access to the coast and the horizon is as much as possible unrestricted.

**GZ-COAS-1:** The coastal area delineated in **MAP 13.6** shall be designated to safeguard Public Coastal Access in terms of Structure Plan policy CZM 3. The public shall have a right to free and unhindered access to these areas. This right shall not however be interpreted as a right to the provision of facilities to improve access.

A Coastal Viewshed Protection Zone is also being indicated on **MAP 13.6**. Unless otherwise specified in this policy document, development in these areas shall be restricted to the maintenance of existing traditional coastal features with no lateral increase in built footprint or vertical increase in height of the built structures.

The relevant coastal areas may also be safeguarded for their ecological, natural heritage or landscape importance as indicated through policy **GZ-RLCN-1**.

Given that only a few pocket beaches are accessible, there is a lot of pressure on the bathing spots. There are also numerous marine related activities taking place. Thus conflicts arise between the need to conserve the environment and the landscape and the requirement to undertake recreation related activities. Although it is possible to reconcile some of the conservation objectives with tourism and recreation related requests for development, physical space poses restrictions. Land reclamation has often been posed as a partial solution to the problem but there are pitfalls. These include:

- a) Attraction of additional vehicular traffic to already congested areas;
- b) Additional pressures for provision of facilities;
- c) Disturbance to water circulation patterns, which may lead to erosion problems, severe turbidity or even eutrophication (resulting in foul smells and possible health risks); and
- d) Damage to underwater habitats and conflicts with diving requirements.

The above problems notwithstanding, it is not reasonable to outright disqualify land reclamation without studying the implications in detail.

A number of sandy beaches on Gozo and Comino have become degraded over the years, largely as a result of inappropriate and short-sighted physical development on the coast that has affected the current patterns in the bays or development further inland that has starved the beaches of the much needed replenishment run-off. Hence, projects aimed at the sensitive and scientific replenishment of existing beaches will be favourably considered subject to detailed impact assessment studies. Such projects will, however, not be allowed in ecologically sensitive and seemingly balanced systems such as at *ir-Ramla l-Hamra* and *San Blas*. Prime candidates for such replenishment projects would be *Xlendi*, *Marsalforn* and *Qbajjar*.

Projects aiming to create new beaches where none existed shall be prohibited.

**GZ-COAS-2: MEPA will favourably consider projects aimed at replenishing existing sandy beaches in Gozo and Comino. All such projects shall be subject to a development permit application and to the findings of an environmental impact assessment. All sand used in such projects shall be obtained from sources approved by MEPA and the project shall be monitored throughout its implementation phase and beyond.**

**On Gozo, beach replenishment shall initially be considered only for Xlendi, Marsalforn, Qbajjar and Hondoq ir-Rummien whereas on Comino, these shall be limited to San Niklaw Bay.**

**The feasibility or otherwise of projects in other bays shall only be determined following the execution and monitoring of projects in the above-mentioned areas.**

**Proposals for the creation of sandy beaches where none existed shall not be accepted.**

The coastal waters of Gozo and Comino include an appreciable number of smaller islets and rocks that are of considerable scientific importance, due to their geology, geomorphology or ecology. All of these islets and rocks shall be scheduled for protection under the provisions of Section 46 of the Development Planning Act.

**GZ- COAS-3: Pending their formal scheduling as Areas of Ecological Importance and/or Sites of Scientific Importance, all minor islets and rocks identified on **MAPS 14.2-D to 14.15-D (where relevant)** shall be afforded protection for their ecological, scientific, geological, geomorphological and aesthetic value. All development on these islets and rocks is hereby strictly prohibited and access to them shall be controlled and kept to the barest minimum.**

**Fungus Rock shall continue to be protected as a Strict Nature Reserve and access to it shall be governed by the provisions of LN 22 of 1992.**

### **13.7 Comino**

The island of Comino is a practically un-inhabited island between Malta and Gozo. Human influence on Comino is much less evident than on Malta or Gozo but nevertheless, it can be perceived all over the island. Comino represents the only stretch of territory in the Maltese Islands where in spite of human activity, natural processes are not significantly interfered with. Contact with nature is therefore best experienced on this island. To this effect and in view of its inherent natural qualities, the whole of Comino is designated as a Rural Conservation Area and a nature reserve and shall be afforded the same level of protection as scheduled property.

**GZ-COMI-1: In view of its status as a Natura 2000 Site and Special Area of Conservation (International Importance) and as a Nature Reserve and pending its formal scheduling as an Area of Ecological Importance and a Site of Scientific Importance, the entire island of Comino, together with its associated minor islets, shall be afforded the same level of protection as scheduled property in line with the protective bands referred to in the Natural Protective Inventory. Any interventions that may be permissible shall be governed by the provisions of Structure Plan policies RCO 11 and RCO 12 and Clauses 15.34 to 15.40 of the Explanatory Memorandum to the Structure Plan. Furthermore, the provisions of Section 46 of the Development Planning Act shall apply in full.**

The environmental importance of Comino necessitates protection from interventions on its landscape and habitats. Nonetheless, this island is inhabited and serves as a utility services bridge between Malta and Gozo. Maintenance to and upgrading of the island's infrastructure is thus envisaged during the lifespan of the local plan. Any interventions that may be required in the future shall be undertaken with the least possible disruption to the landscape and ecosystems on the island. All the effected areas should be reinstated once the works are finalized. MEPA shall also seek to link positive environmental interventions with infrastructural projects that may be required on Comino.

**GZ-COMI-2: In the light of the provisions of policy **GZ-COMI-1** and in view of its status as a Rural Conservation Area, Comino shall continue to be protected from urban related development. Development interventions shall thus be limited to the maintenance of natural habitats and essential infrastructural interventions required for communication between Malta and Gozo. Any such interventions must have regard to and cause the least disruption to the landscape, while affected areas shall be reinstated. The direction given in the relevant**



**GZ-UTIL** policies as well as policy **GZ-RLCN-3 and 4**, should thus be observed.

In view of its relatively small size, the long-term environmental protection of Comino requires active and sustainable management. This can only be achieved if an appropriately funded autonomous organization is set up, which includes the local inhabitants of the island as well as its major users. This Agency should be entrusted with the management and upgrading of the island and its coastal waters, including the regulation of activities within a sustainable framework.

**GZ-COMI-3: MEPA will actively encourage the establishment of a Management Agency that will be entrusted with the active management of the island and its surrounding waters, in line with ecological and sustainable development principles that shall be embodied in a management plan for the island. The Agency shall be set up as an autonomous organization reporting to the environmental regulatory authorities. It shall also include representatives of the local inhabitants and the major users on the island.**

### **13.8 Dark Sky Heritage**

The nightscape in the Maltese Islands has experienced an increased level of illumination resulting from greater use of light. The main additional contribution resulted from increases in:

- a) Urban structures resulting in greater contribution to the light output;
- b) Illumination of private open spaces around buildings;
- c) Illumination of non-residential areas (e.g. *Mgarr* Harbour);
- d) Road lighting (and light from vehicle headlamps);
- e) Illumination of historic buildings and structures;
- f) Illumination of commercial outlets and including sky-pointing searchlights used for promotion of the same outlets;
- g) Use of lighting on construction sites;
- h) Illumination of recreational areas (e.g. sports related complexes);
- i) Internal light from residential and commercial development “leaking” from wider apertures.
- j) Lighting for special occasions (e.g. village *festas*); and
- k) Navigation related lighting.

The result was a mixed one in terms of night scenery. On the one hand, the illumination of historic features has brought out details which were previously unappreciated and seen in a light which is quite different to that appreciated during the day. Furthermore, the “strings” of street lamps create a very pleasant effect especially when viewed as differently coloured glimmering lights from more elevated vantage points. The disadvantage of over-illumination (apart from wastage of energy) relates to

light pollution. This phenomenon detracts from the appreciation of non-urban areas in an unlit environment and the experience of the dark sky heritage.

Whilst it is important to control wastage of light in urban areas, there are reasons for limiting light output in environmentally sensitive areas. These include:

- a) Environmental effects – 30% of electricity generated for outdoor illumination is wasted as undesirable light pollution;
- b) Losing night skies – Light pollution intrudes and compromises the aesthetic value of natural landscapes and night skies;
- c) Safety - Unsuitable lighting in an otherwise dark environment can increase risk for drivers and pedestrians as well as for maritime and air traffic;
- d) Recreation - Astronomical observation or simple enjoyment of the night sky is impeded; and
- e) Effects on wildlife – Light pollution can disrupt diurnal rhythms and is particularly harmful to nocturnal and migratory animals and to animals in flight.

The effect of light on bird nesting sites has been documented. In the case of Gozo, the coastal cliffs along the southern and western coast are renowned as being important nesting sites for migrating and wintering birds. These areas support colonies of the Levantine Shearwater (*Puffinus yelkouan*) and Cory's Shearwater (*Calonectris diomedea*), as well as the Blue Rock Thrush (*Monticola solitarius*). These colonies are disturbed by human presence, including interference from light pollution. It is therefore sensible to keep light levels in such environmentally sensitive areas down to the barest minimum.

**GZ-DARK-1: The areas shown in MAP 13.8 shall be designated as Dark Sky Heritage Areas. Where relevant, reflective signs shall be employed to guide driving at night, whilst the installation of lighting which is not related to aerial or maritime navigation, shall be strongly discouraged.**

# 14 AREA POLICIES

## 14.1 Introduction

Area Policies address area specific issues which have relevance to only one particular site. These should be read in conjunction with the relevant General Policies set out in the preceding chapters. The following Area Policies are grouped by local council for ease of reference.

Background information on the general situation in the various local councils is found in the Inception Report for the Gozo and Comino Local Plan.

## 14.2 Ghajnsielem

### 14.2.1 Introduction

*Ghajnsielem* is the first settlement to intercept the route from *Mgarr* Harbour to the rest of Gozo. The settlement has emerged from an older core which lies due north of *Mgarr* Harbour and spread mainly westwards. The focal point of the settlement lies at its harbour which is also the gateway to Gozo. The skyline of *Ghajnsielem* is dominated by the parish church whose spire is visible from many areas in south-eastern Gozo. Smaller churches, such as the chapel of *Il-Madonna ta' Lourdes*, which overlooks *Mgarr* Harbour, gives a special character to the area by virtue of its position at the edge of an escarpment and its charming architecture. Fort Chambray, which lies due south of the main settlement, crowns the ridge which overlooks *Mgarr* Harbour. This fortified site is being redeveloped to accommodate a tourism related project. A number of hotels flank the area around the northern escarpment overlooking *Mgarr* Harbour.

The surrounding agricultural land separates *Ghajnsielem* from the nearby settlements of *Nadur*, *Qala* and *Xewkija*. The island of Comino lies circa two kilometres away from *Ghajnsielem*. It is a practically undeveloped rocky island which is intensely visited in summer. Comino and the surrounding islands are one of the last remaining remote areas in the Maltese Islands.

### 14.2.2 Traffic Circulation

The settlement is bisected by an arterial road which practically carries a very high proportion of the traffic to the rest of the Island. Given that Structure Plan policy **RDS 5** states that direct access onto arterial routes should not be permitted, intensification of development along this route should be actively discouraged.

**GZ-Ghjn-1: MEPA shall not permit the provision of new, and the intensification of, existing commercial development, along the arterial route which bisects Ghajnsielem (Triq Ta' L-Imgarr). To this effect, proposals that:**

- a) increase height (over and above existing height);**
- b) request change of use to commercial;**

- c) provide new commercial outlets;
  - d) increase the gross floorspace of existing outlets; or
  - e) entail the creation of a new access from the arterial road
- shall all be considered to constitute intensification of development and shall therefore not be permitted.

Although the traffic flows are generally modest, congestion does occur at certain times especially when there are long queues for the ferry. These queues tend to occur in mid-August, during “long weekends” and days when special celebrations occur. Part of the problem may be alleviated by improvements in vehicle management at the ferry, especially during periods when congestion is foreseen to occur. Part of the problem is also addressed through the route proposed in General Policy **GZ-TRAN-1 b)**. Further improvements may be achieved by having a signalling system along the route which links the Harbour to *Rabat* and indicating the traffic situation near the harbour area. Careful attention should be given to their design so that whilst the message can be easily read from a given distance, the signalling device and its support should not be visually obtrusive to the extent that it constitutes an eyesore.

**GZ-Ghjn-2: MEPA shall favourably consider applications for the installation of a signalling system along the arterial route linking Rabat with Mgarr Harbour.**

**The signalling devices should be located near strategic junctions.**

#### 14.2.3 Social and Community Facilities

The settlement of *Ghajnsielem* is bisected by *Wied l-Imgarr* which leads to the Harbour. There are a number of open spaces due west of this valley, which suggest that a small country walk could be established to link the main square area with the Harbour. The walk would facilitate a wider appreciation of the *Wied l-Imgarr* area. The *Ghajnsielem* Local Council has expressed interest to this effect. Given the limited walking distance, it is recommended that seating facilities are limited to the open space near the *Ghajnsielem* parish church.

**GZ-Ghjn-3: Applications by public entities to develop a pedestrian route as shown on **MAP 14.2-B** will be favourably considered, provided that all the following conditions are adhered to:**

- a) the nature of the development shall be limited in scale;
- b) small inconspicuous interpretation panels are included at strategic points along the route. These panels should highlight natural, historic, cultural or scenic features in the area;
- c) seating and other resting facilities are restricted to areas within the Development Zone boundary;

- d) **illumination facilities shall be restricted to the area within the Development Zone boundary and they shall not be used to illuminate the valley; and**
- e) **a management plan for the area shall accompany the application, which will indicate the way the facilities and infrastructure will be maintained.**

**Depending on the extent of intervention proposed, an Environmental Impact Assessment may also be required.**

The parish church at *Ghajnsielem* serves as a focal point for social and community facilities for the settlement. A number of such facilities already exist due east of the square. Given its strategic location, this area should continue to be consolidated to this effect. Apart from serving to enhance social interaction within *Ghajnsielem*, the consolidation of social and community facility can also serve as a springboard for the pedestrian route through *Wied l-Imgarr* indicated in policy **GZ-Ghjn-3**.

**GZ-Ghjn-4: MEPA shall reserve the space due south and southeast of the Ghajnsielem parish church (shown in MAP 14.2-A) for social and community facilities. Existing open spaces in the area shall remain essentially free from built structures.**

Given that urban open spaces are desirable to enhance the quality of life in urban areas and to provide a local recreational focus, a site at *Triq il-Gudja* has been reserved for the development of a public garden. It is desirable to reserve this area for quiet recreation, given that more noisy recreational facilities can be provided in the spaces around the *Ghajnsielem* parish church square.

**GZ-Ghjn-5: The site between Triq il-Gudja and Triq Hamri (indicated on MAP 14.2-A) shall be reserved for a public garden intended to offer a quiet recreational area and therefore the emphasis shall be on planting (according to the Guidance on Planting) and limited seating. Formal facilities for playing and cycling shall not be allowed on this site.**

A group of prehistoric archaeological remains lie due north-west of the settlement of *Ghajnsielem*. Apart from the statutory protective status which should be accorded through the scheduling process, these sites of archaeological importance merit to be interpreted. Interpretation facilities need not be on site but may be located within the Development Zone nearby.

**GZ-Ghjn-6: Proposals for the better interpretation of the archaeological site at Borg il-Gharib and l-Imrejsbiet shall be given favourable consideration provided that:**

- a) any interpretation panels shall be strategically placed and be as inconspicuous as possible;**
- b) limited and sensitively designed facilities for improved pedestrian access is made available. Proposals for new soft landscaping may only be considered subject to their appropriateness to the archaeological context of the area; and**
- c) no new buildings or additions to existing buildings to accommodate interpretation facilities on site will be permitted. The interpretation facilities may be located within the Development Zone in nearby Ghajnsielem.**

#### 14.2.4 **Fort Chambray**

In accordance with Structure Plan policy **TOU 6.6**, Fort Chambray has been issued with a development permission to develop a resort with tourist-oriented facilities set in a historical context. Within the local plan period and with a project of such dimensions, it is envisaged that requests for modifications to the original permit may be requested. To this effect, the local plan is establishing outline parameters within which such modifications may be undertaken so that the historic and scenic integrity of the site is respected. The current condition to provide public access around the site perimeter shall also be respected in any further development permission.

**GZ-Ghjn-7: Requests for development at Fort Chambray shall respect the following outline parameters within the boundaries indicated on **MAP 14.2-A**:**

- a) the extent of the built development at the edges shall not exceed the boundary indicated on **MAP 14.2-A**;**
- b) a route around the edges of the development shall be left for free and unhindered public access;**
- c) there shall be a presumption against intensification of the built footprint or increase in heights; and**
- d) the extent of the project shall not spread beyond the boundary of the fortifications as indicated on **MAP 14.2-A**.**

#### 14.2.5 Comino

The island of Comino and the surrounding islets fall within the confines of the *Ghajnsielem* Local Council. The whole of the island of Comino merits special protection in view of its relatively undeveloped condition which has given the island its unique and much sought after qualities. The quality of the scenery, the access to long distance views to the larger island and the ecology of the area further enhance these qualities. In view of these qualities, the Structure Plan designates the whole of Comino as a Rural Conservation Area and subsequent studies have indicated that Comino and the surrounding islands deserve an even higher level of protection than that accorded to other rural areas. Local Plan General Policies **GZ-COMI-1**, **GZ-COMI-2** and **GZ-COMI-3** address the general presumption against development on the islands. Other conservation general policies address issues related to conservation and environmental protection.

The main site-specific issue on Comino relates to the Hotel at *il-Bajja ta' San Niklaw* and the Tourism Complex at *il-Bajja ta' Santa Marija*. MEPA acknowledges the existence of these facilities and will encourage upgrading which is compatible with the sensitivity of the surrounding context. Therefore, the main thrust of upgrading should be directed towards the rehabilitation of the existing product and the redevelopment of the current facilities. Given the high protection status accorded to the island, development associated with these tourism facilities shall be limited in extent and there shall be an emphasis on the removal of the clutter which exists around these facilities. At the same time, landscaping efforts within the hotel grounds and the tourist complex should be given favourable consideration provided that this landscaping includes the extensive use of appropriate endemic, indigenous or archaeophytic species only.

**GZ-Ghjn-8: In line with the requirement to maintain the ecological equilibrium on Comino, MEPA shall require the removal of clutter around the hotel at il-Bajja ta' San Niklaw and the tourist complex at il-Bajja ta' Santa Marija as well as the general rehabilitation of these areas.**

**There shall be a general presumption against the further development of built facilities on Comino which entail additions in height, extent or intensity of use of existing or proposed facilities. Additional landscaping within these same areas (according to the Guidance on Planting) shall be given favourable consideration. Favourable consideration shall be given to soft landscaping screening measures applied at the perimeter of the existing development provided that the Guidance on Planting is adhered to and that undisturbed garrigue is avoided to this effect.**

The old isolation hospital (known as *il-Palazz*) lies due north-east of the Comino Tower. This building is currently partially inhabited by residents. This historic building is also in a poor state of repair. A revenue generating function needs to be allocated to this building in order to generate funds to allow for its restoration. The ideal use of the building would be one to serve as a research base for an international organization for studies related to uninhabited islands in the Mediterranean. This use is also compatible

with an aspect of the history of the complex which in the latter part of the 19<sup>th</sup> century served as a research station for agrarian studies.

The development of a visitor /education/interpretation centre for the island at '*il-Forn*' is also encouraged as part of a wider management plan for the island.

**GZ-Ghjn-9: MEPA shall give favourable consideration to the upgrading of the existing complex at Comino known as "il-Palazz", provided that the main thrust of the structural interventions shall be limited to the conservation and restoration of the building (including the removal of alien materials and accretions). Additions to the building shall be strictly prohibited.**

**The preferred use of the complex shall include a research establishment or headquarters of a national or international organization which effectively enhances its prestige through the sensitive restoration of the building. The incorporation of an educational/visitor centre on the environmental importance of Comino and its associated islets, will also be encouraged.**

**The development of a visitor centre at 'il-Forn' shall be actively encouraged. This centre shall provide interpretation facilities and information on the ecosystems and various habitats of the island as well as its varied history.**

Camping is becoming relatively more popular on Comino. An area designated for camping lies at the head of *il-Bajja ta' San Niklaw*. This area happens to be ecologically sensitive and scheduled as an Area of Ecological Importance and a Site of Scientific Importance. A better site would be one which uses an already disturbed patch of land which lies within easy reach of accessible coastline. A detailed land-use study on Comino has indicated that there are a number of disturbed sites near the Comino Hotel and near the Nautico complex.

**GZ-Ghjn-10: The existing unofficial camping site at il-Bajja ta' Santa Marija shall be immediately closed down and this important site rehabilitated following detailed scientific studies of the area. As an alternative, the site indicated on MAP 14.2-A1 shall be designated as a safeguarded area for camping activities. These sites are to be managed and provided with all basic amenities such as showers, toilets and rubbish collection facilities.**

Comino is intersected by a number of predominantly pedestrian routes which facilitate communication and transport of materials between the various parts of the Island. This network is considered to be adequate to serve current and foreseeable needs during the local plan period. A few vehicles on Comino also use these routes. As these paths are not



properly surfaced, their condition deteriorates very rapidly especially after heavy rainfall. Considerable amounts of surface runoff transport spalls litter the terrain adjacent to these routes, thereby degrading the surrounding areas. Consequently, a consolidated surface is considered to be better than a loosely bound surface. However, given the predominantly pedestrian nature of these routes and the natural character of the area, it is rather undesirable to surface these routes in the same manner as a vehicular carriageway. A possibility to be considered is to lay a thin bedding of binding material and then sprinkle a thin layer of sand on the surface in such a way that the fine particles are embedded in the binding material. In this manner, the surface is more difficult to disrupt but at the same time the path does not become too conspicuous. There is also scope for signage along these routes but these should be placed on inconspicuous small stone slabs at selected route intersections. Given the natural character of Comino and its importance for bird life and other wildlife, artificial illumination of the Comino route network shall be prohibited.

**GZ-Ghjn-11: Consolidation of the existing routes on Comino through a method which reduces surface wear but at the same time having a surface which resembles a pedestrian country-path will be promoted. Limited inconspicuous signage (not pole mounted) may be permitted at the route intersections.**

**Artificial illumination of the pedestrian and vehicular routes on Comino shall be prohibited.**

The sea around Comino and its islets supports some important habitats and a comparatively abundant fish life. It also offers some spectacular underwater scenery and archaeological remains are not unknown from the area, such that it is an important diving destination. Boating and yachting, as well as cruising, swimming and other recreational pursuits are a preferred pastime in these same waters. While such pursuits are to be encouraged, it is important that they are also managed so as not to negatively impinge on the environmental resources they so much depend on. For this reason, the entire coastal area of the Island shall be designated as a Marine Conservation Area (MCA). The aim of the MCA will be to protect and manage marine ecosystems to ensure their long-term viability and to maintain biodiversity while accommodating, through appropriate management regimes, a broad spectrum of compatible human activities. Activities or operations that may negatively affect the quality of the marine environment in the area, such as fish farming and sewage overflows, will require regulation and monitoring.

**GZ-Ghjn-12: In conformity with Structure Plan policy MCO 1, the coastal waters around the entire Island of Comino and its associated group of islets shall be designated as a Marine Conservation Area (MCA). This designation shall be followed up with a detailed zoning and management plan based on a scientific survey of the entire coastal area, which shall identify the outer boundary of the MCA (which in the interim shall extend to 200 m. from the shoreline), specific activities that are acceptable within the various zones as well as the management strategy for each.**

**Pending the preparation of detailed policy guidance on Marine Conservation Areas, the Marine Conservation Area Management Plan for Comino shall, amongst others:**

- a) promote sustainable use of the area;**
- b) regulate diving activity in the waters around the island;**
- c) regulate boating and yachting activities, including anchoring, in order to ensure safety to swimmers and other users of the area and safeguarding important benthic habitats;**
- d) establish swimming zones in the Blue Lagoon, San Niklaw and Santa Marija Bays;**
- e) regulate and rationalize maritime traffic, especially in the bays;**
- f) regulate harvesting of marine living resources;**
- g) promote research on the marine environment;**
- h) monitor the quality of the marine environment; and**
- i) establish an educational programme centred on the Marine Conservation Area (MCA).**

Comino is characterised by extensive areas of *garrigue* and agricultural land and it is largely a tree-less island. Nonetheless, small afforested areas do exist and a number of sites can potentially be further afforested. However, any such interventions should be undertaken within the ecological context of the area. Hence, while encouraging afforestation projects in specific areas, MEPA will ensure that these interventions lead to an improvement of the current environmental assets and not result in an environmental impact.

**GZ-Ghjn-13: The sites shown on **MAP 14.2-A1** shall be considered as priority sites for ecological afforestation projects. The interventions in these areas shall aim at recreating typical Mediterranean habitats relevant to the area in question, complete with the entire ecological habitat structure. The implementation and management of these areas shall be vested in the Management Agency to be set up as per policy **GZ-COMI-3**.**

Undoubtedly, one of the attractions of Comino is its sea, especially the Blue Lagoon area and the various islets, coves and bays. This has resulted in an appreciable increase in maritime traffic in the area, as well as the construction of illegal infrastructural facilities on the coast to service the cruise industry. The clutter so generated, apart from negatively impinging on the visual qualities of this important area, also causes considerable user conflicts. Hence, MEPA will encourage the establishment of a maritime management system with a view to minimize conflicts, upgrade the area and provide a managed and safe environment. The Authority will also attempt to rationalize mooring and berthing facilities in the area and will remove illegal structures on the coast.

The provision of managed mooring facilities in line with policy will be particularly encouraged.

**GZ-Ghjn-14:** MEPA shall encourage the Malta Maritime Authority to undertake a more efficient management of maritime traffic around Comino and in particular in the Blue Lagoon area, so as to minimize conflicts between maritime activity and other recreational uses in the area. Proposals to minimize clutter in these areas of scenic beauty will be particularly encouraged so as to provide an improved visual experience to visitors.

In order to achieve this, MEPA will encourage the establishment of swimming zones at the Blue Lagoon, il-Bajja ta' San Niklaw and il-Bajja ta' Santa Marija.

**GZ-Ghjn-15:** In accordance with General Policy **GZ-TRAN-13**, MEPA will encourage the development of Destination Ports in appropriate areas around Comino with a view to completely prohibit anchoring of individual boats in the Marine Conservation Area established in policy **GZ-Ghjn-12**.

Sewage generated on Comino is currently discharged untreated through two outfalls, one on the southern coast (sewage generated at the pig farm) and one on the east coast. This situation is not acceptable and MEPA, in conjunction with the Malta Resources Authority, will seek to ensure the provision of an alternative means of sewage management for the island, with a view to eliminate the current outflows.

**GZ-Ghjn-16:** MEPA will encourage the provision of alternative means of sewage management for Comino, with a view to eliminate the current sewage outflows from the Island. The preferred option would be a small sewage treatment plant in the hotel grounds.

#### **Watercourse Protection**

A watercourse to the east of *Triq Simirat* and linking to *Triq Wied Rajjes* drains much of northern *Ghajnsielem*. In view of the topography and flooding problems, this channel is being kept free from development or encroachment to allow adequate drainage of surface water flow during heavy downpours.

**GZ-Ghjn-17:** The area indicated as a watercourse protection channel (see **MAP 14.5-A**) shall be retained free from any development or other obstructions to surface water flow.

## 14.3 Gharb

### 14.3.1 Introduction

*Gharb* is a small settlement which occupies most of the north-western sector of the island of Gozo. Its distinctive and charming character has attracted visitors who seek a quiet rural atmosphere. It has therefore been one of the favourite areas for the location and conversion of residential farmhouses. The settlement is surrounded by extensive tracts of agricultural land. In common with many of the other settlements, the church dominates the skyline of the settlement. The main square at *Gharb* has an exquisite *parvis* and the streetscape in this area has retained much of its distinctive flavour.

The local council of the area has expressed a number of concerns related to the settlements and its surrounding environs. Most of these have been addressed within the framework of the general policies. However, there are some issues which merit a more focused approach in view of their relevance to this particular settlement.

### 14.3.2 Recreational Facilities

The area between *Triq Tumas Cassar* and *il-Wied tal-Knisja* is mainly occupied by a football ground and some recently installed recreational facilities. Given the lack of recreational facilities in this area, the sensitive introduction of compatible uses should be given favourable consideration. The site is also appropriate to serve the nearby *San Lawrenz* local council given that some of the residences in *San Lawrenz* lie closer to this area than the dwellings lying in the northern part of *Gharb*.

**GZ-Ghrb-1:** The local plan recommends that the area due south-west of *Triq Tumas Cassar* (see **MAP 14.3-A**) shall be designated as a recreational area and incorporated within the Development Zone boundary in the forthcoming Structure Plan Review. The site between *Triq Tumas Cassar* and the Football ground is proposed to be designated for formal recreation which could accommodate some playing fields. Given its location, the use of traditional materials (e.g. timber and stone) will be particularly encouraged. Landscaping shall follow the criteria of the Guidance on Planting.

The area due north-west and south-east of the *Gharb* football ground (see **MAP 14.3-A**) shall be safeguarded areas reserved for any eventual provision of informal rural recreation in accordance with policy **GZ-RECR-1**.

### 14.3.3 Ta' Pinu

One of the more visited sites within the *Gharb* local council is the *Ta' Pinu* Sanctuary. The church and the nearby *Ghammar* Hill (which lies within the *Ghasri* local council) have special religious importance. The church attracts visitors not only from Gozo but is regularly visited by Maltese and tourists. The area is unique on three counts. First, it is the only sizeable sanctuary (in the Maltese Islands) which is not surrounded by a settlement. Secondly, the “*Via Sagra*” statues which lie along the *Ghammar* Hill is unique. Thirdly, the amphitheatre complex at the top of the hill is again unique in the Maltese Islands. Therefore, from a land-use point of view, it is appropriate to give a

special designation to the area so that only the land-uses which are compatible with the religious significance and ecclesiastical functions that take place in this area, are allowed.

**GZ-Ghrb-2:** The site of the Ta' Pinu Sanctuary and the procession trail leading to the Ghammar Hill is designated as a Site of Special Religious Significance (SSRS) (shown on **MAP 14.3-E**). MEPA welcomes proposals for the sensitive landscaping of the square in front of the Church and the rationalization of the parking facilities within the site. The use of local stone products, which complement the surrounding rural countryside, would be promoted in any hard landscaping proposals which are proposed for this site.

Upgrading of the trail leading to the Ghammar plateau would again be encouraged together with the removal of dereliction from around the statues and the amphitheatre complex at the top of the plateau. However, this area should be left free from additional development.

#### 14.3.4 Rehabilitation of Disused Quarries

The amendments to the Development Planning Act in 2001 included (at Section 55) a new provision for an enforcement notice if the amenity of an area is injured by the appearance of buildings or any land. The notice would specify the actions required to abate the injury. In the context of minerals development this is a significant change as these developments can be visually intrusive. So in effect rather than waiting for proposals, MEPA can require action to be taken to mitigate impact.

Some of the disused quarries due north of *Gharb* represent an eyesore and require rehabilitation. Given the rural setting of the area, the preferred methods of rehabilitation relate to conversion to traditional agricultural activities, habitat creation and environmental management projects and landscaped public open space recreational facilities according to the provisions of **GZ-RECR-1**.

**GZ-Ghrb-3:** MEPA will carry out a review of the existing quarries at Gharb with a view to identify measures intended to mitigate amenity impact.

MEPA will also give favourable consideration to proposals for the rehabilitation of the quarries due north of Gharb. The preferred interventions shall relate to conversion to traditional agriculture, the creation of typical Maltese habitats or other environmental management projects or public informal recreation. In the latter case, apart from the provisions of policy **GZ-RECR-1**, there shall be an emphasis on afforestation (in conformance with the Guidance on Planting), the rehabilitation of the nearby carriageways and the removal of rubbish and the reinstatement of rubble walls in the vicinity.

## 14.4 Ghasri

### 14.4.1 Introduction

*Ghasri* is a small dispersed settlement in the west of Gozo. A considerable proportion of this settlement has either retained traditional streetscape elements or has been recently developed in a manner that seeks to emulate traditional architecture. There is also an intimate relationship between the built up areas and the surrounding rural areas. The parish church provides a local focal point which is visually accessible from many areas in central Gozo.

Extensive tracts of agricultural land surround *Ghasri*. Thus there is ample scope for rural appreciation in this area. The rural residential component is already provided by the settlements and the farmhouses scattered in the countryside. The main focus of local intervention should therefore be to upgrade the context of the existing settlements and to rehabilitate degraded habitats especially those in the coastal stretch near *il-Ponta ta' Reqqa*. This rehabilitation should be conducted in accordance with **Policy GZ-RLCN-6**.

### 14.4.2 Tal-Gurdan

*L-Gholja tal-Gurdan* lies due north of the main settlement. A lighthouse and abandoned barracks lie on the plateau at the top. In the late 1990's, apart from its maritime navigation function, the lighthouse doubled as an atmospheric research station. Additional research facilities can be accommodated provided that the architectural integrity of the lighthouse is retained intact. The barracks currently lie in an abandoned state. There may be scope for the local council to be entrusted with the reinstatement of the structural and architectural integrity of these barracks. These barracks make an ideal base for nature education as they offer the experience of remoteness and afford extensive contact with the surrounding rural scenery. A management agreement with either an academic institution or an NGO should be actively considered.

**GZ-Ghsr-1: MEPA will favourably consider proposals by the Ghasri Local Council together with Central Government, to secure the reinstatement of the abandoned barracks at L-Gholja tal-Gurdan (see MAP 14.4-E) to an appropriate use like the provision of research or educational facilities.**

**There shall be a general presumption against the addition of built facilities on this site.**

## 14.5 Kercem (Ta' Kercem)

### 14.5.1 Introduction

*Kercem (Ta' Kercem)* is a settlement due west of *Rabat*. It lies on the route which links *Rabat* to the southwestern part of Gozo. The settlement has all but been amalgamated with *Rabat*. The parish church locally dominates the older part of *Kercem*. The central portions of this settlement and the adjacent hamlet of *Santa Lucija* have retained much of their original charm. Portions of the outlying areas have been developed along predominantly rectilinear streetscapes of terraced houses. An extensive predominantly rural area surrounds *Kercem (Ta' Kercem)*.

The hamlet of *Santa Lucija* lies due west of *Kercem (Ta' Kercem)* and falls within the *Kercem* Local Council administrative boundary. The small church provides a focal point for a small but quite picturesque square. A number of quarries are located near the western extremity of the *Kercem* Local Council boundary.

#### 14.5.2 Recreational Facilities

*Kercem (Ta' Kercem)* is relatively deficient in open space provision but it has an easy access to the open countryside. However, there is, always scope for further expansion affecting this regard. The area due south of the school is most appropriate for this purpose. The main reason is that the square provides a focal point for interaction and its position is reinforced through the existing social and community facilities in the vicinity (e.g. tennis courts, football ground etc.) Furthermore, the area lies close to one of the newer parts of *Kercem (Ta' Kercem)* which do not have any social and community facilities. The area lies ODZ but it has been committed to such an extent that the local plan is recommending that the Structure Plan review actively considers to endorse the extension of the development zone boundary to incorporate the new social and community facilities.

**GZ-Kerc-1: MEPA shall review the Development Zone boundary in the forthcoming Structure Plan Review to incorporate the area indicated on MAP 14.5-A for open space provision, recreation and related social and community facilities. The area due east of the football ground shall cater for future requirements related to informal rural recreational facilities in terms of policy GZ-RECR-1 and GZ-RECR-2.**

A tract of land due west of *Triq Kercem* is currently occupied by a mature garden which is not readily accessible to the public. There is ample scope to open this garden for public enjoyment whilst at the same time maintaining its function as a nursery.

**GZ-Kerc-2: MEPA shall give favourable consideration to the sensitive transformation of the nursery due west of *Triq Kercem* into a public garden. The upgrading shall follow the provisions of policy GZ-RECR-3.**

#### 14.5.3 L-Ghadira ta' Sarraflu

*L-Ghadira ta' Sarraflu* is a fairly frequented recreational site some 2 km. due west of the main settlement. This is a semi-artificial depression supporting an important freshwater community and is quite popular with locals and visitors. It is also scheduled as an Area of Ecological Importance and is protected also within the approved *Qawra/Dwejra* Heritage Park Action Plan (2005). The site lies near a ridge-line and enjoys very extensive long distance views. The area merits upgrading in terms of a general clean-up, organization of parking and additional compatible landscaping. Positive intervention is also required to discourage the littering, pollution or other physical abuse of the pond. There is also ample scope to promote the area for educational purposes through the installation of small interpretation panels.

**GZ-Kerc-3:** The site at L-Ghadira ta' Sarraflu (see **MAP 14.5-E**) shall continue to be protected as a site supporting a freshwater community. The area around the site shall be promoted as an informal recreational site, which doubles as an educational site through the introduction of sensitively designed and unobtrusive interpretation panels. Limited car-parking facilities (c. 10 parking spaces) should also be provided nearby and the design of this small car park should respect the sensitivity of the area.

Access to the water should be discouraged to reduce the likelihood of damage to the fragile ecosystem. This may be achieved through the planting of species which complement those thriving in the pond after approval of the methodology, implementation and monitoring proposals by MEPA.

#### 14.5.4 Watercourse Protection

A watercourse at *Triq Pejpu* drains much of eastern *Kercem* (*Ta' Kercem*) through a steep and narrow channel into the nearby *Wied Il-Lunzjata*. In view of the topography and flooding problems, this channel is being kept free from development to allow adequate drainage of surface water flow during heavy downpours.

**GZ-Kerc-4:** The areas indicated as watercourse protection channels on **MAP 14.5-A** shall be retained free from any development or other obstructions to surface water flow.

## 14.6 Munxar

### 14.6.1 Introduction

*Munxar* is a small settlement between *Ta' Sannat* and *il-Wied tax-Xlendi*. The settlement of *Munxar* has retained some of the traditional characteristics although considerable development has taken place around the eastern and southern fringes of the original settlement. The settlement is bisected by a valley, which has recently been scheduled for its ecological, cultural and scenic importance. A small church provides an attractive local focal point on the skyline of the settlement.

Most of the issues relating to *Munxar* are common to other Local Council areas and therefore have been addressed in the respective general policies. The Local Council has identified a number of points which are peculiar to *Munxar* and therefore merit a more specific resolution.

### 14.6.2 Recreational Facilities

The lack of open-air social and community facilities in the settlement of *Munxar* featured amongst the main issues arising from meetings with the Local Council and other agencies. To this effect, a large triangular shaped publicly owned stretch of land has been identified to accommodate a playing field. Although this area lies partially ODZ, it is



completely encircled by carriageways and around three quarters of its perimeter is surrounded by areas designated for development.

**GZ-Mnxr-1:** The local plan is proposing that the triangular parcel of land shown on **MAP 14.6-A** is designated as a playing field. This area shall be developed according to the provisions of policy **GZ-RECR-3**. Planting should be given some priority and should follow the **Guidance on Planting**.

#### 14.6.3 **Xlendi**

The tourist settlement of *Xlendi* falls within the boundaries of *Munxar* Local Council. However, *Xlendi* is physically distinct from the main settlement. This settlement has all but replaced a seaside hamlet and is predominantly composed of tourism-related apartments, tourism facilities (e.g. hotels, guesthouses) and villas. Most of this modern development contrast sharply with the surrounding landscape. Fortunately, the extent of the impact is limited by the visual containment afforded by the surrounding higher terrain, although a considerable part of the sizeable solution subsidence structure making up the area (one of six characterizing the west coast of Gozo), has been considerably mutilated by the development that occurred in the area.

The tourism related nature of *Xlendi* creates unique pressure for development. There have been many requests by the public to intensify development in this area. Meetings with the Malta Tourism Authority and the Gozo Tourism Association indicate that there is scope for additional accommodation capacity. Although this does not represent optimal use of land resources, given the need to rationalize the existing situation and the importance of seasonal tourism to the Gozitan economy, limited intensification of development within the existing Development Zones is favourably considered.

However, it must be borne in mind that *Xlendi* lies in a unique setting and whilst it may be desirable to slightly intensify development, the impact should be contained so that the scenic qualities and the tourist experience of the area are not compromised.

**GZ-Mnxr-2:** *Xlendi* is being zoned into three main distinct areas namely:

- a) an area for apartments (four (4) storeys high) near the mouth of *il-Wied tax-Xlendi*;
- b) an area zoned for semi-detached dwellings at *il-Qsajjem*. There shall be a general presumption against built-development of the schemed side gardens of the detached dwellings in this area. The height limitation for this area shall be as indicated on Map 14.6-C1; and
- c) an area zoned for detached flatted dwellings at *il-Kantra*. The height limitation for this area shall be as indicated on Map 14.6-C1. Development along differences in level shall be regulated by the relevant provisions of the DC2005 or its subsequent revision. All permitted floors are habitable however no semi-basements are permitted by MEPA.

**The underlying basements shall not be used for habitable purposes.**

**Tourism related facilities within the Entertainment Priority Area (i.e. the whole area within the Development Zone at Xlendi) area shall be developed according to the provisions of policies **GZ-TRSM-3 to 5.****

**The zoning proposals are being shown on **MAP 14.6-A1** whilst the respective height limitations are shown on **MAP 14.6-C1.****

#### 14.6.4 **Traffic Circulation in Xlendi**

*Xlendi* has the potential to be a convivial, relaxing place, and some measures, for example the two paved areas, have been introduced to create such an atmosphere. A number of measures are being contemplated to help create an attractive and safe environment.

The measures complement each other and are relatively modest in scale, and consequently cost. Ideally, they would be introduced as a single package, however they can be broken into stages for phased implementation.

The proposed one-way loop around the car park will not only improve circulation and discourage motorists from entering the proposed semi-pedestrian area, but will allow additional spaces to be created by the more efficient use of road space.

The semi pedestrianisation will join the two existing paved areas, and provide more public space close to the sea. Additional seating and landscaping will be possible. Traffic would be permitted to pass this area to gain access to the quay and *Triq Sant Andrija* and adjacent streets. Alternative access to these streets could be achieved by creating a new link from *Triq iz-Zirzieb*. Five general parking spaces would be lost as a consequence, and a disabled parking space and a hawker may require relocation.

**GZ-Mnxr-3: MEPA will encourage schemes to improve road safety, maximize existing parking facilities, and upgrade the environment in the busiest parts of Xlendi. Measures proposed on **MAP 14.6-B1** include:**

- a) semi-pedestrianisation of the end of Triq ir-Rabat to link the two existing paved areas;**
- b) providing a link between Triq iz-Zirzieb and Triq is-Sienja/Triq is-Sajjieda, to reduce the amount of traffic passing through the proposed semi-pedestrianised area;**
- c) introducing a one-way circulation around the main car park to rationalize circulation and increase the number of spaces available;**
- d) provide pavements and landscaping on both sides of Triq ir-Rabat on the approach to the car park;**

- e) **introduce traffic calming along Triq San Xmun to compensate for the lack of pavements and slow traffic near an apparent accident “black spot”; and**
- f) **provide landscaping and a proper layout at the Il-Kantra car park.**

*Wied ix-Xlendi* and *Wied il-Lunzjata* make up one of the more important valley systems on Gozo. Part of this system has already been scheduled as a Level 1 Area of Ecological Importance and a Site of Scientific Importance in view of its ecological, geological, geomorphological and scientific importance, apart from the protection of specific cultural features. Legal protection of this important valley, however, is only the first step and therefore MEPA will favourably consider proposals aimed at the better appreciation and interpretation of this valley system as well as the rehabilitation of specific degraded areas and the provision of appropriate access routes. These measures should be backed up by a management plan for the valley and the publication of educational material for use on site.

**GZ-Mnxr-4: MEPA will encourage the Kercem, Munxar and Fontana Local Councils, the Malta Tourism Authority and relevant NGOs to devise a management plan for the Wied il-Lunzjata/Wied ix-Xlendi valley system (see **MAP 14.6-E**), with a view to its rehabilitation, interpretation and management.**

## **14.7 Nadur**

### **14.7.1 Introduction**

Lying between *Qala* and *Xaghra*, *Nadur* is one of the larger settlements in Gozo. A substantial proportion of the area has retained UCA character with most of the modern development having taken place near the peripheral areas. The main feature on the skyline is the parish church, which dominates the whole settlement and is visible from many areas on the eastern side of the island.

As *Nadur* lies on a system of ridges and the edges of the Development Zones in many areas coincide with ridge edges, the back elevation sides of these settlements often have access to breathtaking views. There are also opportunities to create public belvederes at the edge of the settlement especially in areas where a carriageway defines the edge of the development zone, although due regard needs to be taken to the ridge edges and any development should take into account its potential impact on views into the site and issues such as geological stability, illumination, and the texture, styles, design and massing used in their construction.

The planning issues raised by the *Nadur* local council and other entities have also emerged in other Local Councils and have therefore been addressed in the General Policies Section. However there are some issues which are specific to *Nadur* and which are being included in this section.

#### 14.7.2 Ix-Xaghra ta' Isopu

*It-Torri ta' Isopu* is a coastal lookout tower which over the years has fallen into disrepair. Ideally, the tower is restored and put to good use within the context of a management plan for the entire *Qortin*. The same area is also occupied by the Armed Forces of Malta facilities in Gozo, a hard-stone quarry and a number of greenhouses. The area supports one of the most important *garrigue* areas in the Maltese Islands, which qualifies it for protection as an Area of Ecological Importance and a Site of Scientific Importance. The area is also of potential international importance. The area also offers considerable public informal recreation possibilities, however, the importance and fragility of the *garrigue* ecosystem necessitates a judicious approach to the use of the area, which should be managed according to the specifications of a national park. Hence, while access to the area, including the ridge edges and the tower, would enhance the appreciation of the site, such interventions shall only be considered following a detailed and multi-seasonal ecological study of the area to ascertain what the impacts of such interventions would be and whether these can be mitigated and/or accommodated on site. The protection of the site shall take precedence over the recreational use of the same area. Ideally, there should be facilities to create access to the tower and link it with a pedestrian route which gives access to breathtaking views without encouraging trampling over the very sensitive *garrigue* in the area. The area offers considerable public informal recreational possibilities and should be predominantly designated to this effect.

**GZ-Ndur-1:** The area around the Armed Forces site at Nadur shall be left free from structures. The provision of limited access to the Isopu Tower and to scenic viewpoints along the edge of the plateau (through a pedestrian path which is constructed in conformity with policy **GZ-RLCN-3**) may only be considered following a detailed and multi-seasonal ecological study of the entire area to ascertain what the impacts of such interventions would be and whether these can be mitigated and/or accommodated on site.

The restoration and use of the Tower shall be such that its architecture is respected and no structural accretions to the Tower (except documented ancillary structures, such as external stairs, that may no longer be present today) or the construction of new structures in the vicinity shall be permissible. The Tower shall not be illuminated at night so as not to cause environmental impacts on the avifauna of the area. Furthermore, the Tower shall not be provided with water, electricity and other services since the provision of such services would cause an irreversible and unacceptable impact on the unique *garrigue* of the area.

The area should however be accessible to the public, save for those instances where the Armed Forces are undertaking target practice exercises, although the protection of the site shall take precedence over the recreational use of the same area.

**The provision of adequate management of the site, through a site management agreement with an NGO or other organization, working under the supervision of the national environment authorities, will be encouraged so as to ensure the long-term protection and restoration of the important environmental features of the plateau.**

#### 14.7.3 **Quarrying**

The quarry at *Ta' Isopu* is gradually being filled up with quarrying debris. This quarry presents an excellent opportunity to be rehabilitated for public recreational purposes. A scheme for afforestation is also contemplated for the area. This would partially satisfy the need for more public areas in Gozo in an afforested environment.

**GZ-Ndur-2: A public garden is proposed at the disused quarry at Il-Qortin ta' Isopu (shown on MAP 14.7-E). The development shall be landscaped according to the criteria of the Guidance on Planting (for areas ODZ) and ensuring compatibility with the sensitive ecological area in the vicinity. Different landscaping alternatives, including habitat regeneration, must be considered before a final proposal is submitted for approval. Visitor and interpretative facilities located within the quarry area and sensitively landscaped may be considered, depending on its design, massing and location.**

#### 14.7.4 **Dahlet Qorrot**

Due to the limited extent of *Dahlet Qorrot* and the disproportionate number of visitors, the bay is congested in summer. A number of boathouses have been hewn in rock and at a later stage, a number of others have been constructed. A number of these boathouses have been illegally constructed and some have already been demolished.

Given that the bay would benefit from the provision of sanitary facilities, these could be accommodated within a designated area which should be adequately designed and shielded from view through an appropriate landscaping scheme. However, the existing illegal boathouses should be demolished. There may be scope to create some boathouses within the indicated designated area.

**GZ-Ndur-3: The area shown in MAP 14.7-E shall be designated to provide for sanitary facilities (toilets and showers). The whole area shall be shielded with a green belt as shown on the same map. The height of the structures shall be limited to one floor. Provision for boathouses within the same complex may be considered, but consideration shall only be given subject to the quality of design and sensitivity towards the surrounding environment.**

## 14.8 Qala

### 14.8.1 Introduction

*Qala* is the easternmost settlement on the Island of Gozo. The settlement has developed around the church, which locally dominates the historic centre. The latter has retained most of its original characteristics. A windmill (*Ta' Grunju*) complete with sails dominates the skyline of the eastern portion of the settlement. The newer development tended to develop around the carriageways that lead to the settlement with a cluster due northwest of the church and two clusters due southwest of the settlement. Most of the areas at the periphery of *Qala* have access to long distance views. The settlement has retained its distinct character, being separated from nearby *Nadur* and *Ghajnsielem* by topography and agricultural land. A hardstone quarrying complex dominates the easternmost extremity of the Local Council area.

Most of the planning issues that were discussed with the *Qala* local council and other agencies are common to other local plan areas and have therefore been addressed through the General Policies Section. However, there are a number of *Qala* specific issue, which merit a more detailed address.

### 14.8.2 Quarrying

The quarrying complex at *Ghar id-Dar/Ta'Klement* provides for most of the hardstone requirements of the Island. However, it creates a local eyesore with a footprint which is considerably larger than that of the active quarries. The extraction activity also disrupts the continuity of access around the coast. The quarries are flanked by natural and cultural heritage. For instance, the *Qala* redoubt lies on the south-eastern flank of the quarries whilst there is a sensitive geological and industrial archaeology area due west.

**GZ-Qala-1: The land indicated on MAPS 14.8-E shall continue to be safeguarded for hardstone quarrying.**

**Applications for extensions to the quarry will be considered in the context of Policy HS 3 and other relevant policies of the Minerals Subject Plan. In line with the provisions of Structure Plan policy MIN 9, there shall be a general presumption against any lateral surface mining in adjacent areas, even if it is proven that there are workable mineral deposits. Underground mining with access from the currently active quarries may be considered favourably.**

**The northern boundary of the quarries shall be screened by means of suitably landscaped boulder mounds so that the visual impact of the quarries from sea craft navigating along this coast is minimized. This mound shall be maintained until the quarries are exhausted, following which they shall be infilled and the site returned to agriculture, afforested or used for habitat creation.**

**The relocation of construction related equipment from more sensitive areas on Gozo to this area may be favourably considered provided that the plant is located in such a way as to be least visible from nearby areas.**

**Other conditions attached to development permits for construction industry related activities (within the quarries) shall include bank guarantees to secure implementation of:**

- a) **dust generation attenuation measures to prevent the spread of dust from the quarries and quarry related traffic, onto the surrounding areas;**
- b) **improvements of access to the quarries (including adequate surfacing and maintenance) from the intersection between Triq ta' Gafan and Triq Tal-Qasam up to the boundary of the quarries; and**
- c) **the reinstatement of a pedestrian link along the coast which should be at least 3 m. wide and accessible according to the provisions of Structure Plan Policy CZM 3. The coastal area occupied by a jetty serving hardstone quarry G10, shall continue to be used for the off-loading of quarry products onto barges as long as the quarry remains in operation, however, this use shall not impede managed pedestrian access along this stretch of coastline, although access may be restricted during specific loading periods, in view of over-riding safety concerns.**

#### **14.8.3 Geological and Industrial Archaeology Heritage**

The stretch of coastal area between *Dahlet Qorrot* and the hardstone-quarrying complex at *Ghar id-Dar/Ta' Klement* is of considerable ecological and geological importance. It also contains traces of quarrying activity over a long period of time. This area therefore merits protection and, in line with the MEPA's decision in relation to the development of a new quarry at *Ta' Klement*, adequate interpretation of the cultural heritage in the area is required.

**GZ-Qala-2:** The area of land shown on **MAPS 14.8-E** shall be a safeguarded area for a geological and industrial heritage park. The exact boundaries of the park shall be established following more detailed study of the area but it is expected that the park boundaries would be accommodated within the general area indicated.

The park shall focus on the geological and geomorphological heritage of the area as well as the rich traces of a long heritage of quarrying activity (utilizing different and evolving techniques) in the area. The latter may also provide for a link to the existing active quarries. The park shall provide interpretation of this extensive heritage as well as pedestrian routes between *Dahlet Qorrot* and *Hondoq ir-Rummien*. Afforestation and habitat creation along the terraced abandoned agricultural land will be encouraged.

**Extension of the active quarries into this area shall be prohibited.**

#### 14.8.4 Hondoq ir-Rummien

The access to *Hondoq ir-Rummien* Bay is through *Qala*. *Hondoq ir-Rummien* lies in a relatively dilapidated state and there is a dire need for upgrading and rehabilitation of the area. The area around *Hondoq ir-Rummien* is sensitive from an environmental and landscape point of view. Thus any interventions should complement this sensitivity. It is fundamentally important to retain public access to the area since this is one of the few areas accessible for bathing and other marine related activities. Basic beach facilities such as showers, changing rooms, litter disposal, barbeque facilities as well as limited camping facilities are desirable. Preferably, these structures should be small in scale and located in an area, which renders them non-obtrusive. Additional mitigation in the form of rusticated cladding and screening through appropriate soft landscaping will be encouraged.

- GZ-Qala-3: MEPA will favourably consider proposals from public agencies, which have the endorsement of both the Local Council of Qala as well as Central Government, to upgrade beach facilities at Hondoq ir-Rummien (see MAP 14.8-E). The upgrade should address the following objectives:**
- a) to rehabilitate the damaged landscape;
  - b) to provide basic beach amenities (e.g. changing rooms and showers);
  - c) to encourage unrestricted public access to the beach; and
  - d) the built facilities provided shall be designed in a manner which is unobtrusive and complement the surrounding environment.

An old quarried area at *Hondoq ir-Rummien* has long ceased operation. The extraction activities have left a scar which is easily visible from nearby Comino and the route taken by the Gozo ferries. A number of proposals have been submitted for this area. These range from a site for the dumping of inert waste, an afforested area, a theme park and a hotel. The preferred use is to sensitively develop the area. Tourism and marine related development may be considered by MEPA in this area subject to sensitive landscaping and to development being of a low density and high quality nature that respects the environment and landscape qualities of the *Hondoq ir-Rummien* and the surrounding area whilst providing for an overall improvement of this site.

- GZ-Qala-4: The exploitation of mineral reserves as a consequence of a development project shall be favourably considered subject to condition specifying the release of excavated resources over a specified period of time.**

**Development, within the boundaries of the Hondoq ir-Rummien, as indicated on MAP 14.8-E, for Tourism and Marine related uses, is to focus on sensitively designed, high quality and low density buildings that blend into the landscape. Emphasis should be given to soft landscaping and visual mitigation.**



**The development project shall seek to provide the impetus for the realisation of Policy GZ-Qala-3 through the imposition of planning obligations.**

#### 14.8.5 **Public Recreational Facilities**

In 1999, MEPA had approved a permit (PA 6434/98) for public recreational facilities at *Ta' Grunju* due west of *Qala*. This area lies immediately due south of the *Qala* football pitch. The local council has identified a larger stretch of land which is in public ownership and which could serve to improve the public recreational facilities in the eastern part of Gozo. It is rather difficult to find a large enough parcel of land that can accommodate public recreational facilities and which is in public ownership. This area is at present dilapidated and its agricultural value is limited in view of the shallow depth of soil.

Given that there is a dire lack of public recreational areas in this part of Gozo, it is proposed that the area is allocated for public recreation with a focus on informal recreation. In view of the limited sports facilities in the area, the option to allocate part of the area for sports facilities may be considered given that such facilities are limited in *Qala* and part of the area in question is already accommodated in the area.

**GZ-Qala-5: The area around the *Qala* football pitch near the area known as *Ta' Grunju* as indicated on **MAP 14.8-E** is to be principally allocated for informal rural recreation. However, limited open air sports facilities may be considered subject to the following:**

- a) **An area not exceeding 40 % of the total area (including the existing football ground and playing field) shall be indicated for sports and formal recreation facilities;**
- b) **At least 50% of the area shall be indicated for afforestation with informal passages and informal seating interspersed. The afforestation shall abide by the Guidance on Planting or its subsequent revision;**
- c) **The other 10% shall be designed around rock outcrops and existing mature trees. These trees should be incorporated in the design of the public recreational area;**
- d) **All hard landscaping interventions shall be designed to convey an informal rural atmosphere;**
- e) **Lighting shall consist of downlighters according to the provisions of GZ-UTIL-5. Lighting on high poles and/or floodlighting shall not be permissible.**

## 14.9 Rabat (Ghawdex)

### 14.9.1 Introduction

*Rabat* is the capital city of Gozo and consequently, most of the administrative and commercial establishment on the island are concentrated within this settlement. The prestige of the city is focused on two main historic centres (namely *Cittadella* and *Il-Borgo*). The belfry of the cathedral dominates the *Cittadella*, whilst the *Borgo* is dominated by the parish church of *San Gorg*. A number of smaller chapels are scattered throughout the town as are a number of educational facilities, administrative buildings, ecclesiastical buildings, monasteries, convents, shopping facilities and other prestigious buildings. The Gozo General Hospital occupies the plateau near the *Taflija* escarpment. The settlement is also enhanced by a number of picturesque squares as well as a number of historic landmarks. It is imperative that whilst activity in the capital is promoted, the historic context is conserved so that the quality and prestige of the settlement is enhanced.

As a settlement, *Rabat* is coalesced with *Fontana* and has almost merged with the eastern portion of *Kercem (Ta' Kercem)*. Like other settlements in Gozo, *Rabat* is surrounded by extensive tracts of agricultural land. The south-eastern flank of the local council is occupied by the largest greenhouses complex in the Maltese Islands (c. 8 hectares).

### 14.9.2 Cittadella

The *Cittadella* is not only the most conspicuous monument which (together with the parish church of St. George) dominates the skyline of *Rabat* but it is also a symbol which is intimately linked to the identity of the Island. However, the *Cittadella* is not attracting enough quality visitors and at night it is practically dead. There is significant potential within and around *Cittadella* which if capitalized upon with sensitivity, imagination and a lot of commitment, the currently dormant city could be revived. However, extreme caution is advised since hasty and un-coordinated interventions could prove to be extremely counterproductive and even disastrous in the long term. There is no scope for quick short-term interventions here but only for a carefully studied approach which should have the endorsement of both the authorities as well as the local community.

**GZ-Rbat-1: MEPA will encourage relevant government agencies to produce a Heritage Management Plan in line with the advice contained in the Conservation Order issued in Government Notice 83/2001.**

**The proposals should focus on the following parameters:**

- a) safeguarding of the existing architectural, urban and cultural heritage within the Cittadella according to the provisions of the Conservation Order but with a view to optimize the utilization of the existing buildings and open spaces;**
- b) facilitation of interpretation of the many heritage features around the city;**

- c) active restoration and intelligent utilization of the sensitive archaeological area due north of the Cathedral;
- d) promotion of access around the panoramic pedestrian route atop the bastions and to discourage any interventions which interfere with access to long distance views;
- e) provision of a pedestrian route immediately beneath the bastions to enable the appreciation of the scale of the bastions from beneath;
- f) relocation of the telecommunications antennae to an area outside the Rabat UCA;
- g) links with other parts of Rabat;
- h) to discourage vehicular activity within and immediately around the Cittadella; and
- i) identify opportunities for tourism related infrastructure.

**The Heritage Management Plan should also identify time frames for implementation, lines of accountability, budgets, marketing, interpretation and long term maintenance and upgrading programmes and the venture should be financially viable in the long term.**

#### 14.9.3 **Il-Borgo**

The historic core of Rabat is known as “*Il Borgo*”. This is the oldest part of the town and for many years it has been left to deteriorate. In recent years, it has been given a new lease of life through cosmetic improvements as well as the location of a number of retail outlets especially on the eastern flank of the area. The main difficulty relating to the utilization of this area is the restriction to traffic circulation but this can be viewed as an opportunity. The relative absence of vehicles in this area permits a relatively relaxed experience of this delightful part of *Rabat* and facilitates social interaction. Its intimate streetscapes possess qualities which are seldom found in any other part of the island and which should be treasured in highest regard. The retail outlets in the older part of *Rabat* also contribute to the vitality of the area and encourage a healthy vibrance. However, care should be exercised so that the signage and facilities so intimately linked to the retail outlets in this sensitive area do not jar with the character of the picturesque streetscapes.

**GZ-Rbat-2:** MEPA shall favourably consider proposals for a detailed heritage management plan on similar lines to that for the Cittadella in policy **GZ-Rbat-1**. (except for provisions c), d), e) and f).

**The study should also place an emphasis on the provision of links with other parts of Rabat, especially the Cittadella and the site earmarked for the Gozo Communal Centre.**

**GZ-Rbat-3:** Whilst MEPA will promote economic activity within the Borgo, there shall be a presumption against the creation of

**new commercial outlets with a gross floor area greater than 50 m<sup>2</sup> in the area lying outside the Primary Town Centre as indicated in **MAP 14.9-A1**.**

**Accessories adorning shop fronts and facades shall abide by MEPA policy guidance on these developments. There shall also be a presumption against the creation of projecting features (such as air-conditioning units), which disrupt the continuity of the streetscape.**

**There shall also be a presumption against the creation of new basements within the old part of Rabat (Il Borgo) as shown on **MAP 14.9-D**.**

#### 14.9.4 **Archaeological Heritage in Rabat**

*Rabat* and *Cittadella* have had a long history of occupation which resulted in the creation of a considerable archaeological wealth which constitutes an important component of the Island's cultural heritage. This heritage also attracts visitors to the area and therefore has an important bearing on revenue generation. In view of the foregoing, it is imperative to continue to foster archaeological treasures and to safeguard undiscovered ones so that these treasures can be enjoyed by the current and future generations.

*Rabat* is also the commercial and administrative capital of Gozo. To this day, human occupation and development continues. Although various forms of built development are encouraged in *Rabat*, it is important not to sterilize archaeological heritage through the construction of new structures. It is therefore sensible to enact measures to ensure that whilst legitimate development is allowed to materialize, where possible this should not be done at the expense of archaeological heritage.

The importance of *Rabat* as an area containing archaeological remains necessitates a careful and precautionary approach towards development proposals, which include excavations beneath ground level either through the construction of basements or the laying of foundations and even for the preparation of the site for building. MEPA, in conjunction with other agencies and departments, will ensure that no damage is done to archaeological remains and will endeavour to take the appropriate measures to investigate remains, record the findings in an effective manner and if necessary prevent development which will harm such remains.

**GZ-Rbat-4: Whilst MEPA will continue to approve development permits for legitimate structures in Rabat, within the areas shown in **MAPS 14.9-A and D**, there shall be a general presumption against the creation of any underground space, whether completely or partially below ground level.**

**Prior to the issue of any development permission for a proposal which includes the creation of such space, or will necessitate excavation works for the construction of any structure, the developer must demonstrate to the satisfaction of MEPA and the Superintendence of Cultural Heritage that the proposed works will not have any adverse impacts on any**

archaeological remains within the site boundary or on any other remains in the proximity of the site. In the case of the discovery of remains, which merit the safeguarding of the land from development, no permissions will be issued.

Development proposals within the area indicated above and which do not entail the creation of new underground spaces, will not be affected by the provisions of this policy.

#### 14.9.5 The Gozo Communal Centre

The site defined by *Triq Putirjal* and *Triq Gorg Borg Olivier* has been identified as the site for the development of the Gozo Communal Centre. It shall be one of the focal points of *Rabat*. The site shall be developed according to a development brief and the project is envisaged to be one of the main urban magnets of the Gozitan Capital. Given its sensitive location, the development should respect the surrounding context and complement rather than compete with the other land-uses in *Rabat*. To this effect, the preferred uses would include those related to community facilities, leisure, tourism and recreation. Good planning practice and the scale of Gozo also dictate that large-scale facilities in *Rabat* related to leisure, recreation and tourism support facilities should be located within this project rather than anywhere else within the settlement.

**GZ-Rbat-5:** The site indicated on **MAP 14.9-A** shall be reserved for the development of the Gozo Communal Centre. The project shall be implemented according to the provisions of a Development Brief approved by MEPA.

The main objectives of the development shall include:

- a) the upgrading of this central part of *Rabat*;
- b) the location and grouping of key public facilities to enhance public access;
- c) the provision of employment and revenue generating opportunities (particularly relating to leisure, recreation and tourism support facilities) and which are in keeping with the scale and nature of surrounding development;
- d) the provision of an underground car-park; and
- e) the promotion of urban vibrance, vitality and permeability envisaged to spread to other parts of *Rabat*.

The Gozo Communal Centre shall be one of the main focal points of *Rabat*. To enhance the vitality of other areas within the Gozitan Capital, the activities in this project should be conceived in a manner which does not compete with other private entities, within the rest of *Rabat*.

Furthermore, revenue generating leisure, recreation and tourism support facilities within *Rabat* should also be exclusively located within the project area.

#### 14.9.6 Rundle Gardens

The area immediately due east of the Gozo Communal Centre site is occupied by Rundle Gardens. Although located close to the centre of *Rabat* and being the only substantially sizeable garden in Gozo, this area suffers from a lack of visitor patronage. To this effect it is essential to render the garden more visually accessible to the surrounding streets and to promote the upgrading of its image and the facilities that it offers. Interventions which could contribute to this effect include the removal of the existing boundary wall and its replacement with a sensitively designed iron grille that permits access through a number of points. Steps and ramps at strategic points could enhance the external image. There may also be scope to create a small kiosk in a suitable location at the periphery of the garden.

**GZ-Rbat-6: MEPA shall favourably consider proposals to promote public access to Rundle Gardens through sensitive interventions which:**

- a) attract pedestrian access from the surrounding areas;
- b) introduce measures to promote visual access from the surrounding area;
- c) upgrade the hard-landscaping features and create additional landscape architectural interest;
- d) create facilities which promote orientation within the garden and the surrounding areas;
- e) install well-designed interpretation panels within the garden;
- f) introduce additional garden furniture;
- g) introduce low level, low power downlighting; and
- h) provide easier access to persons with special needs.

**Sensitivity in design, attention to scale and detail as well as respect for the existing mature garden, are paramount in importance toward the upgrading of this green lung. Furthermore, the provision of local plan policy **GZ-RECR-3** should also be taken into account.**

#### 14.9.7 Education Facilities

There are a number of educational facilities in *Rabat*. Most of these are restricted from expanding by surrounding built-up areas or development. The primary school at *Triq il-Vajringa* is confined by development but there is scope to safeguard an area due south of the school for potential future expansion. There is only one public secondary school complex in Gozo. Upgrading of schools is restricted by roads on the northern and southern flank and by residential development on the eastern and western flanks. In the scholastic year 2000-2001, the secondary school population at the Rabat complex (including sixth form) was 2,732. By the end of the local plan period, the figure is envisaged to increase to a maximum of around 3,100 pupils.

**GZ-Rbat-7:** In line with the policy GZ-HTLM-1 the provision of an additional floor for the school area as indicated on **MAP 14.9-A** may be considered by MEPA for the provision of additional school facilities (including ancillary sports facilities).

#### 14.9.8 Health

The main health facility in *Rabat* is the General Hospital. The current extent of the hospital grounds is envisaged to be able to cater for all the upgrading needs in the foreseeable future. Therefore this area shall be safeguarded for this use. A health centre is also located in *Triq Dr. Anton Tabone*. This centre is deemed insufficient for the current and future requirements. However, this problem will be addressed through its planned relocation to the Gozo Communal Centre.

By the end of the Local Plan period, around one fourth of the population of Gozo is envisaged to be over sixty years old. An increase in demand for geriatric intensive care is also envisaged due to an increase in life expectancy during the same period. The current intensive geriatric care facilities currently lie within the Gozo General Hospital complex. This is a sensible approach as the two functions are complementary.

**GZ-Rbat-8:** The area around the Gozo General Hospital, as indicated on **MAP 14.9-A**, will be safeguarded from development to cater for future expansion of the hospital. In future upgrading proposals, additional development should be steered away from the eastern escarpment. The main intensive geriatric care facilities for Gozo shall continue to be located within this complex.

#### 14.9.9 Traffic Calming & Environmental Improvements

Information from various traffic surveys indicates that the majority of movements in the centre of *Rabat* have origins or destinations, or both in the capital. The actual volume of traffic passing from east to west (and vice versa) on a typical summers day is modest, being about 300 vehicles per hour (v.p.h) (two-way). Therefore most of the current traffic problems are associated with circulating traffic and poor design and control of key junctions.

Nevertheless, a number of road improvements are proposed that would provide suitable alternative routes to some motorists, and reduce flows in the centre of *Rabat*. These would be complemented by junction improvements and revisions to the existing one-way system, so as to control and improve circulation.

The current parking problems in *Rabat* result from a lack of management and control and a shortage of spaces at peak times in the most attractive locations. The situation will be greatly improved by building a new underground car park near the centre, and introducing on-street parking controls.

There are a number of potentially very attractive public spaces in the UCA, and embellishing these would be of great benefit to residents and visitors. The above measures will facilitate such improvements by removing or reducing traffic flows, and by providing alternative parking facilities.

As part of the development of the Gozo Communal Centre the existing bus terminus will be redesigned. It will occupy less space, but its layout will be more space efficient. Facilities for passengers will be improved, and it is proposed that real time departure information will be provided.

A pedestrian link is proposed to improve access from the bus station and new car park to the centre of the UCA. This will be achieved as part of redevelopment proposals. The southern end of Main Gate Street is very narrow and conditions for pedestrians are very poor. A new footpath link between *St Francis Church* and *Triq Gorg Borg Olivier* would help overcome this problem. It would also be possible to assist buses that travel against the one-way traffic flow in this section of road by introducing traffic signals with selective vehicle detection.

The proposed South Eastern Relief Route can be established by utilizing the road that runs adjacent to the large greenhouse complex at *it-Taflija*. A gate situated part way along this road will need to be removed and junctions at each end will require some improvement.

- GZ-Rbat-9: MEPA will support the introduction of comprehensive measures to reduce congestion, improve parking, and significantly upgrade the environment within the Rabat UCA. These measures will include:**
- a) extension of Triq Viani to form a link between Triq F. Mizzi and Triq Marsalforn;**
  - b) construction of the schemed road that links Triq Dawret is-Sur with Triq Forn il-Gir;**
  - c) widening the western section of Triq Dawret is-Sur;**
  - d) modifications to the one-way system, particularly in Triq Puturjal, Triq N. Cremona, the top part of Triq il-Kapuccini, and Triq L-Exchange;**
  - e) undertaking junction improvements at key sites;**
  - f) introduction of traffic calming measures where appropriate to safeguard and improve road safety;**
  - g) introduction of a Controlled Parking Zone (CPZ) in and around the central area;**
  - h) construction of an underground car park as part of the Gozo Communal Centre;**
  - i) improving the design of the bus terminus and upgrading its facilities;**
  - j) pedestrianisation of *Triq ir-Repubblika* (with service access) west of *Triq Puturjal*;**



- k) undertaking embellishments in *Pjazza San Frangisk*, *Pjazza San Gorg*, *Pjazza Savina* and *Pjazza Santu Wistin*;
- l) provision of new pedestrian links between *Triq Puturjal*, *Triq Palma* and between *Pjazza San Frangisk* and *Triq Gorg Borg Olivier*; and
- m) establishment of a relief route between *Triq l-Imgarr* and *Triq ix-Xewkija* to allow motorists living in the southern part of Rabat to avoid passing through the centre of town.

These measures are shown on **MAP 14.9-B**.

#### 14.9.10 Belvedere at Triq l-Arcisqof Pace

An existing belvedere at the *Triq L-Arcisqof Pietru Pace* (near the area known as *Ta' Librak*) presents an opportunity to a long distance view along an otherwise almost totally built-up streetscape. This spot also includes an excellent opportunity to view *Cittadella* from the south-eastern flank. However, this belvedere is being threatened by development which could block the view through the utilization of the difference in levels between *Triq L-Arcisqof Pietru Pace* and *Triq Giorgio Borg Olivier*. Therefore, the height of development due north of the belvedere at *Triq L-Isqof P. Pace* should be limited so as not to block the relevant views.

**GZ-Rbat-10:** The height of new development within the area indicated on **MAP 14.9-C and D** shall be limited so that no point on the built structure (including roof structures) is higher than a level which is at least two (2) metres below the existing finished floor level of the belvedere at *Triq l-Arcisqof Pietru Pace*.

## 14.10 San Lawrenz

### 14.10.1 Introduction

*San Lawrenz* lies on the westernmost part of Gozo, lying due south of *Gharb* and due west of *Kercem (Ta' Kercem)*. The settlement is dominated by the parish church, which is visible from many areas in western Gozo. The central part of the settlement has retained much of its charm and character, with the modern development tending to occur due west and south of the main church. A string of modern development has also taken place toward the eastern flank of the church along *Triq San Lawrenz*. A modern hotel and resort has also been constructed due east of the main settlement. Extensive tracts of agricultural land surround the settlements.

### 14.10.2 Qawra/Dwejra

The western area of *San Lawrenz* is a geologically, ecologically and scenically very sensitive area and has been indicated by the Structure Plan as a candidate World Heritage Site. The area is also frequented by many tourists and is especially popular with divers. However, this very sensitive area is surrounded by a string of quarries which detract from the considerable scenic qualities of the area.

The *Qawra* area (Inland Sea) is encircled by a conglomeration of boathouses. Some of these have been in existence for more than 40 years. However, the original group gradually extended outwards. By the late 1990's, the buildings had created a considerably larger impact in a very sensitive area. The matter is exacerbated by a large unorganized parking area littered with spalls. It is important that whilst enforcement action is taken against the structures built after 1992, the rest of the structures should be integrated within the very sensitive context through a management plan for the area. This management should not only reconcile traditional human activities with the considerable natural attributes of the site but should also create the necessary institutional structures to effectively and sustainably manage the areas, preferably with a revenue generating mechanism to maintain and upgrade this very sensitive site in line with MEPA's approved Qawra/Dwejra Heritage Park Action Plan (2005).

**GZ-Slwz-1:** The area indicated on **MAP 14.10-E** shall be designated as the *Qawra/Dwejra* Heritage Park and shall be afforded protection as an Area of Ecological Importance, a Site of Scientific Importance, an Area of Archaeological Importance and an Area of High Landscape Sensitivity. A Management Plan has been approved by MEPA for this area, namely the Qawra/Dwejra Heritage Park Action Plan (2005). The area shall be managed according to the provisions of clauses 15.34 to 15.40 of the Explanatory Memorandum of the Structure Plan and according to criteria of the World Conservation Union (IUCN) and as a candidate World Heritage Site.

To this effect, a Management Board has been set up under the coordination of MEPA, so as to oversee the implementation and the subsequent review of the Management Plan. The Management Plan for the area addresses issues such as responsibility for management, maintenance and upkeep, interpretation facilities, organization of land-use activities and monitoring of changes and their impact.

**GZ-Slwz-2:** MEPA shall favourably consider proposals to attenuate the negative environmental impacts at Qawra and Dwejra. Requests for development permission for such development shall be in accordance with the detailed approved Management Plan for the area namely the Qawra/Dwejra Heritage Park Action Plan (2005) as referred to in policy **GZ-Slwz-1** above.

The erection of additional boathouses or other permanent structures shall be prohibited in this area. There shall also be a general presumption against the introduction of utility services in this area.

*It-Torri tal-Qawra* lies due east of *il-Bajja tad-Dwejra (Il-Port)*. This tower has recently been restored but no specific function has been assigned to it. The feasibility of utilizing the tower as an interpretation centre has a number of advantages. First, the tower is located on a vantage point with clear views of the two nearby bays and the surrounding geomorphology. Secondly, the building itself has historical value and therefore is an attraction on its own.

**GZ-Slwz-3: Proposals to utilize it-Torri tal-Qawra as an Interpretation Centre for the Heritage Park shall be given favourable consideration provided that:**

- a) apart from restoration and upkeep, structural interventions on (and around) the Tower shall be strictly limited;
- b) pedestrian access to the Tower shall be improved but the design and materials used should be very low key and should integrate with the surrounding natural terrain; and
- c) the imaginative intervention should not be dependent on the use of water or electricity from the public utility network.

#### 14.10.3 Quarrying

Quarrying in the *San Lawrenz* Local Council area represents an eyesore, which substantially degrades the very picturesque qualities of this area. Given the sensitivity of the site and the provisions of Structure Plan policies **MIN 5, RCO 4, RCO 35, RCO 36** and **RCO 37**; additional quarrying activity in the area shall be considered as being incompatible with the environmental qualities of the locality.

**GZ-Slwz-4: The rehabilitation of disused quarries through infill and subsequent conversion to agriculture shall be encouraged in the San Lawrenz area. There shall be a general presumption against the lateral extension of quarries in this area, except for extensions directed away from the Qawra/Dwejra Heritage Park area (provided that the extensions do not infringe upon other protected areas and sites) and screened from long distance views into the site. All such extensions shall be subject to an Environmental Impact Assessment.**

#### 14.10.4 Recreational Facilities

Recreational facilities in *San Lawrenz* are rather undeveloped. Apart from using the school grounds after office hours, there is the possibility of using the area due southwest of the primary school (currently reserved for the school extension) as a public urban recreational area. This is possible because the existing school facilities are envisaged to suffice beyond the life-time of the local plan. Hence no additional land for school extension needs to be reserved. The location is also ideal as recreational activities can be coupled to the curricular and extra-curricular activities being undertaken within the school. Additionally, the Local Council has requested a small patch of land for a playing

field on the western flank of *Triq Nicholas Monsarrat* opposite *Triq Dun S. Portelli* has been identified as a formal recreational area to serve the needs of the new housing estate nearby. Given that it is impossible to accommodate the playing field within the Development Zone, a small tract of land adjacent to the Development Zone boundary is being identified for this purpose. This is compatible with the objectives of Structure Plan policies **SOC 23-25** as well as policy **REC 1**.

**GZ-Slwz-5:** The area at San Lawrenz due south-east of the existing primary school (shown on **MAP 14.10-A**) is being designated as a public recreational area. This area shall be developed according to the provisions in local plan policy **GZ-RECR-4**

Additionally, a small parcel of land ODZ touching *Triq Nicholas Monsarrat* and opposite *Triq Dun S. Portelli* is also being proposed as an open-air formal recreational area (also shown on **MAP 14.10-A**).

#### 14.10.5 **Ras il-Wardija Archaeological Site**

The archaeological site at *Ras il-Wardija* lies close to the south-western extremity of the Island of Gozo. Although very important from an archaeological point of view, many visitors are unaware of its existence. This condition is supported by the absence of signage that leads to the site. There is scope to upgrade the pedestrian access to the proximity of the site and to install appropriate interpretation panels to enhance the visitor experience to the site. However, it must be borne in mind that trampling on archaeological sites has its negative consequences. Features in archaeological sites have been known to suffer from extensive degradation as a result of mass visitation. Therefore, it is important to convey to the visitor the sense of place without actually having to trample onto the feature. This may be achieved through appropriate direction of pedestrian traffic onto designated sensitively designed passageways in order to maximize the experience while minimizing the damage. Account must also be taken of the fact that this area is ecologically and scenically very sensitive.

**GZ-Slwz-6:** The archaeological site at Ras il-Wardija (shown on **MAP 14.10-E**) shall be protected in view of its considerable archaeological, ecological and scenic value. There shall be a general presumption against any form of development which may adversely affect the natural setting of this site.

Well-designed pedestrian access to the area (preferably utilizing existing pathways) is encouraged as is the use of limited, sensitively designed and unobtrusive interpretation panels to enhance the educational experience of the area. These interventions shall be subject to development permission.

## 14.11 Sannat

### 14.11.1 Introduction

The settlement of *Sannat (Ta' Sannat)* lies about 1km due south of *Rabat*. The settlement has grown along the routes, which radiate from the central square, with newer development tending to occur on tracts near the edge of the settlement. Most of the older part of the settlement has retained its original charm although there have been a number of interventions which are definitely out of place.

A hotel lies due east of the main settlement. The main square is dominated by the church, which is visible from many areas around *Sannat (Ta' Sannat)*. Like many other settlements in Gozo, *Sannat (Ta' Sannat)* is surrounded by extensive tracts of agricultural land. However, a sizeable tract of garrigue occurs in the area due east of the hotel.

One of the deepest and more picturesque valleys in Gozo defines most of the north-eastern front of the local council boundary. The mouth of the valley terminates at *Mgarr ix-Xini*, a popular pocket beach on the southern coast of Gozo. This valley was scheduled in late 2001 for its unique ecological, geological and landscape qualities.

### 14.11.2 Social and Community Facilities

The main recreational facilities at *Sannat (Ta' Sannat)* lie due north of the settlement. The largest area is occupied by a football pitch which lies adjacent to a playing field. Unfortunately, these recreational facilities are severed from the rest of the settlement by a carriageway, which leads to nearby *Munxar*. Apart from traffic calming measures needed to render pedestrian traffic safer, there is also scope for upgrading of the existing facilities and to introduce visual mitigation measures around them.

**GZ-Snat-1: Proposals for the upgrading of the sports and recreational facilities at *Sannat (Ta' Sannat)* shall be favourably considered provided that:**

- a) any built facilities above ground are kept to the barest minimum;
- b) any proposal for limited lateral extension has to be strongly justified;
- c) any intervention has to be accompanied by visual mitigation measures around the perimeter of the football ground through soft landscaping; and
- d) the intervention has to be coupled with traffic calming measures at the intersection between *Triq Sannat* and *Triq Marziena*.

### 14.11.3 Ta' Cenc

Structure Plan policy **TOU 10** states that *Ta' Cenc* will be developed as a multi ownership tourism hotel development as well as a “national park”. To this effect, a number of submissions and studies have been undertaken in consultation with the MEPA so that the provisions of this policy are implemented. Apart from the detailed provisions of the development, a number of fundamental points have to be observed in the

development of this area. These are aimed mainly to provide free and unhindered public access around the coastline, to limit development in the lower part of the plateau (near *Mgarr ix-Xini*), to protect the wealth of archaeological, scenic and ecological heritage at the top of the plateau and to sensitively merge the resultant development with the surrounding landscape. Care should also be exercised in terms of restricting as much as possible the height limitation and to steer development away from the coastal cliffs and the southern escarpment.

**GZ-Snat-2:** The area known as Ta' Cenc and indicated on **MAP 14.11-E** shall be developed according to the provisions of Structure Plan Policy TOU 10.

In determining applications for planning permission, MEPA shall have regard to the following points:

- a) safeguard the wealth of archaeological, ecological and scenic heritage found at the top of the plateau from built development, trampling and tipping;
- b) restrict the tourism related development on the eastern flank of the promontory;
- c) encourage the upgrading of the existing facilities near the hotel provided that development of tourism related or other facilities are maintained at a minimum distance of 50m from the coastal cliffs and sufficiently away from the northern escarpment;
- d) safeguard the area indicated on **MAP 13.6** for free and unhindered coastal access;
- e) protect a pedestrian path shown on **MAP 14.11-E** running parallel to the northern carriageway route which links the hotel to the Villa Area for free and unhindered public access;
- f) ensure that the overall height of the development does not increase in the area closest to the northern escarpment or the coastal cliffs;
- g) restrict development within 50m of the inland most tier of the coastal cliffs anywhere along their length; and
- h) prohibit developments and/or activities that may negatively affect the colonies of breeding seabirds in the cliffs below Ta' Cenc. This includes both land-based and sea-based activities.

## 14.12 Xaghra

### 14.12.1 Introduction

*Xaghra* lies on top of a plateau, which overlooks the plain to the south and a number of promontories and valleys on the north. The skyline of the settlement is dominated by the parish church which is visible from many areas in central Gozo. A windmill with sails overlooks the eastern side of the settlement. A significant proportion of the older part of

the settlement has retained the traditional characteristics which render Gozitan settlements so appealing. Modern development tends to occur towards the edges of the settlement and tends to stride along the carriageways. The edges of the settlement command long distance panoramic views which on the southern flanks stretch all the way to mainland Malta.

A significant proportion of *Xaghra* is surrounded by cultivated clay slopes. The nearest settlements are *Nadur* on the East, *Xewkija* and *Rabat* on the south-west and *Zebbug* and *Marsalforn* to the north-west. Most of the issues raised by the Local Council and other entities are common to other Local Councils and therefore have been addressed in the General Policies section. Apart from *Ggantija*, the other main concern was with the waste tip. This has been addressed in the section on utilities.

#### 14.12.2 **Archaeological Heritage**

Very important archaeological areas and sites occupy substantial areas of southern *Xaghra*. Many of these sites are scheduled and *Ggantija* has a World Heritage Site status. It is therefore imperative not only to conserve these monuments and protect them from incompatible development but also to present them in a way which increases their appreciation without decreasing any of their architectural, historic or contextual qualities.

The temples at *Ggantija* are amongst the most visited sites on Gozo. Whilst visitation is very important in terms of revenue generation, degradation resulting from high visitation levels is often reported. Hence, the strategy should indicate visitation management which enhances the experience whilst directing the visitors towards the less vulnerable areas.

The context within which the monument is set cannot be given enough importance. The context of an archaeological monument gives important clues relating to the existence of the monument and the rationale behind its construction and function. It is therefore imperative to give as much attention to the conservation of the context as to the conservation of the monument itself.

**GZ-Xghr-1: Structure Plan policy ARC 3 gives priority to the preservation of important archaeological sites whilst Structure Plan policy ARC 4 specifically designates Ggantija as an Area of Archaeological Importance.**

**The Ggantija Temple and its context shall continue to be given the requisite protection, which reflects its scheduling and World Heritage Site status.**

**To this effect, development allowed between the temple precincts and the boundary of this area (shown on **MAP 14.12-A**) shall be limited to traditional cultivation and maintenance of structures such as rubble walls and other traditional agricultural features. The erection of greenhouses, animal farms, cloches, wind pumps and other such modern agricultural features shall not be permissible in this area.**

Special attention shall also be given to new development which is proposed for the edge of the Development Zone overlooking the Ggantija Area of Archaeological Importance.

**GZ-Xghr-2:** MEPA shall favourably consider proposals for visitation and interpretation facilities linked with the Areas and Sites of Archaeological Importance in Xaghra (shown on **MAP 14.12-A**), provided that:

- a) the proposal shall be for the comprehensive intervention of the area wherever possible;
- b) the submission shall include a detailed management plan, give evidence of economic feasibility, indicate the time frame for implementation, budgeting, resources, maintenance, and monitoring programmes shall also be included in this plan;
- c) the proposal shall have the endorsement of all the relevant public agencies as well as that of the germane service providers; and
- d) the proposals shall be in conformity with Structure Plan policies ARC 3 and Local Plan **GZ-ARCO-2**.

#### 14.12.3 **Ramla Bay**

*Ramla* is the largest sandy beach in Gozo and is heavily frequented in the summer months by locals and visitors. Apart from its importance as a popular sandy beach, *Ramla* has been scheduled for its ecological importance. However, the conflict that exists between the conservation of natural resources and the use of the beach for recreational purposes demands that the site is managed. A good approach is to formulate a management plan for the area with a special emphasis on the management of visitor flows, a campaign to maintain the beach in good condition, the provision of interpretation facilities and a means of generating revenue so that maintenance and upgrading could be undertaken without resort to public funds. The management of the area also needs a clear line of public accountability based on scheduled targets in a published management plan and a clear indication of responsibility for each line of action. MEPA shall oversee the regulation aspect of this management plan.

**GZ-Xghr-3:** MEPA shall encourage the formulation of a Management Plan that seeks to:

- a) strive to protect the vulnerable habitats found in the area according to the levels of protection afforded in scheduling;
- b) maintain and upgrade the area in a manner compatible with MEPA policies;
- c) propose and implement facilities for interpretation of the area;



- d) indicate objectives, targets, time frames, lines of accountability, budgets, baseline studies and monitoring programmes which shall be made available to the public from time to time; and
- e) propose detailed measures for visitor management.

**The Management Plan shall be subject to terms of reference, approval and monitoring by MEPA. No new planning permission will be awarded in this area pending the approval by MEPA of the said management plan.**

## **14.13 Xewkija**

### **14.13.1 Introduction**

*Xewkija* lies between the Gozitan Capital and the Harbour. It has a strategic location as it lies adjacent to the route which links the *Mgarr* harbour with *Rabat*. The settlement has grown around an older core, which lies predominantly due west of the parish church. Pockets of modern development also occur interspersed amongst the historic core. An industrial estate dominates the north-western part of the settlement. In this respect, *Xewkija* is unique amongst the other Gozitan settlements. There is also the Gozo stadium, the largest cemetery complex in Gozo and the government experimental farm immediately due north of the industrial estate. A horse-racing track lies near the north eastern boundary of the Local Council.

### **14.13.2 Industry**

*Xewkija* has the only sizeable area in Gozo, which includes areas designated for industry. These areas need to continue to be safeguarded for such use. Structure Plan policy IND 3 indicates a site west of *Xewkija* as a candidate site for new industrial development. Although existing studies have indicated that manufacturing industry in Gozo is unlikely to require additional land, sites need to be identified for the relocation of small and medium size industries which are deemed incompatible with residential uses. Furthermore, space needs to be reserved for the location of future enterprises.

**GZ-Xwkj-1: The land indicated on **MAP 14.13-A** shall be earmarked for Large Scale Industry. The existing green areas around the factories shall continue to be retained as buffer areas with soft landscaping.**

**In the eventuality that the configuration of a new factory is such that encroachment onto an existing factory building green side curtilage is envisaged, a corresponding amount of green space needs to be found within the industrial area and the relative landscaping should be effected at the developer's expense.**

**Notwithstanding the provisions of the above, there shall be a strong presumption against built development in the olive**

grove and afforested area due north of the industrial estate (see **MAP 14.13-A**).

**Industrial areas due west of the Large Scale Industry site, shall be designated as areas for Micro-Enterprises (see **MAP 14.13-A**). These sites shall accommodate small and medium-scale industrial units. On one of these sites that directly faces the residential area, an offices buffer area is planned between the industrial and residential land uses to protect the amenity of the residential area.**

### 14.13.3 Sports Facilities

The sports complex at *Xewkija* is one of the main sports facilities in Gozo. Given that these facilities lie along an arterial route it is deemed reasonable to allow only upgrading of the existing facilities as opposed to lateral extension or intensification of use. The stadium already creates circulation problems on week-ends when games are being played. To this effect, there may be scope to consider temporary re-routing of traffic between the harbour and Rabat through a temporary detour which passes through the *Xewkija* industrial estate.

- GZ-Xwkj-2: The land indicated on **MAP 14.13-A** shall be designated for the Gozo Stadium. Proposals for limited upgrading shall be favourably considered provided that:**
- a) the intervention will not result in lateral spread of development or increase in height;**
  - b) the mature vegetation at the periphery of the Stadium is retained;**
  - c) there will be a strong presumption against development to facilitate vehicular circulation (in or out of the Stadium) through the arterial route (i.e. Mgarr Road);**
  - d) optimization of use of the space beneath the seating area or the football pitch will be given favourable consideration provided that the use will not directly or indirectly infringe upon the conditions above; and**
  - e) there shall be a presumption against the positioning of adverts which can be viewed from Mgarr road.**

The Gozo Racecourse Track occupies a tract of land some 1 km. due north of *Xewkija*. The facilities are flanked by an arterial route, which links *Rabat* with eastern Gozo and is mainly surrounded by agricultural land. These facilities are predominantly used on weekends. Given that these facilities are overlooked by higher ground and given that they can be seen from the *Ggantija* Site (a World Heritage Site), mitigation measures to soften their impact on the surrounding landscape are required. There is also scope for better utilization of land through the encouragement of multi-use especially during weekdays. The area enclosed by the racetrack represents considerable inefficiency and could be utilized for other activities. The preferred use is to accommodate other open air sports

within a turfed pitch context. Thus, whilst the horse race activities would be unaffected by visual obstructions, it would be possible to undertake other open air sports activities when the horse races are not taking place. Furthermore, a green pitch would mitigate against the adverse visual impact that the central open space (and the rest of the race-course complex creates when viewed from higher ground. An area to the east of the Track is identified for additional sports facilities and underground parking.

**GZ-Xwkj-3:** MEPA shall favourably consider proposals to utilize the area enclosed by the Gozo Racecourse Track (as shown on **MAP 14.13-A**) for other open-air sports activities provided that:

- a) The provisions of policy **GZ-RECR-6** are fully adhered to;
- b) No structures which interfere with the enjoyment of horse-racing or other obtrusive structures are built on the area enclosed by the Racetrack; and
- c) The area enclosed by the Racetrack shall preferably be turfed.

The area enclosed by the Racetrack is not deemed to satisfy condition b) in policy **GZ-RECR-6**.

Moreover the area outside and to the east of the Racecourse Track as indicated in **MAP 14.13-A** is being identified for additional sports facilities (including an indoor pool complex) with the provision of underground car parking. The building height of the proposed sports related development is not to exceed two floors. Adequate landscaping is to be provided and the proposed access arrangements are to be acceptable to MEPA.

#### 14.13.4 **Gozo Electricity Distribution Centre**

Meetings with Enemalta had also indicated the need for a new distribution centre at *Xewkija* to rationalize the electrical power distribution in Gozo. A site to the west of the *Xewkija* Industrial area has been identified for this purpose.

**GZ-Xwkj-4:** An electricity distribution centre with adequate visual mitigation and an emphasis on soft landscaping is designated at *Xewkija* as shown on **MAP 14.13-A**.

## 14.14 Zebbug (Ghawdex)

### 14.14.1 Introduction

The settlement at *Zebbug* occupies a plateau which planimetrically is shaped like two tear drops joined by a land bridge. It is the highest settlement on the Island of Gozo. Most of the internal parts of *Zebbug* have retained most of the original characteristics. In common with other settlements on plateaux, extensive tracts along the ridge edges have been occupied by modern development that exploits the long distance views. The parish church at *Zebbug* crowns the settlement and is visible from many areas in eastern and central Gozo.

*Marsalforn* lies some 2 km. due east of *Zebbug*. This settlement has developed around a small seaside hamlet but today it is the largest tourist resort in Gozo. Multi-storey apartments dominate the waterfront and most of the newer areas. *Marsalforn* also has one of the highest number of tenements per unit area. *Qbajjar* lies some 500 m. due west of *Marsalforn*. This smaller settlement has also developed with an orientation towards tourism facilities.

### 14.14.2 Marsalforn

As depicted in the general policies, *Marsalforn* is geared towards the tourism industry. Currently, *Marsalforn* is zoned mainly for residential functions with many of the tourism related facilities being concentrated in the vicinity of the hotels and the lower waterfront. In view of the ever-increasing demand for domestic and tourism accommodation, there is scope to review the height limitation at *Marsalforn* to reflect this reality. Thus, together with *Xlendi*, *Marsalforn* will be a dedicated tourism centre to cater for one market niche whilst most of the rest of Gozo will cater for a different type of tourist. It does not make planning sense to create similar modern development in other areas in Gozo. The main reasons are that this goes against Structure Plan policy (i.e. To discourage development outside Development Zones and against the policy objective to encourage intensification of development in existing committed areas as opposed to encouraging sprawl to other areas). Rationalization of the existing built infrastructure therefore makes sense provided that a number of criteria are observed to ensure that a certain minimum standard of development is maintained, that future non-tourism related residential land-use could be accommodated, that the resulting development does not unnecessarily overload the transportation network, that adequate light and ventilation is achieved and that development in certain designated areas is restricted. Furthermore, in all cases, a high quality of development should be ensured both in terms of aesthetic quality as well as in terms of internal accommodation facilities.

- GZ-Zbug-1: The built-up area within the development zone of Marsalforn shall be regulated by a building height of up to a maximum of four floors subject to the all the following considerations being adhered to:**
- a) the proposed development must have a footprint greater than 100 m<sup>2</sup>;**
  - b) the site frontage is not less than 6 m wide. (In the case of frontages on a corner plot, the sum of the frontages must not be less than 20 m.);**

- c) the resulting façade must not have a height which is greater than twice the average distance between the germane façade and the opposite façade; and
- d) the proposal must provide on-site parking to cater for the additional storeys approved after the adoption of the local plan or contribute towards a Commuted Parking Payment Scheme (CPPS) to cover the shortfall in parking spaces (see policy **GZ-Zbug-2**).

In addition to the above, penthouses above four storey buildings will only be permitted if in addition to criteria a) and b) above, the development satisfies the requirements of the DC2005.

#### 14.14.3 Traffic Circulation in Marsalforn

The main requirement in *Marsalforn* is to improve conditions for pedestrians and produce a resort that is safe and pleasant to visit. The streets and public areas adjacent and close to the sea are busy during the summer and there is unacceptable conflict between pedestrians and vehicles that reduces safety and amenity.

*Marsalforn* benefits from having a large car park, situated close to the main point of access, and therefore it is possible to introduce measures to reduce and prevent traffic movements in the most sensitive areas.

Pedestrianisation of part of *Triq il-Port* would create a traffic free environment at the heart of the resort, and allow visitors to enjoy the full range of facilities that *Marsalforn* offers in comfort. Pedestrianisation would be a stimulus to commercial activity. The scheme would need to be designed to take account of servicing needs. Some parking could perhaps be permitted during the off peak season.

In some locations footpath widths are inadequate and these need to be widened to allow pedestrians to stroll in greater safety and comfort. The opportunity also exists to provide outside seating areas for bars, restaurants and similar establishments. Such facilities are popular with visitors and encourage trade and lively activity.

Nearby *Qbajjar* Bay attracts some traffic and currently most of this uses the promenade along *Triq il-Marija*. To discourage this, and to create safer conditions it is proposed that comprehensive traffic calming measures be introduced along this street, and that *Triq il-Qbajjar* be improved to provide an attractive alternative route.

Traffic using this route has to use *Triq il-Mungbell*, which at its narrowest point is some 6m wide with narrow pavements. Whilst this is not ideal, this road is adequate for the volume of traffic that is likely to use it. There is therefore no real justification for the construction of a “southern bypass” to link *Triq ir-Rabat* with *Triq il-Qbajjar*, particularly as it would extend the boundary of development and have significant environmental impact on the slopes of *Tal-Gharejjex*.

At the height of summer, parking demand is high in *Marsalforn*, and exceeds the capacity of the existing 370 space (approx.) car park. Despite the limited period of this

parking deficiency, measures to provide additional spaces would be acceptable, as long as they do not result in an increase in the overall size of the existing car park.

- GZ-Zbug-2:** **MEPA in consultation with the Local Council will strongly encourage schemes to improve road safety, increase pedestrian comfort, and upgrade environmental conditions in the main areas of visitor activity. Measures should include:**
- a) pedestrianisation of the main seafront area (western section of Triq il-Port), and possibly some side streets leading to it;**
  - b) widening pavements to generally create better conditions for pedestrians and also to permit seating outside bars and restaurants;**
  - c) traffic calming measures along Triq Santa Marija and the eastern section of Triq il-Port;**
  - d) environmental improvements at the Menqa car park; and**
  - e) improving the width and alignment of Triq il-Qbajjar (at Ta' Barda) to encourage traffic to use this route rather than Triq Santa Marija.**

**These measures are shown on [MAP 14.14-B1](#).**

**MEPA will permit an increase in the number of parking spaces (possibly by exploiting the difference in level) at the main car park adjacent to Il-Wied Ta' Marsalforn. The provision of additional parking should not entail an increase in height above the existing levels or an extension of the footprint of the car park. Additional soft landscaping should be employed in this area.**

**Contributions from a Commuted Parking Payment Scheme (CPPS) for Marsalforn should be directed towards effecting the improvements indicated in this policy.**

#### 14.14.4 **Il-Qbajjar**

Although *il-Qbajjar* has not developed to the same level of intensity as *Marsalforn*, the impact of modern development is still very conspicuous in this area. Given that this site is surrounded by high quality scenery and that the envisaged tourism related facilities could easily be located in *Marsalforn*, the existing zoning conditions should be maintained. However, subject to approval by the Structure Plan review, there is scope to rationalize development due north of the settlement by gradually decreasing height limitation to fit with the surrounding settlement. This site is currently an excavated area surrounded by a low wall and overlooked by rather unsightly back elevations. It is also envisaged that the seaward public access is maintained and that the sea-ward area be screened by greenery.

- GZ-Zbug-3:** **Subject to endorsement by the Structure Plan Review, an area within the existing excavated area due north of building block at *Triq ix-Xwieni* (see [MAPS 14.14-A1](#) and [14.14-C1](#))**

**shall be developed within the context of an Entertainment Priority Area with a height not exceeding three (3) floors. This development should be a high quality development which utilizes elements of the traditional Gozitan coastal development. Public access between this development and the foreshore should be maintained and a green wedge is being imposed.**

The area due west of *Qbajjar* is heavily frequented by divers. However, in this area there are no facilities which cater for this very popular and lucrative activity. A site has been identified due west of the *Qbajjar* Development Zone to cater for this sport. This site would also serve as a smooth transition between the built up at *Qbajjar* and the carriageway leading to *Zebbug* and which is currently a derelict site. The objective is to accommodate the diving facilities (mainly storage of equipment, changing rooms and showers) in a number of kiosk like facilities in an area which is heavily landscaped. To this effect, the built footprint should be restricted to not more than 10% of the total site area, the rest being planted according to the Guidance on Planting.

**GZ-Zbug-4: The area immediately due west of the Development Zone at *Qbajjar* shall be designated for diver support facilities. The structures shall be built up in a timber kiosk like fashion (according to the design guidance of the Development Control Guidance Policy on Kiosks). The total area of the kiosk like structures shall not exceed 10% of the area being indicated on **MAP 14.14-A1**. The rest of the area shall be landscaped according to the provisions of the design guidance on planting.**

## 14.15 Fontana

Fontana lies due south-west of *Rabat*. In fact, the settlement is physically indistinguishable from *Rabat* since the two settlements are coalesced. A significant proportion of the settlement has retained much of its original charm and thus has an Urban Conservation Area status. The focal point of the settlement is the small church, which locally dominates the skyline.

The main link between *Rabat* and *Xlendi* passes through *Fontana*. This route passes through a rather restricted carriageway. Furthermore, the spring at *Triq il-Ghajn* attracts a number of tourist coaches, which sometimes promotes traffic congestion in the area.

Most of the issues that have been raised by the *Fontana* Local Council and other interested agencies are common to other localities and therefore have been addressed in the section on General Policies. A locality specific issue, which was indicated (by the *Fontana* Local Council) relates to traffic management. Since this issue is also not unique to this particular Local Council the relevant policies have been integrated with transport policies in the General Policies section.





# APPENDIX 1

## Supplementary Interpretation Guidance.

### 1. Introduction

The Local Plan is envisaged to be updated from time to time. In the interim period, a number of criteria are being proposed to help the case officers with the interpretation of policies in cases where:

- a) There is a need to elaborate on existing guidance to simplify interpretation
- b) There is inadequate detailed guidance on the subject matter.

The format of this Appendix is linked to the policy indexing system for ease of reference.

### 2. Relevant Policy – **GZ-URSP 1**

A number of urban design principles are outlined in **DC 2005**. The importance of open urban spaces within a settlement cannot be overemphasized. Apart from planimetric, policy and contextual considerations, local design guidelines assist in the creation of attractive and functional urban open spaces. Therefore, the following design considerations should be borne in mind at the design stage:

- Non-slip finished surfaces should be adopted to reduce the risk of injury especially when surfaces are wet.
- Where applicable, ramps with a gradient not steeper than 1:12 should be adopted to facilitate access to persons with special needs.
- Vandal resistant signage should be employed.
- Maintenance intensive facilities and features are best avoided.
- Seating facilities arranged to encourage social interaction.
- In urban conservation areas, features which respect the architecture of the surrounding urban context.
- Features which promote safe-access to and from the nearby inhabited areas.
- Planting which does pose a risk through pointed foliage or branches. Plants which are dangerous, attract undesirable insects or pests or release unpleasant smells should not be used. Planting should also be designed in such a way as to optimize shading (especially in summer) on seating areas.

- In areas where traffic poses a problem, the public space should incorporate design features which discourage children from leaving the public area. However, the design of the perimeter should ensure a very high level of visual permeability from external areas.(e.g. metal grating fences)
- Where lighting is considered, the luminaries should be efficient, safe, vandal resistant and directed downwards (in conformity with BS 5489 Part 1:1992 or its eventual upgrades). High power floodlighting or globe lamps should be avoided.

### 3. Relevant Policies – GZ-EDGE-1 and GZ-EDGE-2

The edge of a development zone is a very sensitive area from a scenic point of view. This outer part of the settlement, together with the skyline, convey the first critical impressions of a settlement to a visitor on an approach route to the settlement. The situation thus far has been that the urban edge has often been neglected, either because it is formed by the back elevations of dwellings, or because it lies outside Urban Conservation Areas. The situation is rendered more sensitive in areas where the edge of a Development Zone lies in close proximity (or coincides with) a ridge edge.

To this effect, it is important to regulate the facades of buildings which overlook ODZ areas by taking into account some basic guidance on improving upon the outermost “shell” of the settlement. To this effect, the design of elevations overlooking the edge of Development Zones should take into account the following criteria:

- “Puncturing” of the façade with large glazed areas is best avoided as it discords sharply with the traditional skyline. A solid to void ratio of at least 75% (i.e. 3:1) on the external elevations is a good rule of thumb to adopt in such situations. Areas of extensive glazing should likewise be avoided in these sensitive areas. It is a good idea to partition even a modestly sized glazed area with vertical and horizontal frame elements to a size where each glazed panel has an area of around 0.1 m<sup>2</sup>.
- The design of aperture frames is very important. Recessing of aperture frames helps to model the façade by introducing an element of play between light and shade. An aperture frame recessed by at least 10 cm. helps to achieve the desired effect.
- Gozo is blessed with the aesthetic qualities of *franka* stone. When left unpainted or unrendered, *franka* stone weathers beautifully and its qualities are much appreciated, especially by visitors from abroad. *Franka* stone in a skyline and scheme edge treatment context, helps to mellow the transition from the urban to the rural which occurs at the development zone boundary. To this effect facades in unrendered and unpainted *franka* stone are strongly encouraged.
- Long repetition of similar architectural units on the facades may introduce an element of monotony and unless very well designed, are best avoided.

- Continuous horizontal features which stretch from end to end of a property (e.g. Long balconies) should be avoided as they do not constitute a traditional feature.
- Special attention shall be given to the design of external furnishings including railings, lighting fixtures, planters and other non-built structure furnishings applied to the back elevation.
- In situations where the development is not separated from the Development Zone boundary by a carriageway, a back or side garden of at least 3 m. should be imposed in order to achieve a smooth transition between the built structure and the surrounding countryside.

Furthermore, where the height limitation is two floors, an additional floor may be considered in a Development Zone Edge situation. The recessing should be applied according to the guidance provided in the following diagrams.

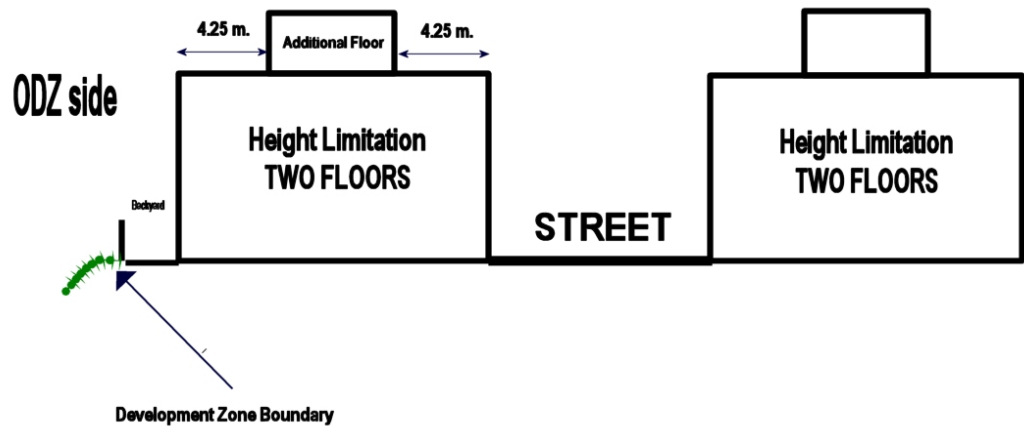


Fig. A1.3a: Development Zone Edge Development flanked by the ODZ side and a carriageway on the opposite side. (Note: The same recessing on both facades is also applicable when there is a road separating the development from the ODZ side).

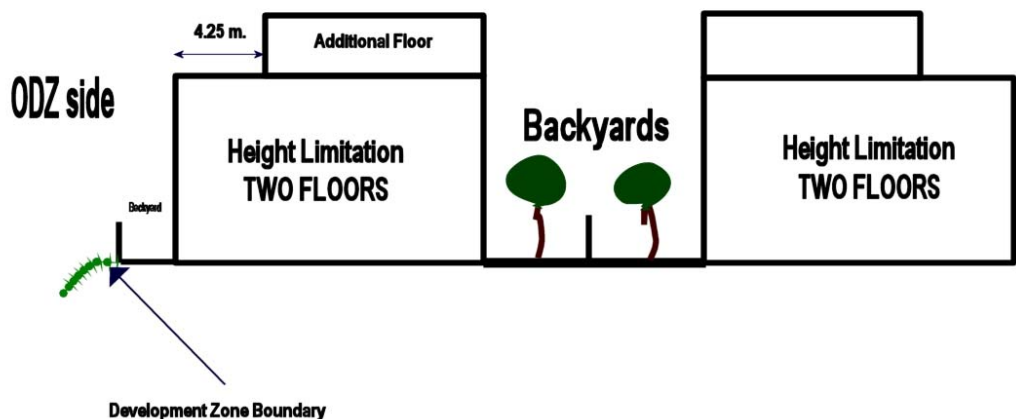


Fig. A1.3b: Development Zone Edge Development flanked by the ODZ side and backyards on the opposite side. (Note: The same recessing on the ODZ facing elevation is also applicable when there is a road separating the development from the ODZ side).

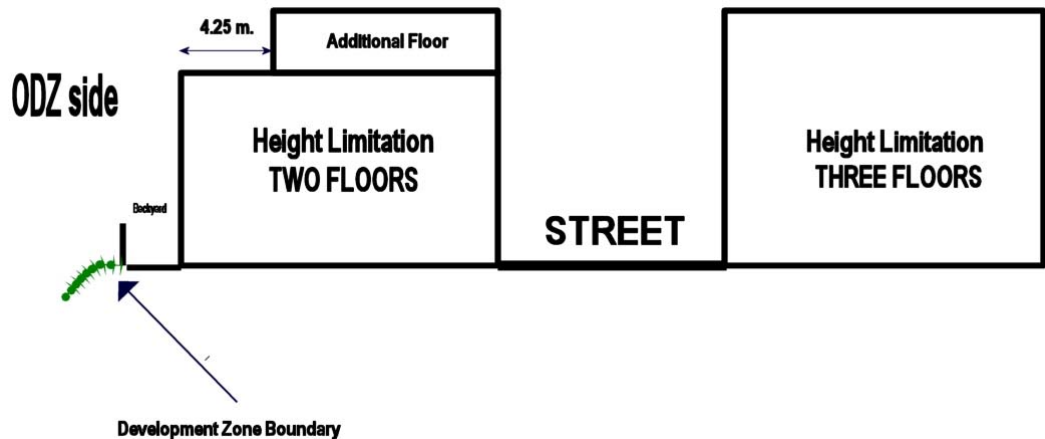


Fig. A1.3c: Same situation as for Fig. A1.3a. but with the building on the opposite side of the carriageway having a height limitation of three floors or more. (Note: The same recessing on the ODZ facing elevation is also applicable when there is a road separating the development from the ODZ side).

#### 4. Relevant Policy – GZ-EDGE-3

In Gozo, there is a tradition (which is very widespread) of constructing small tool sheds at the far end of the back garden. Some of these structures are utilized as domestic storage facilities ancillary to the garden or to accommodate domestic animals. Given the planimetry and topography in Gozo, most of these structures are not visible from the main carriageways or other areas accessible to the public. Therefore, from a townscape point of view, they do not normally constitute a problem. However, there is no detailed policy guidance to regulate this development.

In submissions which include garden structures, the following points should be taken into account:

- The minimum back garden space adjacent to the back elevation of the dwelling shall conform to the requirements stipulated by sanitary legislation. The garden structure shall in no case be closer than 3 metres from the back elevation of the building.
- The structure is not used for residential purposes.

- The footprint shall not be larger than 10 sqm and the maximum external height shall not exceed 2.5 m.
- The external facades shall be in unrendered and unpainted *franka* stone.
- The structure shall not have a parapet wall and access to the roof shall not be allowed.
- The minimum distance between any point on the garden structure and the back garden wall shall not be less than 1.5 m.

The provisions of this policy shall not be applicable to ridge edges as indicated in Policy **GZ-EDGE-2**.

## 5. Relevant Policy – **GZ-EDGE-4**

The outer edges of carriageways which coincide with Development Zone boundaries are often littered with construction debris or other rubbish which gives an unsightly appearance to the edges of a settlement. These areas are seen from long distances and give the impression of dereliction from the approach routes. It is imperative that the outer edges of these carriageways are appropriately treated to soften the transition between the urban edge and rural areas. There is also ample scope to introduce landscaped green strips that also double as pedestrian links between one area of a settlement and an adjacent one. Local councils should intervene to embellish these areas so that the edge of a built up area is given the dignity that it deserves.

Therefore proposals to introduce green strips according to policy **GZ-EDGE-4**, should take into account the following considerations:

- The green strip does not take up irrigated agricultural land
- Have due consideration to features of natural or cultural features in the vicinity (especially scheduled property).
- Does not have the appearance of a formal public garden.
- The design shall use materials, colours and textures which are rustic in character.
- Trees used shall be of an indigenous or archaeophytic type (See Design Guidance on Planting).
- The approach and access routes shall be given due consideration and in areas of heavy traffic, due attention be given to the provision of safety features.

This provision shall not be applicable to ridge edges identified in policy **GZ-EDGE-2**.

## 6. Relevant Policies – GZ-EDGE-1 and GZ-EDGE-2

Attention to the design of facades or intervention on existing elevations is given particular attention in areas such as Urban Conservation Areas UCAs, scheduled building or other built structures identified as worthy of conservation. There are however substantial areas of residential development where design considerations are often considered as unimportant.

To this effect, it is important that apart from all the provisions of the **DC2005** and those indicated in **MEPA's official manual**, the following points should be considered in designs for residential development:

- Unless otherwise stipulated through policy, unrendered and unpainted *franka* is still preferred for use in external surfaces. Cladding in *franka* stone is also considered acceptable. Apart from being rich in colour and texture, weathered *franka* stone is an important constant in the Maltese architectural grammar and contributes positively even to long distance views. Even in tourism related areas such as *Marsalforn* and *Xlendi* and where *franka* stone is not normally employed, the external colour scheme should be a mellow earth colour rather than a stark whitewash.
- Aperture frames constitute an important part of elevational treatment. It is almost invariably better to recess aperture frames rather than having them flush with the façade. Apart from introducing an element of shading which is important in the Maltese climate, the façade is usually better articulated. Louvres constitute an exception to the foregoing but louvres are rarely kept closed and they are backed by recessed windows.
- Doors with a metallic appearance or with extensive glazed areas should be avoided for residential development.
- Windows with large uninterrupted glazed areas are often rather unsightly. It is considered aesthetically more appropriate to subdivide glass into panels subdivided by the members of the aperture frame.
- The use of traditional features such as designed stone balconies, wrought iron balconies, decorated planters, wrought iron lamps and other such traditional features can ameliorate an otherwise unimpressive elevation.
- Mechanical plant, pipe work and cables should be avoided on the façade.

## 7. Relevant Policy - **GZ-SOCF-7**

MEPA has adopted the design guidance approved by the “Kummissjoni Nazzjonali dwar Persuni b’Dizabilita`”. This guidance deals mainly with provisions for design in buildings and areas near to buildings. In addition to this guidance, attention should be given to circulation within urban spaces. During the design stages of urban or civic facilities, the following considerations should be borne in mind:

- The categories of persons with special needs which will benefit from the intervention and how.
- The integration of the intervention with the rest of the urban fabric.
- The manner in which the design will integrate with and improve upon the existing built environment.
- The design will not unnecessarily obstruct other existing or envisaged urban activities (including pedestrian traffic, vehicular traffic, access to buildings)
- The special considerations taken to improve upon safety.

Projects that indicate a holistic approach by indicating improvements throughout the settlement are strongly encouraged and will be given special consideration. These proposals should include a detailed account on the long term phasing of the implementation programme.

## 8. Relevant Policy - **GZ-UTIL-4**

### Note on Small Scale Wind Power Generation on Farms

Sustainable energy generation is in principle a goal which should be endorsed by any modern long-term plan. There are however special considerations to be taken into account especially in sensitive landscapes like the one which prevails throughout much of Gozo and Comino. Apart from the considerations in **GZ-UTIL-4**, there is scope to consider small-scale power for intensive agriculture, animal husbandry and other intensive farming related units (e.g. animal farms, land-based hatcheries etc.) Given that proposals for generation of energy from renewable resources are likely to introduce alien forms, design and texture into the countryside (contrary to the provisions of Structure Plan policy **RCO 4**), it is essential to restrict the likely visual impact arising from such interventions. Proposals for the generation of power on farms from wind energy should therefore strive to conform with the provisions indicated below:

- The mast upon which the rotor is mounted should not be higher than 6 m. above the highest accessible surface of the farm building.
- The rotor diameter should not exceed 4 m.
- There shall be a presumption against having more than one wind generator per farm.

## 9. Relevant Policy - GZ-RECR-1

Rural Recreational Areas and the rehabilitation of degraded landscapes are both (as topics) contemplated by the Structure Plan in policies REC 13, REC 14, RCO 6, RCO 19, RCO 20, RCO 22, RCO 25 and RCO 29. There are therefore possibilities not only to transform existing degraded and dilapidated areas into rural magnets but also to incorporate them into a countryside walkway system and to either regenerate habitats or to create habitats which are compatible with the surrounding scenery and ecosystems.

To this effect, limited facilities for public recreation may be provided, however, these have to take into account some special considerations which are not normally applicable to urban public recreational facilities. The design consideration should give due regard to the requirements not to replicate formal urban facilities in the countryside, to limit structures, to create informal layouts and to have the whole design as if it was part of the natural setting in the first place. Therefore, extensive tarmaced areas, large paved areas, metal structures, finished timber structures, orthogonal layouts, lighting schemes, formal designs in stone and the use of incompatible plant species should all be avoided in an ODZ context. The following consideration should be borne in mind.

- The provision of limited seating facilities may be considered especially in areas which are currently degraded (especially when occupied by construction rubble (refer to Policy GZ-RLCN-6)). The material of this seating shall be in roughly hewn local stone or natural timber (unpainted but protected from elements). Small clumps (each covering an area of not greater than 4 m.2) of seating should be screened from the walking routes or carriageways by vegetation.
- Small car parking facilities (not more than 5 parking spaces) may also be provided on areas which have been degraded (before the year 2000) through the dumping of construction rubble.
- Informal timber (unfinished) seating facilities may be contemplated. In some instances it may be preferable to utilize unfinished *franka* or hardstone slabs (appropriately juxtaposed to each other) to this effect. Again the scale of provision of these facilities should be very limited.
- The finished surfaces of the walkways should be either compacted earth or be designed to appear as dirt tracks.



## 10. Relevant policy - **GZ-RECR-4**

Playing fields are considered to be essential facilities to a community because they provide a local focal point for recreation for the younger members of a community as well as an opportunity for exercise, social interaction (including that of the parents) and the enjoyment of unbuilt urban open space. To this effect, the existing playing field should be consolidated in terms of planning designation and encouragement should be given to the enhancement of the said facilities. However, the upgrading process should not be undertaken at the expense of the open space that playing fields provide and built structures should be kept to the barest minimum.

During the design stages of a playing field, there are a number of features that need to be considered in order to ensure the success of these areas. These include:

- Public toilet facilities with provision for disabled persons and nursing mothers.
- Seating facilities with shelter from the elements. The sheltered area should not be greater than 5% the total site area of the public open space and if located in Urban Conservation Areas, provision of sheltered areas will only be considered if the design complements the surrounding townscape.
- At least 30% of the site area is allocated for the planting of trees.
- A visually permeable fence, which prevents young children from roaming onto adjacent carriageways, shall be installed at the perimeter of the playing field.

In all such cases, the provisions of **Section 4.2.6** of this policy document shall be adhered to.

## 11. Relevant policies – **GZ-ENCL-1 and GZ-AGRI-2**

Some of the greenhouses in Gozo are located in areas which are not ideally located in terms of their adverse impact on the Gozitan landscape. If these greenhouses were given planning permission, extensions to existing greenhouses will only be considered if all the following conditions are satisfied:

- The existing greenhouses is covered with a valid development permit.
- A distance of at least 3 m. is left between the greenhouse structure and the nearest boundary wall.
- The site is not scheduled or qualify to be scheduled.
- The site does not lie on a slope with a gradient greater than 1 in 12.
- The site does not lie on garrigue.

No point of the greenhouse footprint lies closer than 50 m. from ridge edges as indicated in policy **GZ-EDGE-2**

If a proposal satisfies the above criteria, it shall also include a soft landscaping mitigation scheme in trees that are either archaeophytic, endemic or fruit trees (as indicated by the Guidance on Planting). The landscaping schemes shall incorporate the existing as well as the new greenhouses.

Proposals for the location of new greenhouses as indicated in policies **GZ-ENCL-1** and **GZ-AGRI-2** shall also be guided by the mitigation measures indicated above.

## 12. Relevant policy - **GZ-AGRI-3**

Residential Units in areas ODZ – farm dwellings. Apart from considerations indicated in extant policy guidance, the following conditions should be taken into account when considering requests for development permission:

- The external facades should be in unrendered and unpainted *franka* stone.
- Aperture frames shall be in timber.
- The maximum distance between nearest points on the building and the farm should not exceed 15 m.
- Trees should be planted at various points within the curtilage to achieve additional screening. The tree species should be selected according to the Guidance on Planting

## APPENDIX 2

### Details of Proposed Changes to the Development Zone Boundaries as Specified in the Approved Temporary Provisions Schemes

**These changes will be adopted following the formal review of the current Structure Plan.**

**Maps are arranged in pairs (e.g. figure 2.2.1 showing the existing layout whilst figure 2.2.1a shows the proposed new layout).**

## APPENDIX 2a

### Details of Proposed Changes to the Layout and other matters within the existing Development Zone boundaries as Specified in the Approved Temporary Provisions Schemes

**These changes will be adopted following the approval of this local plan. It is important to note that these maps may be modified further during the validity period of this plan subject to the provisions of article 28 (3) of the Development Planning Act 1992 as revised through Act XXI of 2001. It is imperative to check through MEPA on the latest developments on these maps.**

**Maps are arranged in pairs (e.g. figure 2a.2.1 showing the existing layout whilst figure 2a.2.1a shows the proposed new layout).**

# **North West Local Plan**

**Approved Plan**

**July 2006**

**MEPA**

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<b>1.</b>	<b>How to Use the Plan</b>	<b>1</b>
1.1	Introduction	1
1.2	Format	1
1.3	The Policies	1
1.4	Applying the Policies	2
1.5	General Planning Issues and Principles	2
1.6	Sections	2
<b>2.</b>	<b>Introduction</b>	<b>3</b>
2.1	The Legal Background	3
2.2	Relationship of Local Plan and Structure Plan	3
2.3	Non-Statutory Plans and Planning Policies	3
2.4	Period of the Plan	3
2.5	Function of the Plan	4
<b>3.</b>	<b>The North West Area</b>	<b>5</b>
3.1	Introduction	5
3.2	Plan Area	5
3.3	Context within the Island	5
3.4	The Environment	6
3.5	Environmentally Sustainable Development	6
3.6	Environmental Capacity	6
3.7	Strategic Background	7
<b>4.</b>	<b>Strategy</b>	<b>12</b>
4.1	Settlements	12
4.2	Social and Community Facilities	13
4.3	Commerce and Industry	13
4.4	Agriculture	13
4.5	Minerals and Waste Management	14
4.6	Tourism	14
4.7	Recreation	14
4.8	Transport	15
4.9	Landscape	15
4.10	Conservation	15
4.11	Coastal Zone Management	16
4.12	Public Utilities	16

## **Section 1 – General Policies**

<b>5.</b>	<b>Settlements</b>	<b>19</b>
	<b>Urban Settlements</b>	<b>19</b>
	5.1 <b>Introduction</b>	<b>19</b>
	5.2 <b>Policies</b>	<b>23</b>
	<b>Rural Settlements</b>	<b>34</b>
	5.3 <b>Introduction</b>	<b>34</b>
	5.4 <b>Policies</b>	<b>34</b>
<b>6.</b>	<b>Social and Community Facilities</b>	<b>44</b>
	6.1 <b>Introduction</b>	<b>44</b>
	6.2 <b>Policies</b>	<b>44</b>
<b>7.</b>	<b>Commerce and Industry</b>	<b>43</b>
	7.1 <b>Introduction</b>	<b>43</b>
	7.2 <b>Policies</b>	<b>43</b>
<b>8.</b>	<b>Agriculture, Fishing and Aquaculture</b>	<b>54</b>
	8.1 <b>Introduction</b>	<b>54</b>
	8.2 <b>Agriculture</b>	<b>57</b>
	8.3 <b>Fishing</b>	<b>59</b>
	8.4 <b>Aquaculture</b>	<b>59</b>
<b>9.</b>	<b>Minerals and Waste Management</b>	<b>62</b>
	9.1 <b>Minerals</b>	<b>62</b>
	9.2 <b>Policies</b>	<b>63</b>
	9.3 <b>Solid Waste Management</b>	<b>66</b>
	9.4 <b>Policies</b>	<b>67</b>
<b>10.</b>	<b>Tourism</b>	<b>70</b>
	10.1 <b>Introduction</b>	<b>70</b>
	10.2 <b>Policies</b>	<b>71</b>
<b>11.</b>	<b>Recreation</b>	<b>76</b>
	11.1 <b>Introduction</b>	<b>76</b>
	11.2 <b>Land Based Recreation</b>	<b>79</b>
	11.3 <b>Major Impact Sports</b>	<b>86</b>
	11.4 <b>Water Based Recreation</b>	<b>88</b>
	11.5 <b>Coastal Facilities</b>	<b>93</b>



<b>12.</b>	<b>Transportation</b>	<b>98</b>
12.1	Introduction	98
12.2	Improving Accessibility	98
12.3	Assisting Mobility	103
<b>13.</b>	<b>The Landscape of North West Malta</b>	<b>107</b>
13.1	Introduction	107
13.2	Landscape Assessment	107
13.3	Landscape Character Areas	107
13.4	Landscape Quality	108
13.5	Landscape Change	108
13.6	Setting and Interpretation of Landscape	110
13.7	Protected Area Management Categories (I.U.C.N.)	114
13.8	Trees and Woodland in the Landscape	116
13.9	Agriculture in the Landscape	116
<b>14.</b>	<b>Conservation</b>	<b>118</b>
14.1	Introduction	118
14.2	Protection of the Urban Environment	118
14.3	Protection of the Rural Environment	121
14.4	Geology and Geomorphology	122
14.5	Archaeology	124
14.6	Ecology	127
14.7	Hydrology	132
14.8	Trees and Afforestation	135
14.9	Safeguarding the Environment	137
14.10	Countryside Management	139
<b>15.</b>	<b>Coastal Zone Management</b>	<b>141</b>
15.1	Introduction – The Coast	141
15.2	Strategic Background	141
15.3	Coastal Zone	141
15.4	Coastal Zone Management Plan	141
15.5	Marine Conservation Areas	142
15.6	Coastal Cliffs	143
<b>16.</b>	<b>Public Utilities</b>	<b>145</b>
16.1	Introduction	145
16.2	General Provisions	145

## **Section 2 – Area Policies**

<b>17.</b>	<b>Melieha Area Policies</b>	<b>149</b>
17.1	Melieha	149
17.2	Tas-Sellum	161
17.3	Manikata	164
17.4	Ghadira Isthmus	167
17.5	Anchor Bay	172
17.6	Fort Campbell	174
<b>18.</b>	<b>San Pawl il-Bahar Area Policies</b>	<b>177</b>
18.1	San Pawl il-Bahar/Bugibba/Qawra	177
18.2	Xemxija	193
18.3	Burmarrad	201
18.4	Salina	204
<b>19.</b>	<b>Naxxar (Ta’Alla w Ommu) Area Policies</b>	<b>206</b>
19.1	Introduction	206
19.2	Strategy	206
19.3	Policies	207
<b>20.</b>	<b>Mgarr and Zebbiegh Area Policies</b>	<b>214</b>
20.1	Mgarr	214
20.2	Zebbiegh	217
20.3	Gnejna Bay	219
20.4	Ghajn Tuffieha	224
<b>21.</b>	<b>Mdina Area Policies</b>	<b>231</b>
21.1	Introduction	231
21.2	Policies	232
<b>22.</b>	<b>Rabat Area Policies</b>	<b>238</b>
22.1	Rabat	238
22.2	Bahrija	244
<b>23.</b>	<b>Mtarfa Area Policies</b>	<b>246</b>
23.1	Introduction	246
23.2	Policies	247

<b>24.</b>	<b>Dingli Area Policies</b>	<b>256</b>
24.1	Introduction	256
24.2	Policies	256
<b>25.</b>	<b>Zebbug (Rural) Area Policies</b>	<b>258</b>
<b>26.</b>	<b>Il-Buskett Area Policy</b>	<b>259</b>
26.1	Policy	259
26.2	Action Plan	261
<b>27.</b>	<b>Siggiewi (Rural) Area Policies</b>	<b>262</b>
27.1	Introduction	262
27.2	Ghar Lapsi	262
<b>28.</b>	<b>Qrendi (Rural) Area Policies</b>	<b>264</b>
28.1	Qrendi	264
28.2	Hagar Qim	264
28.3	Wied iz-Zurrieq (Qrendi)	266
<b>29.</b>	<b>Zurrieq (Rural) Area Policies</b>	<b>268</b>
29.1	Introduction	268
29.2	Wied Fulija	268
<b>30.</b>	<b>Implementation</b>	<b>271</b>
30.1	Introduction	271
30.2	Means of Implementation	271
30.3	The Implementation Process	272
	<b>Appendices</b>	<b>275</b>
	Appendix A – Implementation	277
	Appendix B – Acknowledgements	284
	Appendix C – Glossary	285

## List of Policies

	<b>Policy No.</b>	<b>Page</b>
<b>Urban Settlements</b>		<b>19</b>
Changes to Development Zone Boundaries	NWUS 1	23
Development in the Absence of Specific Policies	NWUS 2	24
Residential Areas	NWUS 3	24
Residential Priority Areas	NWUS 4	27
Building Heights Limitations	NWUS 5	29
Urban Open Space	NWUS 6	32
<b>Rural Settlements</b>		<b>34</b>
Classification of Settlements ODZ	NWRS 1	34
Category 1 Settlements ODZ	NWRS 2	37
Large Rural Settlements (Category 2 Settlements ODZ)	NWRS 3	37
Small Rural Settlements (Category 3 Settlements ODZ)	NWRS 4	40
<b>Social and Community Facilities</b>		<b>41</b>
Health	NWSO 1	41
Community Facilities	NWSO 2	41
Education	NWSO 3	41
Cemeteries	NWSO 4	42
Provision of Public Civic Facilities	NWSO 5	42
<b>Commerce and Industry</b>		<b>44</b>
Town Centres	NWCM 1	44
Local Centres	NWCM 2	47
Entertainment Priority Areas	NWCM 3	49
Industrial and Warehousing Development	NWCM 4	50
Concrete Batching Plants	NWCM 5	51
Fireworks Factories	NWCM 6	52
Supermarkets	NWCM 7	52
Areas of Containment	NWCM 8	53
<b>Agriculture</b>		<b>54</b>
Protection of Agricultural Land	NWAG 1	57
Abandoned Agricultural Land	NWAG 2	59
Production Units (Sea Based)	NWAG 3	60
Support Land Base for Marine Cages	NWAG 4	61
Hatcheries	NWAG 5	61
<b>Minerals</b>		<b>62</b>
After use	NWMW 1	63
Long Term Quarry Operations	NWMW 2	65
Civic Amenity Sites	NWMW 3	67
Scrapyards	NWMW 4	68

	<b>Policy No.</b>	<b>Page</b>
<b>Tourism</b>		<b>70</b>
New Tourist Accommodation	NWTO 1	71
Rehabilitation or Redevelopment of Existing Tourist Accommodation in Rural Areas	NWTO 2	72
Visitor Attractions	NWTO 3	73
Change of Use or Redevelopment of Existing Tourism Accommodation in Urban Areas	NWTO 4	75
Tourism Zones	NWTO 5	75
<b>Recreation</b>		<b>76</b>
Major Recreation Areas	NWRE 1	79
Touring Caravan and Camping Sites	NWRE 2	80
Horse Riding	NWRE 3	81
Protection of Sports Facilities	NWRE 4	81
Country Parkways	NWRE 5	82
Footpaths	NWRE 6	83
Picnic Areas	NWRE 7	84
Heritage Trail at the Victoria Lines	NWRE 8	85
Chadwick Lakes and Environs	NWRE 9	86
Motorised Sports	NWRE 10	88
Canoeing	NWRE 11	89
Swimming	NWRE 12	90
Jetties, Pontoons and Slipways	NWRE 13	91
Motorised Watersports	NWRE 14	91
Small Boat Sailing	NWRE 15	92
Beach Concessions	NWRE 16	94
Boathouses	NWRE 17	95
Beachrooms	NWRE 18	96
<b>Transportation</b>		<b>98</b>
Providing for Pedestrians and Cyclists	NWTR 1	99
Public Transport Access and Facilities	NWTR 2	100
Traffic Calming Measures	NWTR 3	100
Vehicle Access in the Countryside	NWTR 4	101
Parking Management	NWTR 5	102
Strategic Road Network Improvements	NWTR 6	104
Regrading Roads in the Strategic Network	NWTR 7	105
Junction Improvements on the Strategic Network	NWTR 8	106
<b>Landscape</b>		<b>107</b>
Landscape Conservation	NWLA 1	110
Areas of High Landscape Value	NWLA 2	110
I.U.C.N. Category 3	NWLA 3	114
I.U.C.N. Category 5	NWLA 4	116

	<b>Policy No.</b>	<b>Page</b>
<b>Conservation</b>		<b>118</b>
Urban Conservation Areas (UCA's)	NWCO 1	118
Open Space Enclaves in UCAs	NWCO 2	119
Sites of Scientific Importance (Geological)	NWCO 3	123
Areas and Sites of Archaeological Importance	NWCO 4	124
Protection of Archaeological Remains Discovered During Development	NWCO 5	127
Provisions for AEIs and SSIs (Ecological)	NWCO 6	128
Interpretive Visitor Centres	NWCO 7	130
Bird Sanctuaries	NWCO 8	132
Water Quality	NWCO 9	133
Woodland Conservation Areas and Afforestation Projects	NWCO 10	136
Open Space Gaps (Strategic and Local)	NWCO 11	137
Change of Use & Conversion of Buildings of Architectural or Historic Merit in Rural Areas	NWCO 12	137
Garrigue	NWCO 13	138
Rubble Walling and Giren	NWCO 14	139
Countryside Management	NWCO 15	139
<b>Public Utilities</b>		<b>145</b>
Development of Renewable Energy	NWPU 1	147
<b>Mellieha</b>		<b>149</b>
Regeneration of Derelict Land at Ta' Masrija	NWML 1	150
Land Allocation for Residential Development	NWML 2	151
Villa and Bungalow Zoning	NWML 3	151
Residential Zoning in the Residential Priority Area	NWML 4	152
Parking Management	NWML 5	154
Mellieha Community Residential Home	NWML 6	155
Community Facilities	NWML 7	155
School Extension	NWML 8	156
Site for Social Club	NWML 9	156
Sports Complex	NWML10	157
Protected Areas	NWML11	157
Transition Zone in the Residential Priority Area	NWML12	159
<b>Tas-Sellum</b>		<b>161</b>
Residential Scheme	NWML13	162
Refurbishment of Cemetery	NWML14	163
<b>Manikata</b>		<b>164</b>
Residential Villa Development	NWML15	165
Manikata Protected Sites	NWML16	165
Environmental Improvements	NWML17	165

	<b>Policy No.</b>	<b>Page</b>
<b>Ghadira Bay</b>		<b>167</b>
Strategy for Ghadira Isthmus	NWML18	170
<b>Anchor Bay</b>		<b>172</b>
Anchor Bay	NWML19	172
<b>Fort Campbell</b>		<b>174</b>
Fort Campbell	NWML20	174
<b>San Pawl il-Bahar</b>		<b>177</b>
Parking Provisions	NWSP 1	179
Environmental Improvements	NWSP 2	180
Public Bus Terminus	NWSP 3	181
Foreshore within Commercial Zones (Tourism, Entertainment Priority Area)	NWSP 4	181
Development on the San Antonio Hotel Site	NWSP 5	182
Development of the Dolmen Hotel Site	NWSP 6	182
Comprehensive Scheme on Triq il-Port Ruman	NWSP 7	183
Site for Community Facilities	NWSP 8	184
Development at ix-Xaghra tal-Bandieri	NWSP 9	186
Development Scheme on St. Paul's Street	NWSP 10	186
Re/development Schemes for Villa/Bungalow Sites	NWSP 11	187
St. Paul's Bay Protected Sites	NWSP 12	188
Commercial Use of Promenade and Foreshore	NWSP 13	188
Qawra Coast Development Brief	NWSP 14	189
Access to Shoreline	NWSP 15	190
Site Safeguarded for Recreation	NWSP 16	190
Utilities Provision in St. Paul's Bay	NWSP 17	190
<b>Xemxija</b>		<b>193</b>
Traffic Control at Xemxija Hill	NWSP 18	193
Development along Xemxija Hill	NWSP 19	194
Development of Villa Sites in Xemxija Residential Area	NWSP 20	195
Archaeological Site	NWSP 21	196
Xemxija Yacht Marina	NWSP 22	196
Tourism Scheme	NWSP 23	196
Development on the Fekruna Restaurant Site	NWSP 24	197
Redevelopment of the Mistra Village Site	NWSP 25	198
<b>Burmarrad</b>		<b>201</b>
Area of Mixed Uses	NWSP 26	201
<b>Salina</b>		<b>204</b>
Salina Archaeological Site	NWSP 27	204

	<b>Policy No.</b>	<b>Page</b>
<b>Naxxar - (Ta` Alla u Ommu)</b>		<b>206</b>
Quarries to be Restored	Nwana 1	207
Scheduled Buildings and Areas of Ecological Importance	Nwana 2	208
Great Fault Escarpment	Nwana 3	208
Wied il-Ghasel Valley	Nwana 4	209
Landscape	Nwana 5	209
Buffer Zone	Nwana 6	209
General Industry, Storage, Distribution and Boatyards	Nwana 7	210
Micro-Enterprise Park	Nwana 8	211
Containment of Existing and Industrial Uses	Nwana 9	211
Obnoxious Industry	Nwana 10	212
Highway Improvements	Nwana 11	213
<b>Mgarr</b>		<b>214</b>
Interpretation Facilities for Heritage Sites	NWmg 1	215
Protected Urban Spaces	NWmg 2	215
<b>Zebbiegh</b>		<b>217</b>
Efficient Use of Land	NWmg 3	217
Sports and Recreation	NWmg 4	218
<b>Gnejna</b>		<b>219</b>
Landscape and Conservation	NWGN 1	219
Beach and Dune Area	NWGN 2	220
Swimming Zone	NWGN 3	221
Public Facilities	NWGN 4	221
Fishing	NWGN 5	221
Aquaculture	NWGN 6	222
Boathouses	NWGN 7	222
Slipways	NWGN 8	223
Removal of Encroachments	NWGN 9	223
<b>Ghajn Tuffieha</b>		<b>224</b>
Site for Golf Course	NWGT 1	225
Conservation	NWGT 2	226
Beach and Dune Area	NWGT 3	227
Swimming Zones	NWGT 4	228
Kiosks	NWGT 5	228
Public Access to the Coast and Foreshore	NWGT 6	228
Boathouses	NWGT 7	228
Parking Facilities	NWGT 8	229
Public Toilets	NWGT 9	229
Pedestrian Facilities	NWGT 10	229
Safeguarding the Marine Conservation Area	NWGT 11	230
<b>Mdina</b>		<b>231</b>
Conservation Strategy For Mdina	NWMD 1	232
Consolidation of Business Activity	NWMD 2	232



	<b>Policy No.</b>	<b>Page</b>
Underground Space	NWMD 3	233
Protection of Mdina Skyline	NWMD 4	234
Positive Parking Zone	NWMD 5	234
Drop off Points and Coach Parking	NWMD 6	235
Public Access to Fortifications	NWMD 7	235
Enhancement of Howard Gardens and Environs	NWMD 8	236
Sports and Recreation in Mdina Ditch	NWMD 9	237
<b>Rabat</b>		<b>238</b>
Parking Provision	NWRB 1	239
Excavations within Rabat	NWRB 2	240
Land overlying Catacombs	NWRB 3	240
Facilities for St. Agatha's College	NWRB 4	241
Land for Educational/Community Facilities	NWRB 5	241
Rabat Protected Area	NWRB 6	241
Development within Seminary Grounds	NWRB 7	242
Development within St. Dominic Convent Grounds	NWRB 8	242
Conservation of Triq ic-Caghki Windmill Urban Space	NWRB 9	243
<b>Bahrija</b>		<b>244</b>
Bahrija Protected Sites	NWRB10	244
Site for Primary School	NWRB11	245
Residential Development	NWRB12	245
<b>Mtarfa</b>		<b>246</b>
Conservation of Urban Character	NWMT 1	247
Protected Urban Landscaped Areas	NWMT 2	248
Alterations to Buildings of Architectural Importance	NWMT 3	248
Re-use of Abandoned Buildings of Architectural Importance	NWMT 4	249
School Grounds	NWMT 5	250
Extension of Dar il-Kaptan	NWMT 6	251
New Residential Development	NWMT 7	251
Sports Facilities	NWMT 8	252
Small-scale Workshops	NWMT 9	252
Recreational Area	NWMT10	253
Retention of Afforested Area	NWMT 11	253
Archaeological Remains	NWMT 12	254
Views of Mtarfa	NWMT 13	254
Local Access Road Improvement	NWMT 14	255
<b>Had-Dingli</b>		<b>256</b>
Recreational Facilities	NWDG 1	256
School Extension	NWDG 2	257
<b>Il-Buskett</b>		<b>259</b>
Il-Buskett Action Plan	NWBU 1	259

	<b>Policy No.</b>	<b>Page</b>
<b>Siggiewi</b>		<b>262</b>
Area Policy	NWSI 1	263
<b>Qrendi</b>		<b>264</b>
Hagar Qim Area Policy	NWQD 1	264
Archaeological Park	NWQD 2	265
Wied iz-Zurrieq Area Policy	NWQD 3	266
<b>Zurrieq</b>		<b>268</b>
Aftercare	NWZQ 1	268
Restoration and After use	NWZQ 2	268
Recreational Area at Tal-Gibjun	NWZQ 3	269

## Schedule of Policy Abbreviations

<b>Abbreviations</b>	<b>Policy Topic</b>
NWUS	Urban Settlements
NWRS	Rural Settlements
NWSO	Social and Community Facilities
NWCM	Commerce and Industry
NWAG	Agriculture
NWMW	Minerals
NWTO	Tourism
NWRE	Recreation
NWTR	Transportation
NWLA	Landscape
NWCO	Conservation
NWPU	Public Utilities
NWML	Mellieha
NWSP	St Paul's Bay
NWNA	Naxxar
NWVG	Mgarr
NWGN	Gnejna Bay
NWGT	Ghajn Tuffieha
NWMD	Mdina
NWRB	Rabat
NWMT	Mtarfa
NWDG	Dingli
NWZB	Zebbug
NWBU	Il-Buskett
NWSI	Siggiewi
NWQD	Qrendi
NWZQ	Zurrieq



# 1. How to use the Plan

## 1.1 Introduction

- 1.1.1 The North West Plan area contains the majority of the Island's rural area and associated coastline. It also includes important settlements. Although many planning issues are common to the whole area, the Local Plan also needs to reflect local concerns.
- 1.1.2 The Local Plan consists of policy maps supported by a written statement and other explanatory diagrams. The maps are prepared on a detailed survey base and include an overall map of the Local Plan at scale of 1:80,000, and other maps, at varying scales, indicating various Policy Areas. These maps deal in detail with certain localities of the plan area where pressure for development, redevelopment or extensive environmental damage requires more detailed planning guidance for development control, environmental protection and management.

## 1.2 Format

- 1.2.1 The Plan comprises two sections. **Section One** is the main policy document containing general policies that affect the whole plan area or large parts of it and sets out the guiding planning principles for each topic, for example, settlements, social and community facilities, tourism, conservation, etc. which are then taken forward in the Area Policies in Section Two.
- 1.2.2 **Section Two** deals with different parts of the North West Local Plan area. The Area Policies reflect, as far as possible, the immediate spheres of influence of the settlements, or urban development areas and include detailed site-specific policies. Occasions may arise where, due to special circumstances of a particular site, an area policy may depart from certain aspects of the policy framework established by the topic-based general policies.
- 1.2.3 Section Two considers, in detail, the Local Council areas of Mellieha, San Pawl il-Bahar, Mgarr and Zebbiegh, Naxxar, Mdina, Rabat, Mtarfa and Dingli, together with policies for Il-Buskett, Ghar Lapsi, Hagar Qim, Wied iz-Zurrieq and Wied Fulija.

## 1.3 The Policies

- 1.3.1 Throughout the plan, the planning policies are highlighted in bold type. The rest of the text explains the background to the policies and is known as the written justification.
- 1.3.2 A development proposal will be affected by several Local Plan policies, each dealing with a different aspect of planning, so they need to be read together to appreciate the Plan properly. Where several policies apply to a development proposal, they must all be complied with if the proposal is to be accepted.

## **1.4 Applying the Policies**

- 1.4.1 Section 5(1)(b) of the Development Planning Act 1992, as amended in 2001, states that one of the functions of the Authority shall be “the control of [such] development in accordance with development plans and planning policies approved in terms of this Act. Under Section 33 of the Act, the Authority shall also have regard to representations made in response to the publication of the proposal and to any other material considerations, including aesthetic and sanitary considerations.

## **1.5 General Planning Issues and Principles**

- 1.5.1 When considering any development proposal within the Plan area, this Local Plan should be the main guide for MEPA’s decisions. To avoid repetition of already existing guidance, the development control criteria in the policies of the Plan do not normally cover all possible planning issues arising from a particular development proposal but focus on the core issues. Hence, all other relevant Plans/Policies/Guidance Notes covering topics such as agriculture, conservation, design, traffic and highway safety, sanitary requirements, etc still remain applicable, unless repealed by a specific policy in this Plan. Over and above, good planning practices always remain an important material consideration in any decision on a proposal for development.

## **1.6 Sections (Refer to Map 1)**

### **1.6.1 Section 1 - General Policies**

#### **Section 2 - Area Policies**

- Mellieha
- St. Paul’s Bay
- Salina
- Naxxar (Ta’ Alla w Ommu)
- Mgarr and Zebbiegh
- Mdina
- Rabat
- Mtarfa
- Dingli
- Zebbug (Rural)
- Buskett
- Siggiewi (Rural)
- Qrendi (Rural)
- Zurrieq (Rural)

## **2. Introduction**

- 2.0.1 This Local Plan sets out policies and proposals for land use and development in the North West section of Malta.

### **2.1 The Legal Background**

- 2.1.1 The Development Planning Act 1992 established a Planning Authority and provides that where a Structure Plan has been prepared under the Building Permits (Temporary Provisions) Act 1989, the Authority shall adopt such a Structure Plan as if prepared under the provisions of the new act. The Structure Plan came into force on 29 July 1992. The 1997 amendments to the 1992 Act permit the partial review of the Structure Plan by Parliamentary Resolution provided such review shall not adversely affect rights acquired by any person prior to the effective date of such review (Clause 18(3)). The 2001 amendments retained these provisions, which were used in 2005 to amend policies SET 8 and IND 6 of the Structure Plan.
- 2.1.2 The Structure Plan establishes a strategic framework for land use planning and related development, over a twenty-year period. Although the plan deals with a wide range of environmental and development concerns, and gives overall policy direction, it is necessarily restricted in its treatment of particular localities and the unique problems, which they may face.

### **2.2 Relationship of Local Plan and Structure Plan**

- 2.2.1 To deal with area planning on a detailed basis, and to respond to local issues, the Structure Plan makes provision for the preparation of Local Plans. A Local Plan is to be undertaken “*for any area where the Authority considers that the rate of development or redevelopment cannot be satisfactorily managed, or where special factors cannot be taken into account solely on the basis of the Structure Plan.*” The principal source of policy guidance and control of development therefore remains the Structure Plan, and its partial reviews, and a local plan is subsidiary to and needs to be in conformity with the strategic document.

### **2.3 Non-Statutory Plans and Planning Policies**

- 2.3.1 Since the approval of the Structure Plan several Planning Policies and Guidance Notes and circulars have been prepared/issued by MEPA. They play an important part in establishing planning policies against which decisions can be made, but they are subsidiary documents to the Local Plan.

### **2.4 Period of the Plan**

- 2.4.1 Article 27(2) (h) of the Development Planning Act 2001 requires the Authority to seek final approval of a Local Plan from the Minister responsible for Development

Planning and the Plan shall stay in force for a minimum period of two years following such approval, unless a review is necessitated by a review of the Structure Plan, as required by Article 28(1) of the same Act. Changing circumstances may well require adjustments to the Plan after the minimum period of two years following final approval by the Minister, and such review of the Plan will be undertaken within the legal provisions of the Development Planning Act.

## **2.5 Function of the Plan**

2.5.1 The function of the Local Plan is;

- i. To apply the strategy of the Structure Plan - The Local Plan evaluates the Structure Plan, and indicates how principles, policies and standards will be applied to the local scale. The Local Plan develops the policies and proposals in the Structure Plan, and indicates as precisely as possible development and other use of land.
- ii. To provide a detailed basis for development control - The Structure Plan gives valuable guidance on development control; in some instances this guidance is area specific. The Local Plan refines the Structure Plan policies and allocates sites for particular purposes, defines areas in which particular development control policies will apply, and states standards and other criteria to which development must conform.
- iii. To provide a basis for promoting and co-ordinating development - The Local Plan assists in co-ordinating and promoting public and private development in the areas, which it covers, thus reducing costs of time and money. This is a key role and needs to be emphasised. The Local Plan indicates where private development schemes are encouraged and highlights areas for public sector involvement.
- iv. To bring local and detailed planning issues before the public
- v. To define special areas where detailed management plans will be drawn up and implemented
- vi. To safeguard environmental resources - The local plan identifies environmentally sensitive areas and protects environmental resources through designation, prohibition of damaging development and encouragement of positive intervention, preparation of environmental management schemes, and rehabilitation of degraded areas and sites.



## **3. The North West Area**

### **3.1 Introduction**

- 3.1.1 It is important to have a clear vision of the sort of place the North West Plan Area should be in the future. It is an area, which should be enhanced, whilst protecting its many natural and cultural assets, thus providing a sustainable quality of life.
- 3.1.2 The aspirations of local people for their area, the need for a healthy local economy, and the protection of the environment and heritage, play an important part in the formulation of the plan strategy and policies. Consideration must also be given to those factors that are likely to influence the surroundings and daily pattern of life in the future.

### **3.2 Plan Area**

- 3.2.1 The plan boundary runs roughly from Ghallis Point in the north, to Wied Fulija in the south, and includes all the rural, coastal and settlement areas west of Mosta, Siggiewi and Qrendi, and includes the National Recreation Centre at Ta' Qali.
- 3.2.2 The area has a distinctive rural character, but contains historic towns and relatively modern holiday settlements and is subject to intense pressure in fulfilling its role as a major area for tourism and recreation activities.
- 3.2.3 The main settlement areas which are located within the Local Plan area, are Mellieha, St. Paul's Bay and Rabat. The settlements are important residential and recreational/tourism centres. Apart from the main settlements, there are a number of smaller settlements some of which are closely associated with the agricultural activities in the surrounding countryside. The largest are Mgarr and Dingli, each with a population of over 2,200. Other settlements include Burmarrad, Zebbiegh, Bahrija and Manikata. (Refer to Map 1).

### **3.3 Context within the Island**

- 3.3.1 The area is a major recreational area for the island's resident and visiting tourist population, and is clearly subjected to environmental degradation. It must be a major objective of the plan to protect and enhance the environmental quality of the Plan area which attracts visitors in the first place.
- 3.3.2 The overall social and economic development of Malta and particularly the areas adjacent to the Local Plan area will therefore influence the amount of pressure that the area will be subjected to in the plan period.

### **3.4 The Environment**

- 3.4.1 Recently there has been a growing awareness and concern for environmental matters, water quality, loss of wildlife habitats, flora and fauna, and the quality of urban life. People on Malta are becoming more aware about the environment around them and the need to ensure protection and enhancement of the countryside.

### **3.5 Environmentally Sustainable Development**

- 3.5.1 The Planning System, and the preparation of the North West Local Plan in particular, can contribute to the objectives of ensuring that development and growth are sustainable.
- 3.5.2 Concerns that development might outstrip the regenerative properties and resources of the natural environment are not new. The consequences of the uncontrolled exploitation of raw materials and discharge of waste are now too serious to be ignored. As a result, MEPA wishes to endorse the concept of environmentally sustainable development. The Brundtland Commission (in 1987) defined this as: *“development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs”*.

### **3.6 Environmental Capacity**

- 3.6.1 In planning for environmentally sustainable development, the aim must be to try to understand the limits of acceptable environmental change. This means making judgements about the capacity of the local environment to accept demands upon it without irreversible or otherwise unacceptable loss or damage.
- 3.6.2 Environmental capacity has its roots in ecological principles relating to natural ecosystems and is accepted in relation to air and water pollution where environmental quality and emission standards are well accepted. Standards can also be set for natural habitats, but in relation to the resources of landscape, it is far more difficult to assess areas where there is a need to maintain the overall character and quality of the environment, but not necessarily its exact current make up.
- 3.6.3 The Local Plan designates and protects major areas of the countryside and urban areas for conservation purposes and thus protects their environmental capital. The Plan also assesses the environmental assets of the landscape and provides protection.
- 3.6.4 For environmentally sustainable development to become a reality: -
- i. resources should be safeguarded and handed on to future generations in as good or better order than today; which means that the long term as well as the short term effects of development are considered, and that losses to environmental resources are understood and acceptable;
  - ii. where possible, environmental capacity must be a major consideration in formulating plans.

## **3.7 Strategic Background**

### **Structure Plan**

- 3.7.1 The Structure Plan is the Strategic Plan for the Maltese Islands, and covers the twenty-year period to the year 2010. It is concerned with all aspects of social, economic and physical planning. It is essentially an enabling plan, i.e. "if and when a particular demand arises, this is where and how it should be accommodated". The following paragraphs focus on the key policy directions in the 1990 Structure plan which guided the formulation of this Local Plan.
- 3.7.2 The Structure Plan has three major goals: -
- i. to encourage the further social and economic development of the Maltese Islands, and to ensure as far as possible that sufficient land and support infrastructure are available to accommodate it;
  - ii. to use land and buildings efficiently, and consequently to channel urban development activity into existing and planned development areas, particularly through rehabilitation and upgrading of the existing fabric and infrastructure, thus constraining further inroads into undeveloped land, and generally resulting in higher density development than at present; and
  - iii. to radically improve the quality of all aspects of the environment of both urban and rural areas.
- 3.7.3 A major process of implementation of the Structure Plan is by preparing more detailed plans for particular areas of the Maltese Islands. One such plan comprises the North West Local Plan.
- 3.7.4 The conservation and enhancement of the North West Local Plan area's environment figures strongly in the Structure Plan strategy, and is embodied in its third major goal - "To radically improve the quality of all aspects of the environment of both urban and rural areas".

### **Settlements**

- 3.7.5 One of the Structure Plan goals emphasises the channelling of urban development to existing urban areas and the prevention of the development of undeveloped land outside the defined settlement boundaries.
- 3.7.6 In addition, Policy SET 11 specifies that no urban development is to be permitted "outside existing and committed built-up areas, and primary development areas even where roads and public utilities are available". None of the primary development areas designated in the Structure Plan are within the Local Plan area.

### **Social and Community Facilities**

- 3.7.7 Health - On the basis of the Health Services Development Plan 1986-1990 new health centres will be required in St. Paul's Bay/Naxxar during the Structure Plan period (para. 9.2).
- 3.7.8 Education- Policy SOC 13 seeks "the optimal use of existing education sites and buildings in relation to forecast demographic characteristics. This is to be achieved through Local Plan policies and in co-operation with the Ministry of Education.

- 3.7.9 Care of the Elderly- Policy SOC 18 requires MEPA to collaborate with the Secretariat for the Care of the Elderly and voluntary organisations to identify new sites and buildings suitable for conversion to accommodate day care centres and sheltered homes.

### **Commerce and Industry**

- 3.7.10 The Structure Plan provides limited guidance on commercial development within the Local Plan area. The Partial Review of 2005 of the Structure Plan allows for small service industries by allocating land for micro enterprises but not for industrial development in the North West. Some office development may be acceptable. The Structure Plan makes no provision for major new retail development in the Local Plan area.

### **Agriculture**

- 3.7.11 The Structure Plan adopts a restrictive approach to development in the countryside and specifies those categories of non-urban development which will be permitted outside existing and committed built-up areas. The Structure Plan encourages improvements in agriculture, horticulture, aquaculture and soil conservation. Buildings and structures essential to the needs of agriculture may be permitted in the countryside, subject to strict criteria that they blend with the rural landscape.
- 3.7.12 Aquaculture - Specific policies encourage the development of marine based aquaculture units to make the best use of sea resources, and land-based units to be restricted to industrial estates or disused quarries. However, small units could be located in the countryside provided they comply with the criteria laid down for new agricultural buildings. Emerging national policy on aquaculture could change the context for the Local Plan area.

### **Minerals and Waste Management**

- 3.7.13 The objectives of the Structure Plan strategy are fourfold:-
1. Development in areas where there are valuable but as yet unexploited mineral deposits, will be delayed or minimised;
  2. controls governing the siting, means of operation, and restoration of mineral workings will be extended;
  3. recycling as a means of mineral conservation; and
  4. encouraging alternative sources of mineral supply.
- 3.7.14 There will be a presumption against surface mineral working in or near scheduled or protected areas, and in areas of high quality agricultural land.
- 3.7.15 The Structure Plan states that applications for mineral extraction must contain proposals for restoration to ensure that land affected by quarrying is worked and restored so that it can subsequently be used for some other purpose- such as agriculture, wildlife or recreation. As well as current workings, there is a need to ensure restoration of former quarries.
- 3.7.16 Waste Management-. The uncontrolled disposal of waste materials and the lack of space for disposing at authorised sites create serious environmental problems particularly for any settlement or natural habitats in the vicinity, the quality of groundwater resources and the character of the rural landscape. .

## **Tourism**

- 3.7.17 The Structure Plan identifies the following objectives for tourism: -
- i. Encouraging appropriate tourism while preventing the further spread of tourist buildings and associated facilities outside specific areas committed to such uses;
  - ii. Concentrating energies and further investment to the refurbishment and upgrading of existing facilities.
- 3.7.18 Policy TOU 4 states that new tourist accommodation is to be located within "existing built-up areas by extension and conversion of suitable buildings and the development of infill sites..." and refers to the built up areas of, amongst others, Mellieha and St. Paul's Bay/Bugibba for provision of further tourism accommodation.
- 3.7.19 Policy TOU 9 encourages conversion, extension, and refurbishment of existing buildings in Urban Conservation Areas for tourism purposes provided relevant conservation policies are not infringed.
- 3.7.20 Policy TOU 11 encourages increased accessibility to heritage sites and making them more attractive. The North West Local Plan area offers a huge potential in this respect. The development of such facilities/products should be safeguarded from impacts resulting from other economic activities- construction, industry, quarrying and tourism itself.

## **Recreation**

- 3.7.21 The Structure Plan sets the following objectives for recreation: -
- i. to encourage the provision of opportunities for recreation in a co-ordinated manner,
  - ii. to co-operate with public and private agencies for such provision,
  - iii. to ensure that sites for an adequate range of facilities are included in Local Plans; and
  - iv. to reconcile recreation provision with competing interests.
- 3.7.22 Policy REC 8 instructs the Local Plan to ensure that adequate provision is made for district level sports and recreational facilities.
- 3.7.23 The Structure Plan emphasises that illegally constructed property in coastal areas should be demolished and the sites restored. The Structure Plan refers to boathouses as "insanitary and illegal holiday homes" and recommends in Policy REC 9, the removal of illegal structures along the coastline.
- 3.7.24 The Structure Plan Policy REC 13 encourages MEPA to identify and establish a network of country parkways and coastal and inland rights of way for footpaths, cycle routes and horse riding trails.

## **Transport**

- 3.7.25 The general terms of reference for Local Plans as set out in the Structure Plan include a requirement to "put forward proposals for the improvement of conditions for both vehicular and pedestrian traffic, and vehicle parking.
- 3.7.26 Policy RDS 4 proposes a number of improvements to the arterial road network of relevance to the North West area

- 3.7.27 Policy RDS 7 recommends the extension of pedestrian priority areas "in Urban Conservation Areas, shopping areas, and other areas suffering from the environmental impact of traffic", and Policy TEM 7 recommends traffic calming measures on distributor and local access roads.

### **Conservation**

- 3.7.28 Protection of the Built Environment -. Policy UCO 1 designates Mdina and village core areas as Urban Conservation Areas. Policy UCO 6 states that "within Urban Conservation Areas the basic objective will be to preserve and enhance all buildings, spaces, townscape, and landscape which are of Architectural or Historic Interest" Policy UCO 10 discourages developments which will "adversely affect views of or from Urban Conservation Areas or which detract from their traditional urban skyline. This policy is very relevant to the settlements in the northwest area as most of them are located on high ground. Policy UCO 13 states that "wherever possible, by control or positive intervention, buildings of architectural, historical and townscape importance, gardens, and other areas of architectural or historical interest will be conserved". This policy is especially significant to the Local Plan as a vast majority of buildings and monuments in Mdina as well as several buildings in Rabat fall into this category.
- 3.7.29 Protection of the Rural Environment - The Structure Plan designates the majority of the plan area as a Rural Conservation Area, in order to afford the necessary protection to and enhancement of the countryside.. Within Rural Conservation Areas, sub areas are to be designated for Areas of Agricultural Value, Areas of Ecological Importance, Sites of Scientific Importance, Areas and Sites of Archaeological Importance and Areas of High Landscape Value. Policy RCO 2 states that no form of urban development will be allowed within Rural Conservation Areas, but applications for permission to develop structures or facilities essential to agriculture, ecological, or scenic interests will be favourably considered as long as the proposed development does not infringe the principles set out in the Structure Plan and Local Plan.
- 3.7.30 Policy RCO 16 prohibits any form of permanent construction in sandy coastal areas or the removal of sand or sand binding vegetation from beaches. Policy RCO 28 protects valleys as an important water catchment area and restricts physical development on their sides or watercourses.
- 3.7.31 The Structure Plan Policy MCO 1 identifies five sites around the coastline in the Local Plan area as candidate Marine Conservation Areas for protection.

### **Coastal Zone Management**

- 3.7.32 Policy CZM 3 requires that public access to the coastline is secured.

### **Draft Subject Plans (Minerals and Waste Management)**

- 3.7.33 A Minerals Subject Plan was prepared and approved by MEPA in May 2003, in accordance with Policy MIN 7 of the Structure Plan. The purpose of the plan is to ensure that policy development for the minerals industry has regard to emerging international policy, to provide policy framework to guide future development of minerals on the island and to provide greater detail to the existing and future

Structure Plan minerals policies. Regard has also been made to the Waste Management Subject Plan.

- 3.7.34 Local Plan policies must have regard to the Minerals Subject Plan, and therefore in accordance with the Reclamation Strategy and Policies RES 9-12, the Local Plan is required to identify quarries for after use provided the quarry is exhausted of usable minerals.

## 4. Strategy

- 4.0 *The main strategy of the Local Plan is to protect the natural and man-made environment and the scenic value of both rural and urban areas, provide for economic development needs, accommodate population growth, encourage leisure and tourism and sustain rural communities and agriculture. (Refer to Map 2).*

### 4.1 Settlements

#### Urban Settlements

- 4.1.1 The strategy for urban settlements, by adopting specific land designations, seeks to:
- i. channel the location of businesses (retail, office, entertainment, tourism, industrial) to defined locations within the urban areas which minimise environmental impacts and maximise operational efficiency;
  - ii. protect the amenity of residential areas and enhance community identity by designating Residential Areas and Residential Priority Areas;
  - iii. protect the historic fabric of urban areas by designating Urban Conservation Areas;
  - iv. protect the natural heritage of urban areas by designating Protected Areas;
  - v. upgrade the quality of the urban environment.
- 4.1.2 General Policies and Area Policies have been formulated to take this strategy forward. General Policies are detailed in the chapters on Urban Settlements, Commerce and Industry, Tourism and Conservation. Area Policies are included under Area Chapters.

#### Rural Settlements

- 4.1.3 The strategy for settlements located outside the development zone (ODZ) seeks to:
- i. establish a hierarchy of settlements on the basis of
    - the proximity of each settlement to a main urban area;
    - the scale of the built up area within the settlement;
    - the density and number of dwellings;
    - the character and design of the buildings;
    - the land-use and settlement patterns of each settlement;
  - ii. encourage the consolidation of urban extensions, in close proximity to a main urban area dominated by buildings with relatively recent design characteristics;
  - iii. encourage the consolidation, conservation, and rehabilitation, of relatively large settlements located within the wider rural areas through rural sustainable development without permitting development within them which will lead to the loss of their rural character;
  - iv. encourage the conservation and rehabilitation of small settlements located within the wider rural areas through rural sustainable development which enhances their rural character.



## **4.2 Social and Community Facilities**

- 4.2.1 The strategy for social and community facilities seeks to:
- i. encourage the provision of social and community centres in towns and villages where these are lacking;
  - ii. safeguard land adjacent to existing schools;
  - iii. safeguard land for community homes for the elderly where a need has been identified;
  - iv. promote a greater sense of community among the residents;

## **4.3 Commerce and Industry**

- 4.3.1 The strategy for commerce and industry seeks to:
- i. designate areas for the location of commercial, entertainment and industrial development – a hierarchy of Town Centres, Entertainment Priority Areas (EPAs), Micro-enterprise Parks;
  - ii. encourage commercial development towards the town centres, leisure and entertainment development towards the EPAs and small scale industrial development towards the micro enterprise parks;
  - iii. establish development thresholds for a range of acceptable land uses within the designated areas;

### **Strategy for Town Centres**

- iv. to maintain the vitality and viability of the designated town centres;
- v. to encourage the provision of amenities and facilities supporting the town centres;
- vi. to encourage a pedestrian friendly environment and enhancement of the public realm;

### **Strategy for Entertainment Priority Areas**

- vii. to strengthen and enliven the established entertainment and leisure zones within the urban areas;
- viii. to encourage street activities and pedestrianisation within the entertainment and leisure zones;
- ix. to upgrade the tourism product offer;

### **Strategy for Micro-Enterprise Parks**

- x. to encourage the growth of small industrial businesses away from established residential areas;
- xi. to facilitate the relocation of bad neighbour industrial uses from residential areas.

## **4.4 Agriculture**

- 4.4.1 The strategy for agriculture seeks to
- i. protect areas of agricultural value from inappropriate development;

- ii. facilitate, where possible, the extension of irrigated farm land currently in production, where this can be sustainably achieved without jeopardising other environmental assets;
- iii. discourage the fragmentation of land in order to protect economics of scale;
- iv. facilitate, where possible, an increase in the overall prosperity of the farming industry and the number of people employed in farm related business;
- v. protect and improve the quality of the environmental resources of the countryside;
- vi. support a policy which provides a clearer framework for decision making on applications for farmhouses and agricultural buildings including greenhouses.
- vii. support a policy to prevent pollution from animal breeding, by more stringent controls on the storage and disposal of effluent, and
- viii. assist in the establishment of areas for fish farming.

## **4.5 Minerals and Waste Management**

- 4.5.1 The strategy for minerals and waste management seeks to:
- i. accord with the Structure Plan and the Mineral Subjects Plan policies;
  - ii. promote recycling as a means of mineral conservation through potential location of facilities within quarries;
  - iii. minimise environmental impact; and
  - iv. assist in restoring and identifying uses for disused quarries.

## **4.6 Tourism**

- 4.6.1 The strategy for tourism seeks to:
- i. encourage new tourism accommodation projects and channel them towards the Tourism Zones and the Entertainment Priority Areas of Mellieha and St.Paul's Bay/Bugibba/Qawra and on a smaller scale, towards the Urban Conservation Areas of Mellieha and Rabat, and Mdina as required by the Structure Plan;
  - ii. facilitate the expansion of existing tourism accommodation establishments in urban areas only;
  - iii. encourage the upgrading of existing tourism accommodation establishments both in urban and rural areas;
  - iv. permit new ancillary facilities to the tourism industry which enhance the experience of the visitor and improve the quality of the tourist product such as visitor/interpretation centres, museums, recreation/leisure/entertainment uses, promenades, and to direct them towards established sites for visitor attractions; and
  - v. resist low quality, poorly designed and inappropriately located tourism related development, especially within the established locations for visitor attractions.

## **4.7 Recreation**

- 4.7.1 The strategy for recreation seeks to:
- i. promote regional and national centres for formal and informal recreation which would include both land and water sports.
  - ii. attract recreational activities to sites where the impact on the urban and rural environment would be limited;

- iii. meet demand for recreation spaces by residents in the urban areas and thus provide well-maintained open spaces within walking distance for all sectors of the public;
- iv. give emphasis to the provision of facilities at a local level in the smaller settlements, and sites for sports being directed to the larger settlements;
- v. encourage the better use of existing facilities and a dual use of sports facilities in schools by the public.

## **4.8 Transport**

- 4.8.1 Overall the Local Plan strategy for transport seeks to:
- i. promote schemes that encourage and support cycling and walking;
  - ii. promote public transport and other alternative modes and improve accessibility to all areas for non-car users;
  - iii. introduce traffic management within town centres and commercial areas;
  - iv. manage parking availability through the introduction of controlled parking zones (*CPZs*) and resident parking zones (*RPZs*);
  - v. encourage visitors and employees to utilize public car parks and promote the use of the CPPS funds to introduce developer-led paying public car parks;
  - vi. ensure adequate vehicular access throughout the area; and
  - vii. promote the strategic road network and improve both roads and junctions at key locations;

## **4.9 Landscape**

- 4.9.1 The strategy for landscape seeks to:
- i. conserve and enhance the unique landscape setting of the North West countryside;
  - ii. provide an assessment and adequate measures to protect and enhance the geographical, aesthetic and cultural aspects of the local plan area.

## **4.10 Conservation**

- 4.10.1 The strategy for conservation seeks to:
- i. continue to protect Scheduled and Listed Buildings and Urban Conservation Areas as an on-going exercise;
  - ii. recognise and protect the countryside and coast as valuable natural resources;
  - iii. continue to identify and protect areas of scientific, geological, archaeological and ecological importance;
  - iv. identify and protect environmentally sensitive areas which are being degraded by informal recreation pursuits by providing protection by means of restrictive access;
  - v. protect the quality of freshwater by the restriction of any form of development which causes or may cause pollution;
  - vi. increase public awareness of the effects of indiscriminate dumping on groundwater potable resources;
  - vii. identify, protect and maintain areas of afforestation;
  - viii. encourage “environmental management” in order to resolve conflicts of interest in the countryside.

## **4.11 Coastal Zone Management**

- 4.11.1 The strategy for coastal zone management seeks to;
- i. identify administration areas, i.e. coastal units, in order to allow for a better planning framework where strategic policies correspond to identifiable geographical areas;
  - ii. continue to secure and enhance public access to the coastline.

## **4.12 Public Utilities**

- 4.12.1 The strategy for public utilities seeks to:
- i. encourage the use of underground services;
  - ii. encourage improvements in sewage disposal infrastructure;
  - iii. reduce the consumption of drinking water by, where possible, the substitution of second class water for agriculture and for the hotel industry;
  - iv. support the production of energy from renewable resources.

# **North West Local Plan**

## **Approved Plan**

### **Section 1 General Policies**



## 5. Settlements

### Urban Settlements

#### 5.1 Introduction

##### The Urban Hierarchy

5.1.1 Within the North West Local Plan area there is a clear contrast between the urban settlements and the countryside. The Local Plan identifies a hierarchy of urban settlements on the basis of the following criteria:-

- population;
- the catchment area for shopping;
- the extent to which a settlement provides other services; and
- the location of settlements and their accessibility to other settlements/hamlets.

Position	Type of Urban Settlement	Name of Settlement
1.	Large Urban Settlements	Mellieha
		St.Paul's Bay/Bugibba/Qawra
		Rabat/Mdina
2.	Local Service Centres	Mgarr/Zebbiegh
		Burmarrad
		Xemxija
		Dingli
		Mtarfa
3.	Small Urban Settlements	Bahrija
		Manikata
		Tas-Sellum
		Salina

5.1.2 The large urban settlements are Mellieha, St. Paul's Bay and Rabat and are at the top of the urban hierarchy, while other smaller settlements such as Mgarr (and Zebbiegh), Burmarrad, and Dingli are local service centres and thus follow the large settlements. Salina, Bahrija and Manikata are dominated by the countryside surrounding them and tas-Sellum is a small coastal settlement whose service function is extremely limited; thus they are placed after Mgarr, Burmarrad and Dingli. Xemxija and Mtarfa are satellites of St. Paul's Bay and Rabat respectively and their present size and limited service function will place them in the same category as Bahrija and Manikata. However, the Local Plan is envisaging further growth of these settlements and during the local plan period, their role as a service centre and population will increase.

5.1.3 Rabat and Mellieha are to continue to serve as the main settlements providing community services to their respective hinterland. The commercial and social centre on St. Paul's Street in St.Paul's Bay still serves the local community but the proliferation of retail outlets along this road has resulted in it merging with Mosta Road which contains a higher concentration of retail outlets. The Local Plan aims at increasing the role of St.Paul's Street and Mosta Road as a commercial centre. Thus Secondary Town Centres (Refer also to Chapter 7) for Rabat, Mellieha and St.Paul's Bay for the location of large-scale business uses have been designated and the boundaries are delineated in the area policy maps. The thrust of the local plan to

encourage further residential growth in Bugibba/Qawra necessitated the designation of a neighbourhood centre at Qawra.

- 5.1.4 Mgarr, Dingli, and Burmarrad, are urban settlements having populations over 2000. Their role is predominantly residential and they generally depend on larger settlements in the area for services. In line with their function as minor service centres for the local community and the surrounding rural areas, Neighbourhood Centres (Refer to Chapter 7) have been designated and new retail floorspace will be limited to small/medium scale shops. Office and entertainment uses (bars/cafes/restaurants) will also be accepted in these centres. Entertainment uses are more important for Mgarr and Dingli due to their attraction as focal points for rural recreational activities.
- 5.1.5 Xemxija and Mtarfa are identified as growth areas and the expansion of the business centres will be encouraged by the identification of neighbourhood centres and areas for the location of entertainment and tourism uses. Their role, however, will still remain as local service centres.
- 5.1.6 Manikata and Bahrija are small urban settlements dominated by the countryside and are relatively inaccessible. Their service function is not expected to increase and neighbourhood centres have been identified to reinforce the social focus of the village.

#### **Land Use Designations**

- 5.1.7 The location of land-uses and activities in urban areas is dynamic and involves the consideration of various factors such as access, amenity and land costs. These factors lead certain activities to agglomerate and others to disperse. The Local Plan seeks to identify the different character of urban areas and designate locations where certain types of land-uses will be encouraged while others will not be permitted. The principal land designations identified by the Local Plan include Town Centres and Neighbourhood Centres, Entertainment Priority Areas, Tourism Zones, Residential Areas, Residential Priority Areas, and Micro-enterprise Parks, which are indicated on the appropriate Area Policy Maps.
- 5.1.8 Town Centres are those parts of an urban settlement, which are characterised by a diverse mix of land-uses with business activities, especially retailing, dominating. They are a magnet for considerable volumes of pedestrians and vehicles. They also contain a high concentration of jobs and are in high demand for the location of new businesses. They can also include social and community institutions and facilities but this is not a necessary requirement for the identification of a town centre. The growth of businesses, without undue adverse impacts on existing residences, will be encouraged in these areas. Supporting facilities and amenities such as public transport, controlled parking zones and car parks and embellishment schemes, to encourage the further use of the centres are essential.
- 5.1.9 Entertainment Priority Areas, although also a business zone, have a unique “feel” because they are the locations where uses such as bars, restaurants, and nightclubs, gravitate. They are also areas, which attract high numbers of visitors and thus have high levels of outdoor activities. These areas come to life during the evenings and can attract large numbers of pedestrians. The role of open spaces such as piazzas and streets is critical in these areas and a major contributor to the creation of the uniqueness of Entertainment Priority Areas. These zones are the most amenable to pedestrianisation schemes. Although Entertainment Priority Areas are not to be considered as exclusive zones, growth of entertainment related businesses, and



similar activities, will be encouraged. Other uses, especially of floors above the ground floor, will not be objected to but the preference will be for entertainment.

- 5.1.10 Tourism Zones are areas where there is a regular and significant presence of tourists due to a concentration of tourism accommodation, leisure facilities and/or visitor attractions. They are closely associated with Entertainment Priority Areas but need to be distinguished from them, as they should not be linked with large crowds participating in street activities over extended periods of time. Most importantly is the quality of the tourism product. These zones are the flagships for high quality tourist accommodation facilities supported by a range of amenities including quality entertainment, leisure, and visitor attractions, which enhance the tourist experience through their innovation and uniqueness. The public realm is a key component of a quality tourist product and the design and maintenance of open spaces within the zones should reflect the designation of a Tourism Zone.
- 5.1.11 Residential Areas make up the major parts of urban areas and are dominated by residential uses, especially on levels above ground floor. The activities at ground floor however, tend to be a mix of uses and include shops and offices, mostly of a local scale and serving local need, spread throughout the predominantly residential area. Some garage businesses can also be found. The predominantly residential character of these areas is to be retained and protected by ensuring that only those non-residential uses, which do not have an adverse impact on the amenity of residential areas, are permitted. The Local Plan has designated these areas and developed specific criteria to assess any future development proposal within them.
- 5.1.12 Residential Priority Areas are areas located within the wider Residential Areas with a very restricted range of uses within them and strongly dominated by residences. These areas are distinct because of particular building design (for example detached dwellings), lower densities (bungalow areas) and appreciable landscaped areas within individual sites. The location of businesses in these areas can have a serious impact on the amenity of the area and their location should be stringently assessed to ensure that no bad neighbour developments are permitted. The designation of Residential Priority Areas is also intended as an additional layer of policy protection of Residential Areas, which are threatened by encroachment of businesses.
- 5.1.13 The Local Plan aims to provide land for small and medium sized enterprises, especially micro-enterprises, by designating Micro-enterprise Parks, where a need has been identified and where suitable locations, which do not cause adverse environmental impacts or loss of amenity, could be identified. The Local Plan takes on board the land allocations, which have been made through the SMEs (Micro-Enterprises) Site Selection Exercise of 2004 and its future revisions.

### **Land for Housing**

- 5.1.14 The Structure Plan provides for a national dwellings allocation over the plan period (i.e. 1990/2010) of 60,000 units. The Structure Plan does not provide an indication of the way the proposed number of dwellings needs to be apportioned between Local Plan areas. The Housing Topic Paper of 2002 projected that within the Plan area between 2000 and 2020, taking into account new households, second homes, scrap and 7% of permissions not being taken up, 7,400 new dwelling units would be needed.
- 5.1.15 The Housing Topic Paper indicated that in 2000, 64.4% of the 108ha of land zoned for residential development in the Temporary Provisions Schemes in 1988 was still vacant and it could accommodate 10,400 new dwelling units. Furthermore, the

urban capacity of the Plan area was estimated to accommodate an additional 5,000 dwellings. Therefore, considering that part of this need has been accommodated by permissions granted between 2000 and 2005 and this projection goes beyond the Local Plan period, the supply of land for housing (69.6 ha i.e. 64% of 108.02 ha) and the urban capacity are more than adequate to meet the projected demand of 7,400 dwellings. Thus, no review of the Temporary Provisions Scheme Boundaries (Development Zone Boundaries) aimed at increasing the land supply for housing is being proposed. In the designation of Secondary Town Centres and other areas for the location of entertainment and tourism uses, vacant land within the settlement boundaries has been allocated for business use and thus, it must be ensured that the remaining vacant land outside the business centres (Town Centres, Entertainment Priority Areas, Industrial Areas) is not taken for business uses (retail, office, industrial, entertainment, tourism) and thus jeopardise future land availability for housing. This is also in line with the Local Plan Strategy to encourage regeneration and rehabilitation of already developed land within development zone boundaries.

### **Urban Design**

- 5.1.16 The urban settlements within the Local Plan boundary generate particular urban design issues due to their location (on hilltops such as Mellieha and Rabat or in the countryside such as Manikata and Bahrija) which the plan needed to address. The control of building heights is a major planning tool to determine the urban form of settlements and the Local Plan has reviewed the building heights for each settlement and made proposals for changes where appropriate. The review of building heights was a particular issue in Mellieha, St. Paul's Bay/Bugibba/Qawra and Dingli and the policies give guidance on the adoption and interpretation of new building heights. The adoption of the floor area ratio or compensation for undeveloped floorspace procedure, issue is closely linked to the building heights' issue and guidance on the locations where use of this ratio will be favourably considered has also been included.
- 5.1.17 The understanding of the relationship between built forms and the spaces which surround them is fundamental in urban design. Open spaces, especially public open spaces, play an important role in the character of a settlement and make major contributions to the quality and amenity of the urban area. The Local Plan protects existing open spaces to ensure that they are not developed for other uses during the Local Plan period and allocates additional land for open spaces where possible.
- 5.1.18 Urban design issues were given considerable weight in areas zoned for villa or bungalow development in the Temporary Provisions Scheme which are often under pressure for more intensive development and for alternative uses rather than residential. Specific designations (Residential Priority Areas) and supporting policies have been developed to protect the urban character and form of these areas.
- 5.1.19 General design principles are covered in considerable detail in the Policy and Design Guidance (2000) and its future revisions and as it is not the scope of the Local Plan to repeat policy guidance, no general policies on design have been included. However, design guidance has been integrated in site-specific area policies where the Local Plan is seeking to promote certain types of developments or for particularly sensitive sites, such as in UCAs.

## 5.2 Policies

### NWUS 1

### Changes to Development Zone Boundaries

The Local Plan has reviewed the development boundaries and is proposing a number of sites to be included or excluded from the development zone as listed in the Table 1 below. The changes to the boundaries are to be considered at the next Structure Plan Review and are indicated on Maps in Appendix A attached with the Maps' Volume.

A development boundary for Mtarfa has been established.

Table 1

Settlement	Revision	Map No	Area sqm
Tas-Sellum, Mellieha	Exclusion of vacant land	Ex.1	-7,433
Tal-Bragg, Mellieha	Inclusion of vacant land	In. 1	9,210
Manikata, Mellieha	Inclusion of developed area	In.2	2,890
Tal-Fjuri, St. Paul's Bay	Inclusion of developed area	In.3	2,916
Triq il-Papa Piju XII, Mgarr	Inclusion of vacant land	In.4	1,311
Triq il-Konkors Tejatrani, Mgarr	Inclusion of vacant land	In.5	8,434
Triq Ras il-Gebel, Zebbiegh	Inclusion of vacant land	In.6	931
Site off Triq il-Buskett, Rabat	Inclusion of developed area	In.7	1,044
Triq is-Sajf ta' San Martin, Bahrija	Inclusion of vacant land	In.8	350
Triq il-Museum, Dingli	Inclusion of developed area	In.9	170
Triq il-Buskett, Dingli	Inclusion of vacant land	In.10	181

5.2.1 The changes to the development zone boundaries are aimed at excluding a number of sites which would have an adverse environmental impact if developed according to the zoning of the Temporary Provisions Schemes of 1988 and clarifying local situations such as in Dingli, Rabat and Mgarr where the settlement boundary drawn in 1988 left sites on the fringe outside the development zone and created problems of interpretation.

5.2.2 The changes indicated under Sections 5.3 and 5.4 of this plan are also intended to clarify the situation of those areas (Classified as Category 1 Settlements ODZ), which have been developed over the years through the issue of development permissions and now form an integral part of the urban area. Since they are outside the development zone, planning decisions on their future development are often ambiguous or contradictory. The boundaries around these areas were drawn with the intention of minimising the amount of new land, being made available for housing.

5.2.3 In both cases, the changes to the development zone boundaries and the boundaries for Category 1 ODZ Settlements are recommendations for the Structure Plan Review as required by Structure Plan Policy SET 8.

5.2.4 Mtarfa was not included in a Temporary Provisions Scheme in 1988. Most development applications in this area are currently assessed on the basis of outside development zone

principles. The introduction of the new settlement boundary limits the extent of urban sprawl. Since Mtarfa is located on a plateau and visible from all sides, physical development can have a major visual impact. The designation of the settlement boundary introduces protection of open spaces primarily for their intrinsic value.

## NWUS 2 **Development in the Absence of Specific Policies**

**MEPA will determine the acceptability of development applications on land, which is not covered by policies in the Local Plan in accordance with:**

- i. The zoning conditions and building alignments as indicated in the Temporary Provisions Schemes (1988) or such revised schemes as provided in this Plan;**
- ii. Development Control Policy and Design Guidance 2005;**
- iii. Other relevant approved policies and design guidance;**
- iv. Structure Plan policies and**
- v. Any other relevant material planning consideration relating to the site and to its context.**

5.2.5 It is impractical to attempt to indicate an appropriate range of land use for every potential development or redevelopment site in the Local Plan area. To give guidance therefore, unless otherwise specified, it can be assumed that proposals which are compatible

- with the Temporary Provisions Schemes (1988);
- with the Policy and Design Guidance 2000 (and any future revisions);
- all the relevant policy and design guidance;
- and the Structure Plan

will be acceptable. MEPA may also have regard to pre 1988 schemes where these give guidance (particularly on building alignments) and to other material considerations relevant to the site and to the type and form of development proposed.

5.2.6 In terms of Structure Plan Policy SET 8, minor revisions to road alignments and zoning provisions within the settlement boundaries, including amendments to road alignments within Urban Conservation Areas, have been made which do not merit a specific policy for each amendment but are being documented as part of this Local Plan. Such minor amendments to the provisions of these Temporary Provisions Schemes are indicated on Maps B1.1 to B4.5 in Appendix B attached with the Maps' Volume and are to be adopted on approval of this Plan. The aim of these revisions was to improve traffic circulation within settlements and address conflicts between the TPS and the Structure Plan regarding building alignments and road widening within Urban Conservation Areas.

## NWUS 3

### **Residential Areas**

**The Local Plan designates Residential Areas (RAs) within the following urban settlements delineated by the limits to development (Settlement) boundary:**

**Mellieha, Tas-Sellum, St. Paul's Bay / Bugibba / Qawra, Xemxija, Burmarrad, Salina, Mgarr, Zebbiegh, Rabat, Bahrija, Mtarfa and Dingli.**

**The RAs are indicated on the relevant Area Policy Maps.**

**The following is a list of acceptable land-uses (new uses, extensions to existing uses, and change of uses) within all frontages located within the RAs. The list identifies also those**

uses that are acceptable in specific RAs only, and thus are excluded from the remaining RAs.

- i. A mix of Class 1 (Use Classes Order, 1994) dwelling units as detailed in Part 3 of the Development Control Policy and Design Guidance 2005 and in accordance with the specific building design conditions indicated in the same guidance, unless otherwise stated by a policy in this Local Plan. In Mgarr, Zebbiegh and Bahrija no residential unit will be permitted having less than a net floor area of 120 sqm. However, in cases where the proposal will result in the creation of not more than two units on the same footprint, smaller dwelling units may be permitted provided that the difference between the built footprint and the 120 sqm is left as an open space in addition to the statutory side curtilage, backyard/ front garden as the case may be. This additional open space shall be secured by a planning obligation;
- ii. Class 2 (Use Classes Order, 1994) residential institutions, provided that:
  - a. they are small scale and do not create adverse impacts on the residential amenity of the area;
  - b. Class 2 (a) institutions are located in close proximity to a town or neighbourhood centre;
  - c. Class 2 (b) nursing homes are acceptable in Mellieha, St. Paul's Bay and Rabat only, are easily accessible from the arterial and distributor road network.
- iii Class 3 (Use Classes Order, 1994) hostels and new hotel beds as extensions to existing operating hotels, provided that these uses are in accordance with all other relevant Local Plan policies;
- iv Class 4 (Use Classes Order, 1994) small shops, provided that:
  - a. the small shops (of any nature) are not to exceed a total floor area of 50 sqm each, and convenience shops are not to exceed a total floor area of 75 sqm each;
  - b. they comply with all the provisions of paras. 1.4.16 to 1.4.18 of the Interim Retail Planning Guidelines of 2003;
  - c. they comply with any relevant section of the Policy and Design Guidance 2005 (design, access, amenity, etc).
- v. Class 5 (Use Classes Order, 1994) offices provided that:
  - a. the floorspace does not exceed 75 sqm;
  - b. they comply with any relevant section of the Policy and Design Guidance 2000 (and any future revisions) (design, access, amenity, etc).
- vi. Supermarkets provided they comply with all the provisions of policy NWCM 7;
- vii. Classes 7 and 9 (d) only (Use Classes Order, 1994) social and recreational facilities, including interpretation centres, provided the facility:
  - a. is located within Mellieha, St. Paul's Bay/Bugibba/Qawra, and Rabat only;
  - b. is of a small scale and does not create adverse impacts on the residential amenity of the area;
  - c. is located on land already occupied by buildings and will replace these buildings provided they are not worthy of retention due to their historic/architectural merit and/or their contribution to the character of the area, unless land is specifically allocated for the facility by this Local Plan; and
  - d. the immediate surroundings of the site are already of a mixed use character;

Class 7(e) Use Classes Order, 1994, ecclesiastical development can be located within all the designated RAs provided criteria b, c, and d are complied with.

viii. Class 8 (Use Classes Order, 1994) educational facilities, provided that access and the character of the area are taken into account and are deemed adequate by MEPA to allow the safe and neighbour compatible use of such facilities ;

- ix. Class 11 (Use Classes Order, 1994) businesses and light industry provided that:
- The gross floor area of the premises does not exceed 50 sqm (including storage of materials and/or finished products);
  - The activity conducted within the premises does not use heavy duty and/or noisy electrical/mechanical (including pneumatic) equipment, and equipment which requires a 3 phase electricity supply;
  - The activity conducted within the premises does not entail extensive and/or prolonged use of percussion hand tools (eg. hammers, mallets etc);
  - The activity employs less than 5 people; and
  - The activity conducted within the premises does not inherently entail the generation of combustion, chemical or particulate by products.

Examples of acceptable uses considered by MEPA include tailor, cobbler, lace making and computer and electronic repair. Moreover, examples of unacceptable uses include carpentry, panel beating, mechanic, mechanical plant servicing, spray painting and bakery.

**Proposals to convert from existing Class 12 (Use Classes Order, 1994) general industry to Class 11 (Use Classes Order, 1994) business and light industry within designated Residential Areas shall only be considered acceptable by MEPA if all the conditions listed above are adhered to, and provided that it can be proven that the Class 12 Use (general industry) operation is a permitted one and the Class 11 Use (business and light industry) operation is actually more neighbourhood compatible than the Class 12 Use operation it intends to replace.**

- x. Taxi Business or for the hire of motor vehicles as per para. 6.15 of DC2005.

**Land-uses falling outside those mentioned above will not normally be considered favourably within the boundary of the RAs, unless there are overriding reasons to locate such uses within the RAs.**

5.2.7 Residential areas make up the major parts of urban areas (E.g. 71% of Rabat urban area) and are dominated by residential uses, especially on levels above ground floor. The range of activities, especially at ground floor, tends to be a mix of uses and includes shops and offices, mostly of a local scale and serving local need, spread throughout the predominantly residential area. Garage businesses, schools, bars, restaurants and coffee shops, and tourist accommodation can also be found in some residential areas but the range and scale of the mix of uses is greatly influenced by the locality itself.

5.2.8 Development applications within the Residential Areas need to be carefully assessed since the areas have different characters, although still dominated by residential uses. The large urban settlements (Mellieha, Rabat and St. Paul's Bay) have a wide mix of uses. Bugibba and Qawra tend to have more tourism and entertainment uses while Rabat is associated with visitor attractions due to the numerous historic sites. Mgarr, Zebbiegh, Burmarrad and Dingli are small urban areas acting as local service centres but still have certain attractions to visitors to the rural and coastal areas. Manikata and Bahrija are small villages in the countryside and thus the mix of uses is much more limited.

- 5.2.9 This policy seeks to guide the future growth of Residential Areas primarily by encouraging the location of more dwelling units within them. It is not the intention of MEPA to create “dormitory towns” through a rigid zoning policy but it is important that these areas remain primarily an attractive place to live in.
- 5.2.10 This policy identifies those non-residential uses that can be located within the Residential Areas because they support and enhance community identity (such as very small convenience shops, old people’s homes, kindergartens, recreational facilities or religious worship facilities) and/or do not create adverse environmental impacts (such as small offices, and small scale hospitals, hotels, or visitor attractions). It specifically excludes land-uses that are deemed to be incompatible with Residential Areas due to their scale and nature of activity (such as bars and restaurants, industry (except light industry) and warehousing). In this regard, acceptable light industrial uses in residential areas shall only include very low impact industrial activities such as electronic repair, servicing and maintenance as well as handcrafts that do not inherently require the use of electrical machinery, especially those related to textiles. Activities which require the extensive use of manual percussive tools (eg. hammers, mallets etc) are not deemed compatible with residential areas. Other uses which may not be neatly categorized into a use class due to their unique nature or because such a use does not feature in the Use Classes Order should be clearly justified and will be assessed within the broad objectives of the Local Plan for residential areas to protect residential amenity, enhance community identity and upgrade the quality of the urban environment (refer to paragraph 4.1.1 of the strategy).

## **NWUS 4**

## **Residential Priority Areas**

**The Local Plan designates Residential Priority Areas (RPAs) within the following urban settlements delineated by the limits to development boundary:**

**Mellicha, Manikata, Tal-Fjuri St. Paul’s Bay, Bugibba, Qawra, Xemxija, and Rabat**

**The RPAs are indicated on the relevant Area Policy Maps.**

**The acceptable land-uses (new uses, extensions to existing uses, and changes of uses) within all frontages located within the RPAs are:**

- i. Dwelling units in accordance with the zoning conditions for villa and bungalow areas as detailed in the Development Control Policy and Design Guidance 2005, unless otherwise stated by a policy in this Local Plan;**
- ii. A mix of Class 1 (Use Classes Order, 1994) dwelling units for terraced house areas as detailed in Part 3 of the Development Control Policy and Design Guidance 2005, subject to the approval of the Housing Authority when these areas include Home Ownership Schemes, and provided the development does not detract from the residential character of the area due to increased densities, and additional traffic generation;**

**In Manikata no residential unit will be permitted having less than a net floor area of 120 sqm. However, in cases where the proposal will result in the creation of not more than two units on the same footprint, smaller dwelling units may be permitted provided that the difference between the built footprint and the 120 sqm is left as an open space in**

**addition to the statutory side curtilage, backyard/ front garden as the case may be. This additional open space shall be secured by a planning obligation**

**In those areas, indicated on the relevant policy map, in St.Paul's Bay, Bugibba and Qawra, Salina, and Bahrija previously zoned for villas in the Temporary Provisions Scheme of 1988 but not designated as RPAs by the Local Plan, the acceptable land uses are defined by the designations identified for each site in this Plan. The conditions in the Development Control Policy and Design Guidance 2005 for villa development will still control the detailed design of the buildings on these areas and building heights are to comply with those indicated on the relevant Building Heights maps.**

- 5.2.11 Residential Priority Areas are used for residential purposes, are distinct from the rest of the urban area because of particular building design (say rows of terraced houses or detached dwellings), lower densities (bungalow areas) and appreciable landscaped areas within individual sites, and can be found within the wider residential areas. These areas can be extensive such as in Mellieha and Rabat, where the Residential Priority Areas make up 55% and 22% respectively of the total urban areas, or small enclaves such as in Bugibba and Qawra where the Residential Priority Areas make up only 10% of the total urban area. The proliferation of businesses and other non-residential uses in the Residential Priority Areas can have a serious impact on their particular character and amenity, and the location of such uses should be stringently controlled. MEPA has prioritised these areas for protective policy actions.
- 5.2.12 The Residential Priority Area of Mellieha (refer to Map 27) is made up of the detached bungalows of Santa Maria Estate and Tal-Qortin, with small areas for villas or terraced development, which started construction in the 1960s and the Home Ownership Scheme area of Tal-Brag which incorporates terraced houses and a number of semi-detached villas. The design and low-density residential uses have created the unique character of this area that must be protected.
- 5.2.13 The designation of Manikata as a Residential Priority Area (refer to Map 32), mostly for terraced dwellings and other sites for villas, and its role as a small urban settlement within the countryside must not be compromised by activities, which may attract substantial numbers of visitors from outside or encourage the movement of traffic through the village. The construction of considerable number of garages for, car parking, storage or other similar uses, especially storage of heavy machinery and/or fodder, are not appropriate within the Residential Priority Area boundary.
- 5.2.14 The villa area at Tal-Fjuri (refer to Map 39) is located on the western periphery of St. Paul's Bay and quite separate from the main urban fabric mainly due to two physical characteristics: its prominent location on a hillside and the arterial road. These physical constraints together with the zoning restrictions imposed by the original scheme have created a unique character to this enclave of dwellings, which must be protected. The sloping terrain necessitates careful consideration and interpretation of building heights to ensure that new structures fit within the overall context of the Residential Priority Area.
- 5.2.15 This policy also covers the areas occupied by the Home Ownership Scheme located at the main access to Bugibba (refer to Map 40). Uses within business zones can encourage significant amounts of traffic, people and noise that can affect this exclusively residential enclave. The character of this enclave of dwellings must be protected from the development pressures and environmental impacts exerted by the encroachment of business uses in the Bugibba/Qawra area.



- 5.2.16 The Qawra Residential Priority Area (refer to Map 40) includes a group of residential bungalows along the coast to the west between Triq it-Trunciera, Triq il-Kurazza and Triq it-Tartarun (with the exception of two blocks) and villas at the tip of the peninsula and along the eastern coast that have still, in general, retained the original character of a low-density residential neighbourhood intended by the original scheme. Three large sites were developed comprehensively with two being used for residential, the Dolmen Court and the Trilithon Court, and part of the third for tourism accommodation. The two seven storey towers and a number of four storey blocks were permitted adopting density measures and appreciable areas of open space were created as a result, which the policy seeks to retain. The proximity of this area to the Tourism Zone makes it vulnerable for re-development on higher densities and for commercial use.
- 5.2.17 The designated parts of Xemxija (refer to Map 43), making up around 24% of the urban settlement, are distinct from the remaining area due to their urban form determined by the villa zoning conditions imposed in the 1960s and apart from one hotel and one large restaurant, still retain their unique residential character that should be protected. This protection becomes even more essential when one considers the recent developments of entertainment and tourism uses locating in the area and also the likely intensification of these uses if a yacht marina is developed in the bay.
- 5.2.18 The Residential Priority Areas of Rabat (refer to Map 63) is dominated by the villas located within Tal-Virtu'. The design regulations and low densities for Tal-Virtu' have created a unique character of relative spaciousness which needs to be protected. Business uses are not considered appropriate with the character of Tal-Virtu' and have been excluded from the areas.
- 5.2.19 This policy identifies individual sites zoned for villas in the TPS of 1988 which due to their small size, isolation from other larger villa enclaves and significant changes to their context, are not essential to retain the original development control framework in terms of land use. However, the design conditions related to site coverage, site curtilages, and building heights should be retained as specified in DC 2005, except for the three small sites on St.Paul's Street and Triq l-Istamar in St.Paul's Bay whose height has been reviewed to three floors.

## NWUS 5

## Building Heights Limitations

**Applications for development involving the construction of buildings within the development zone (including Category 1 ODZ settlements) and within the rural settlements as identified in this Local Plan, should comply with the building height limitations indicated in the relevant Building Heights Maps for urban settlements (including Category 1 ODZ settlements), and with policies NWRS 3 and 4 for rural settlements. MEPA will not favourably consider applications for development, which infringe the established building heights.**

**In Tas-Sellum, Xemxija Residential Area (including the site of the x-Mistra Village complex), the Secondary Town Centre outside the Urban Conservation Area of St.Paul's Bay, the Tourism Zones of Bugibba and Qawra, and the Entertainment Priority Area of Bugibba, the application of the Floor Area Ratio i.e. compensation for undeveloped building space, is encouraged provided:**

- (i) The conditions included in the Policy and Design Guidance 2005 in relation to the adoption of the Floor Area Ratio are followed;**

- (ii) **The compensation for undeveloped building space results in an increase of open space at street level; and**
- (iii) **The public realm is enhanced.**

**The application of the Floor Area Ratio is prohibited within Urban Conservation Areas, all other Residential Areas and Residential Priority Areas, unless specifically allowed by site-specific policies.**

**In the case of sites located within Urban Conservation Areas, except the UCA of Mgarr, and for scheduled buildings, the guidelines regarding additional floors and building heights contained in the “Development Control within Urban Conservation Areas 1995” policy document should take precedence over the building heights indicated on the Building Heights Maps. In the UCA of Mgarr the building Heights indicated on the relevant Building Heights Maps should apply. In the UCA of Dingli an additional floor above the statutory height limitation of two floors will be allowed provided it is setback from the façade by at least 4.25m, it serves as an extension to an existing building, it does not create a separate dwelling unit and does not adversely affect the visual integrity of the streetscape in terms of height, materials, colour and design.**

**In locations with a height limitation of three floors (plus three/six courses semi-basement) or more, one additional floor above the allowable height limitation indicated on the Building Heights Maps will be permitted provided the conditions imposed for the construction of penthouses under policies 10.6 and 10.7 of the Policy and Design Guidance 2005 apply.**

**No further structures above this additional level will be allowed. This policy applies also to extensions on existing buildings.**

- 5.2.20 The Structure Plan requires the local plan to consider in detail the appropriate height of buildings and give justification for any revisions in conjunction with a full range of development issues. Additionally the Local Plan encourages a more efficient use of committed land, particularly in the urban areas, and this has been considered as an important factor in the review of building heights of urban areas.
- 5.2.21 The Local Plan endorses the height limitations within the Temporary Provisions Schemes and the relaxation in building heights, which was adopted by the Planning Authority in 1993, as further detailed in the Policy and Design Guidance 2005 for all localities, and parts of localities, which have not been changed by this Plan.
- 5.2.22 It has been normal practice in Development Control when considering applications for major development to adopt a procedure of compensation by which floorspace within statutory height limitations which was left undeveloped would be permitted above height limitation resulting in higher buildings. This is not considered as an appropriate procedure within most Residential Areas, Residential Priority Areas including sites zoned for villa and bungalow development, and Urban Conservation Areas since it might create open spaces when UCAs should remain compact and increase the height of buildings, which would harm the visual integrity of the UCA and the villa and bungalow areas and other residential areas.
- 5.2.23 The building height limitations for a number of settlements have been reviewed and MEPA has established new maximum building heights for the following settlements or parts of settlements: Mellieha, Tas-Sellum (Mellieha), Bugibba, Qawra, St.Paul’s Bay, and Xemxija, Mgarr (UCA), and Dingli which are indicated on the appropriate Building Heights Maps. In such cases, the local plan has given consideration to the size of the settlement and its capacity to absorb additional

development, scale of surrounding buildings and the likely effect on strategic and local views.

- 5.2.24 The Local Plan has reviewed the height limitation for a significant part of Mellieha due to the reduction in the size of the Mellieha UCA. The Local Plan surveys revealed that there is no adequate justification for a comprehensive increase in building heights in Mellieha and is thus endorsing the heights indicated in the TPS and the relaxation in building heights of 1993. The building heights of the Qasam Barrani Building development Area (BDA) and of a short western stretch of Triq Dun Frangisk Sciberras to the north of the bridge have been restricted to two floors only to minimize visual impact of buildings on the ridge.
- 5.2.25 A common trend in the past few years has been the rise in the number of four storey buildings in the Tas-Sellum area of Mellieha. The more recent applications have been for four floors and above, a good number of them incorporating considerable underground garages. Approximately 70% of the existing buildings are higher than the statutory two floors (or three with the Height Relaxation Policy). This Local Plan policy endorses the current situation in this regard and proposes the revised height for the area to three floors plus semi-basement. Although four storey buildings also exist within the area, they were not considered as adequate justification to increase the height even further and should not be used to justify infringement of this new height limitation.
- 5.2.26 The height relaxation should also be applied for the UCA of Mgarr as a measure to promote business uses within the neighbourhood centre provided that additional floors or new/replacement buildings respect the character of the UCA in terms of design, use of materials, etc. and comply with any additional guidance included in the policy note on “Development Control within Urban Conservation Areas”. Due to the likely increase in developable land in Dingli emerging from the rationalization of development boundaries exercise of 2006, the need for the additional floor in Dingli UCA proposed in the 2001 public consultation draft of the Plan to increase housing supply has become unnecessary. However, MEPA is of the opinion that provided that visual impact is minimized and no potential for new dwellings is created, there is still scope for the granting of a recessed second floor in the UCA to permit the improvement of existing dwellings.
- 5.2.27 The Local Plan has also reviewed the height limitations for the areas outside the UCA of Dingli. The height review is minor in visual and building volume terms since it only includes an increase of three courses above the height permitted by existing policies. However, it increases the potential for new dwelling units considerably since a large number of terraced houses with semi basement are located in Dingli, which offer potential for an additional floor or re-development.
- 5.2.28 The Local Plan has reviewed the height limitations within the 1988 Temporary Provisions Scheme for St.Paul’s Bay/Bugibba/Qawra and is adopting new height limitations for the area. In the review, the Plan took into consideration:
- i. the number of commitments created through the issue of development permissions;
  - ii. actual constructions on site which materially infringed the height limitations specified in the 1988 Temporary Provisions Scheme and the 1960’s Town Planning Scheme;
  - iii. public submissions requesting a review of height limitations;

and set (1) the need to address consequent urban design issues and (2) the need to integrate the review of height limitation with the land use framework for St.Paul's Bay/Bugibba/Qawra as its main objectives. Triq Toni Bajjada and Triq il-Mosta separate the relatively new parts of the urban area from the older parts, especially St.Paul's Bay Village. The Local Plan strategy seeks to concentrate new development into the more recent parts and has thus increased the heights of the new urban areas to five floors plus semi-basement. This is also the area where existing buildings higher than four floors are concentrated. The Local Plan has also designated Tourism Zones to accommodate further tourism growth and hence an increase in height in this zone to five floors plus semi-basement has also been adopted. These zones also contain a significant number of higher buildings. The height review took into account the need to protect Residential Priority Areas and the UCA and therefore very minor changes have been made in these areas. The height limitations for the Residential Priority Areas have only been updated to reflect the existing situation. Isolated higher buildings in the urban area should not be used to justify infringement of the revised heights. The indication of a height limitation of four floors within the Xemxija Residential Priority Area excludes penthouses as the Local Plan has only endorsed the existing heights of buildings.

## NWUS 6

## Urban Open Space

**The sites allocated as urban open space are indicated on the relevant Area Policy Maps. Priority is given to landscaping schemes and where appropriate provision of play areas and equipment. Only development proposals, which enhance the amenity value or the potential of the sites for the use by the general public for passive recreation and are compatible with the character and environmental value of the sites and surrounding areas, will be accepted. Commercial uses on these sites are to be restricted to the bare minimum and, where appropriate, shall be limited to small kiosks, in line with the kiosks policy guidance of 1994, or other similar structures to serve the users of the open space only.**

**Excavations of the sites allocated for urban open space for the construction of basements will not be accepted, except where allowed by a site-specific policy in the Local Plan, unless it is demonstrated to the satisfaction of MEPA that these works and the use of the space created below ground will not adversely affect the use of the site for recreation by the general public or prejudice the implementation of an attractive, landscaped open space.**

**MEPA will seek the addition of areas of public open space in urban areas through the development process in those settlements where an acute deficiency was found to occur.**

5.2.29 The general strategy of the Local Plan is to secure a basic level of open space provision to meet the needs of the resident populations in urban areas, measured in terms of the current national average recreational space per person of 2.4 sqm, in addition to resisting the loss of existing open space. MEPA studies indicate that the average recreational space per person within the urban areas of the Plan reaches 2.3 sqm but the high figure for Mdina (9.5sqm) masks the under provision in St. Paul's Bay, Rabat and Mellieha.

5.2.30 The intention of this policy is to safeguard existing open spaces as much as possible and ensures appropriate areas of additional open space are provided in new developments. A limited number of sites specifically designated as "green" or "public

open spaces” in the Temporary Provisions Schemes, such as the grounds of the Dolmen Hotel and the San Antonio Hotel in Qawra, the parvis of the Burmarrad church, and existing public gardens have been safeguarded from development or redevelopment for alternative uses. Underground development will be considered if such development will enable the provision of usable and landscaped, public open space, which would otherwise fail to materialise. Preferred uses at basement level are carparks and garages but other uses will be considered provided they are in line with relevant policies for the area and all other policies controlling use of underground space.

- 5.2.31 Substantial additional areas of open space have been designated at Ta’ Masrija as part of an urban regeneration scheme. A site at il-Qortin at Mellieha has also been safeguarded from development as the TPS zoning for retail and pastoral use is deemed unnecessary. Land allocations for these uses have already been made under this Local Plan..
- 5.2.32 The open space surrounding Mellieha Fort provides a setting to the Fort and development, even for recreation, should not prejudice the historical integrity of the wall. Other minor changes have been made in the allocation of open space in Mellieha, St.Paul’s Bay, Burmarrad, Rabat, Bahrija, and Dingli to address local issues and the need to increase useable open space.

## Rural Settlements

### 5.3 Introduction

- 5.3.1 The countryside in the Local Plan area is dotted with rows of terraced residential units or numbers of individual units in close proximity to one another. These developed areas outside the development zones (ODZ) were not recognised as settlements by the Structure Plan. Furthermore, the Structure Plan does not distinguish between settlements ODZ and open countryside; consequently the blanket prohibition of urban development outside existing and committed built-up areas applied also to these built-up areas.
- 5.3.2 In spite of this blanket prohibition, development permissions for residential, commercial and industrial uses continued to be issued outside the development zone both by the Development Control Commission and the Appeals Board and pressure for development, demonstrated through the submission of planning applications, was even more intense. The Rural Strategy Topic Paper 2002 revealed that between 1994 and 2000, 278 new dwelling units and 286 commercial and industrial units were given permission ODZ in Malta and Gozo out of a requested 829 dwelling units and 723 commercial and industrial units.
- 5.3.3 The Local Plan area has the highest concentration of clusters of built up areas ODZ used for residential purposes but an insignificant amount of commercial or industrial areas ODZ. Local Plan surveys and public submissions following public consultation on the draft Plan identified 55 clusters of residential units (Refer to Map 3). These clusters have been defined as rural settlements and have been identified by the name of the immediate locality in which they are found. Local Plan surveys and the Rural Strategy Topic Paper 2002 revealed that 73 new dwelling units were constructed between 1989 and 2001 within these 55 rural settlements and a further 79 dwellings were granted permission by 2005. It is quite evident that there is a need for a policy framework for settlements ODZ.

### 5.4 Policies

#### NWRS 1

#### Classification of Settlements ODZ

The following are designated as Category 1 ODZ settlements in close proximity to the main urban area which should be consolidated and to which Policy NWRS 2 will apply:

#### Category 1

Triq il-Marfa, Ghadira	Mellieha	Map 3.1A
Triq il-Wied	Mellieha	Map 3.1A
Ta' Triq l-Insolja	Burmarrad	Map 3.1B
Tal-Ghajn	Mgarr	Map 3.1B
Tal-Markiz	Rabat	Map 3.1C
Ta' Wied Qannotta	Burmarrad	Map 3.1
Tal-Faccol	Zebbiegh	Map 3.1
Tal-Lunzjata/In-Nigret	Rabat	Map 3.2

<b>Il-Qanpiena</b>	<b>Rabat</b>	<b>Map 3.2</b>
<b>Ix-Xaghra ta' Ketrin</b>	<b>Dingli</b>	<b>Map 3.3</b>

The following are designated as Category 2 large rural settlements within a wider rural area which should be conserved, consolidated and rehabilitated while protecting their rural character and to which Policy NWRS 3 will apply: -

<b>Category 2:</b>	<b>Selmun</b>	<b>Mellieha</b>	<b>Map 3.4</b>
	<b>L-Imbordin</b>	<b>St. Paul's Bay</b>	<b>Map 3.4</b>
	<b>Wardija (Triq Qalb ta' Marija)</b>	<b>St. Paul's Bay</b>	<b>Map 3.4</b>
	<b>Il-Ballut</b>	<b>Mgarr</b>	<b>Map 3.4</b>
	<b>Ta' Mrejnu</b>	<b>Mgarr</b>	<b>Map 3.5</b>
	<b>Bingemma</b>	<b>Mgarr</b>	<b>Map 3.5</b>
	<b>Tas-Salib</b>	<b>Rabat</b>	<b>Map 3.5</b>
	<b>L-Andrijiet</b>	<b>Rabat</b>	<b>Map 3.59</b>
	<b>Is-Salvatur</b>	<b>Rabat</b>	<b>Map 3.6</b>
	<b>Is-Sehem</b>	<b>Rabat</b>	<b>Map 3.6</b>
	<b>Tax-Xieref</b>	<b>Dingli</b>	<b>Map 3.6</b>
	<b>Ta' Sabbat</b>	<b>Dingli</b>	<b>Map 3.7</b>
	<b>Tal-Imbart</b>	<b>Dingli</b>	<b>Map 3.7</b>

The following are designated as Category 3 small rural settlements within a wider rural area which should be conserved and rehabilitated and their rural character protected and to which Policy NWRS 4 will apply: -

<b>Category 3:</b>	<b>Ir-Ramla</b>	<b>St. Paul's Bay</b>	<b>Map 3.8</b>
	<b>Ta' Rkuplu</b>	<b>St. Paul's Bay</b>	<b>Map 3.8</b>
	<b>It-Tillieri</b>	<b>St. Paul's Bay</b>	<b>Map 3.8</b>
	<b>Tal-Kortin</b>	<b>St. Paul's Bay</b>	<b>Map 3.8</b>
	<b>Misrah Miet</b>	<b>Mgarr</b>	<b>Map 3.9</b>
	<b>Ghajn Tuffieha</b>	<b>Mgarr</b>	<b>Map 3.9</b>
	<b>Fomm ir-Rih</b>	<b>Mgarr</b>	<b>Map 3.9</b>
	<b>Tal-Abatija</b>	<b>Mgarr</b>	<b>Map 3.9</b>
	<b>Tas-Santi</b>	<b>Mgarr</b>	<b>Map 3.10</b>
	<b>Tas-Sirena</b>	<b>Bahrija</b>	<b>Map 3.10</b>
	<b>Ta' Namura</b>	<b>Bahrija</b>	<b>Map 3.10</b>
	<b>Wied Gerzuma</b>	<b>Bahrija</b>	<b>Map 3.10</b>
	<b>Wied iz-Zebbug</b>	<b>Bahrija</b>	<b>Map 3.11</b>
	<b>Bieb ir-Ruwa</b>	<b>Rabat</b>	<b>Map 3.11</b>
	<b>Ix-Xewkija</b>	<b>Rabat</b>	<b>Map 3.11</b>
	<b>Ta' Wied Rini</b>	<b>Rabat</b>	<b>Map 3.11</b>
	<b>Ix-Xaghra ta' Girad</b>	<b>Rabat</b>	<b>Map 3.12</b>
	<b>L-Ghemieri</b>	<b>Rabat</b>	<b>Map 3.12</b>
	<b>Tal-Ghattuqa</b>	<b>Rabat</b>	<b>Map 3.12</b>
	<b>Misrah Suffara</b>	<b>Rabat</b>	<b>Map 3.12</b>
	<b>Ta' San Pawl Kuntent</b>	<b>Rabat</b>	<b>Map 3.13</b>
	<b>Santa Katerina</b>	<b>Rabat</b>	<b>Map 3.13</b>
	<b>Hofret ir-Rizz</b>	<b>Rabat</b>	<b>Map 3.13</b>
	<b>Ta' Menciaq</b>	<b>Rabat</b>	<b>Map 3.13</b>
	<b>Ta' Ghamajra</b>	<b>Dingli</b>	<b>Map 3.14</b>
	<b>Hal-Tartarini</b>	<b>Dingli</b>	<b>Map 3.14</b>
	<b>Id-Dahar</b>	<b>Dingli</b>	<b>Map 3.14</b>
	<b>Hal-Xluq</b>	<b>Siggiewi</b>	<b>Map 3.14</b>

**If conflicts arise between policies NWRS 2, 3, and 4 and other policy guidance notes in relation to development outside urban areas prepared outside the Local Plan process, the policies in the Local Plan should take precedence.**

- 5.4.1 Rural settlements can be very different from one another. The pattern of the development can vary from traditional farmhouses, to rows of terraced houses to large detached villas. Spaces/gaps between buildings vary greatly, thus affecting the density and the perceived visual compactness of the settlement. Some rural settlements have substantial visual impact on the surrounding countryside because of the location, size and nature of development - others are visually well integrated with the surrounding countryside, for instance, by tree cover along their edges.
- 5.4.2 These different characteristics need to be acknowledged in any policy intended to guide their conservation, rehabilitation and consolidation. These clusters of buildings have emerged for various reasons ranging from their exclusion from the TPS when these were drawn up in 1988 even though they were located close to a main urban area, to a number of planning decisions which permitted their establishment and growth, to their existence as an inhabited area for a long period of time.
- 5.4.3 A set of seven criteria was developed to determine the character of each settlement:
- i. the number of inhabited residential units;
  - ii. the land area of the settlement, including all land between the buildings on the extreme built edges of the cluster but excluding gap sites wider than 14.0m;
  - iii. the density expressed in dwellings per hectare (obtained by dividing the number of inhabited residential units by the settlement area);
  - iv. the distance in metres between the extreme built edges of the cluster;
  - v. the design of the buildings – predominantly modern or predominantly traditional;
  - vi. the land-use patterns;
  - vii. the scale of abandoned buildings expressed as a percentage of the settlement area.
- 5.4.4 Criteria (i) and (ii) gave an indication of the scale of the settlement and the figure obtained for the density could then be compared with other density figures for small villages in Malta and Gozo, indicated as 19 dwellings per hectare in MEPA surveys on housing densities. Criterion (iv) was indicative of the settlement pattern i.e. whether the settlement was compact or dispersed or linear. Criterion (v) indicated whether the built cluster was of recent origins or had been an established built up area for a considerable time and its conservation was more important. The land-uses and activities in a settlement are a major contributor to its character and are also indicative of the type of new uses, which could be permitted. The scale of abandoned buildings indicated whether the settlement was in decline and hence in need of new investment.
- 5.4.5 The application of these criteria resulted in the emergence of three groups –
- i. large, high density (more than 19 dwellings per hectare), modern and compact residential clusters with few abandoned buildings in close proximity to the main urban area (within 100m);
  - ii. large, high density (more than 19 dwellings per hectare), predominantly modern, linear/dispersed residential clusters with few abandoned buildings but distant from the main urban areas;
  - iii. small, low density (less than 19 dwellings per hectare), predominantly traditional, with a mix of compact and dispersed residential clusters with



substantial amounts of abandoned buildings and distant from the main urban areas.

- 5.4.6 Group (i) was classified as Category 1 Settlements, group (ii) was classified as Category 2 Settlements and termed “Large rural settlements”, while group (iii) was classified as Category 3 Settlements and termed “Small rural settlements”.

## **NWRS 2**

## **Category 1 Settlements ODZ**

**In Category 1 ODZ Settlements identified by Policy NWRS 1, as shown on Maps 3.1 to 3.3, which are in close proximity to the main urban area or separated by an undeveloped gap of local significance, due attention must be given to the design of new buildings within the established boundary, especially those on the edge of the boundary of the settlement, to ensure there are no adverse visual impacts, especially through the creation of new party walls. A side garden of at least 3.0m, with an elevation fronting upon it; will be required for sites on the boundary’s edge. Priority will be given to the rehabilitation of buildings of historical or architectural interest within these settlements. Land uses which fall within those identified by Policy NWUS 3, and by Policy NWCM 3 for Triq il-Marfa, Ghadira only, will be permitted within this group of Category 1 settlements**

- 5.4.7 The character of these settlements, due to their close proximity to the main urban areas, the building typology and land-uses within them does not distinguish them from the urban settlement within the boundary. However, they are separated from the main urban area by a gap site, which is locally significant as it contributes positively to the character of the urban area. The permission of development on vacant land within these settlements will not substantially increase the amount of land released for development since the large part of them are already built up. Around 4,500 sqm of land, capable of accommodating around 90 new dwellings, will be released for development, through the inclusion of these areas as ODZ settlements.

## **NWRS 3 Large Rural Settlements (Category 2 Settlements ODZ)**

**In the areas classified as Category 2 Large Rural Settlements by Policy NWRS 1, as identified in Maps 3.4 to 3.7, rehabilitation, development and re-development for the following land-uses will be permitted:**

- A. Dwelling units (new units on uncommitted land, redevelopment of existing buildings, rehabilitation of existing buildings, and extensions to existing buildings used for residential purposes) provided the units:**
- i. do not create a building with more than 150m<sup>2</sup> footprint measured externally at ground floor including any internal courtyards;**
  - ii. have not less than 120m<sup>2</sup> and not more than 200m<sup>2</sup> total floorspace measured externally;**
  - iii. have an independent access from any other residential unit;**
  - iv. do not create a building which is higher than two floors without basement above road level at any point along the street frontage, provided that it would not have a detrimental affect on the character of the settlement and the surrounding rural landscape;**

- v. structures at roof level do not have a floorspace of more than 20m<sup>2</sup> measured externally, do not exceed 12 courses overall height measured externally from the lowest roof level, and are located to minimise their visual impact;
- vi. have a high quality design aimed at retaining and enhancing the existing character of the settlement and which demonstrates that due attention has been given to the impact of the new building on the character of the settlement and its surrounding rural environment, and which complies with any eventual Settlement Design Statement (SDS) prepared by MEPA; and
- vii. provide on site parking for not more than two car-spaces.

In addition, when the new dwelling unit is being proposed as complete re-development of an existing building:

- a) the existing building is not worthy of retention due to its historical and/or architectural merit and/or the contribution it makes to the character of the settlement;
- b) the new building, if allowable under (a) above, occupies the same position on the land in relation to the street as the existing building.

For the purposes of this policy an existing building includes only any building with an external footprint of not less than 50sqm which is covered by a valid development permission or else has been existing prior to 1968 and can be identified in the MEPA 1967 aerial photographs. An existing building does not include greenhouses, agricultural buildings which are essential for the operation of an agricultural holding, abandoned and dilapidated structures which are isolated from the main settlement.

For the purposes of this policy uncommitted land includes only:

1. infill sites with a street frontage of not more than 14.0m which abut blank party walls one storey high, or more, on both sides;
2. corner sites defined by two public roads with a site area of not more than 300sqm which abut blank party walls one storey high, or more, on both sides;
3. sites which have a road frontage of not more than 10.0m which abut blank party walls one storey high, or more, on one side and which form the end of a terrace of at least 3 dwellings with frontage on the same street, provided a strip of land of at least 3.0m in width adjacent to the side elevation of the new dwelling is landscaped. No structures will be permitted below this 3.0m strip.

Boundary walls of gardens, yards, swimming pool areas and any other open space surrounding an adjacent land-use cannot be considered as a party wall in relation to this policy. Sites, which contain mature trees, which contribute to the character of the settlement, do not constitute uncommitted land even if they fall within the definition stated above.

- B. Farmhouses for livestock farmers, arable farmers and other growers provided the criteria stated under “(A)” above are complied with.
- C. Agricultural buildings for livestock farming and for arable farming provided they comply with the criteria set out in draft *Agriculture, Farm Diversification and Stables (2005)* and future amendments. The rural settlement is to be considered as

**an inhabited area for the purposes of the draft *Agriculture, Farm Diversification and Stables (2005)* and future amendments.**

- D. Retail outlets provided that the shops**
- i. are located at ground floor level only of an existing building or of a proposed new building on uncommitted land as defined by this policy;**
  - ii. sell convenience goods only; and**
  - iii. do not have a floor area of more than 50m<sup>2</sup>.**
- E. Farm Retail Outlets provided they comply with the criteria set out in draft *Agriculture, Farm Diversification and Stables (2005)* and future amendments.**

**Proposals for rural tourist accommodation will be considered favourably provided they involve the conversion of (i) individual, existing vacant buildings of architectural or historic merit or (ii) a traditional group of buildings whose form and design represent a feature worthy of conservation.**

**The Settlement Design Statements (SDS) referred to in criterion A (vi) above, to be prepared by MEPA, should:**

- i. Identify precisely the uncommitted land within these settlements which can be released for development;**
- ii. Investigate the need to draw settlement boundaries around these settlements;**
- iii. Make recommendations for possible settlement boundaries should a need for them be identified through the further studies carried out under (ii) above;**
- iv. Provide additional guidance on the design of new buildings or extensions to existing buildings within these settlements;**
- v. Identify additional measures to protect and enhance the character of these settlements.**

**The absence of an SDS for a particular settlement should not prejudice the implementation of the other provisions of this policy.**

5.4.8 This policy seeks to reach a balance by allowing the consolidation of these settlements through sustainable rural development and protecting their rural character by preventing development, which may adversely affect those intrinsic features of the settlements (historical buildings, considerable gap sites between buildings, landscaping), and their setting.

5.4.9 The acceptable land uses in these settlements are aimed at ensuring the genuine needs of agriculture are met, the remnants of agricultural activity are retained and allowing for rural diversification. These settlements can also absorb some development, which might be necessary for diversification of the rural economy but could have an adverse impact if located in the open countryside, such as new tourist accommodation.

5.4.10 Restrictions on site planning, footprints, building heights, and car-parking provision are being introduced to ensure that all new development will not create unacceptable environmental impacts. Settlement Design Statements will be prepared by MEPA for these settlements and these Design Statements would describe the distinctive character of the settlement and its immediate surrounding countryside; show how the character of the settlement can be identified by its landscape setting, its shape and the nature of the buildings themselves; and draw up design principles based on the particular distinctive character of the designated settlement. Most importantly it would identify the specific locations where opportunities exist for new development

to take place and investigate the need for settlement boundaries around these settlements, and make recommendations where appropriate.

- 5.4.11 Strict criteria for the identification of “existing buildings” and “uncommitted land” are also identified by the policy to ensure that the minimum amount of fresh land is taken up by development, following confirmation by the Structure Plan Review, in line with the overall strategy of consolidation and conservation. The elimination of blank party walls, leading to the visual enhancement of the settlement, was the main objective of this definition. .

#### **NWRS 4 Small Rural Settlements (Category 3 Settlements ODZ)**

**In the areas classified as Category 3 Small Rural Settlements by Policy NWRS 1, as identified in Maps 3.8 to 3.14, only rehabilitation, and re-development of existing buildings, as defined in policy NWRS 3, for the land-uses identified in Policy NWRS 3 (A) to (E) and tourist accommodation will be permitted, provided the criteria stipulated in Policy NWRS 3 for each land-use are complied with.**

**New development, which takes up fresh land, notwithstanding the location of the site in relation to existing buildings, will not be permitted. The definition of uncommitted land, which is available for development in Category 2 Rural Settlements, is not applicable to Category 3 Rural Settlements.**

- 5.4.12 The third category of settlements are characterised by low densities and can only be considered as small clusters of buildings. This is their most significant feature and this policy seeks to protect it by seriously curtailing the taking up of fresh land for buildings for the creation of new dwelling units, which increase densities and activity in the settlement. Thus restrictions on site planning, floor spaces, building heights, and car-parking provision are being introduced to ensure that all new development for residential purposes will not create unacceptable environmental impacts. The thrust of new development in these settlements should be towards rehabilitation and regeneration of the existing stock of buildings.

## **6. Social and Community Facilities**

### **6.1 Introduction**

- 6.1.1 The strategy of the Local Plan is to safeguard existing social and community facilities. Such facilities play an important role in community life. As the plan area is of a rural character, these facilities are smaller in size and more limited in number than those in the large urban settlements. It is therefore of great importance to the community life of an existing settlement that they are not lost and where possible, their range and standard improved.

### **6.2 Policies**

#### **NWSO 1**

#### **Health**

**MEPA in conjunction with the Department of Health will encourage proposals for the provision of health services provided that the scale of the facility is well related to the local need. As far as practical, land will be protected adjacent to existing facilities in order to provide for possible future expansion.**

- 6.2.1 MEPA in conjunction with the Health Services Department will encourage the retention and improvement of existing health facilities. Future applications will be permitted provided that the location is in accordance with the Local Plan strategy of providing services for local needs. Siting must also have regard to good access and amenity considerations.

#### **NWSO 2**

#### **Community Facilities**

**Proposals for the development, extension of, and the change of use into community facilities will be encouraged provided the proposal is well related to the local need and does not have an adverse impact on the amenity of the area.**

- 6.2.2 MEPA will support the Local Councils and appropriate government agencies in the provision of community facilities, such as clinics, day centres, child minding facilities, residential homes, libraries especially in Rabat, and village halls, particularly in the main settlements and larger villages. Community facilities can enhance the identity of a settlement and promote a greater sense of belonging. The Local Plan, as far as practical, encourages and safeguards both the retention and improvement of existing facilities, and has identified possible sites in areas which already function to some degree as the focus of the community life of a settlement or village.

#### **NWSO 3**

#### **Education**

**The Local Plan identifies and protects land for new schools, and extensions to existing schools, where such a facility is required and which is adequate for the provision of a**

**range of educational and sports facilities, provides good access and does not have an unacceptable adverse impact on the amenity of neighbouring property.**

- 6.2.3 The Local Plan recognises the distinction that sites for state schools are better located within a settlement in order to serve local students. Private schools which serve a wider catchment area, may be more appropriately located at or close to the periphery of a settlement.
- 6.2.4 In addition, several sites adjoining existing schools are protected for possible future expansion, not only for educational purposes, but possibly for community use. The opportunity exists in some locations for dual use of school facilities by the public. This arrangement provides for a more economic use of land and also enables schools to generate additional funds for improving facilities.

## **NWSO 4**

## **Cemeteries**

**MEPA in conjunction with the Department of Health will continue to actively seek to identify and designate land within the environs of Rabat for burial purposes. Any application shall be subject to the submission and approval of a satisfactory Environmental Impact Assessment.**

- 6.2.5 There is an urgent need for the identification of land for burial purposes within the environs of Rabat. This need, identified by the Public Health Department, is for a cemetery with a capacity for a minimum of 400 graves.
- 6.2.6 However, the identification of a suitable site is difficult because of the visual impact of a cemetery on the amenity of neighbouring uses, and the disturbance created by visitors, particularly at weekends. It is unlikely that development permission would be granted for applications that are less than 183 metres from an inhabited area or an area, which is intended for residential institutions, hotels, education, assembly or leisure buildings or tourism development. Additionally, stringent requirements of suitable soil conditions and car parking, can add to the difficulty of site selection.

## **NWSO 5**

## **Provision of Public Civic Facilities**

**MEPA shall encourage the provision of required public civic facilities to be preferably located at ground floor level within designated Town Centres and Local Centres or near the periphery of such centres as designated on the relevant Area Policy Maps. The Local Council of a locality may seek partnership with the private sector to provide the said public civic facilities. The location of the relevant site should be acceptable to MEPA.**

**Where the private sector embarks on such a partnership, MEPA will consider relaxation of some planning criteria, including the relaxation of the building height limitation for the site preferably by not more than one additional floor in order to promote such initiatives.**

**Relaxation of planning criteria (especially in terms of height limitation), will be subject to all the following conditions being adhered to:**

- i. **This planning initiative is to be used only once for every relevant Local Council area and there may be some Local Councils where this relaxation is not deemed to be applicable;**
- ii. **Part or all of the ground floor of the development is reserved for the required public civic facilities depending on the floor area required for such facilities. Provision of public civic facility space at other floor levels instead of ground floor level will only be considered provided that:**
  - a. **this is acceptable to MEPA and the relevant public sector agency; and**
  - b. **that it is served by separate access from the rest of the building; and**
  - c. **that it fully complies with MEPA's Access for All requirements;**
- iii. **There should be a legally binding contractual agreement between the applicant/developer and the Local Council or Public Sector Agency whereby the former transfers the ownership of the entire floor area devoted to the civic facility use to the relevant Local Council or Public Sector Agency as the case may be. This transfer of ownership is to be affected before the relevant development permit is issued by MEPA and a preliminary written agreement between the local council and the private sector representative should be submitted with the development planning application;**
- iv. **The parking that is required for the civic facility is to be operated independently from the private parking facilities on site, and has to be fully accessible to the public. These requirements are to be adhered to even in the event that the ownership of the civic facility is transferred to another entity. The ownership of this public parking provision must be included with the transfer of ownership of the civic facility;**
- v. **The management and operation of the public civic facility shall be undertaken by either the Local Council or by the Public Sector Agency as required;**
- vi. **The floor area of the permitted additional floor/s is to be equivalent to a maximum of 115% of the floor area that is transferred to the relevant Local Council or Public Sector Agency;**
- vii. **The public civic facility shall be designed to provide in-built flexibility to allow for wider community use.**

6.2.7 Public civic amenity uses (e.g. uses related to health, social services, elderly, youths and other community facilities) should ideally be located within or adjacent to town and local centres since they constitute community uses that reinforce the function of these centres. However, in view of the general lack of vacant sites and buildings within established town and local centres, the actual provision of such facilities on many occasions proves to be difficult to achieve in practice. Consequently, MEPA will encourage the provision of public civic amenity spaces by applicants/developers of suitable development schemes that are located within such centres. These civic facilities are to be administered and managed directly by the Local Council or Public Agency. As an incentive to promote the provision of these public civic facilities, the developer will be permitted to construct, above the designated height limitation, an equivalent of 115% of the floorarea of the civic facilities provided on site.

6.2.8 Preferably such community uses should be situated at ground floor level so as to facilitate access to the public. However, it may also be possible to reserve the first floor of the development instead of the ground floor for civic use provided that the facility can still function properly at this level and provided that public access to it is still acceptable to MEPA.

## **7. Commerce and Industry**

### **7.1 Introduction**

- 7.1.1 The strategy of the Local Plan aims to reinforce existing retail areas within settlements. The designation of town centres guides retail projects towards these centres. MEPA studies (Commerce and Industry Subject Study (Draft) 1997, and Retail Study for the Maltese Islands (Draft) 2000) have indicated that consumer retail expenditure growth rates will reach 3.5% per annum over the next 20 years with the figure increasing to 3.57% for the Local Plan area. There will also be a national need for an additional 111,342 sq. m. of retail floorspace over the next 20 years with the Local Plan area accommodating 11,768 sq. m. The studies indicated that there are distinct features relating to type and scale of retail outlets that influence their location. The Local Plan adopts these findings, designates a hierarchy of town centres, in line with the retail planning strategy, and gives guidance on what type and scale of retail outlets should go in which town centre.
- 7.1.2 The Commerce and Industry Subject Study mentioned above also investigated location criteria for different types and scale of offices. The Local Plan guides office development to town centres, adopting the hierarchy of town centres to distinguish between different scales of offices.
- 7.1.3 The increase in available free time, higher levels of disposable income, and the growth of the tourism industry have led to an expansion of entertainment and leisure facilities to accommodate this demand. In the absence of a planning framework, market forces have primarily determined the location of these uses, which have concentrated in specific locations such as St.Paul's Bay, Mellieha and to a lesser extent in Rabat within the Local Plan area, occasionally to the detriment of established residential areas. The Local Plan seeks to rationalise the location of entertainment uses and guide them primarily towards Entertainment Priority Areas (EPAs) within urban settlements.
- 7.1.4 The issue of industrial development was also surveyed by the Commerce and Industry Subject Study. Of particular concern to the Local Plan was the location of "garage businesses" which has been further analysed by MEPA's SMEs (Micro-enterprises) Site Selection Exercise. The Local Plan takes on board the land allocations made by the Site Selection Exercise as approved by Parliament in July 2005 within the Local Plan area and designates the three sites for SMEs. Additionally, a need has been identified for the provision of land for warehouse/storage purposes and the Local Plan guides these developments to Naxxar. (Refer to Area Policies in Section 2).

### **7.2 Policies**

#### **NWCM 1**

#### **Town Centres**

**The Local Plan designates the following Secondary Town Centres within the Local Plan area: Mellieha, St.Paul's Bay and Rabat.**

**The boundaries of each Town Centre are indicated on the appropriate Area Policy Maps.**



The acceptable land uses (new uses, extensions to existing uses, and change of uses) at ground floor within all frontages within the Secondary Town Centres, but outside the Urban Conservation Area, are:

- i. **Class 1 (Use Classes Order, 1994) dwelling units on upper floors only. Proposals for residential development at ground level will only be considered by MEPA provided that the proposed development scheme includes one dwelling unit only. Conversions from existing commercial uses at ground floor level to new residential units will not be permitted by MEPA.**
- ii. **Class 2 (Use Classes Order, 1994) residential institutions on upper floors only.**
- ii. **Class 3 (Use Classes Order, 1994) hostels and hotels provided that these uses are in accordance with all other relevant Local Plan policies.**
- iii. **Class 4, (Use Classes Order, 1994) retail uses including shopping malls and speciality shopping, but excluding showrooms, provided they comply with the provisions of MEPA's Interim Retail Planning Guidelines (2003) and supermarkets provided that they comply with all the provisions of Policy NWCM 7.**
- v. **Financial, professional and other offices (Class 5, Use Classes Order 1994, ;**
- vi. **Food and drink (Class 6, Use Classes Order 1994,) provided hot food take aways are not located above ground floor;**
- vii. **Non-residential institutions (Class 7, Use Classes Order 1994,) including interpretation centres. However public halls are to have a floor area that does not exceed 150 sqm.**
- viii. **Class 8 (Use Classes Order, 1994) education facilities;**
- ix. **Assembly and Leisure (Class 9, Use Classes Order 1994,);**
- x. **Class 11 (Use Classes Order, 1994) business and light industry provided that**
  - **The gross floor area of the premises does not exceed 50 sqm (including storage of materials and/or finished products);**
  - **The activity conducted within the premises does not use heavy duty and/or noisy electrical/mechanical (including pneumatic) equipment, and equipment which requires a 3 phase electricity supply;**
  - **The activity conducted within the premises does not entail extensive and/or prolonged use of percussion hand tools (eg. hammers, mallets etc);**
  - **The activity employs less than 5 people; and**
  - **The activity conducted within the premises does not inherently entail the generation of combustion, chemical or particulate by products.**

Examples of acceptable uses considered by MEPA include tailor, cobbler and computer repair. Moreover, examples of unacceptable uses include carpentry, panel beating, mechanic, mechanical plant servicing and spray painting.

Proposals to convert from existing Class 12 (Use Classes Order, 1994) general industry to Class 11 (Use Classes Order, 1994) business and light industry within designated Town Centres shall only be considered acceptable by MEPA if all the

**conditions listed above are adhered to, and provided that it can be proven that the Class 12 Use (general industry) operation is a permitted one and the Class 11 Use (business and light industry) operation is actually more neighbourhood compatible than the Class 12 Use operation it intends to replace.**

**xi. Class 17 (Use Classes Order, 1994) storage facilities only provided that the gross floor area does not exceed 75 sqm.**

**xii. Taxi Business or for the hire of motor vehicles.**

**xiii. Band club and social club.**

**xiv. Cleaning of clothes in venues where articles are brought by the public, provided that the gross floor area does not exceed 75 sqm.**

**xv. Conference Centre.**

**xvi. Indoor shooting range provided that all the conditions of the Guidance on Shooting Ranges are fully adhered to.**

**xvii. Bakery and Confectionery with provision for outside catering**

**For frontages within the Secondary Town Centres lying within Urban Conservation Areas, the uses listed above will be accepted provided the interventions on the historic fabric comply with the requirements of the Development Control within Urban Conservation Areas policy of 1995.**

**MEPA will support initiatives from public agencies, NGOs and the private sector, which contribute to the enhancement of the external environment of town centres and add to their vitality as a retail and social/community hub. Proposals for pedestrianisation schemes and traffic management will also be considered favourably.**

7.2.1 The town centre is the focus for a range of commercial and community activities, resulting in a mix of, often interdependent, land uses, which provide a focus for identity, social interaction and business opportunities. It includes a combination of natural features: historic buildings, cultural, civic and governmental buildings, as well as public open spaces. This physical form and mix of functions, which have evolved over a considerable period of time, makes a town centre different from a shopping centre and provides much of its character which can be further enhanced by introducing appropriate new uses into historic buildings. It also has a high level of accessibility to employment, services, and facilities for all the community. The size of centre will influence the range of activities and its function. The scale of development possible and the opportunities available will differ from place to place.

7.2.2 Shopping provision is a key component of town centres, and makes a major contribution to their vitality and viability. It is important therefore that they retain retailing as a core function. The Retail Strategy defined a secondary centre as a town centre with a significant non-food shopping element but serving local residents or residents of closely neighbouring villages and used at least by 2,500 people for non-food shopping.

7.2.3 Although retailing is a dominant activity in a town centre, the attraction of each centre for the location of other businesses and social and community facilities were taken into account in identifying the range and mix of uses, indicated in (i) to

(xvii) above, acceptable within town centres. Other uses which may not be categorized into a use class due to their unique nature or because such a use does not feature in the Use Classes Order should be clearly justified and will be assessed within the broad objectives of the Local Plan for town centers to maintain vitality and viability, encourage provision of amenities and enhance the public realm (refer to paragraph 4.3.1 (iv), (v), (vi) of the strategy). The vitality and viability of town centres depends on a varied mix of uses and activities, which encourage people to visit the centre whilst ensuring that they remain an attractive place to live in.

- 7.2.4 Not all centres, particularly small and historic towns, will have sites that are suitable in terms of size, parking, traffic generation or servicing arrangements for large-scale developments in the town centre itself. In such centres, development should be of a scale appropriate to the size of the centre in order to minimise the potential for adverse impact. This policy seeks to control the scale of development within those parts of the town centres having conservation value and which have been designated as urban conservation areas. Applicants should make every effort to integrate successfully new development into the townscape of existing centres.
- 7.2.5 Creating liveable communities requires integrated initiatives aimed at improving the quality of life of citizens. A quality physical external environment can act as the catalyst for investment, economic growth and social well-being.

## **NWCM 2**

## **Local Centres**

**The Local Plan designates the following Local Centres within the Local Plan area: Manikata, St. Paul's Bay (Bugibba and Qawra), Burmarrad, Mgarr, Zebbiegh, Bahrija, Mtarfa, and Dingli.**

**The boundaries of each Neighbourhood Centre are indicated on the appropriate Area Policy Maps.**

- i. Class 1 (Use Classes Order, 1994) dwelling units on upper floors only. Proposals for residential development at ground level will only be considered by MEPA provided that the proposed development scheme includes one dwelling unit only. Conversions from existing commercial uses at ground floor level to new residential units will not be permitted by MEPA.**
- ii. Class 2 (a) (Use Classes Order, 1994) residential accommodation and care to people in need of care on upper floors only.**
- iii. Class 4, (Use Classes Order, 1994) retail uses including speciality shopping but excluding showrooms, provided:  
(a) that the gross floor area does not exceed 250 sqm; and  
(b) they comply with the provisions of MEPA's Interim Retail Planning Guidelines (2003).**
- iv. Supermarkets provided that they comply with all the provisions of Policy NWCM 7.**
- v. Class 5 (Use Classes Order, 1994) offices provided that the gross floor area does not exceed 100 sqm.**

- vi. **Class 6 (Use Classes Order, 1994) food and drink provided hot food take-aways are not located above ground level.**
- vii. **Class 7 (Use Classes Order, 1994) non-residential institutions including interpretation centres. However public halls are to have a floor area that does not exceed 150 sqm.**
- viii. **Class 8 (Use Classes Order, 1994) educational facilities provided that the gross floor area does not exceed 75 sqm.**
- ix. **Class 9 (Use Classes Order, 1994) assembly and leisure provided that the gross floor area does not exceed 75 sqm.**
- x. **Class 11 (Use Classes Order, 1994) business and light industry provided that:**
  - (a) **The gross floor area of the premises does not exceed 50 sqm (including storage of materials and/or finished products);**
  - (b) **The activity conducted within the premises does not use heavy duty and/or noisy electrical/mechanical (including pneumatic) equipment, and equipment which requires a 3 phase electricity supply;**
  - (c) **The activity conducted within the premises does not entail extensive and/or prolonged use of percussion hand tools (eg. hammers, mallets etc);**
  - (d) **The activity employs less than 5 people; and**
  - (e) **The activity conducted within the premises does not inherently entail the generation of combustion, chemical or particulate by products.**

**Examples of acceptable uses considered by MEPA include tailor, cobbler and computer repair. Moreover, examples of unacceptable uses include carpentry, panel beating, mechanic, mechanical plant servicing and spray painting.**

**Proposals to convert from existing Class 12 (Use Classes Order, 1994) general industry to Class 11 (Use Classes Order, 1994) business and light industry within designated Local Centres shall only be considered acceptable by MEPA if all the conditions listed above are adhered to, and provided that it can be proven that the Class 12 Use (general industry) operation is a permitted one and the Class 11 Use (business and light industry) operation is actually more neighbourhood compatible than the Class 12 Use operation it intends to replace.**

- xi. **Class 17 (Use Classes Order, 1994) storage facilities only provided that the gross floor area does not exceed 75 sqm.**
- xii. **Taxi Business of for the hire of motor vehicles.**
- xiii. **Band club and social club.**
- xiv. **Cleaning of clothes in venues where articles are brought by the public, provided that the gross floor area does not exceed 50 sqm.**
- xv. **Bakery and Confectionery with provision for outside catering.**

7.2.6 Neighbourhood centres have a concentration of convenience shopping facilities serving the surrounding residential area. A neighbourhood centre is identified as:

- A cluster of shops, primarily selling convenience goods or providing retail services (e.g. hairdresser, dry cleaners, video hire), together with other social and community services for the immediate neighbourhood;

- Easily accessible on foot from surrounding residential areas; and located close to the geographical centre of the neighbourhood that it serves.

7.2.7 Small supermarkets and other shops will be allowed provided they do not cause nuisance through noise, smell or other factors. Access and servicing arrangements together with goods storage should not adversely impact neighbouring residents, businesses, or other users.

## **NWCM 3**

## **Entertainment Priority Areas**

**The Local Plan designates Entertainment Priority Areas (EPAs) within the following urban settlements delineated by the limits to development boundary:**

**Tas-Sellum, Bugibba.**

**The boundaries of the EPAs are indicated on the appropriate Area Policy Maps.**

**The acceptable land-uses (new uses, extensions to existing uses, and change of uses) within all frontages located within the EPAs are:**

- i. **Class 1 (Use Classes Order, 1994) dwelling units.**
- ii. **Class 3 (Use Classes Order, 1994) hostels and hotels provided that these uses are in accordance with all other relevant Local Plan policies.**
- iii. **Class 4 (Use Classes Order, 1994) small shops provided that:**
  - **the small shops (of any nature) are not to exceed a total floor area of 50 sqm each, and convenience shops are not to exceed a total floor area of 75 sqm each;**
  - **they comply with all the provisions of paragraphs. 1.4.16 to 1.4.18 of the Interim Retail Planning Guidelines (2003); and**
  - **they comply with all the relevant sections of the DC2005 (design, access, amenity, etc.),**
- iv. **Supermarkets provided that they comply with all the provisions of PolicyNWCM 7.**
- v. **Class 5 (Use Classes Order, 1994) offices provided that the gross floor area does not exceed 100 sqm.**
- vi. **Class 6 (Use Classes Order, 1994) food and drink, including hot food take-aways. However the sale of food and drink for consumption on or off the premises is to be at ground floor level only.**
- vii. **Class 7 (Use Classes Order, 1994) non-residential institutions including interpretation centres.**
- viii. **Class 8 (a) (Use Classes Order, 1994) small-scale educational facilities only.**
- ix. **Class 9 (Use Classes Order, 1994) assembly and leisure.**
- x. **Class 10 (b) (Use Classes Order, 1994) marine leisure (diving, sailing or windsurfing school) or other marine based sports or recreation.**

- xi. Taxi Business or for the hire of motor vehicles.**
- xii. Amusement Arcade or centre, or a funfair.**
- xiii. Band club, social club, dance hall, wedding hall and discotheque.**
- xiv. Cleaning of clothes in venues where articles are brought by the public, provided that the gross floor area does not exceed 50 sqm.**
- xv. Bakery and Confectionery with provision for outside catering.**

**MEPA will support initiatives from public agencies and the private sector, which contribute to the enhancement of the external environment of the Entertainment Priority Areas and add to their attraction as an entertainment hub. Proposals for pedestrianisation schemes and traffic management will also be considered favourably.**

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7.2.8 The delineation of the Entertainment Priority Areas in Tas-Sellum and Bugibba has taken into account the existing activities, especially at ground floor, for entertainment and tourism related facilities but also seeks to protect those areas, which are dominated by residential units, albeit for seasonal accommodation. The Local Plan does not intend to reduce the enjoyment of those groups of people who would like to spend a few weeks in summer away from the main urban, residential areas. MEPA will exercise stringent controls to ensure that new developments within Entertainment Priority Areas actually upgrade and improve the quality of the urban environment.

7.2.9 The Structure Plan for the Maltese Islands 1990, guides tourist accommodation development towards the urban areas of Mellieha and St. Paul's Bay/Bugibba. The Local Plan is giving further guidance for entertainment and leisure uses, which support tourist accommodation development, to be located within Tas-Sellum (Mellieha) and Bugibba only in St. Paul's Bay. The existing character of these two EPAs as a summer resort and their location on the coast make them an appropriate designation to encourage the further growth of tourism and entertainment uses. This designation also aims at directing public and private agencies involved in the upkeep and upgrading of public spaces, such as the MTA and the Local Councils, to concentrate scarce resources on a specific location.

## **NWCM 4 Industrial And Warehousing Development**

**The Local Plan designates Micro-Enterprise Parks at the following locations:**

**Mellieha, Mgarr, Naxxar t'Alla w Ommu.**

**The development of these sites must comply with the conditions set out in the SMEs (Micro Enterprises) Site Selection Exercise 2004, and any future revisions.**

**MEPA will seek the relocation to designated Micro-Enterprise Parks of existing industrial and warehousing activities**

- i. which have an unacceptable environmental impact on the areas in which they are located and on adjacent uses in particular;**
- ii. which cannot introduce appropriate mitigation measures; and**

- iii. **by prohibiting any development within the premises which would lead to an intensification of the use.**

**MEPA will favourably consider the location of a wider range of industrial businesses, including large-scale industry and warehousing, within the Local Plan strictly within the area identified by the area policies of Naxxar t'Alla w Ommu.**

7.2.10 There is a need in the local plan area to provide suitable sites for small industrial enterprises termed SMEs (Micro Enterprises) or “garage industries”, in order to achieve an equitable distribution of industrial land for Micro Enterprises and permit the location of new industrial businesses, and allow for the relocation of some of these units away from residential areas. In line with the SMEs (Micro-Enterprises) Site Selection Exercise 2004, the provision of the sites at Mgarr and Mellieha would provide valuable local services and employment. The area of Ta' Alla w Ommu at Naxxar within the Local Plan area has already been committed for obnoxious industries such as concrete batching plants and quarrying and various industrial uses which have mushroomed around them. The Micro Enterprise Park on this site has a wider catchment area and is strategically located to cater for the needs of the settlements of Mosta and Naxxar, together with settlements in the North Harbours Local Plan area.

## **NWCM 5**

## **Concrete Batching Plants**

**There is a presumption against the development of new batching plants within the Local Plan area. However MEPA may give permission for the relocation of an existing plant to a working hardstone quarry. Any development is to comply with all the following criteria:-**

- i. **The location of the proposed development is to be within a working hardstone quarry which benefits from a licence and development permit;**
- ii. **the development does not cause a significant additional adverse impact on the local amenity of the area and the surrounding environment;**
- iii. **the provision of a bank guarantee or similar provision in order to secure the removal of plant and machinery, restoration of the quarry and mitigating measures to reduce adverse impact on the local amenity upon completion of workings; and**
- iv. **the submission and approval of a scheme for restoration and after use of the quarry which is compatible with adjacent uses and mitigates any existing adverse impact on the amenity of the area.**

**MEPA will encourage the submission of schemes for the restoration and after use of existing batching plants, which are compatible with adjacent uses and mitigate any existing impacts on the amenity of the area and the surrounding environment.**

**MEPA will continue to use its enforcement powers to remove existing illegal plants.**

7.2.11 The process of making ready mixed concrete at a batching plant creates an adverse impact on the amenity of an area and is therefore often referred to as an ‘obnoxious industry’. The impact on the environment is not only visual but also noise, dust and heavy vehicle traffic movements. Ideally the best location for a batching plant is within a working hardstone quarry, which will reduce traffic movements because the plant will be adjacent to its source of raw material. Additionally the visual and noise impact will be absorbed within the overall workings of the quarry site.

7.2.12 This policy is aimed at restricting further developments of batching plants and seeks to rationalise existing plants by encouraging relocation or redevelopment to a more environmentally friendly use.

## NWCM 6

## Fireworks Factories

There shall be a presumption against the construction of new fireworks factories unless the site lies in a permitted disturbed area whereby any structures would be screened from view. Fireworks factories in disused quarries will only be considered as an exception to policy NWMW 1.

Proposals for the provision of new and upgrading (including extensions) of existing fireworks factories may be considered provided that:

- (i) the site is not protected or merits protection;
- (ii) there is a minimum buffer of 200m between the fireworks factory and any other development;
- (iii) all the statutory safety regulations are observed;
- (iv) the proposal should minimize the scale and number of built structures;
- (v) a landscaping scheme to mitigate any visual impact is submitted and approved which shall be implemented in its entirety within the first planting season and thereafter maintained and conforms to the criteria in the Guidance on Planting.

7.2.13 Fireworks factories need special land use requirements for the manufacture and storage of fireworks. These facilities also need special requirements in view of the hazards that these facilities present. Some of the existing factories are located in environmentally sensitive areas. This policy discourages the construction of new factories and only allows them as an exception and in very specific circumstances when impacts and risk can be minimised.

## NWCM 7

## Supermarkets

Large supermarkets (greater than 500 sqm) should preferably locate within or on the edge of town centres, provided that accommodating standards of parking provision are fully catered for on site to the satisfaction of MEPA. Where it is not possible to bring forward sites which are in or on the edge of a town centre because of the site size requirements of large supermarkets, residential amenity, environmental constraints in Urban Conservation Areas, or because the road network does not have the capacity to cater for the additional traffic and service vehicles, then sites within the designated locations listed in the following order of sequence will be considered for the development of large supermarkets:

- viii. Local Centres;
- ix. Tourism Zones; and
- x. Entertainment Priority Areas.

There shall be a presumption against the development of supermarkets within designated Residential Areas unless there is a strong planning justification for departing from the sequential approach stipulated above. Supermarkets will not be permitted within Residential Priority Areas. The development of supermarkets is also to follow the relevant criteria stipulated in the Interim Retail Planning Guidelines (2003).

7.2.14 Supermarkets are an accepted component of the retail hierarchy. Their preferred location is within or on the edge of town centres where public transport provision can be made available for shoppers who do not have the use of the car. However, since supermarkets generally require large clear areas of floorspace together with adjacent car parking facilities, it may not always be possible for developers to find sites of an



appropriate size and location within town centres. Consequently the policy sets out a sequential approach in establishing the preferred locations for supermarkets. The aim of this sequential approach is to accommodate modern facilities in all urban areas whilst safeguarding the amenity of Residential Areas and Residential Priority Areas.

## **NWCM 8**

## **Areas of Containment**

**The Local Plan designates Areas of Containment in the following localities:**

### **Burmarrad.**

**The boundary of this Area of Containment is shown on Area Policy Maps 45 and 45A. MEPA has reviewed industrial and commercial operations within this Area of Containment and has prepared a comprehensive scheme, as indicated in policy NWSP 26, identifying the range and scale of acceptable uses, mitigation measures to reduce negative impacts, the provision of adequate common parking areas, and access improvement schemes.**

7.2.15 The existing industrial and commercial developments designated by this policy constitute urban development which is undesirably located outside development zone. All these developments should ideally have been planned within the Limits to Development and not in their present location outside development zone. Notwithstanding this, the relocation of this area would be too difficult and costly a task, and is therefore not considered to be a feasible option. This existing built up area is therefore being designated as an Area of Containment in order to prevent its further outward expansion. As far as possible the boundaries of the designated areas have been delineated to provide an appropriate building depth and block layout thereby improving the current irregular layouts.

## **8. Agriculture, Fishing and Aquaculture**

### **8.1 Introduction**

- 8.1.1 Although still the largest single land use in the Maltese Islands (35%) and a major contributor to the rural landscape, agriculture and fisheries only contributes some 2.54% (1999) to the Gross Domestic Product.
- 8.1.2 However, it is important to appreciate that the contribution which agriculture makes in creating the environmental character and quality of the rural landscape, which in turn attracts tourism and therefore also improves the welfare of the local communities, is out of all proportion to its small contribution to the GDP.
- 8.1.3 The Central Office of Statistics (2001 survey) indicated that island wide there is 76% dry land, 11% irrigated and 13% unutilised/garrigue land.
- 8.1.4 Agricultural production faces several constraints including loss of agricultural land due to the construction of buildings and associated hard surfaces arising from the growth of the urban areas, the lack of water resources and the decrease in full time farmers. Recognising these constraints the Structure Plan included various policies to protect and support the agricultural industry.
- 8.1.5 Vineyards, vineries and olive processing are particular forms of agriculture, which may be attractive to tourists. Where appropriate, this aspect will be taken into account in assessing proposals and applying policies.

#### **Supply of Irrigation Water**

- 8.1.6 The potential for increasing the supply of irrigation water by better control, storage and re-use of rainwater run-off is considerable. The expansion of built up areas and other development such as farms and new roads adds to the amount of rainwater lost through run-off unless it can be channelled to reservoirs and storage tanks and even then it is seldom made available to agricultural land. The need to enlarge existing reservoirs as well as the provision of new increased storage capacity for agricultural use is important. Insufficient water is stored during the wet season with the result that little or none is available during the dry season. All proposals for new development and roads should incorporate provision for the collection and storage of rainwater run-off and, where practicable, for its use in agriculture.
- 8.1.7 Major infrastructure projects (such as the sewage treatment works proposed at Iċ-Cumnija), which produce significant quantities of wastewater, should incorporate provision for storage and treatment of the water for use in agriculture.

#### **Soil Conservation**

- 8.1.8 Many large bare rocky areas are still enclosed by long lines of rubble walls showing that these areas were once, either planned for cultivation, or covered with soil and regularly farmed. These areas lost all their soil a long time ago. Possibly, this was because of the land being left uncultivated for a long period, agricultural malpractice, insensitive removal of the vegetation cover on fallow fields, or owing to unsuccessful reclamation of inappropriate areas.
- 8.1.9 A considerable amount of agricultural land is on sloping ground, which is terraced with retaining walls made of limestone random rubble. Many of these rubble walls

have fallen into disrepair with a current increase in soil erosion. Much of the agricultural land is not irrigated. This leaves the soil bare of vegetation leading to accelerated wind erosion. Additionally, during the transition from the dry to the wet season, short but heavy rainstorms are common which lead to increased run-off and erosion.

- 8.1.10 Traditional rubble walls must be given immediate attention. Farmers should be encouraged to rebuild/maintain existing traditional rubble walling. It is important to use traditional materials and methods, if the characteristic rural landscape is to be conserved. (Refer to NWCO 14).

#### **Farm Houses (Livestock Breeders)**

- 8.1.11 Structure Plan policies provide that, in relation to agricultural developments, only those essential to the needs of agriculture will be permitted in the countryside. In order to ensure that developments serve a genuine agricultural purpose, applicants must first demonstrate that they satisfy a number of eligibility criteria. (Refer to draft Guidelines on Agriculture, Farm Diversification and Stables (2005) and any future revisions).
- 8.1.12 MEPA will give favourable consideration to applications for residential farmhouses from registered livestock farmers. Where the need to provide accommodation for a farmer to live at the place of work has been accepted as justifying isolated development in the countryside, it will be necessary to ensure that any farmhouse so provided is kept available for meeting this need and does not simply become part of the housing stock of the area. For this reason any development approval will be subject to an occupancy condition.

#### **Farmhouses**

- 8.1.13 It is not considered essential for farmers involved in arable/horticultural etc. farming to live directly on the farm unit. With the relatively short travelling distances from the large number of rural settlements (as designated in this Local Plan) and the absence of the need for the kind of continuous supervision necessary for certain kinds of livestock, it is possible for an arable or horticultural unit, including those utilising greenhouses or other forms of protected cropping, or vineyards or olive grove, to be operated by a farmer who does not live on the farm but in a nearby settlement.

#### **Buildings for Animal Breeding**

- 8.1.14 There is likely to be a continuing need for new buildings for livestock – to increase production, improve farmers' income, improve working conditions, meet new requirements and standards for animal welfare or hygiene or waste management, and in general to modernise the livestock sector.
- 8.1.15 Permission may be granted for the erection of a new building or an extension to an existing building for animal breeding, production and for the related storage of feed, fodder or machinery/equipment. (Refer to draft Guidelines on Agriculture, Farm Diversification and Stables (2005) and any future revisions).
- 8.1.16 MEPA will encourage the use of existing under utilised/disused livestock buildings in preference to the construction of new buildings. These buildings could provide an opportunity for farmers to diversify farming production. Apiculture (beekeeping) is an example, which could significantly expand using existing agricultural buildings.

### **Management of Livestock Enterprises**

- 8.1.17 There are particular problems with livestock buildings and the storage, treatment and disposal of waste. Greater emphasis needs to be given to farm designs including livestock buildings in order to comply with European and International Standards. In many cases the waste ends up on adjoining land or may seep down to the water aquifer polluting land and watercourses. MEPA will encourage the Department of Agriculture, Public Health Department, Water Services Corporation and Drainage Department to formulate a Code of Practice for the management of livestock enterprises and, in particular, the storage, treatment and disposal of waste. This will apply to all existing as well as new units. With regard to all livestock development proposals MEPA will need to be satisfied that stringent measures are incorporated into the proposals that will ensure that there is no pollution of adjoining land, watercourses or aquifers. (Refer to Draft Guidelines on Agriculture, Farm Diversification and Stables (2005) and any future revisions).

### **Greenhouses**

- 8.1.18 Glass, and to a lesser extent plastic, acrylic or polycarbonate are reflective in bright sunlight and therefore tend to be very visible. Structures associated with intensive crop production such as greenhouses can be intrusive in the rural scene. The general objective of MEPA is to permit this type of structure, provided that there is no adverse impact on the environment and in particular that sensitive and protected areas are safeguarded. An opportunity may exist for limited landscaping, including the planting of fruit trees, in order to reduce the visual impact on the landscape. Greenhouses should, where possible, be orientated in a north-south direction to receive maximum sunshine conditions in winter months. (Refer to draft Guidelines on Agriculture, Farm Diversification and Stables (2005) and any future revisions).
- 8.1.19 Cloches, polytunnels and other protected cropping structures will be permitted provided that the impact on the environment is minimised.

### **Storage of Farm Machinery**

- 8.1.20 Occasionally there arises a need for a building to store farm machinery or equipment, such as tools or vehicles for cultivation or irrigation. To prevent the cumulative impact, which the excessive development of agricultural stores might have on the rural landscape, MEPA will only grant permission in the case of farmers/breeders having a genuine need for such facilities. Buildings must be of a height and of a size compatible with the land holding of the farmer, for the storage of modern farm implements or machinery, carefully sited and landscaped to minimise any impacts on the rural environment in which they are situated. The advice of the Department of Agriculture will be sought on whether applicants have a need for such facilities. (Refer to draft Guidelines published on Agriculture, Farm Diversification and Stables (2005) and any future revisions).

### **Vineyards**

- 8.1.21 It is the policy of the Ministry for Agriculture to increase the amount of land under vines, in order to increase the local production of wine grapes. Viticulture offers the potential for the rehabilitation of terraced, abandoned fields and disused quarries with the consequent positive impact on the landscape.

- 8.1.22 If it is essential that a winery should be located in the countryside and on the vineyard it is intended to serve, then it shall comply with draft Guidance on Agriculture, Farm Diversification and Stables (2005) and any future revisions.
- 8.1.23 If a need arises for the production of olive oil or other olive based products, considerations which apply for vineyards will also apply to the growing of olives.

#### **Visitor Attraction**

- 8.1.24 Permission may be granted for the conversion of existing vacant or under-utilised buildings to visitor attraction uses which will enhance the experience of visitors to rural areas. The strengthening of the rural economy through a diversification of farm based activities will be encouraged, provided that this does not have an adverse environmental impact and directly contributes to farm incomes, by complementing but not replacing on-going agricultural activities. MEPA will encourage this diversification through the bringing back into use of disused or underused buildings. The type of attractions are small scale farm based processing plants which are marketed as tourist attractions and which offer the “experience” of production and accompanied by “interpretation”, tasting and the direct sale of finished products. Examples include wine, or olive production, making olive based products, preparing cheese or tomato based products, and making craft items. Additional policy guidance is provided in Guidelines on Agriculture, Farm Diversification and Stables (2005) and any future revisions; and also Chapter 10, Tourism Policy NWTO 3 of this Plan.

#### **Farm Retail Outlets**

- 8.1.25 Roadside shopping and farm shops are well established and the direct sale of local farm produce or traditional products to passing trade is a natural countryside activity, which can aid in the diversification of farming. (Refer to draft Guidelines on Agriculture, Farm Diversification and Stables (2005) and any future revisions).

#### **Horse Riding Establishments**

- 8.1.26 Horse riding has a role in farm diversification although not all proposals are likely to form part of a larger farm business. The type of equestrian farm establishment this Local Plan is concerned with are those which offer mainly guided tours/accompanied treks or rides and occasionally horses or ponies for rent (Refer to draft Guidelines on, Farm Diversification and Stables (2005) and any future revisions).

## **8.2 Agriculture**

### **NWAG 1**

### **Protection of Agricultural Land**

**MEPA will continue to protect agricultural land from all types of inappropriate development. Within “Areas of Agricultural Value” as indicated on Map 4 only buildings, structures and uses essential to the needs of agriculture will be permitted and then only if it can be demonstrated to the satisfaction of MEPA that they will not adversely affect water supplies, soil and landscape, and accord with all other policies within this Local Plan. Applications for development permission for agricultural related developments, which will result in the subdivision of land holdings, will not be permitted.**

**This will also apply to other land being cultivated for agricultural use and which in the opinion of MEPA (after consultation with the Department of Agriculture) has a realistic potential to be upgraded and sustainably improve its productivity. (This policy will not apply to such land where it is designated for other purposes in the Local Plan).**

**Improvements to existing agricultural land and buildings aimed at increased productivity will be favourably considered by MEPA providing they are well designed, efficient and contribute to rather than detract from the quality of the local and surrounding environment.**

- 8.2.1 Areas of Agricultural Value in North West Malta are indicated on Map 4. They are based on information supplied by the Department of Agriculture and reflect the importance of soil quality and access to irrigation water for successful farming in Malta. The classification of agricultural land by Category is under preparation.
- 8.2.2 MEPA in accordance with Structure Plan Policies RCO 1-3 designates these areas as “Areas of Agricultural Value” and protects them from all forms of urban development. MEPA will however support proposals aimed at increasing agricultural efficiency and production in these areas providing such proposals are consistent with the long-term protection of good quality water supplies, soil and landscape. Measures of enhancement and protection will include the restoration and conservation of rubble walling (Refer to Policy NWCO 14).
- 8.2.3 An important issue related to degradation of agricultural land is linked to fragmentation of land ownership. Small parcels of land render economics of scale impracticable and may encourage the multiplication of (otherwise common) agricultural facilities. Apart from obvious repercussions on economics of scale, fragmentation results in the littering of the countryside with agricultural related facilities. This outcome greatly detracts from the important scenic character of the North West Local Plan area and thus should be discouraged. Farmers have often been discouraged from cultivating their land because the potential revenue from the respective tenement is not considered as being economically viable. Thus, potentially good quality arable land is abandoned. It is therefore essential to encourage the consolidation of agricultural land so that this very important asset is protected. Good quality agricultural land also needs to be safeguarded to enable the continuation of traditional agricultural activities which contribute to the unique landscape quality attributed to the interaction between these activities, physiognomy and climate factors which in turn affects tourism and Malta’s national identity (Refer to Landscape Section 13.9).
- 8.2.4 Small scale improvements to existing agricultural land requiring development permission by MEPA, such as water storage tanks and ponds, access roads and other minor construction works, will be sympathetically considered providing they are well designed, efficient and in accord with other policies of the Local Plan. Many of these improvements can contribute positively to the quality of the local environment. Trees should be planted around ponds and along access roads and walls should be of traditional rubble stone walling in accordance with Guidelines on Trees Shrubs and Plants (January 2002) published by MEPA.

**The reclamation of abandoned or derelict land for agricultural purposes including viticulture or afforestation will be supported providing the land is not designated, protected or scheduled for other purposes in the Local Plan or, otherwise of ecological, scientific, landscape and/archaeological importance.**

8.2.5 Many areas which were once in agricultural use have been abandoned because of fragmentation and limited returns, poor soil, lack of water, unsuitable terrain and the effects of urbanisation. This policy seeks to support, in accordance with Structure Plan Policy, the reactivation of abandoned agricultural land, and encourages compatible methods of cultivation. Some of these areas have been re-colonised by natural vegetation and have become valuable for wild life; others have important archaeological remains; some have been afforested with native or alien species. Areas of significant importance for ecological, scientific, archaeological and landscape reasons are designated in the Local Plan and will be protected from development. Reclamation of land for agricultural purpose is development as defined under S.30 of the Development Planning Act 1992 and requires planning permission; it will not be permitted where land is designated or scheduled for protection for other purposes. (Refer to Policy and Design Guidelines on Agriculture, Farm Diversification and Stables (2005) and any future revisions).

### **8.3 Fishing**

8.3.1 Traditionally the Maltese fishermen had one main season, that of lampuki between late August and early December. Gradually however, swordfish and tuna fishing were introduced with tuna now being the main export product.

8.3.2 The lack of adequate berthing facilities for fishing boats is a major problem to full and part-time fishermen. The all-weather harbour of Marsaxlokk is the main berthing facility on the island providing an all year round protection, however this is now overcrowded. Furthermore, an increasing number of berths are being taken over for yachts and leisure craft.

8.3.3 Structure Plan Policy AHF 14 states that a small fisheries centre and fishing boat berthing facility will be promoted in the north of mainland Malta.

8.3.4 MEPA in conjunction with the MMA must therefore identify suitable berthing locations that will give twelve-month protection and provide alternative provision to that of Marsaxlokk. This would encourage investment in the industry and help sustainability.

8.3.5 Possible locations within the Local Plan area are St. Paul's Bay and Mellieha Bay. A detailed study will be required, which should also consider ancillary facilities such as slipways, boat maintenance and cold storage.

### **8.4 Aquaculture**

#### **Introduction**

- 8.4.1 Aquaculture in Malta has changed radically over recent years and poor export markets for local produce threatens the viability of the industry as existed prior to 2000. However, the introduction of tuna penning offers the possibility of reviving the sector, given the demand for tuna in the world markets. The rapid changes in technology and this type of development is not considered by the established policy guidance. MEPA in order to rectify this situation has, in collaboration with the Fisheries Conservation and Control Division, proposed a National Policy. This emerging strategic guidance will require that marine installations required by aquaculture operations will be located as far out to sea as is allowed by technology and species tolerance limits. These will be located within a designated aquaculture zone. .
- 8.4.2 There are, however, several potential problems associated with aquaculture. Production units for fish farming are generally marine cages located off shore, and through the discharge of waste feed, these create an adverse impact on the water quality and a potential cumulative effect on the marine environment. This may result in a potential adverse impact on the leisure and tourism industry.
- 8.4.3 Within the plan area, there are at present five marine cage sites for fish fattening, namely Comino Channel, Mistra Bay, Mellieha Bay, and two in St. Paul's Bay for bream and tuna. The land base unit for the latter is located at Il-Marfa.

#### **Issues**

- 8.4.4 The following issues have been identified:-
- i. The need to ensure that existing and future fish farms within the Plan Area are in accordance with emerging national standards and objectives for the development of aquaculture in Malta;
  - ii. the need to ensure that aquaculture units (land- and sea-based) are located in areas where the use of land and sea resources are sustainable;
  - iii. to define mitigation measures to control the potential environmental impact resulting from aquaculture units;
  - iv. to encourage careful management of fish farms with special emphasis on the protection of adjacent areas;
  - v. the need to ensure an efficient environmental monitoring program for each fish farm;
  - vi. to ensure that large sea-based production units are located well offshore and in areas well clear of natural or man made features of conservation value; and
  - vii. the long term cumulative effect that aquaculture may have on the environment and its potential impact on leisure and tourism should be carefully monitored.

### **NWAG 3**

### **Production Units (Sea Based)**

**No marine cage installations for aquaculture will be permitted within inlets and bays closer to the shore than one nautical mile or less than a water depth of 50 metres, whichever is the lesser. All developments shall be consistent with the objectives and strategy of the National Aquaculture Policy, and any environmental constraints present within the area.**

- 8.4.5 The accessible (lowland) coastline of the northwest is important for tourism and recreational purposes. Locating fish-farm units within this area may result in detrimental effects in the water quality and the marine environment in general and thus be in conflict with the existing coastal uses.



## NWAG 4

## Support Land Base for Marine Cages

Land based support buildings for marine cage farms should have good existing road and sea access and preferably be located within disused livestock farm buildings but not within buildings of historical or other importance, and must comply with the following criteria:

- i. Such development will not be allowed within residential areas, on good agricultural land or on areas of ecological, scientific, or other protected areas of importance as defined by the Structure Plan and the Local Plan;
- ii. New development should consist of temporary/demountable structures. The site should be rehabilitated after decommissioning, according to a scheme to be submitted and approved with any planning application;
- iii. The site is well related to good road and sea access and adequate off-road parking is provided;
- iv. Ancillary buildings and structures should be preferably one storey high and laid out to minimise their visual and environmental impact; a landscape scheme shall be submitted and approved, including site moulding, with any permit application; together with a programme for implementation and maintenance; and
- v. The submission of a satisfactory Environmental Impact Assessment (where appropriate) to be prepared to indicate environmental impact, mitigation measures and method of subsequent monitoring.

8.4.6 The location of a support land based unit for marine cages requires good road and sea access in order to facilitate off-loading and the distribution of fish. The buildings should be laid out to minimise visual and environmental impact and a landscaping scheme, including site moulding, is to be submitted with any permit application. The relocation of existing fish farms located at inappropriate sites/buildings will be encouraged. Details of wastewater disposal should be in accordance with standards set out by MEPA and Water Services Corporation.

## NWAG 5

## Hatcheries

MEPA will permit a land-based hatchery within the plan area subject to all the following criteria being met: -

- i. Prior approval is obtained from the Malta Resources Authority;
- ii. The siting and design should be sympathetic with the existing character and appearance of the area;
- iii. The hatchery should be located, wherever practical, outside residential areas but within existing or committed built up areas, have good road access and be in accordance with veterinary requirements;
- iv. A landscape scheme shall be submitted and approved with any planning application, which shall be implemented in its entirety within the first planting season and thereafter maintained.

8.4.7 The Fish-Farming Planning Guidelines (as amended from time to time) identify the need for one more hatchery in Malta. Criteria for the establishment of a marine fish hatchery in the Plan area are defined in the policy, should a possible site be identified in the future.

## **9. Minerals and Waste Management**

### **9.1 Minerals**

#### **Introduction**

- 9.1.1 Mineral extraction is one of Malta's most important industries with limestone being the only rock of economic value. Softstone is quarried mainly in the south of Malta and in western Gozo from the Lower Globigerina formation and hardstone quarried mainly in north west Malta and north east Gozo from the Upper and Lower Coralline formations. Softstone is mainly used as dimension stone whereas hardstone is used for "marble", aggregates and concrete.
- 9.1.2 The area quarried has approximately doubled in the last 30 years with some existing quarries trebling in area and new quarries opened.
- 9.1.3 The principal locations for quarrying in the North West are:-
- i. On the west coast between Ghar Lapsi and Dingli;
  - ii. near Mgarr on the "Great Fault";
  - iii. the Targa area north of Mosta;
  - iv. on the Mellieha ridge.
- 9.1.4 The Local Plan does not identify new areas for workings, nor areas of suspected mineral deposits. It deals with safeguarding the environment, restoration, after use, and landscape enhancement.
- 9.1.5 Quarry boundaries as reproduced are based on information contained within the Supplementary Documentation of the Minerals Subject Plan and shall not be used for interpretative purposes. However, they are intended to be observed by quarry owners for mineral extraction/exploitation purposes and any other permitted ancillary development.
- 9.1.6 The Minerals Subject Plan seeks to ensure the supply of minerals to the construction industry within a framework whereby the environment is protected and high priority is given to site restoration. The Local Plan expands upon the adopted policies of the Structure Plan and Minerals Subject Plan and provides more detailed guidance where this is considered necessary.

#### **Issues**

- 9.1.7 Mineral working raises a significant number of issues which need to be addressed. These include the visual effects on the natural and built environment, dust and noise pollution, extent of works, restoration and after use.
- 9.1.8 Quarrying inevitably gives rise to disturbance. Land is removed from its former use, often resulting in loss of agricultural land, destruction of archaeological features or disturbance to natural habitats. The extraction of the mineral and its processing generates heavy vehicle traffic, noise and dust pollution, and, in the case of hardstone quarries, the use of explosives and the associated nuisances. Alterations to the landform can cause disfiguration of the landscape. Unless positive restoration and after use is carefully planned and implemented throughout the life of the quarry, the land may become scarred and derelict.

## 9.2 Policies

### Introduction

- 9.2.1 The Local Plan is subsidiary to the Structure Plan in regard to strategic policy and control of development. The Minerals Subject Plan also provides additional strategic guidance. The Local Plan therefore formulates Area Policies within the North West and recommends restoration and after use proposals.

### NWMW 1

### Afteruse

Applications for development proposals involving the reuse of disused quarries may be considered favourably by MEPA. Additionally, a number of quarries, which are likely to be exhausted over the plan period, have been identified for restoration and after use. Possible uses in rural areas include agricultural land, viticulture, afforestation, commercial orchards, nature conservation uses and informal recreation/tourist facilities, and possible other uses identified through negotiation with MEPA. However, uses, which in the opinion of MEPA are not compatible with or create an adverse impact on the surrounding countryside, will not be permitted.

Some quarries are suitable for filling with excavation waste, which could form the first phase of site restoration. Submission and approval of a restoration plan shall be a prerequisite in all cases of quarry restoration.

### DISUSED QUARRIES - Map 6

The Local Plan identifies specific restoration and after use policies for the following quarries:-

Location	After use
i. Il-Ballut, Mgarr (A)	To be filled with inert waste as agreed with the Water Services Corporation, and restored for nature conservation uses;
ii. Il-Ballut, Mgarr (B)	Refer to Micro Enterprise Site Selection Exercise;
iii. Misrah Suffara (No 5)	To be filled with inert waste as agreed with the Water Services Corporation, and restored for nature conservation uses;
iv. Tal-Maglaq (No2)	A comprehensive plan shall be submitted for the reclamation and after use of the disused quarry. The preferred after use is nature conservation but the most appropriate after use shall be determined within the framework of the heritage management plan for the area to be prepared by Heritage Malta in conjunction with MEPA and any other appropriate Government agency.
v. Qasam il-Kbir (No 9)	Proposals for further mineral extraction will be refused. No new quarrying of hardstone will be permitted within one kilometre, or softstone within half a kilometre of the Archaeological Park, in order to ensure the protection of the Temples. (Policy NWQD 2, Section 2). A comprehensive plan shall be submitted for the reclamation and after use of the disused quarry. The preferred after uses are

agriculture/nature conservation but the most appropriate after use shall be determined within the framework of the heritage management plan for the area to be prepared by Heritage Malta in conjunction with MEPA and any other appropriate Government agency.

- vi. Wied Filep Quarry (23) The proposed after use shall be for amenity/nature conservation purposes.

#### CONTINUING QUARRY OPERATIONS - Map 7 and Map 8

There are a number of quarries, which are likely to be exhausted over the Local Plan period. In conjunction with Policy NWMW 2, additional policies have been included where a proposed after use has been identified.

Location	After use
i. Santa Katerina, Rabat (32)	The quarry upon completion of works will be infilled with construction and demolition waste and restored to agricultural use.
ii. Wied Filep, Naxxar (15)	The operator shall submit a comprehensive plan for the reclamation/restoration of the quarry for amenity/nature conservation purposes.
iii. Il-Palma, Mgarr (4a)	Upon completion of workings, MEPA in conjunction with the Department of Agriculture will encourage the restoration of the quarries for agricultural purposes. Any archaeological features within the quarries, i.e., cart ruts, will be protected with adequate measures taken to preclude any damage from immediate development.
iv. Torri Falka, Zebbiegh (29)	Upon completion of workings, MEPA in conjunction with the Department of Agriculture, will encourage the phased restoration of the quarry for agricultural / vineyard purposes.
v. Burtall tal-Hotba (Gebel Cianter), Siggiewi (7)	A comprehensive plan shall be submitted for the reclamation and after use of the worked quarry area for agricultural/afforestation or nature conservation uses.
vi. Ta' l-Imsaqfa, Siggiewi (1)	A comprehensive plan shall be submitted for the reclamation and after use of the worked area of the quarry for agricultural/ nature conservation uses.
vii. Ta – Zuta, Siggiewi. Zebbiegh (30) Ta' Dmejrek (31) Misrah il-Hawt Quarry (4)	A comprehensive plan shall be submitted for the reclamation and after use of the worked quarry areas for agriculture, informal recreation/afforestation or nature conservation uses. No industrial uses will be permitted.
viii. Ta, Bellula, Ghar Lapsi (33)	A comprehensive plan shall be submitted for the reclamation and after use of the worked area and adjacent land for leisure/ nature conservation uses.

- 9.2.2 In accordance with the Minerals Subject Plan Reclamation Strategy, Policies RES 9, RES 10, RES 11 and RES 12, the Local Plan identifies quarries for after use provided the quarry is exhausted of usable minerals.

- 9.2.3 Disused quarry areas provide many opportunities for future use, once the basic landform has been made suitable. However, concern over water resources and contamination may rule out certain inappropriate uses.
- 9.2.4 Although the Structure Plan gives priority to uses which are difficult to locate elsewhere because of their visual or other undesirable impacts, special care will be required to assess their suitability for location in the open countryside of the Local Plan Area. In addition some quarries will accommodate more than one use as part of the landscape restoration or renewal process. Imaginative restoration utilising terracing gives added interest to certain sites, particularly those suitable for nature conservation uses. Additionally, informal recreation uses such as picnic and parking areas shall be incorporated in appropriate areas.
- 9.2.5 The Local Plan identifies and categorises, as indicated on **Map 5**, quarries as follows: -
- i. Disused;
  - ii. Active - continuing quarry operations, which are likely to become exhausted over the plan period, and also long term quarry operations unlikely to be fully worked over the Plan period.
- 9.2.6 Where quarry operations continue during the plan period, the operator must submit together with the annual permit application for the renewal of workings, a scheme indicating landscaping, mitigation and reclamation proposals to ensure negative impacts are minimised. A phased restoration programme should restore worked areas. The quarry to be infilled and reclaimed in accordance with Policy NWMW 2, and Code of Practice for Quarry Working and Restoration (1993).
- 9.2.7 By grouping quarries into categories they can be targeted. For example, specific restoration and after-uses for empty disused quarries are easier to identify. For those in operation a broad policy is more applicable.

## **Long Term Quarry Operations**

### **NWMW 2**

### **Long Term Quarry Operations**

**Where the quarries will remain in operation beyond the Local Plan period at Wied Filep Quarry (22), Naxxar and Tal-Macina Quarry (26) and Ix-Xaghri, Siggiewi (35), as indicated on Map 9, MEPA will encourage the operator to submit proposals for landscaping, mitigation measures and phased restoration schemes, in order to ensure the minimisation of environmental impacts.**

<b>Location</b>	<b>After use</b>
i. <b>Wied Filep Hardstone Quarry (22)</b>	<b>To remain in operation beyond the Local Plan period and MEPA will ensure landscaping, mitigation measures and reclamation schemes are submitted by the operator to ensure the minimisation of environmental impacts.</b>
ii. <b>Tal-Macina Hardstone Quarry (26)</b>	<b>The operator to submit proposals for landscaping, mitigation measures and restoration schemes to ensure the minimisation of environmental impacts.</b>

- iii. **Ix-Xaghri, Siggiewi (35)**      **The quarry will remain in operation beyond the Local Plan period and MEPA will ensure landscaping, mitigation measures and reclamation schemes are submitted by the operator to ensure the minimisation of environmental impacts.**

9.2.8      These quarries will continue to be worked well beyond the Local Plan period and operators must submit together with the annual permit application for the renewal of workings, a scheme indicating landscape, mitigation and reclamation proposals to ensure negative impacts are minimised. By implementing these schemes negative impacts can be reduced. For example bunding and landscaping can reduce unsightly views, plant machinery can be located in such a way as to minimise noise and dust generation and derelict areas of the quarry can be restored stage by stage.

### **9.3      Solid Waste Management**

#### **Introduction**

- 9.3.1      Private households, agriculture, quarrying, industry and commerce all produce considerable quantities of unwanted material requiring treatment and disposal. Waste is defined as any scrap material, effluent or unwanted surplus; any substance or article needing to be disposed of. The indiscriminate generation and disposal of waste is inefficient on two counts. Firstly, it is a waste of raw materials, which in turn places increased demands on natural resources. Secondly, the processing and disposal of waste creates a demand for land for which there is likely to be an increasing demand for alternative uses, as well as the potential for disturbance and pollution.
- 9.3.2      Construction and demolition waste constituted the bulk of waste generated in Malta in 2000 (85%). This was followed by municipal solid waste, at 9%, and mixed trade waste at 3%. Animal waste constituted some 850,000m<sup>3</sup> of manures and slurries, 65% of which originates from the pig sector alone..
- 9.3.3      Currently waste in Malta is legally disposed of at Zwejra. Landfilling occurred at Wied Fulija, in the Plan area, until September 1996. In addition, a composting plant operates at Sant Antnin, Marsascala that separates out municipal waste and provides compost for agriculture. A significant amount of illegal tipping also occurs, in the countryside of the North West particularly at Marfa Peninsula - Ahrax Point, Cumnija, and Anchor Bay.

#### **Environmental Issues Associated with Solid Waste Management**

- 9.3.4      Improper management and illegal dumping of waste, particularly hazardous and toxic waste pose increasing threats to the environment and human health. The environmental impacts associated with poorly managed waste disposal include leaching of contaminants into soil and groundwater, landfill gas generation, and significant impacts on land-use, landscape, geomorphology and ecology. Therefore it is essential to ensure waste is managed and disposed of safely and with minimum impact on the environment as a whole. The scarcity of land and the massive environmental impact associated with landfilling necessitate a serious consideration to be given to the development of alternative waste handling and treatment facilities.

## 9.4 Policies

### Introduction

- 9.4.1 The Local Plan is guided by the Structure Plan and Waste Management Subject Plan policies. The Local Plan therefore deals only with the special factors which cannot be taken into account solely on the basis of the Structure Plan or Subject Plan or which need emphasis because of the environmental sensitivity of the North West countryside.

### NWMW 3

### Civic Amenity Sites

**MEPA, in conjunction with Wasteserve, will encourage Local Councils within the Local Plan area to identify land for Civic Amenity Sites at appropriate strategic locations, subject to the following criteria: -**

- i. the location is within or close to the community(s) it is intended to serve;**
- ii. the site is situated on degraded land;**
- iii. the site has adequately positioned and designed pedestrian and vehicular access to accommodate the anticipated level of movements it will generate;**
- iv. provides access and suitably hard-surfaced and drained off-road parking and turning space for vehicles using or servicing the site;**
- v. the site is located, designed and operated having due regard to the need to minimise its impact on the amenities of residential areas, protected areas, areas used for quiet recreational uses or similar sensitive locations and developments, particularly with regard to potential problems of noise, pollution and visual intrusion;**
- vi. a landscape scheme shall be submitted and approved with any permit application, which shall be implemented in its entirety within the first planting season and thereafter maintained; and**
- vii. the submission and approval of a satisfactory Environmental Impact Assessment.**

**Additionally, in accordance with the Waste Management Subject Plan, Local Councils will identify locations for small drop off centres known as “bring sites”.**

**Where a site is not managed and problems associated with smell, vermin and litter cause complaint, measures will be taken to close the site and revoke its licence, unless the necessary management procedures are put in place and effectively implemented.**

- 9.4.2 In order to accord with the strategy of this Plan of reducing tipping in the countryside, a number of strategically located Civic Amenity Sites are required. These sites would provide skips for the disposal of outside household objects. However, sites need to be well managed in order to prevent vandalism occurring and sites taking on a very untidy appearance. These sites need to be provided where oversized household objects can be collected and separated, recyclable waste sorted into specific skips, and hazardous waste safely stored for disposal elsewhere. In order to achieve the requirements of a strategic location, then consideration will be given to their location ODZ.
- 9.4.3 Civic Amenity Sites should be of a scale, which is not visually intrusive. Sites should be fenced, with controlled access, netted to restrict litter blow, landscaped with screening and designed to make optimum use of space with room for numerous skips and turning room adequate for collection and return.

- 9.4.4 The Waste Management Subject Plan supports the promotion of small drop off centres known as "bring centres" by Local Councils which will help not only to reduce the amount of waste requiring final disposal but will also help raise peoples awareness to waste management issues.
- 9.4.5 By providing such sites, recycling will be made more financially viable and will reduce the amount of waste which has to be landfilled. The advantages of this type of scheme are that they collect a relatively pure waste product, which can be sent for recycling with little or no treatment.
- 9.4.6 MEPA will encourage local councils and/or private operators to manage sites by providing assistance and guidance on siting and training required for managing sites. Councils could financially benefit from this arrangement by sharing in profits gained from selling of materials for recycling.
- 9.4.7 MEPA in conjunction with Wasteserve and the Department of Agriculture have recently carried out a series of site visits in order to discuss the issue of land allocation for Civic Amenity Sites, and the need for a site has been identified within the Ta' Qali Action Plan area. This site would serve the general public and the "hawkers" visiting the produce depot.

## **NWMW 4**

## **Scrapyards**

**There is a presumption against the development of new scrapyards, except for the relocation of existing scrapyards, within the open countryside.**

**The relocation of existing scrapyards from residential or other inappropriate locations, for the purpose of treating/recycling of scrap materials, may be permitted in order to mitigate against adverse environmental impact, subject to the following criteria: -**

- i. the site is distant by at least 400 metres from an inhabited area or an area which is intended for residential, residential institutions, hotels, education, assembly or leisure buildings, or tourism development;**
- ii. the site is not within, and the development shall not have an adverse affect on, scheduled, designated or protected area including:-**
  - Areas of Ecological Importance,**
  - Sites of Special Scientific Importance,**
  - Areas of Sites of Archaeological Importance, (including a buffer zone under Class A and B),**
  - Areas of High landscape Value,**
  - Protected Landscape (I.U.C.N.),**
  - Scheduled Trees or**
  - Nature Reserves**
  - Special Areas of Conservation.**
- iii. the proposed site is located within an established industrial area or within an area which is permitted or allocated for industrial development, or on a site that has already been disturbed by development;**
- iv. the proposed development shall not obstruct a pleasant and particularly a panoramic view;**



- v. **the height of any scrap, materials, buildings or structures on site shall not exceed a height of 10 metres above the surrounding periphery ground levels of the site;**
- vi. **the access does not cause a traffic hazard and off road manoeuvring of vehicles from within the site and road parking shall be provided for all service, staff, and visiting vehicles;**
- vii. **the submission and approval of a satisfactory Environmental Impact Assessment;**
- viii. **a landscape scheme is submitted and approved together with a programme for implementation and maintenance to indicate that the storage of scrap and the buildings/structures should be so sited in order that it would not have a significant adverse impact on the landscape.**

9.4.8 This policy reinforces the Subject Plan with regards to the prohibition of scrapyards in the open countryside. It also supports the strategy of this Local Plan by reducing the adverse impact, which existing tipping and disposal sites have on the environment of the countryside. Scrapyards are a necessary part of waste minimisation in that they allow materials to be reused and recycled. However at present scrapyards are generally repositories for dumping materials.

9.4.9 There are a number of scrapyards in the Plan area ranging in size and impact. Issues associated with unauthorised scrapyards are, contamination of land and water supplies, particularly by heavy metals and oil, and bad neighbour use caused by noise, safety hazard and visual intrusion. A number of the scrapyards are situated either in open countryside, which results in a cluttered and untidy appearance, or are located within or adjacent to residential areas such as at Mgarr. Therefore, this type of land use needs to be relocated to more appropriate locations, in order to ensure that negative impacts are minimised and controlled.

## **10. Tourism**

### **10.1 Introduction**

- 10.1.1 The Tourism Topic Study (2000) has revealed sustained growth in the tourism sector during the surveyed period, and the number of licenced tourist beds in Malta and Gozo showed a net increase of around 6,300 beds. In the period 1993 – 2000, MEPA approved over 9,100 beds. Whilst some of these beds have already been placed on the market during the period 1993 - 2002, it is estimated that currently there are 4,500 beds in the pipeline including both projects, which are either still in construction stage or those, which have yet to get off the ground.
- 10.1.2 In the Local Plan Area, the number of tourist beds in St. Paul's Bay and in Mellieha stands around 33.7% and 11% share of the total tourist beds respectively. More significant is the increase of the number of beds in hotels, complexes, etc in St. Paul's Bay making up around 85% of the total number of beds. However, recent trends in the tourism sector have resulted in an increase in development applications to redevelop existing hotels to other uses, mostly for residential blocks or for residential institutions such as homes for the elderly. Nonetheless, St. Paul's Bay remains an important location for tourism accommodation development.
- 10.1.3 The spatial distribution and impacts of tourism accommodation provision in specific localities and determination of future demand was identified as a main issue for the Structure Plan Review. The Topic Study concluded that the future development strategy relies very much on the estimated number of future tourist arrivals, particularly where it concerns the provision of tourist beds. Within this evolving strategic policy context, the Local Plan will develop a strategy, which, whilst keeping in line with the existing Structure Plan, leaves room for emerging strategies and policies to be implemented.
- 10.1.4 Government tourism policy places more emphasis on the provision of facilities rather than the increase in the number of beds. Government aims to stabilise bed stock whilst improving the quality of the tourism accommodation facilities. New tourism accommodation should meet stringent quality and space standards and low quality accommodation should be phased out from the industry.
- 10.1.5 The significance of the Local Plan area for tourism is not restricted solely to the number of beds but includes also the number of jobs. Surveys conducted by the Malta Tourism Authority indicate that 62% of the tourism dependent labour force (i.e. 4,000 full-time and part-time equivalent) is in the Bugibba area alone.
- 10.1.6 Tourism makes a major contribution to the national economy and to the prosperity of the North West of the Island particularly since a high proportion of the tourist infrastructure and attractions are located within this area. The continuing growth of this industry generates a range of economic activities together with new job opportunities. Because tourism depends on a high quality environment, it can act as a positive and pro-active force for environmental protection and enhancement. There are many areas in the local plan, which have natural and historical features, which serve to attract tourists. It is important that the Local Plan identifies and formulates policies for protecting these, as well as to consider ways in which new development can help towards a sustainable tourist product.

## 10.2 Policies

### NWTO 1

### New Tourist Accommodation

Applications for development of tourist accommodation, (extensions to existing tourist accommodation, change of use into tourist accommodation and new tourist accommodation) within the settlement boundaries will be considered favourably provided that any development application meets the following criteria: -

- i. The prior approval of the Malta Tourism Authority;
- ii. New hotel beds, excluding hotel beds created through an extension of an existing, operating hotel, are located in:
  - the Town Centre, the Tourism Zones and the Entertainment Priority Area of St.Paul's Bay/Bugibba/Qawra;
  - the Entertainment Priority Area of Tas-Sellum;
  - the Town Centres of Mellieha and Rabat;
  - and in Mdina;
- iii. The scale of the overall project is consistent with the character of the area and does not cause an adverse impact on the local amenity;
- iv. High design quality in terms of height, volume, bulk, materials and finishes, and landscaping, is achieved;
- v. The development shall not cause a detrimental impact on the local community by the generation of unacceptable levels of increased volume of traffic, noise and bad neighbourliness;
- vi. The proposal complies with established standards for access and off street parking provision, coach parking facilities and alighting points;
- vii. The proposal complies with all other policies in this Plan relating to specific areas such as Town Centres, Tourism Zones, Entertainment Priority Areas, Residential Areas and Urban Conservation Areas. Existing policies and guidelines related to developments in Urban Conservation Areas also apply.

MEPA may also give favourable consideration to the location of new tourist accommodation facilities and/or change of use into tourist accommodation facilities in rural areas only when the proposal involves the conversion of vacant, listed buildings requiring restoration and rehabilitation or existing vacant buildings of architectural or historic merit, with architectural features and/or a degree of antiquity which warrants their retention; or which comprise part of a traditional group of buildings whose form and design represent a feature worthy of retention.

10.2.1 The thrust of the strategy for new tourism accommodation in the North West Local Plan is to allow the controlled expansion of the number of beds but in specific parts of specific urban areas only. This policy directs the location of new tourism projects, which increase the current bedstock predominantly towards the settlements of Mellieha and St. Paul's Bay, and also gives guidance on which parts of these urban areas are preferred for new tourism projects. The tas-Sellum area of Mellieha and the Bugibba/Qawra area of St. Paul's Bay are the preferred locations for new tourism accommodation. The regeneration of large Urban Conservation Areas in Mellieha and Rabat and also Mdina, which are also important tourist destinations, can also benefit from investment from tourism accommodation development and the economic spinoffs it generates, provided that the conservation value of such areas is not adversely affected.

10.2.2 Tourism beds have been separated into those falling under Use Class 3 (Use Classes Order, 1994) and those outside. No location restrictions have been imposed on new beds falling in Class 3 (hostels, guesthouses, etc) with regard to specific towns and

villages (ie they are allowed in all urban areas in the plan) on the assumption that the number of beds in this category is small and, based on past trends, it is highly unlikely that there will be a deluge of applications to develop or extend hostels/guesthouses. However, Policy NWUS 4 on development in Residential Priority Areas, prohibits this type of use.

10.2.3 New beds in hotels (outside Use Class 3) have been categorised into three:

- beds created from extensions to existing, operating hotels;
- beds created from changes of use of existing buildings which are not in tourism use;
- beds created from completely new buildings.

No location restrictions have been imposed on the first type with regards to specific towns and villages (ie extensions of existing hotels are allowed in all urban areas) (although policy NWUS 4 does not allow tourism accommodation development in Residential Priority Areas) in order not to jeopardize the viability of existing hotels but criteria controlling scale, impact on adjacent uses, design, and traffic generation, are necessary to ensure that such extensions do not create adverse environmental impacts or injury to amenity. No capping of hotel beds has been imposed.

10.2.4 The other two types of new tourist beds are only being allowed in:

- Mellieha (Town Centre, including those parts in the UCA)
- Tas-Sellum (Entertainment Priority Area)
- St.Paul's Bay/Bugibba/Qawra (Town Centre, Tourism Zone, Entertainment Priority Area)
- Rabat (Town Centre, including those parts in theUCA)
- Mdina

also with conditions on scale, impact on adjacent uses, design, traffic generation, etc but no capping of hotel beds.

10.2.5 Tourism can be a means for rural regeneration if developed in a manner, which respects the intrinsic, environmental qualities of the countryside. This policy is aimed at allowing only that form of tourism accommodation, which genuinely promotes the preservation of vernacular buildings such as farmhouses and hamlets, which are slowly becoming abandoned. It is intended to guide rural tourism development towards enhancing the visitors' experience of the rural areas, and its natural and man-made resources. When assessing applications for new tourism accommodation in rural areas, the potential for expansion and the possible impacts such expansions might generate on the environment must be taken into account.

## **NWTO 2 Rehabilitation or Redevelopment of Existing Tourist Accommodation in Rural Areas**

**MEPA will favourably consider the upgrading of existing tourist accommodation in rural areas, including coastal areas outside the development zone, provided the proposed development:**

- Has obtained the prior approval of the Malta Tourism Authority;**
- Is kept within the established curtilage of the tourist accommodation facility which has already been committed with physical, legal development;**
- Will not adversely affect the visual integrity of the existing building/s or the landscape character of the area;**

- iv. **The scale and mass of the proposed development will integrate positively with the surrounding environment; and**
- v. **Complies with established standards of access and off-street parking provision, coach parking facilities and alighting points.**

**The increase in the number of beds of existing tourist accommodation in rural areas, including coastal areas outside the development zone, will not normally be favourably considered by MEPA.**

**The total re-development of existing tourist accommodation facilities in rural areas, including coastal areas outside the development zone, will only be considered in very exceptional cases where the new proposal is for a hotel and has a very high design quality and considerably improves the rural or coastal landscape. Even in such rare cases, the increase in the number of beds and/or the intensification of the existing uses will not normally be favourably considered.**

10.2.6 Rehabilitation and upgrading of present tourist accommodation stock outside the main urban areas will be encouraged by MEPA and is of particular value to the local economy in the creation of additional jobs. An opportunity may also arise where an upgrading and/or extension enables the applicant to mitigate any detrimental effect resulting from the existing establishment. (E.g. provides sufficient parking spaces, improves design and aesthetics).

10.2.7 This policy accepts that existing tourist accommodation facilities in the countryside may need to upgrade the supporting amenities of the hotel to remain competitive in the market but seeks to strictly control this expansion to protect the environmental quality of rural and coastal areas. Although total redevelopment of existing facilities may be considered, approval will be an exception rather than the rule. The developer must demonstrate to MEPA's satisfaction the overall benefits to the wider rural and coastal areas within which the facility is located.

### **NWTO 3**

### **Visitor Attractions**

**MEPA will give favourable consideration to the development of visitor attractions within the settlement boundaries, including change of use of vacant and derelict buildings, which enhance the quality of the experience of the visitor to urban areas, provided they are located within the settlements of Mellieha, Tas-Sellum, St. Paul's Bay/Bugibba/Qawra, Rabat, and Mdina, and on specific sites only in Mtarfa as indicated on the Area Policy Maps.**

**Particular consideration would be given to proposals that take advantage of the historic and architectural value of Rabat and Mdina and seek to present this heritage to locals and visitors while also restoring and maintaining it.**

**Such favourable consideration to the development of visitor attractions in urban areas can only be given subject to the following criteria: -**

- i. **The prior approval of the Malta Tourism Authority;**
- ii. **The proposed development will not cause detrimental pressures on the local community;**
- iii. **The scale of the project is consistent with the character of the site and surrounding area;**
- iv. **High design quality in terms of height, volume, bulk, materials and finishes, and landscaping, is achieved;**

- v. **The existing infrastructure is not adversely affected by the proposed project, and can meet the demands of the project without significant intervention;**
- vi. **The proposed development would not exacerbate existing problems of traffic congestion, potential street/highway danger and vehicular and pedestrian conflict and appropriate off street parking is provided;**
- vii. **Access to the foreshore and scenic views are not restricted or limited by the proposed development;**
- viii. **For the reuse of scheduled buildings and structures of architectural or historical interest policies in this Plan, existing policies and guidelines related to developments in Urban Conservation Areas and on scheduled buildings also apply;**
- ix. **The proposals comply with all other policies in this Plan relating to specific areas such as Town/Neighbourhood Centres, Tourism Zones, Entertainment Priority Areas, Residential Areas.**

**MEPA will give favourable consideration to the location of facilities and amenities, which will enhance the experience of the visitor to sites outside the development zone, which due to their intrinsic archaeological/architectural/cultural/heritage value are an attraction for visitors, provided the proposed development:**

- 1. Has obtained the prior approval of the Malta Tourism Authority;**
- 2. Makes use of vacant and/or derelict buildings or utilises derelict land which is not designated for protection;**
- 3. Is of a scale and design which respects the character of the site and the surrounding area; and**
- 4. Does not exacerbate any existing traffic problems, and vehicular/pedestrian conflicts.**

**The development of visitor attractions as part of an established and continuing farming enterprise should comply with the provisions set out in draft *Agriculture, Farm Diversification and Stables (2005)* and future amendments.**

10.2.8 The development of visitor attractions in the North West area will widen the current choice of facilities for the enjoyment of both locals and foreigners alike. However, any proposal must ensure that the development does not compound any pressure or adverse amenity impact currently experienced in the area. In this respect, the development of additional attractions is guided towards the large urban settlements and the coastal settlement of tas-Sellum and may be permitted provided the criteria indicated above are complied with. The policy also focuses attention on the potential of Rabat and Mdina as visitor attractions.

10.2.9 Man-made attractions may range from a small museum with an archaeological site to large projects, which may include theme parks, golf courses or yacht marinas. This policy is more likely to give favourable consideration for relatively small scale attractions, especially heritage-related, such as audio-visual attractions, museums, interpretative centres or walk through audio-visual attractions, as opposed to large scale projects. Additional policy guidance is provided for large-scale proposals such as Theme Parks and Leisure Parks under Chapter 11 of this Plan.

10.2.10 Although the need is felt to improve on the Maltese Islands' current offer in terms of visitor attractions, it is also essential that any additional development does not have an adverse impact on the site itself, which in most cases is of high environmental value and is located in environmentally sensitive areas. Examples of these facilities and amenities include visitor/interpretation centres as part of walking/heritage trails, interpretation centres to sites of archaeological importance, visitor centres to nature reserves, etc.

## **NWTO 4**

### **Change of Use or Redevelopment of Existing Tourism Accommodation in Urban Areas**

**MEPA will give favourable consideration to proposals for the change of use or redevelopment of existing low standard tourism accommodation within the designated Residential Areas and Residential Priority Areas of this Local Plan for land uses identified by Policies NWUS 3 and 4 provided the criteria identified in the latter policy together with all other policies relevant to the specific use are complied with.**

10.2.11 A certain amount of low standard tourism accommodation both registered and unregistered, exists within urban areas. A change of use of some of the lower standard of tourism accommodation spread in existing residential areas to uses compatible with these residential areas would therefore benefit both the tourism sector as it will shed poor quality tourism development and also the environment of residential areas as it will result in an upgrading of the sub-standard built structures. This policy also brings forward Structure Plan Policy HOU 10, which encourages “the sale or rent of lower standard tourism accommodation for housing purposes.”

## **NWTO 5**

### **Tourism Zones**

**The Local Plan designates Tourism Zones (TZs) within the following urban settlements delineated by the development boundary:**

**Bugibba, Qawra.**

**The boundaries of each Tourism Zone are indicated on the appropriate Area Policy Maps.**

**The acceptable land-uses (new uses, extensions to existing uses, and change of uses) within all frontages located within the TZs are:**

- 1. Tourism accommodation facilities (excluding Class 3 (Use Classes Order 1994, as amended) uses);**
- 2. Visitor attractions, including Class 9 (Use Classes Order, 1994 (as amended)) Leisure and Assembly, provided they enhance the tourist product through their uniqueness and innovation;**
- 3. Class 6 (Use Classes Order 1994, as amended) restaurants;**
- 4. Class 6 (Use Classes Order 1994, as amended) bars provided they are part of a mixed-use scheme;**
- 5. Class 4 (Use Classes Order 1994, as amended) retail outlets and Class 5 (Use Classes Order 1994, as amended) offices provided they are ancillary to visitor attractions or tourism accommodation developments;**
- 6. Class 1 (Use Classes Order 1994, as amended) residential uses will be considered provided that when located on vacant sites or as redevelopment of existing buildings, they are part of a scheme which includes a mix of the uses (1) to (5) above and they are not located at ground floor.**

**Development proposals within the TZs must make a positive contribution towards the upgrading of the tourism product through innovative approaches to urban design – site layouts, the mix of uses, landscaping, building heights and mass, design of facades – and must ensure that all the necessary infrastructure is available to accommodate the needs of the development. (Reference should be made to Policy NWUS 5 for interpretation of**

building heights in the TZs). Proposals should also safeguard the amenity of existing, adjoining uses, especially residential blocks, and MEPA will apply the necessary mitigation measures it deems reasonable to prevent any significant adverse impacts.

MEPA will ensure that proposals will not prejudice the tourism objectives of the MTA and will seek its views on any proposal within the TZs, which it deems can have a significant effect on the tourism product in these zones.

MEPA will support schemes from public/private agencies, which seek to enhance the external environment and the public realm. It will also seek planning gain from major developments to assist in the implementation of this objective and will seek to participate in initiatives for the proper, comprehensive management of the entire TZs.

MEPA will also favourably consider the location of childcare centres, to support the function of the TZs as an employment node, provided they comply with the Kindergartens/Day Nurseries Policy.

10.2.12 The delineation of the Tourism Zones in Bugibba and Qawra has taken into account the existing concentration of tourism facilities (accommodation, attractions, food and drink outlets, etc), their importance for the enhancement of the tourism product and the evident predominance of tourism activities within them. The objectives of this designation are:

- to acknowledge the importance of tourism within the zone by clearly establishing its boundaries;
- to set out a planning policy framework for the zones guided by the intention to enhance the tourism product and safeguard existing uses;
- to encourage the formulation and implementation of specific management measures to co-ordinate actions by different stakeholders within the zones.

10.2.13 The Structure Plan (1990) Policy TOU 4 guides tourism development towards the urban areas of Mellieha and St.Paul's Bay/Bugibba and suggests that certain zones within these general areas will be favoured by the [Planning] Authority because they are likely to appeal to developers and tourists alike. The Tourism Topic Study also identified the importance of designating such zones and suggests that they should be incorporated into Local Plans with the safeguard that although within such zones tourism activity will be given importance; this should not be to the detriment of existing uses. The Local Plan has carried forward this strategic guidance by designating and delineating Tourism Zones in Bugibba and Qawra.

10.2.14 The objective of enhancing the tourism product in the tourism zones of Qawra and Bugibba requires a two-pronged approach – (1) an appropriate planning framework and (2) an effective management of the entire zone, integrated with similar approaches for the Town Centres in St.Paul's Bay and the Entertainment Priority Area in Bugibba. However, the emphasis of both approaches must be the enhancement of the **quality** of the tourism zones. Although "quality" in tourism is a rather intangible concept, related to operational methods, services and products offered by those involved in the sector, and is regulated by the MTA, through this policy, MEPA would adopt a planning framework, which contributes towards quality. MEPA will also seek to collaborate with the MTA, in its task of ensuring the quality of the tourism product both through effective screening of private development proposals and by participating in management structures, supported by the necessary funding, to draft, implement, and monitor, public or public/private initiatives aimed at improving the quality of the zone.

10.2.15 Other uses which are not included in this policy will not be favourably considered unless the developer demonstrates that they will achieve the broader objective of



the Local Plan for tourism zones to permit new quality ancillary facilities to the tourism industry and resist poor tourism related development (refer to paragraph 4.6.1 (iv) and (v) of the strategy).

# 11. Recreation

## 11.1 Introduction

- 11.1.1 Recreation can mean many things to many people. It is a word in common usage, but seldom clearly defined, particularly in the context of land use planning.
- 11.1.2 Recreation ranges over a wide spectrum from the highly active to the purely passive. It has a broad role of functions, some social, and some cultural and some creative development, enjoyed by individuals or groups.
- 11.1.3 However, recreation is mainly about an activity in which participants have chosen to engage - an active use of available leisure time.<sup>1</sup>
- 11.1.4 Distinctions between indoor and outdoor recreation are tenuous since there are very few activities, which are precluded from the outdoor environment by the nature of the activity itself. Perceptions and preferences as much as physical opportunity or constraint dictate where most recreational events take place.
- 11.1.5 Whether it is a stroll in the countryside or foreshore, a ball game with children, family outing to facilities or attractions, a visit to a museum, or an active team game, the recreational event is enhanced or devalued by the nature of the environment in which the activity is located, or if indoor, the quality of the facilities that are available.
- 11.1.6 It is likely that public demand and awareness of the value of recreation to provide a better balance to the quality of life will create pressures in the future for more resources, particularly as Malta has one of the lowest per capita public open space/built up area ratios in the world.
- 11.1.7 There is a growing link between recreation on the one hand, and tourism on the other. The tourism industry is a major component of the economy of Malta. A healthy tourist industry is vital for the socio-economic well being of the Islands. The provision of recreation and leisure facilities is therefore highly relevant if the government strategy to “develop ancillary facilities in the leisure, culture and sports sector in support of the accommodation component” of tourism is to be achieved. It is also important to note that demand in off peak periods as well as in the summer months needs to be met if seasonality is to be achieved. This interface between recreation and tourism must be recognised and a pro-active strategy followed in the implementation of facilities. Particular attention should be given to the provision of country parkways, picnic areas and the enhancement of beach facilities.

### Resources

- 11.1.8 There are two basic types of resource areas. Firstly the linear resource, i.e., footpaths, parkways, coastal foreshores, and secondly, the focal resource such as sports grounds, playgrounds, and multi purpose sports halls. The activities encouraged by these resources will lead to either active or passive informal pursuits or sports, in particular, team games.

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<sup>1</sup> Outdoor Recreation and the Urban Environment - Stephen Williams

- 11.1.9 A fundamental question in Malta, centres upon whether resource patterns reflect recreational needs, or whether recreational patterns are shaped by resource availability.
- 11.1.10 Demand is difficult to identify for certain activities because little or no provision exists for participation. However, if suitable areas were identified and designated then a latent demand is likely to emerge.

## **11.2 Land Based Recreation**

### **Introduction**

- 11.2.1 The most popular form of recreation is land based, ranging over the widest spectrum of formal and informal pursuits. The plan identifies areas of opportunity in order to ensure for an adequate range of facilities. The plan encourages Government and private initiatives and in appropriate locations, suggests the preparation of management schemes, in order to make the best use of land.

### **NWRE 1**

### **Major Recreation Areas**

**Major Recreation Areas are designated, as indicated on Map 10, at Burmarrad National Country Park, Il-Buskett, Marfa and Ta' Qali Action Plan Areas. MEPA will encourage and support the creation of opportunities for recreation by the preparation of Management and Action Area plans in conjunction with the range of public and private agencies involved.**

- 11.2.2 The relevant authorities will draw up a management plan for the Burmarrad National Country Park, which will seek to enhance it for informal recreation, landscape enjoyment of the public and bringing together the various legitimate interests. A management agency will be established to implement this plan. In the meantime, priority will be given, by all relevant agencies, to informal recreation, landscape, conservation and agriculture concerns within the area. Priority will also be given to scheduling of any sites or areas of archaeological, scientific, ecological, architectural, historical, cultural and landscape value within this park. No form of major impact developments or activities will be permitted within the area. Any planting of trees except for crop trees in agricultural land, will be limited to the use of indigenous species only. Whilst the interests of agriculture will be borne in mind, the foremost priority in the unscheduled parts of the park will be given to landscape and informal recreation issues, whilst conservation, landscape and informal recreation issues will be given foremost priority in the scheduled areas. The areas immediately contiguous with the park, wherever necessary, will also adopt landscaping or other measures to complement the nature and character of the park.
- 11.2.3 It is proposed that Il-Buskett be designated an Action Plan Area in order to provide a legal and planning framework, which will ensure its conservation, including maintenance and enhancement. Although recreation is of major importance at Il-Buskett, there is a need to clearly define the important roles and objectives that agriculture and ecology play. The policies and suggestions in the Action Plan will be formulated after a public consultation procedure and discussions with various public and private organisations concerned with the area. The views and concerns of these organisations will be evaluated and incorporated within the plan.

- 11.2.4 The Marfa Action Plan forms an important part of the North West Local Plan but has been published as a separate document. It has been formulated in order to guide land use and the development process in the Action Plan Area throughout the life span of the Local Plan. It examines in detail the current situation within the area in terms of landscape problems, lack of co-ordinated recreation uses, inappropriate development, reclamation of land and the conflict between coastal development and rare natural habitat. The plan promotes social and economic development, and the more efficient use of land. Special emphasis is given to the recreation facilities and overnight accommodation for the domestic tourist market.
- 11.2.5 The National Recreation Centre which forms part of the approved Ta' Qali Action Plan, in accordance with Structure Plan Policy REC 7, proposes and optimises opportunities for sport and recreation in a co-ordinated manner in co-operation with the range of public and private agencies involved. The Action Plan designates sites where national and regional standard facilities could be located, together with the optimisation of the area for further recreational uses. The existing boundary of the National Recreation Centre is enlarged to increase and safeguard land availability for recreational use.

## **NWRE 2**

## **Touring Caravan and Camping Sites**

**The development of touring caravan and camping sites will be permitted, subject to the following criteria: -**

- i. Applications to comply with Policy Guidelines for Touring Caravans and Camping Sites as approved by MEPA;**
- ii. the site is not located on a scheduled, designated, or protected area including the following:-**
  - a. Areas of Ecological Importance,**
  - b. Sites of Scientific Importance,**
  - c. Areas or Sites of Archaeological Importance,**
  - d. Areas of High Landscape Value,**
  - e. Nature Reserve,**
  - f. Areas designated as Public Access Zones**
  - g. Special Areas of Conservation**
  - h. Areas of Agricultural Land**
- iii. the location, scale and layout, is consistent with protecting the landscape character of the area;**
- iv. the siting has no significant adverse impact on adjacent protected areas, ground water vulnerability, or nearby settlements;**
- v. the site is well related to an existing highway, the access does not cause a traffic hazard, and adequate off-road parking is provided;**
- vi. no buildings/structures other than toilets and communal facilities will be permitted to be erected;**
- vii. static permanently stationed caravans will not be permitted;**
- viii. no tent will be permitted to be erected for a period in excess of twenty eight days;**
- ix. no change of use from recreational use to residential use will be permitted;**
- x. details of water supply, washing and toilet facilities, drainage and sewage disposal arrangements, refuse disposal and fire prevention shall be submitted and approved; and**
- xi. a landscape scheme is submitted and approved with any permit application, which shall be implemented in its entirety within the first planting season and thereafter maintained.**

- 11.2.6 The Structure Plan identifies the need and designates a site for overnight or short stay mobile caravan and camping at Marfa, (Refer to Policy REC 11), and sites have been identified in the Marfa Action Plan which is published as a separate document. Caravan and camping sites can cause serious adverse impact on the environment, particularly on the low-lying coastal areas adjacent to popular sandy beaches. However, with a good location, layout and site management, most of these problems can be overcome. A caravan is defined as *any purpose built structure on wheels, designed or adapted for human habitation, which is capable of being, moved from one place to another and any other motor vehicle so designed or adapted.* It is important to define what a caravan is, in order to avoid confusion with buildings/structures that are of a more permanent nature. Additionally, caravans must be removed from site during certain periods of the year in order to enforce the temporary use condition and also give time during the winter months for the ecology of the site to recover following periods of intensive use.
- 11.2.7 Touring caravan and camping sites can cause serious visual and environmental damage to the countryside, particularly when they have poor access, are insensitively or prominently located, or badly landscaped. Careful consideration is needed therefore, in the choice of location in order to avoid an adverse impact on the environment. Should the camping/caravan site not operate as such then the site should be reinstated to its former natural state. This however excludes any landscaping works, which are to be retained.

### **NWRE 3**

### **Horse Riding**

**Permission may be granted for the change of use or conversion of existing buildings, particularly existing redundant livestock farms, to horse riding establishments, or to extensions to existing establishments. (Refer to Guidelines on Agriculture, Farm Diversification and Stables (2005) and any future revisions.**

- 11.2.8 North West Malta is a popular area for horse riding and opportunities exist to provide more riding school facilities, which could play an important role in farm diversification. However, where appropriate access roads are to be jointly used by riders, walkers and motorists, they should be clearly signed in order to mitigate against accidents.
- 11.2.9 Existing farmsteads and groups of farm buildings, provide an ideal base for the establishment of new equestrian enterprises. The Authority considers that new or additional equestrian enterprises should be located in existing buildings, both to help ensure new uses for traditional buildings and also reduce the pressure for new, isolated buildings in the countryside.

### **NWRE 4**

### **Protection of Sports Facilities**

**Development other than that which is ancillary to the main sports use, will not be permitted on public or on school sports facilities.**

**Development, which would result in the loss or disruption of an existing sports facility, will be considered in relation to the intensity of use made of the facility, the availability of convenient alternative provision, and the amenity value to the surrounding area of the unbuilt space itself. When the loss of sports facilities, whether private or public, is unavoidable, permission to develop existing sports facilities for alternative uses will only**

**be given provided that loss is compensated for by the provision of a suitable replacement sports facility nearby, in advance of the development.**

11.2.10 MEPA surveys in 1999 (Leisure and Recreation Topic Paper, 2002) identified 19.4ha of public sports facilities and 1.76ha of outdoor sports facilities in state schools in the Local Plan area, which represents 6.5sqm of land for outdoor sports per inhabitant. This figure is higher than the national average of 5.3sqm of outdoor sports facilities per inhabitant so the Local Plan area is well served by outdoor sports facilities. Open air sports facilities, such as football/basketball/netball grounds, tennis courts, bocci pitches, whether located within school grounds, owned by the Government or the private sector, are of special significance both for their recreational and amenity value as most are combined with child play areas, seating areas, and landscaping. This policy ensures that the current level of provision of sports facilities is not reduced.

### **Country Parkways**

11.2.11 An important function of the Local Plan is to encourage provision of opportunities for recreation in order that tourists and residents can participate in greater enjoyment of the countryside.

11.2.12 The Structure Plan proposes the designation and implementation of Country Parkways, which are essentially linear open spaces and their immediate surroundings within which a variety of open air recreational activities will be located. The Local Plan identifies parkways that will link recreation and tourist attractions by tracing routes through areas that are of intrinsic natural or man made value. They may be used for walking, hiking, jogging, orienteering, school outings for educational purposes, horse-riding, and archaeological and historic specialist groups.

## **NWRE 5**

## **Country Parkways**

**MEPA in conjunction with the appropriate agencies, will seek to establish a network of country parkways, coastal and inland rights of way for footpaths, cycle routes and horse riding trails.**

**Country Parkways identified are indicated on Map 11 in the following locations:-**

- i. Linear parkways along the ridge of the Victoria and Dwejra Lines;**
- ii. Linear river valley and lakes park from Ta' Qali National Recreation Centre to Chadwick Lakes, along Wied il-Qlejgha;**
- iii. Linear parkways along the western coastal cliffs joining L-Imtahleb to Fomm ir-Rih;**
- iv. Il-Buskett to Wied il-Kbir; and**
- v. Wied iz-Zurrieq to Ghar Lapsi.**

**Existing infrastructure in terms of roads, carriageways, rights of access and footpaths will be utilised wherever practical. This will reduce further impact on the natural environment.**

**Public access to the designated parkways must be safeguarded. The leasing or sale of government land must be prohibited within a 50m corridor on either side of proposed country parkways as measured to the nearest convenient permanent physical boundary.**

- 11.2.13 The Country Parkways will involve the provision of safe access and parking; routeway enhancement including picnic, play, exercise and barbecue areas; and occasional facilities in the form of bench seating, and route and interpretative information signs. Leisure cycling is also a potentially important recreational activity in Malta, not only for the islanders but for off-peak tourists, if the correct facilities can be provided. The provision of Country Parkways could provide an excellent opportunity for leisure riding which although usually unorganized and sporadic may be combined with other activities such as picnicking.
- 11.2.14 An additional linear parkway to those outlined in Structure Plan Policy REC 13 along the western coastal cliffs is proposed to link Wied iz-Zurrieq to Ghar Lapsi. This links up with the Structure Plan proposal and provides a complete parkway system along the western coastal cliffs of the Local Plan Area.
- 11.2.15 The appropriate authorities will be encouraged to participate in management schemes in order to provide good public access by public transport as well as private car. Adequate parking facilities must be provided together with toilet facilities.
- 11.2.16 The parkways will provide access from the urban settlements to the countryside and also be integrated into a long distance footpath system. (Refer to Policy NWRE 6).
- 11.2.17 A programme of landscape enhancement must be encouraged in order to develop a sustainable approach to the provision of recreation by way of country parkways, thereby safeguarding landscape character and quality.
- 11.2.18 Management of the countryside is an untried technique in Malta and will require careful consideration, but will be the essential ingredient for the provision and maintenance of a parkways system. It is envisaged that Local Councils will play a major role in management of the parkways and footpath systems.

## **NWRE 6**

## **Footpaths**

**Existing and proposed long distance footpaths and other access ways will be protected from any development that would adversely affect their route or character.**

**MEPA in conjunction with Local Councils and other agencies will initiate a system of recording and way marking of footpaths and access ways.**

**MEPA will encourage Government to prepare legislation to secure and protect public rights of access to designated footpaths.**

**The network of footpaths as indicated on Map 11 and described below, will be integrated wherever possible with the Country Parkway System (Refer to Policy NWRE 5). Emphasis will be given to the provision of circular routes and access from the urban settlements to the countryside.**

- i. Marfa - the ridge and the varied coastline of the peninsula, incorporating the Red and White towers, Ras il-Qammieh and the Madonna Statue;**
- ii. Northern Coastline - eastern and western coastlines in the vicinity of Mellicha and the wooded area of il-Mizieb;**
- iii. Western Cliff Rim - the crest of the western cliffs from Mgarr, via Mtahleb and Dingli Cliffs south to Ghar Lapsi, with a diversion to Ras il-Pellegrin;**
- iv. Dingli Plateau - the Dingli - Nadur plateau, including Ghemieri, Dingli cliffs, Il-Qolla and Chadwick Lakes;**

- v. **Widien and Wardija - St Paul's Bay combined with the ridge crest;**
- vi. **Victoria Lines - east-west walk between Gharghur and Bahrija following the crest of the Victoria Lines escarpment, forts and fortifications including Bingemma; and**
- vii. **Mgarr Walk - Misrah Miel cliff top, near Gnejna, north to Ghajn Tuffieha, and east to Il-Fawwara and the Roman baths.**

11.2.19 Although not a popular traditional pastime and restricted by the hot summer weather, many groups of walkers and rambles are increasingly seen, and the variety and intimate scale of the rural and coastal landscapes provide wonderful opportunities for a wide range of routes. Long-distance and special interest walks are identified and have regard to protected areas and conflicting uses. The positive creation of greater use of the coast and countryside gives considerable benefits from the point of view of health and education.

## **NWRE 7**

## **Picnic Areas**

**MEPA will encourage Local Councils to provide and maintain picnic areas in appropriate locations including specific designated sites as indicated on Map 11 as follows:**

- i. **Burmarrad National Country Park;**
- ii. **Buskett;**
- iii. **Chadwick Lakes;**
- iv. **Ghar Lapsi**
- v. **Kennedy Grove;**
- vi. **Tat-Tomna, Mellieha**
- vii. **Ta' Qali Recreational Park;**
- viii. **Ta' Ras il-Gebel, Mgarr;**
- ix. **Ta' Darrenzi Woodland, Mgarr;**
- x. **Victoria Lines, and**
- xi. **Sites identified by Marfa Action Plan policy MRE 5.**

**Development permission of designated and any other additional picnic areas will be subject to the following criteria: -**

- i. **The design and layout shall have regard to the characteristics of the area in order to minimize any adverse effect on the character of the adjacent landscape;**
- ii. **The siting has no significant adverse impact on any scheduled, designated or protected area of ecological, scientific, visual, historic, archaeological or agricultural value;**
- iii. **Preference will be given to areas which are in public ownership and which currently are in a dilapidated state. Picnic areas will not be permitted within 10 metres of the coastline;**
- iv. **The site is well related to an existing highway/access and does not cause a traffic hazard, and off-road parking is provided;**
- v. **Details of washing and toilet facilities shall be submitted and approved together with the details of drainage and sewage disposal arrangements;**
- vi. **No static or touring caravans, tents or other temporary accommodation will be permitted; and**
- vii. **A landscape scheme is submitted and approved with any permit application, which shall be implemented in its entirety within the first planting season and thereafter maintained.**



- 11.2.20 Picnicking opportunities with support facilities are relatively scarce on Malta and a need exists for officially recognised, sensitively designed and equipped picnic areas. This policy identifies a number of potential sites for the provision of such areas but other locations will also be considered provided the above criteria are met.

## NWRE 8

## Heritage Trail at the Victoria Lines

**MEPA recognises the Victoria Lines as a critical asset because of their recreational, cultural, historical and educational resource value, which therefore merit conservation and protection. MEPA in conjunction with the relevant Local Councils and other appropriate agencies will support the creation of a Heritage Trail at the Victoria Lines, as indicated on Map 12.**

- 11.2.21 The Victoria Lines are also designated, as indicated on Map 12, as an Area of High Landscape Value within which no development of any structure or activity, which in the view of the Authority would adversely affect the landscape value, will be permitted. (Refer to Policy NWLA 2).
- 11.2.22 The Victoria Lines were built over the Great Fault, which divides the Island in two parts. The use of this natural barrier for defensive purposes can be traced back to prehistoric times. The Knights in 1722 and subsequently the British systematically utilised these natural defensive qualities. The Lines constitute a series of fortifications spanning some 12 kilometres, built by the British Armed Forces between 1870 and 1899. They consist of four polygonal styled forts, a number of batteries, magazines, searchlight emplacements, stop-walls and a continuous infantry wall, which connects the features together to form a single line of defence from coast to coast.<sup>2</sup>
- 11.2.23 Although the fortifications failed the test of defensive effectiveness immediately after their completion they still provide a very interesting insight into the development of military engineering techniques, form an intrinsic part of Malta's historical heritage and symbolise British Imperial dominance in the Mediterranean. This site is included in the Tentative List presented by the Government of Malta to UNESCO's World Heritage Centre.
- 11.2.24 A MED-URBS project to develop heritage tourism in Malta, initiated by local councils, proposes that the Victoria Lines be designated as a Heritage Trail. The scheduling of the Victoria Lines protects the lines and all ancillary systems including the heritage trails.
- 11.2.25 Any project related to the development of the Victoria Lines Heritage trail will follow all the criteria established by UNESCO and the restoration and rehabilitation of the same will follow a programme established by a Management Committee.
- 11.2.26 The objectives for the creation of a heritage trail are:-
- i. to conserve and protect the Victoria Lines including all historical features, landscape character, ecological and scientific features;
  - ii. to increase public awareness of their value to the local and world heritage; and
  - iii. to create a heritage/walking trail along the lines for cultural tourism.

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<sup>2</sup> the Victoria Lines (Souvenir Guide) - Ray Zammit

11.2.27 Suggested walks to the Victoria Lines are indicated on Map 12, which also indicates its inclusion in a system of proposed Country Parkways.

## **NWRE 9**

## **Chadwick Lakes and Environs**

**Chadwick Lakes and Environs, as indicated on Map 13, is designated as a Conservation Area and Area of High Landscape Value and shall be scheduled under Section 46 of the Development Planning Act (as amended in 2001).**

**MEPA will not permit the development of any structure or activity, except to enhance the informal recreational/educational/arable farming use of the area, which in the view of the Authority would:**

- i. visually dominate or disrupt its surroundings because of its mass or location;**
- ii. obstruct a pleasant and particularly panoramic view of the lakes;**
- iii. adversely affect any element of the visual composition; or the ecology, or geomorphology of the area;**
- iv. adversely affect existing trees or shrubs;**
- v. adversely affect run-off patterns or existing springs;**
- vi. contribute to soil erosion; or**
- vii. promote and/or require additional vehicular entry into the area.**

**MEPA will support remedial work to maintain the water holding capacity of dams whilst protecting and enhancing the natural ecological systems of the lakes and their environs.**

11.2.28 The general strategy of the Structure Plan and Local Plan within the Rural Conservation Area is to designate and protect areas of scenic value (Structure Plan Policies RCO 1 and RCO 4). The scenic value of Chadwick Lakes and its environs are recognised as an important informal recreational resource as well as for ecological and economic reasons, particularly those relating to the tourist industry.

11.2.29 Chadwick Lakes consists of a large, broad valley whose slopes descend to a series of irrigation dams and seasonal ponds on a watercourse, the terraced slopes being broken into a series of spurs and tributaries, which are dominated by the limestone cap of Il-Qolla. The valley is quite intensively farmed, but the typical Maltese pattern of rubble walls, grade downwards into the fertile farmland and orchards along the reed and poplar-lined watercourse. The area around the “lakes” themselves is one of the greenest and shadiest places on Malta. Mtarfa overlooks the valley from the south, as does Il-Qolla and Id-Dwejra from the north.

## **11.3 Major Impact Sports**

### **Introduction**

11.3.1 The plan recognises the need to identify suitable areas where major impact sports such as off-roading and shooting ranges, can be located. The suggested areas will provide participants with the opportunity to enjoy their sports without creating adverse impacts on the environment.

## **Golf**

- 11.3.2 The Structure Plan Review will appraise the issue of Golf Course Development, and the existing supplementary planning guidelines “Golf Course Development in Malta” will be amended as appropriate.
- 11.3.3 The Review and supplementary planning guidelines will outline a strategy, principles and guidelines to assist developments, local councils, and interested parties.
- 11.3.4 The nature of such a development as a golf course may have a major impact on the local environment and social fabric. The Review will provide the means of selecting the most appropriate and suitable locations, whilst avoiding the destruction of sensitive areas and habitat and offering a net gain during the development of such a facility.
- 11.3.5 Subject to an identified site being in accordance with the Review guidelines, a satisfactory Environment Impact Assessment and a Social Impact Assessment shall be submitted with any application for development permission.

## **Theme and Leisure Parks**

- 11.3.6 Prior to the Structure Plan Review, which will appraise the issue of Theme & Leisure Parks at a strategic level, the Local Plan does not identify any specific sites in the North West Local Plan area. The main objective of a Theme Park is to stimulate, educate and entertain visitors, whilst the objective of a Leisure Park is wholly for leisure enjoyment. Both forms of development raise a number of important issues including the availability of land and whether or not the natural environment would be subject to an unacceptable level of impact from a large increase in the number of visitors and car traffic to a particular area.

## **Hunting, Shooting and Trapping**

- 11.3.7 Structure Plan policies emphasise the need to protect and enhance the natural environment together with protection of threatened flora and fauna. Trapping sites often destroy an area of natural habitat, especially garrigue. Natural vegetation on a trapping site is often removed by means of herbicides, and alien/invasive species often planted instead. Trapping and hunting hides, often constructed of waste material, including galvanised metal sheeting, oil drums or concrete, are eyesores and create an adverse impact on the environment.

## **Shooting Ranges**

- 11.3.8 Shooting Range complexes can create adverse impact on the amenity of an area both due to the complexes themselves, as well as due to the activities that are practised within them and their effect- particularly noise annoyance and lead shot fall-out in the vicinity of the ranges. MEPA will consult the Department of Agriculture, Water Services Corporation and other agencies in assessing the impact of any permit application. There is a growing demand for clay pigeon and target shooting but both sports are different in nature and pose considerably different impacts.
- 11.3.9 Any development application must comply with the comprehensive criteria as set out in the MEPA Policy Guidelines on Shooting Range Complexes.

- 11.3.10 A licence will be required by the Malta Police before a shooting range becomes operational in order to ascertain that adequate safety standards have been incorporated on site.

## **NWRE 10**

## **Motorised Sports**

**Motorised Sports will not be permitted in Areas of Ecological Importance, Sites of Scientific Importance, Areas or Sites of Archaeological Importance, Areas of Agricultural Value, Areas of High Landscape Value, Protected Landscapes (I.U.C.N), Areas of Scheduled Trees, Nature Reserves and Special Areas of Conservation.**

**MEPA will support the use of appropriate locations such as disused quarries, derelict land, or restored landfill sites adjacent to areas of high ambient noise levels but not in or adjacent to residential areas or quiet informal recreation parks, subject to the approval of a satisfactory Environmental Impact Assessment.**

**The Local Plan identifies a possible site for off-roading on a portion of the former landfill site of Wied Fulija, Zurrieq (Section 2, Policies NWZQ 1 and NWZQ 2), provided that a landscaped structural planting scheme is submitted, approved and implemented, prior to commencement of development works. Off-roading will not be permitted in the open countryside.**

- 11.3.11 This policy emphasizes and reinforces Structure Plan Policy REC 8 with regards to the need to mitigate the adverse impact of motor racing, motorcycling and off-road vehicle racing and trials which cause severe damage to coastal clay slopes, sandy areas, and valley watercourses. In addition to destroying the wildlife in these ecologically important areas, they also cause soil erosion, and create other adverse impacts on the general amenity of the areas through noise and fumes, as well as the tracks themselves.
- 11.3.12 Off-road competitive driving on rough terrain in motorised vehicles is a specialist sport and frequent low speed events with skill sections are organised on circuits at various locations on the Island. Suitable locations for these major impact sports are disused quarries, derelict, degraded or despoiled land adjacent to areas of high ambient noise levels and well away from residential areas, quiet informal recreation parks or land of significant conservation value.
- 11.3.13 Prior to the Structure Plan Review, which will appraise the issue of on tarmac motor racing, the Local Plan does not identify any specific sites in the North West Local Plan area.

## **11.4 Water Based Recreation**

### **Introduction**

- 11.4.1 There is little data available to quantify the need for many water sports such as small boat sailing, canoeing or motorised water sports. However, the plan has identified and designated suitable areas in order to provide an opportunity for participation.

## **Yachting**

- 11.4.2 MEPA supports the objective of the Malta Maritime Authority to “provide safe haven and all necessary amenities to yachtsmen”, and in conjunction with the appropriate agencies will assist in the preparation of plans for selected study areas. A satisfactory Environmental Impact Assessment will be required to be submitted and approved to determine the advisability and feasibility of various types of harbours, moorings and facilities for yachts and other boats.
- 11.4.3 Xemxija at St. Paul’s Bay is a site, within this Local Plan area identified for further study as regards this form of development. However, the study also identifies Marfa Bay as a possible site having a potential for a marina but falling short of the requirements for international yachting development. Such sites may be developed in the future for smaller or secondary facilities if viable.

## **Water Recreation**

- 11.4.4 Water recreation has grown in popularity in recent years and it is likely that this demand will continue to increase. Demand will continue for the traditional pursuits (fishing, sailing, power boating) but there is an increasing need for facilities to provide for jet-skiing, water-skiing, board surfing and board sailing which will create new pressures on sea swimming and the coastal environment.
- 11.4.5 The provision of the traditional facilities for boating pursuits including the provision of moorings and marinas is now causing serious concern on Malta. A Yachting Marina Study has been prepared and has identified suitable sites. However, there is a latent demand for small boat facilities to be provided in the Local Plan area particularly the eastern coast where the low-lying more sheltered foreshore provides greater accessibility.
- 11.4.6 Within the Local Plan area, there are also many clear instances of conflict between recreation and conservation at sensitive sites, between different user groups, and the quiet informal enjoyment of the limited resource.
- 11.4.7 Outside the urban settlements, opportunities for development of new areas for outdoor recreation are constrained by the nature of the coastline, its sensitivity to change, safety, noise, disturbance to wild life, conservation policies and exposure to weather. All these constraints inevitably restrict developments within the local plan area. However opportunities have been identified in the Area Policies at Xemxija (Chapter 18.2), Gnejna Bay (Chapter 20.3), Ghajn Tuffieha (Chapter 20.4), and the Marfa Action Plan.

## **NWRE 11**

## **Canoeing**

**MEPA will support the provision of shore based facilities for canoeing, subject to the following criteria:-**

- i. Prior approval is obtained from the Malta Maritime Authority;**
- ii. the scale, location and quality of design, is consistent with the protection of the local character of the area;**
- iii. the siting has no significant adverse impact on scheduled or protected areas;**
- iv. the location is compatible with other adjacent land and water users, and is not within a designated swimming area;**
- v. there is no adverse impact on any ecological or archaeological value of the site;**

- vi. **no moorings or sea bed attachments will be permitted except the construction of a slipway and limited pontoon facilities for the temporary mooring of craft;**
- vii. **adequate off road access is provided for the launching and recovery of canoes, together with a parking area for cars, trailers and canoe storage;**
- viii. **existing public access to the foreshore is protected and maintained;**
- ix. **details of the provision of water supply, washing, and toilet facilities, drainage, sewage disposal arrangement, shall be submitted and approved by MEPA; and**
- x. **a landscape scheme is submitted and approved with any permit application, which shall be implemented in its entirety within the first planting season and thereafter maintained.**

11.4.8 Canoes are probably the earliest form of sea-worthy transport known to mankind. They are portable, economic and able to take on a variety of water conditions. By definition canoes are double-ended crafts usually propelled by the use of paddles with the canoeist facing forward.

11.4.9 Canoeing has been an organised water sport on Malta for some years providing opportunities to various groups and individuals. Interest has grown in recent years, particularly towards a more family oriented sport. However, with no shore-based facilities available, an urgent need exists for a suitable location to be identified. Sheltered flat-water location with on-shore winds is required with easy launching together with secure on-shore storage facilities for the canoes. Additionally a clubhouse with toilet accommodation and adequate car parking is required. These facilities could be shared with other compatible water sports such as small boat sailing to create a more economic use of limited foreshore. Although the western coast of the island offers little opportunity for suitable locations, the eastern coast with its public transport and sheltered locations offers much greater scope.

## NWRE 12

## Swimming

**MEPA proposes, in conjunction with the Malta Maritime Authority, a swimming zone at Gnejna Bay in addition to existing designated sites as indicated on Map 14:**

- i. **Ir-Ramla tal-Mixquqa (Golden Sands)**
- ii. **Ir-Ramla ta' Ghajn Tuffieha**
- iii. **Il-Bajja tal-Mellieha**
- iv. **Il-Bajja tac-Cirkezza (Paradise Bay)**
- v. **Il-Bajja ta' San Pawl**
- vi. **Il-Bajja ta' L-Imgiebah**

11.4.10 Sea swimming is a popular summer sport enjoyed by locals and visitors, but is subject to the constraints of pollution and limitation of access to suitable locations. Provided sensitive locations are protected from indiscriminate rock cutting intervention, appropriate facilities should be encouraged. Measures to be given consideration may include removable walkways.

11.4.11 Importance should also be given to European Blue Flag Campaign (Environmental Quality for Beaches) which includes appropriate facilities for bathers.

11.4.12 The Local Plan identifies an additional water zone for safe swimming at Gnejna Bay and proposes protection measures to prohibit conflicting uses and to maintain the right of access to the foreshore.

- 11.4.13 Legislation to protect the swimming zones is implemented by the Malta Maritime Authority and enforced by the Administrative Law Enforcement (ALE) of the Police Authority. Right of access will be provided and maintained by the appropriate Government agencies, as will prohibition of beach concessions, which unreasonably restrict public use of the beach and water facilities.

## **NWRE 13**

## **Jetties, Pontoons & Slipways**

**MEPA proposes, in conjunction with the Malta Maritime Authority, that existing jetties and slipways at Gnejna Bay, Ghar Lapsi, Wied iz-Zurrieq and specific locations identified in the Marfa Action Plan, are protected and access improved for the launching of small boats.**

**New applications to construct Jetties, Pontoons or Slipways will only be permitted subject to the following criteria being met:-**

- i. Prior approval is obtained from the Malta Maritime Authority;**
- ii. the location is compatible with other adjacent land and water users;**
- iii. any adverse impact on any ecological or archaeological value of the site is minimised;**
- iv. adequate off-road access is provided for the launching of boats together with a parking area for cars and trailers; and**
- v. the location is not within a designated swimming area as indicated on Map 14.**

- 11.4.14 Boating in all its forms is an extremely important recreational activity, but proper facilities are very limited. It would be desirable to improve access where it is inadequate to existing slipways provided that there is no adverse impact on the environment.

## **NWRE 14**

## **Motorised Watersports**

**Motorised water sports, including power-boating, water skiing, and jet bikes, create considerable pressure on existing limited sheltered water space within the plan area and permission will only be granted for water and shore based development which meet the following criteria: -**

- i. The location is not within a designated zone reserved for swimmers (Refer to Policy NWRE 12);**
- ii. prior approval is obtained from the Malta Maritime Authority;**
- iii. the location, scale and quality of design of any structure, is consistent with the protection of the local character of the area;**
- iv. the location is compatible with other adjacent land and water uses;**
- v. existing public access to the foreshore is protected and maintained;**
- vi. no moorings or seabed attachments will be permitted;**
- vii. adequate off-road access is provided for the launching of boats, together with a parking area for cars and trailers; and**
- viii. any adverse impacts on the ecological and archaeological values of the site are minimised.**

- 11.4.15 There is an increasing need for positive planning and provision for motorised water sports in order to resolve problems such as noise generation, environmental damage and conflict with other water users. The key issues identified are as follows:-

- i. Increased participation resulting from a latent demand for water space;**
- ii. competition with other water uses which requires managed techniques;**

- iii. unresolved conflicts with the conservation interest; and
- iv. the need to identify specific areas of sheltered water.

- 11.4.16 The strategy of the Local Plan, in order to secure provision, is to identify suitable sites. MEPA in conjunction with the appropriate Government agencies, will utilise temporary permit permissions where appropriate, to encourage good site management by the promotion of club membership and seek effective site sharing arrangements.
- 11.4.17 The Local Plan designates various areas for the use of specific water sports, in order to avoid conflict between incompatible uses.

## **NWRE 15**

## **Small Boat Sailing**

**MEPA will support the provision of shore based facilities for small boat sailing, board sailing and surfing, subject to the following criteria:-**

- i. Prior approval is obtained from the Malta Maritime Authority;**
- ii. the scale, location, quality of design, is consistent with the protection of the local character of the area;**
- iii. the siting has no significant adverse impact on scheduled or protected areas;**
- iv. the location is compatible with other adjacent land and water users, and is not within a designated swimming area;**
- v. any adverse impact on the ecological or archaeological value of the site is minimised;**
- vi. no moorings or sea bed attachments will be permitted except the construction of a slipway and limited pontoon facilities for the temporary mooring of craft;**
- vii. adequate off road access is provided for the launching and recovery of boats, together with a parking area for cars, trailers and boat storage;**
- viii. no change of use from recreational to residential use will be permitted;**
- ix. details of the provision of water supply, washing, and toilet facilities, drainage, sewage disposal arrangement, shall be submitted and approved; and**
- x. a landscape scheme is submitted and approved with any permit application, which shall be implemented in its entirety within the first planting season and thereafter maintained.**

11.4.18 At present shore based facilities associated with small boat sailing including board sailing and surfing are totally inadequate with participants or clubs having to use existing slipways which have little or no provision for car, trailer parking, or boat storage. Club House accommodation including changing rooms and toilet facilities are also urgently required.

11.4.19 This policy encourages the provision of shore based facilities provided that certain criteria are complied with, including strict accordance with water zone requirements for the protection of swimmers.

11.4.20 A restriction on moorings is necessary in order to avoid conflict with launching and recovery of dinghies, and care taken that small boating sailing does not cause a nuisance to shipping in navigational waters.

11.4.21 Facilities are urgently required by the sailing agencies in order to organise national events for this competitive sport. MEPA will encourage the identification of appropriate locations. It is also an important factor in encouraging tourism to the Islands not only as participants but also in a spectator capacity.



## 11.5 Coastal Facilities

### Introduction

- 11.5.1 The coastal area of North West Malta consists of dramatic cliffed coastlines, together with a series of bays headed by gently sloping shorelines and a few sandy beaches.
- 11.5.2 The coastline is immensely popular with local and overseas visitors. In order to protect and regulate for conservation in accordance with the Development Planning Act 1992, the coastal cliffs have been scheduled as Areas of Ecological Importance and Areas of High Landscape Value. Offshore Marine Conservation Areas have also been identified and further detailed surveys will be carried out in the future.
- 11.5.3 The Structure Plan emphasises the major adverse impact created by the unsightly and insanitary development of various forms of huts and other structures. These are usually sited on Government land, without building or development permits, in what would otherwise be attractive coastal recreational and tourist areas.
- 11.5.4 In order to improve the environmental quality of the coastal areas and make them suitable for the enjoyment of both local residents and tourists, the Structure Plan proposes the clearance of such structures and the restoration of the land on which they are built (Structure Plan para. 13.26 and Policy REC 9).
- 11.5.5 This chapter examines the implications of this policy and suggests what alternative development, if any, could be acceptable, the overall objective being to create a better environment for the benefit of users, including the conservation of the coastal area and the provision of suitable recreational facilities that do not create an adverse impact on the environment. The lack or restriction of public access to the coast and foreshore has been identified as an important issue for the Local Plan to address.
- 11.5.6 Many illegal structures/buildings or encroachments, including restrictive fencing of beaches, contribute to the decreasing area available for use by the general public. The Local Plan proposes that in certain specific locations, areas are designated for public access and informal recreational use. Within these areas development would be prohibited except for necessary rehabilitation works, which enhance public access and informal recreational use without damaging the characteristic value of the foreshore.

### Clarifications

- 11.5.7 The following clarification of terms is used in the context of the subsequent policies. A clear understanding is required in order to avoid ambiguity or misinterpretation of the policies.
- i. Boathouse - *A single storey structure built in the vicinity of the foreshore to accommodate the storage of boats and fishing equipment. The provision of services will not be permitted and the external footprint must not exceed 12m x 4m and 4m in height. It must not be used as a holiday home, or for any form of residential use. (Refer to Policy NWRE 17).*
  - ii. Beachroom - *A structure to provide holiday accommodation, with a maximum external footprint of 12m x 5m with provision for sanitary facilities, namely toilet and shower. Provision of water, electricity and sewage disposal will be a*

*condition of development permission. The design of beachrooms in groups, or terraces, will allow for the provision of boat storage at basement level, subject to satisfactory access to communal launching slipways, which do not physically restrict public access to the foreshore. (Refer to Policy NWRE 18).*

- iii. Kiosks - Fixed and mobile kiosks can provide a valuable service in coastal areas, especially where there are few other more permanent places where people can purchase refreshments and other items. However, it is necessary to set this against the possible impact, which they may have on an area in which they are situated. The construction of kiosks or the placing on land of wooden or aluminium structures serving as kiosks is development, and requires development permission. The siting or placing of tables and chairs adjoining an existing kiosk will involve a change of use of the land, and specific development permission will also be required.

#### Illegal Development

- 11.5.8 The coast is the playground of Malta and in order to improve the environmental quality of the coastal areas a comprehensive management system is required. The numerous unsightly developments in the form of illegal huts, (i.e. erected without building or development permits), low cost holiday homes and other structures, which are found in the coastal areas, give cause for major concern.
- 11.5.9 The Structure Plan (Policy REC 12) explains (para. 13.28) that with regard to existing illegal but more substantial stone or concrete built holiday home sites, it is tempting and would be politically expedient to allow them to remain undisturbed, on the grounds that they have been there for a long while. They are generally of a better quality than the shanty developments described in Policy REC 9 of the Structure Plan, and the Government has turned a blind eye to the problem in the past. On the other hand, they are just as illegal as the shanty development, and create as much environmental impact. If they are allowed to remain, evicted shanty users would ask why they are being proceeded against and not the others, and most importantly it would be seen as another case of benefit occurring to those who break the law at the expense of those who do not, and a signal that it is worth attempting further illegal development because of Government's reluctance to enforce the law. For these reasons, MEPA will continue with the removal of such developments.

## **NWRE 16**

## **Beach Concessions**

**MEPA in conjunction with the Department of Estates Management and the Malta Tourism Authority will seek to ensure that existing beach concessions and/or encroachments do not contribute to the decreasing areas available for use by the general public.**

**There will be a presumption against the granting of development permission for any further beach concessions or encroachments on the coast and foreshore.**

- 11.5.10 The lack or restriction of public access to the coast and foreshore has been identified as an important issue and the Local Plan, in accordance with Structure Plan policies, seeks to secure improved public access. Facilities for enjoyment by the public should include signage and other information and safety measures.

11.5.11 Public access to the foreshore will not be achievable solely through planning legislation, but also by effective coastal zone management. Many beach concessions are abused and some areas that have not been the subject of a legal lease by Government are being used commercially to the detriment of the public in general. It is proposed that no further beach concessions or encroachments are permitted.

## **NWRE 17**

## **Boathouses**

**The construction of new single storey boathouses built in the vicinity of the foreshore to accommodate the storage of boats and fishing equipment may be permitted in appropriate locations, subject to all of the following criteria:-**

- i. Applicants must be a full time or part time fishermen registered with the Department of Agriculture and Fisheries for at least 2 years prior to the application for development permission;**
- ii. the location is not within a scheduled, designated, or protected area as follows;  
Area of Ecological Importance,  
Site of Special Scientific Importance,  
Area or Sites of Archaeological Importance,  
Areas of Agricultural Value,  
Area of High Landscape Value,  
Nature Reserve,  
Area designated for public access,  
Adjacent to a designated swimming zone;**
- iii. the siting, design and use of materials are sympathetic with the scale, character and appearance of the area;**
- iv. the external footprint does not exceed 12m x 4m and the building is not more than 4m in height; and**
- v. adequate provision is made for vehicle parking which does not cause or increase danger to pedestrians.**

**Comprehensive layouts will be required to consist of linked terraces or clusters of boathouses with adequate provision for car parking and refuse disposal. The addition of an individual boathouse linked to or adjacent to a cluster of existing bona fide boathouses may be permitted, but not the construction of single isolated units.**

**No static or touring caravans or any other temporary structures will be permitted on site.**

**Change of use from boat storage to holiday accommodation, temporary or permanent residential use or commercial use will not be permitted.**

**All illegal encroachments and /or accretions to boathouses on or close to the foreshore shall be demolished/removed and the site restored.**

11.5.12 As the name implies, boathouses are intended for the storage of boats. However, over a period of time boathouses have increasingly been used for accommodation during the summer as insanitary and illegal holiday homes. To facilitate such use, various works were often carried out such as provision of access roads and concreting of the area in front of the boathouses. Some of the additions were washed away during storms creating rubble on the foreshore. MEPA will continue to remove illegal structures used for habitation purposes.

- 11.5.13 The construction of boathouses may be permitted in appropriate locations, subject to stringent conditions. However, construction will be prohibited in protected or designated public access areas.
- 11.5.14 The construction of jetties, pontoons, slipways or storage of boats which physically restrict public access to the foreshore, will not be permitted.
- 11.5.15 The use of a boathouse, whether of new construction, or converted by permission for a change of use, does not justify encroachment on the foreshore which creates either a physical restriction to public access, or an adverse impact on the character of the area. Additionally, the presence of such structures, often construed as a demarcation of an area for private use, creates a strong psychological inhibition to the public from using or gaining access to the foreshore. Any restriction of access to the foreshore is contrary to Structure Plan Policy CZM 3 which states that public access will be secured to the coastline immediately adjacent to the sea or at the tops of cliffs (including bays, harbours, and creeks).
- 11.5.16 Encouragement will be given for boat storage facilities in existing garages, industrial sites or other appropriate inland sites, subject to suitable access and landscape screening.

## **NWRE 18**

## **Beachrooms**

**MEPA may permit the construction of new Beachroom Holiday Accommodation, together with the provision for electricity, sanitary facilities and sewage disposal, in locations as identified in the Marfa Action Plan. Occupation shall be strictly limited to temporary holiday accommodation and no change of use from holiday to permanent residential or commercial use shall be permitted.**

**MEPA will permit the change of use of existing boathouses to beachroom accommodation at specified locations at Melieha and Bugibba/Qawra as identified in the Area Policies NWML 11 and 18 and NWSP 13 and at Xemxija below Triq Dawret in-Nawfragju.**

**MEPA may impose a condition on any permission granted that would remove permitted development rights under the Schedule of the Development Notification Order 2001, in order to protect the character of the development.**

- 11.5.17 The Local Plan recognises the need to provide holiday accommodation for temporary periods for Maltese residents to visit beaches, particularly in the summer months. The lack of recognition of this demand has resulted, over a period of years, in the erection of many illegal buildings adjacent to the coastline, which in many instances are concentrated around accessible sandy beaches. These buildings/structures occur in large numbers on the north coast of the Marfa Peninsula which has the benefit of a number of small but attractive sandy beaches adjacent to a low lying accessible foreshore. These illegal structures, often incorrectly referred to as boathouses, have created a serious adverse impact on the amenity of the coastline. An Action Plan for Marfa has been prepared by MEPA and is published as a separate document to this Local Plan.
- 11.5.18 MEPA will continue with the removal of illegal structures on or adjacent to the coastline. However specific locations have been identified for the provision of

holiday accommodation, either in new locations or as a retention or replacement to illegal development.

- 11.5.19 The proposed holiday accommodation shall consist of beachrooms, with a maximum footprint of 12m x 5m with provision for living accommodation, toilet, shower and kitchenette facilities. Provision for appropriate sewage disposal will be a condition of the planning permission. The siting of the beachrooms may be in the vicinity of the foreshore but not on designated public access areas.
- 11.5.20 The need for boat storage is also recognised, particularly in the winter season. It is therefore suggested that basement garages having the benefit of rear access are provided underneath beachroom accommodation, subject to satisfactory access to communal launching jetties or slipways that do not physically restrict public access to the foreshore. It is suggested that boat storage provision could also be made available to non-leasees of the beachrooms.

## **12. Transportation**

### **12.1 Introduction**

- 12.1.1 An effective transportation network within the North West is essential for the economic and social well being of the area. The main transport issues this area is currently facing are:
- i. Over-use of the car/under-use of public transport;
  - ii. Lack of traffic management in town centres;
  - iii. Seasonal traffic congestion; and
  - iv. Inefficient use of the arterial road network.
- 12.1.2 Continued growth in car usage will inevitably produce undesirable environmental, economic and social impacts in both towns and rural areas unless measures are adopted to control and restrain traffic. Fortunately, the recent dramatic increase in car ownership has produced fewer problems in the North West than other parts of the island, with the exception of seasonal congestion in places like St.Pauls Bay, Xemxija and Mellieha.
- 12.1.3 In terms of achieving the Local Plans transport objectives (see paragraph 4.8), it is recommended that the highest priority should be given to schemes that improve road safety, assist public transport, cycling and walking and discourage through traffic in town and village centres.
- 12.1.4 Public transport is important especially in the larger towns to serve local and tourist activities. Measures to make bus services more attractive, and thereby halt the decline in patronage are urgently needed. Most importantly, conditions for pedestrians and cyclists need to be greatly improved so that those undertaking short journeys are more inclined to use more environment friendly modes of transport.
- 12.1.5 Conditions in towns, village centres and tourist/recreational areas need to be improved by better management and environmental enhancement. This will require the introduction of parking management (controlled parking zones, residents parking zones and CPPS car parks) in some localities, making best use of available spaces, introducing better traffic management/traffic calming techniques to remove 'through traffic' from sensitive areas, road improvements and generally improving safety and comfort for vulnerable road users.
- 12.1.6 The safety and efficiency of the main road network can be improved at key locations. However, much of the North West is of high landscape value, with many environmentally sensitive sites, therefore any road improvements and upgrades must be carefully designed and not be intended to primarily cater for unrestrained traffic growth.

### **12.2 Improving Accessibility**

- 12.2.1 The following policies seek to improve the environment for non-car users, by physically discouraging the use of the car and providing enhancements and incentives for the use of more environment friendly modes of travel such as public transport, cycling and walking.

**MEPA will encourage proposals which will provide better facilities for pedestrians, cyclists and those with special mobility needs and it will have particular regard to these considerations in the determination of planning applications.**

**This Local Plan identifies specific areas within St Pauls Bay, Bugibba and Manikata for environmental improvements aimed at pedestrians and these are indicated on the relevant Area Transport Strategy Maps 37 and 38.**

**The introduction of a network of cycle ways and footpaths will also be supported, particularly in the less hilly parts of the North West, such as Rabat, Dingli and St Paul's Bay.**

- 12.2.2 Over the years, design of the urban environment has focused on improved provision for motor vehicles. Open spaces and piazzas are paved over with tarmac for parking and traditional street layouts have been opened up to facilitate vehicle movement. The idea of using a bicycle or ones own feet as a mode of transport is not familiar locally, mainly because the motor vehicle has taken a dominating role and has rendered urban areas less safe for cyclists and pedestrians and those with special mobility needs. Both conditions and facilities need to be greatly improved for those undertaking short journeys, such as between St Paul's Bay and Burmarrad, or within the same locality, such as Mtarfa, to encourage the use of environment friendly modes of transport.
- 12.2.3 Apart from recreation, the Local Plan seeks to encourage the use of bicycles as a mode of transport. MEPA will provide assistance to the local councils in developing cycle-friendly routes and facilities within their localities. Rabat, Dingli and St. Paul's Bay areas in particular are considered to be appropriate for this purpose. The relatively flat terrain around these settlements and their detachment from other settlements make it more likely for residents to seek services within the town or village rather than go further a field by car. In some cases the road surfaces will need improvement to increase comfort and safety. Initially, this network could provide good cycling conditions for tourists, but in the longer term it would encourage complementary measures such as secure cycle parking in the pedestrian zones and at major tourist attractions, traffic management to aid cyclists and promotional material to increase awareness (refer to Policies NWRE 5 and NWRE 6).
- 12.2.4 Many development and road improvement schemes tend to overlook the importance of providing adequate pedestrian facilities, and the standard of accesses, pavements, crossing points, refuges and bus shelters is not high, causing problems especially for those people with disabilities. This policy seeks to draw attention to the importance of providing proper facilities, and serves notice of MEPA's intention to ensure that this aspect is considered fully in examining development applications.

## NWTR 2

## Public Transport Access and Facilities

In conjunction with the Malta Transport Authority (*ADT*) and the Local Councils, MEPA will seek the following:

- i. The improvement of facilities and information for passengers at both bus termini and bus stops;
- ii. The introduction of bus priority measures on the busier routes where buses encounter noticeable delays particularly in the larger towns of Rabat, St Paul's Bay and Mellieha;
- iii. Improvements to make services more comfortable, frequent and reliable especially in more rural localities such as Manikata and Dingli; and
- iv. The introduction of ancillary car parks at sites adjacent to bus routes that access town centres, tourist attractions or other areas where parking demand is high.

12.2.5 It is important to promote and increase the attractiveness of travel by public transport, in aiming for a corresponding reduction in car use. This requires positive discrimination in favour of buses, and greater priority to passenger facilities. Measures to make bus services more attractive and reliable, and thereby halt the decline in patronage are urgently needed.

12.2.6 Rabat, St Paul's Bay and Mellieha include within their localities a number of sub-areas which act as attractions in themselves. In Mellieha, for example, a public transport service connecting the residential areas of Ta' Pennellu and il-Kortin to the town centre and to Ghadira Bay beyond, may be a viable option. Similarly, a service along the seafront connecting Xemxija, St Paul's Bay centre, Bugibba, Qawra and Salina could be popular during the summer and winter afternoons.

12.2.7 In such areas, bus services are particularly important for the movement of tourists and the standard of service provided will influence, to some degree their overall satisfaction. Tourists rightly expect high quality information, facilities and reliable services; therefore measures that achieve these objectives will be actively supported.

12.2.8 In appropriate locations, the introduction of ancillary car parks adjacent to bus routes could facilitate modal shift and assist both public transport use and parking management schemes (see Policy NWTR 5). Appropriate locations could include sites close to the edge of town, or en route to a beach such as the existing car park at Belleview, Mellieha. This facility would provide a further option for access to areas such as Qawra and Mellieha where parking is problematic.

## NWTR 3

## Traffic Calming Measures

Working with the Malta Transport Authority (*ADT*) and the Local Councils, MEPA will seek the implementation of traffic management measures to improve road safety and reduce through traffic in towns and villages. MEPA will support measures, which deter through traffic and calm "essential" traffic particularly in residential areas and streets with high pedestrian activity, such as in the town centres of Mellieha, St Paul's Bay, Rabat, Zebbiegh, Mgarr and Dingli.

Traffic calming measures are proposed along the following streets:

- i. Triq il-Marfa, Triq G.Borg Olivier and Triq il-Kbira, Mellieha (Maps 15 and 24);
- ii. Triq Louis Wettinger, Ta' Masrija, Mellieha (Maps 15 and 24);



- iii. **End of Triq il-Manikata and Xifer Knisja l-Qadima, Manikata (Map 15);**
- iv. **Triq San Pawl, Triq Parades, and Triq il-Mosta, St Paul's Bay (Maps 15, 37 and 38);**
- v. **Triq Santa Rita, Misrah il-Parocca & adjoining streets, Rabat (Maps 15 and 62);**
- vi. **Triq Sir Temi Zammit, Zebbiegh (Map 15);**
- vii. **Wesgha Gublew, Mgarr (Map 15); and**
- viii. **Triq il-Kbira, Dingli (Map 15).**

**And at the following junctions:**

- i. **St Paul's Bay bypass (northern end), Pwales Valley (Maps 15 and 37);**
- ii. **Saqqajja Square/Triq Nikol Sawra, Rabat (Maps 15 and 62); and**
- iii. **Mdina Road/roundabout, southwest corner of Ta' Qali (Map 15).**

**New developments should be designed in such a way as to inherently discourage through traffic, seek to restrain vehicle speeds and so produce a safe, pleasant environment giving priority to sustainable modes of transport.**

- 12.2.9 Several towns and villages within the Local Plan area are subject to high traffic volumes some of which would be through-traffic. This has a detrimental impact on urban areas through noise and air pollution and reduced safety for pedestrians.
- 12.2.10 Through-traffic should be concentrated on the arterial and distributor road network and therefore the effect of this policy will be to discourage the use of inappropriate routes. Traffic calming measures, if properly designed and comprehensively introduced, can remove "through" traffic from sensitive areas and significantly improve road safety and create good conditions for walking and cycling.
- 12.2.11 Poor design of developments and the obstruction of visibility, both at junctions and along roads, unacceptably reduce road safety and interfere with the free flow of traffic. Also the layout and design of roads within new developments and schemed areas should create a safe and attractive environment.

## **NWTR 4**

## **Vehicle Access in the Countryside**

**For roads providing vehicle access to remote parts of the countryside and/or rural locations popular for leisure activities, improvements will be permitted only if it can be shown to the satisfaction of MEPA that increased visitor traffic will not result in further degradation of the rural environment.**

- 12.2.12 There are several locations along the western coast and in remote parts of the countryside in the Local Plan area, which are popular for outings or picnicking. In most cases the impact of people is limited. However, the impact of parked and moving cars on the environment might not be so small.
- 12.2.13 The strategy of this Local Plan is to direct recreational activities into areas that can sustain the increased number of visitors and visitor traffic without substantial environmental impact. This policy is in accordance with this strategy and does not permit road improvements, which would result in degradation of the environment from increased visitor numbers.
- 12.2.14 The ad hoc provision of roads for agricultural vehicles and machinery to be able to access fields creates a number of environmental problems. These access roads are

often just concrete surfacing spread over an existing track. This can cause problems with surface water run off and drainage, as well as having a significant visual impact.

- 12.2.15 The Local Plan acknowledges the need for improved access to fields in some cases, but it is intended that this should be undertaken on a planned basis and in accordance with access and road design standards.

## NWTR 5

## Parking Management

**MEPA will seek the construction of strategically located off-street car parks to serve town centres, tourism zones and entertainment priority areas. These car parks are identified in the relevant Area Transport Strategy Maps.**

**The Commuted Parking Payment Scheme (CPPS) area of St Paul's Bay is indicated in the supplementary planning guidance CPPS Schemes for St.Paul's Bay of 1998. Development that is permitted within this area will be required to contribute towards the CPPS fund for any shortfall of on-site parking.**

**This Local Plan seeks to introduce controlled parking zones (CPZs) and if necessary, residents parking zones (RPZs) in areas of high parking demand, to ensure that available on-street and off-street parking is used efficiently and effectively. The town centres of St Paul's Bay, Mellieha and Rabat and the entertainment priority area of Tas-Sellum will be given priority.**

**The appropriate level of parking for developments will be determined using existing and future car parking standards as established by the Structure Plan and its Review.**

- 12.2.16 The emphasis of the transport policies so far has been to improve facilities for non-car users and remove through traffic from urban areas. There is also a need to improve access for essential traffic such as residents, shoppers, employees and tourists. Therefore in addition to the improvements for other modes mentioned in earlier policies, the introduction of parking management through the provision of off-street car parks, controlled parking zones (CPZs) and resident parking zones (RPZs) and through strengthening the Commuted Parking Payment Scheme (CPPS), is proposed.

- 12.2.17 The control of car parking can be used not only to achieve these broad objectives, but also to make best use of available resources and make specific improvements, such as establishing bus lanes, cycle-ways, better pedestrian facilities and environmental enhancements.

- 12.2.18 Parking in areas such as Mellieha, St Paul's Bay and Rabat is often difficult because commuters occupy the prime spaces for much of the day. Therefore, commercial off-street car parks are being identified in these areas.

- 12.2.19 St Paul's Bay is the area in which the Commuted Parking Payment Scheme (CPPS) will operate during this plan period. This scheme was set up in 1995 with the intention of collecting funding to support the introduction of public car parks in congested areas. CPPS funds will be used to directly subsidize the construction of public car parks or to subsidize/fund 'resident parking zones' 'RPZs' around strategic public car parks, in turn improving their financial feasibility and likely implementation.

- 12.2.20 This policy identifies the need to comprehensively control and prioritise parking in areas of high parking demand. This is not only necessary to achieve sustainable transport objectives, but to efficiently use resources. This Local Plan proposes controlled parking zones (CPZs) in the priority areas of St Paul's Bay, Mellieha, Rabat, and Tas-Sellum. The boundaries of the zones will be determined after detailed studies by the relevant authorities.
- 12.2.21 In town centres the lack of parking control and management results in the inefficient use of space and undermines the attractiveness of these areas. Close to some town centres, residential streets will need to be protected from extraneous or over-spill parking, by the introduction of residents parking zones (RPZs). By safeguarding spaces for residents and other visitors these measures are expected to make life easier for the residents in these areas.
- 12.2.22 Short stay controls that can overcome some town centre parking problems can be introduced in a number of ways, both with and without payment. These measures are a parallel requirement for consideration of resident parking zones (RPZs) but are also encouraged in considering town centre environmental enhancement schemes. This will safeguard the most convenient spaces for short stay visitors.

### **12.3 Assisting Mobility**

- 12.3.1 The Structure Plan emphasizes the need to establish a hierarchical road network, which defines roads in order of their importance for traffic circulation. This can be used as a guide for investing in new road construction, maintenance and improvements. It also relates to the consideration of development applications and assists with establishing the location and nature of traffic management schemes. The term "Strategic Road Network" therefore, refers to all arterial and distributor roads and includes some other key routes whose strategic importance has grown over the years since the roads in the hierarchy were originally defined and labeled. These roads mostly carry longer distance and heavy traffic and provide links between the major centres.
- 12.3.2 In 2001 a study was undertaken by the European Commission to look into the transport situation in Malta and identify areas for improvement which could use financial assistance from the European Union. The resulting report entitled Transport Infrastructure Needs Assessment (TINA) for Malta was completed in April 2002. With regard to the road network, Malta's primary arterial road known as Route 1 was identified as the route that would form part of the Trans-European Network for Transport (TEN-T). This route links the south of Malta to Gozo and a significant stretch passes through the North West Local Plan area.
- 12.3.3 Many of the proposals for Route 1 relate to reconstruction of the existing road and junctions and these (in order of priority) are namely:
- 1) St Paul's Bay Bypass (Xemxija Bay to Bugibba Roundabout);
  - 2) Cirkewwa to junction at Seabank Hotel, Ghadira Bay;
  - 3) Junction at Seabank Hotel to Roundabout with link to Manikata;
  - 4) Roundabout with link to Manikata to Belleview Roundabout (Mellieha Bypass);
  - 5) Belleview Roundabout to Xemxija Bay;
  - 6) Bugibba Roundabout to junction at Salina towards Naxxar/Iklin; and
  - 7) Junction at Salina towards Naxxar/Iklin to junction at Bahar ic-Caghaq.

- 12.3.4 There are also two proposals for new construction (including tunnel construction) to realign the following sections of Route 1:
- 1) Junction at Seabank Hotel, Ghadira Bay to Xemxija Bay; and
  - 2) Junction at Salina towards Naxxar/Iklin to Paceville.
- 12.3.5 A more detailed assessment of the proposals is being undertaken in 2004, to consider their feasibility and environmental impact, and to suggest options to address the specific problems along each section. The improvements MEPA believe should be undertaken to relieve the situation prior to the finalisation of a long-term new construction solution are described in Policy NWTR 6. However, this policy is not intended to prejudice the outcome of the Route 1 studies.

## NWTR 6

## Strategic Road Network Improvements

**MEPA will assist the Malta Transport Authority (ADT) and the Local Councils in securing improvements to the strategic road network at the following locations:**

- i. **Coast Road between Bahar ic-Caghaq and Salina Bay (Maps 15 and 38);**
- ii. **Arterial road between Mistra Valley and Belleview roundabout (Maps 15,24 and 43);**
- iii. **Xemxija Hill (Maps 15 and 43); and**
- iv. **Arterial road behind the Seabank Hotel, Ghadira (Map 15).**

12.3.6 Route no. 1 enters the north-west as the Salina section of the Coast Road. This road was originally intended as a scenic route and was widened to cater for the increasing flows of traffic. The road is characterized by a number of tight and difficult bends, which are road safety hazards and encourage motorists to use other, less suitable roads. It is proposed that the Coast Road between Bahar ic-Caghaq and Salina Bay, should be redesigned to improve the alignment of bends and the layout of junctions as suggested by the TINA project, rather than the construction of a new section of road, as indicated in the current Structure Plan.

12.3.7 Whilst the road to Mistra Bay carries relatively little traffic, its junction with the arterial road has tight geometry, and this creates potential hazards. Improvements to the arterial road from the bridge over the valley to the Belleview Roundabout are being proposed for upgrading the geometry of the two junctions at Mistra Valley, subject to suitable design and mitigation measures. The proposed improvements would entail the widening of the road to provide a climbing lane on the uphill, eastern approach to the roundabout and reduce problems associated with sub standard junctions (Mistra) and slow moving traffic on the hill. However, MEPA would expect extra care to be taken in the design of the improvement in order to ensure that loss of road side trees and other vegetation is kept to the minimum and also measures are identified to mitigate any environmental damage.

12.3.8 The capacity of Route no. 1 is hindered at Xemxija where traffic using the arterial road encounters a pinch point. Between the southern roundabout at Xemxija and the Belleview roundabout at Mellieha the road is reduced to one lane in each direction. A transport study undertaken by MEPA in summer 2003, showed that despite the considerable amount of traffic that passes through Xemxija Hill, traffic flow problems are more related to the nature of development at Xemxija Hill than road capacity. Contrary to Structure Plan policy direct access and parking have been permitted along this stretch of arterial road and this has created hazardous traffic situations. The high number of recreational facilities to the north of this area means that traffic levels are likely to remain high, and therefore the possibility of

constructing an alternative route to Xemxija Hill is currently being studied. In the meantime MEPA proposes a traffic management solution to assist free-flowing traffic, and improve pedestrian safety and links within the community. Due to the specific nature of this problem, the proposed traffic management measures are detailed in area Policy NWSP 18.

- 12.3.9 The Ghadira Isthmus Strategy and the designated SAC (Special Area of Conservation) seeks to ensure that future development proposals occur within existing development zone boundaries. One goal is to improve transportation problems and a major issue that needs to be addressed in this area is seasonal congestion. Also, for Mellieha town centre the main transport issue concerns the need to encourage traffic to use the Mellieha bypass because at present the road layout encourages southbound traffic to pass through the town centre. Therefore to resolve these issues it is being proposed that the arterial road behind the Seabank Hotel is realigned to produce a more natural alignment for the bypass. Realignment could release considerable space for a major embellishment of the promenade and the nearby areas. MEPA will only approve such works if it is shown that the design and construction of the realignment assists in achieving the goals of MEPA's strategy for the Ghadira Isthmus.

## **NWTR 7 Re - grading Roads in the Strategic Network**

**The road hierarchy for the Local Plan area and the proposed upgrading are indicated on General Policy Map 15 and the relevant Area Transport Strategy Maps.**

**The strategic road network is to be upgraded as follows:**

- i. Upgrading of road through Wied il-Hemsija to an arterial road (Maps 15, 60 and 62);**
- ii. Upgrading of Triq il-Gheriexem / Wesgha tal-Muzew (Rabat) to distributor roads (Maps 15, 60 and 62); and**
- iii. Upgrading of Vjal il-Haddiem / Triq had-Dingli (Rabat) to distributor roads (Maps 15 and 62).**

12.3.10 The road upgrading listed in this Policy is based around Rabat. This is because the area is very central, experiencing much traffic congestion and through traffic and yet the existing strategic link uses narrow, busy mixed use streets to access the western area of Malta. It is therefore being proposed that the road through Wied il-Hemsija becomes an arterial road carrying traffic to the west of Rabat. This traffic can then use the northern or western boundary roads (ii. & iii. above) to continue west or south.

12.3.11 The other new changes are intended to discourage traffic from using the central areas of Rabat such as Triq San Nikol Sawra and Triq Borg Olivier, which are generally narrow, and cannot sustain increased vehicular movements into this area.

MEPA will assist the Malta Transport Authority (*ADT*) and the Local Councils to improve junctions on the strategic road network, particularly where buses, pedestrians and cyclists experience delays.

General Policy Map 15 and the relevant Area Transport Strategy Maps indicate the following junctions where improvements will be required, as part of the on-going development of the Strategic Road Network:

- i. Redesign of junction at access to Marfa Ridge (Triq l-Armier) and Il-Batterija Ta' Wied Musa (Map 15);
- ii. The Triq il-Mithna L-Qadima junction together with a section of the Mellicha Bypass will be upgraded as part of the Ta' Masrija redevelopment (Maps 15 and 24);
- iii. Improve junction leading to Mellicha Bay Hotel (Maps 15 and 34);
- iv. Junction leading to Qawra and Kennedy Grove and junction on the Coast Road with Triq is-Salina (Maps 15 and 38);
- v. Junction improvements adjacent to the Ghajn Tuffieha car park (Maps 15 and 57);
- vi. Junction improvement at main access to Ta' Qali (Map 15);
- vii. Redesign of junction at Vjal il-Haddiem/Triq l-Gheriexem, Rabat (Maps 15 and 62).

No development permissions will be issued for any project, which in the opinion of MEPA might adversely affect the satisfactory improvement of these junctions. Where major developments will produce a material adverse impact at junctions, in terms of safety and/or congestion, MEPA will require the developer to undertake improvements or mitigating measures.

12.3.12 There is a need to have a good road system in the local plan area, especially where routes have a wider strategic importance. Junction improvements, and in some cases upgraded road links are necessary to improve the efficiency of the road network. However, the primary purpose of any improvements must be consistent with the overall transport policy, and therefore they should result in benefits for public transport and vulnerable road users, while seeking to promote the use of the Strategic Road Network.

12.3.13 Highway improvements will only be justified when they form part of the sustainable integrated transport strategy. It is not appropriate or feasible for schemes to be designed on the basis of "predict and provide". Such an approach which seeks to satisfy the demands of traffic growth, will not tackle underlying problems, in fact, it is likely to stimulate further growth.

12.3.14 In the case of road improvements required to mitigate the impact of development, it will not be sufficient to simply increase highway capacity. Improvements should aim to increase the use of public transport and other sustainable modes, where possible.

## 13. The Landscape of North West Malta

### 13.1 Introduction

13.1.1 The landscape is one of a nation's primary natural resources. National identity is often directly related to its landscape character, outstanding landmarks or scenic heritage. When people live and work in harmony with the environment, then environments of outstanding value, beauty and interest have resulted. It has become internationally recognised that as populations increase and large areas of natural landscape become scarcer the need to "balance" or manage the often conflicting pressure on the landscape becomes more essential. Malta is a member of the European Landscape Convention, which aims to protect, manage and plan landscape by means of national measures and European co-operation between contracting parties.

### 13.2 Landscape Assessment

13.2.1 Landscape character is an aesthetic judgement of what gives a place identity, making a place special or different. Landscape character encompasses a number of common characteristics on a tract of territory which when formally defined, assists in the better direction of relevant planning policy addressing issues on a particular stretch of land."

13.2.2 The North West Malta Landscape Report, commissioned for the Local Plan, defined and described the landscape as a resource. "The landscape resource is only a part of the consideration of the environment we live in, but it is a fundamental building block for understanding our environment and how we react to it and with it. It should therefore be a primary consideration in all land-use planning."

13.2.3 When a landscape is healthy and sustainable, or in "balance", a "feel good" factor exists about that place, an appreciation of the diversity or sheer simplicity makes a place feel right, but rarely is it understood why this perception exists. There is a need to unlock what creates the "feel good" or "feel bad" factor about a place. The process used to do this, to define landscape character and unlock the quality of a place, is landscape assessment.

### 13.3 Landscape Character Areas

13.3.1 The landscape assessment, referred to above identifies "**regional landscape character areas**" and sub divisions within them, termed "**local landscape tracts**" (indicated on **Map 16**). Both areas are defined as areas with a distinctive local identity, in which landscape types and features combine to create a unique combination found nowhere else.

The **landscape character areas** identified within the Local Plan area are:

- Western Coast
- North East Coast
- Ridge and Valley
- Dingli - Nadur Plateau

- Eastern Escarpment
- Eastern Foreland

- 13.3.2 Because of the dynamic nature of the landscape it is not ideal to define landscapes with lines on a plan, but it is accepted practice that this procedure is followed and allowances must be made for its inherent weaknesses. It is therefore necessary and appropriate to recognise that when addressing areas on or near boundaries it may be necessary to consider issues relating to or raised by the adjacent area. The description of the landscape in this way is a major part of implementing Policy RCO 3 of the Structure Plan. (Identification of Areas of High Landscape Value).
- 13.3.3 Each of the regional areas is sub-divided into Local Landscape Tracts in order to assist the process of conservation and enhancement of the character of the landscape in a specific area of the Local Plan. A description of each local tract is given in the report entitled “An Exploration and Celebration of the Landscape of North West Malta” (1994).
- 13.3.4 The landscape assessment highlights that a major proportion of Malta’s heritage landscape lies in the North West Local Plan area. Apart from the superb and dramatic setting of Valletta and the Grand Harbour it must be to the area of the Local Plan that we turn for the national landscape identity. This is indicated in the dramatic views from the Victoria Lines, the outstanding *widien* landscapes of Mtahleb, Mgiebah and Girgenti, the lofty regal setting of Verdala and the vividly striking natural quality and setting of the Western Cliffs.

## 13.4 Landscape Quality

- 13.4.1 There is an important distinction to be made between landscape character and landscape quality. ***Landscape character defines identity but landscape quality is a measure of merit of that landscape.*** Where an area of particular character displays a high level of unity and coherence, then its quality will be high. Where there is a clear and discernible balance between nature and man’s use of it, then a strong landscape character of high quality will usually result.
- 13.4.2 Quality is therefore a separate evaluation to character and often the two overlap. Traditionally landscapes have been designated for protection because of their high quality and those of low quality are identified for enhancement.
- 13.4.3 The Plan area includes what are undoubtedly amongst the best and most important landscapes in Malta, its coastal scenery, ranking at least equal in importance to West Gozo and the best urban landscapes. It also includes most of the best inland rural landscapes. However, it contains some of the country’s most degraded landscapes, often in close proximity to high quality areas. Improvement of these would upgrade the landscape of the whole area and fulfil its potential to be, in total, a landscape of outstanding quality at least equal to that of Gozo.

## 13.5 Landscape Change

- 13.5.1 The analysis of landscape change was carried out in the landscape assessment study over a period of the last 25 years using aerial photographs. Particular attention was



given to agriculture, development, quarrying and waste, recreation, roads and vegetation.

- 13.5.2 Agriculture - Greater intensification of agriculture has resulted in wide-scale use of greenhouses and polytunnels over the last 25 years. New fields have been created where access has been improved or land reclamation has taken place, but other fields appear to have been abandoned, particularly those on the high ground in the more remote areas.
- 13.5.3 Development - Some of the major urban areas have spread significantly over the last 25 years. The smaller towns and villages have also increased in size, with development tending to be infill amongst existing houses or ribbon development spreading out along the roads. In the rural areas, development has been sporadic. A number of properties within walled enclosures have been rebuilt so that they now have more than doubled in size and almost fill the area of the enclosure. Many of the old military sites have been developed, e.g. at Ta' Qali and the Danish Holiday Village.
- 13.5.4 Quarrying - The impact of quarrying on the landscape is severe with important archaeological and wildlife areas lost; settings of national landmarks under threat; remote landscapes despoiled; high quality landscape substantially degraded and eyesores or major visual impacts created. Quarrying in the characteristic open landscape of the North West can result in severe degradation and affects a number of important landscape features, such as the setting of Verdala Palace. The restoration of a quarry can improve the landscape and offer opportunities for land uses complementary to the setting. The size of some quarried areas allows the opportunity to introduce new landscape features to add to the character of the area or create a new local identity. For example, new habitats could be created, within the context of a national trees and woodland programme. (Refer to Chapter 14.8 of this Plan).
- 13.5.5 Waste Management - One of the most striking features of the landscape of North West Malta is the amount of rubbish and fly tipping, which occurs in the countryside. This activity has become an unacceptable characteristic in many areas, which detracts from the natural beauty of the landscape. Changing public opinion against illegal tipping, and enforcement measures now in place to prosecute offenders, are essential to improve the situation.
- 13.5.6 Recreation - In most western countries those involved in rural sports have had to modify and develop their practices to meet the interests of conservation and enhancement of the natural landscape and the expectations of the wider community. There is a distinct lack of such an approach in North West Malta. Sports, which cause particular damage to the landscape, include trapping, off-roading and jeep safaris, particularly on remote places away from made up roads. In order to develop a sustainable approach to rural and coastal sports and activities, provision of facilities must pay particular attention to minimising environmental impact.
- 13.5.7 Roads - Roads give most people their first impressions of the landscape, and also (not least in North West Malta) have a substantial impact on it. The appearance, width, tidiness, edges, verges, lighting and other features of a road colour our appreciation of the landscape. Older roads in North West Malta are often well integrated into the scale, topography, settlement, field pattern and traditional materials of the landscape. However, larger and newer roads with their bold, engineered curves, even gradients and modern structures, have a major impact on the landscape, disrupting its patterns. This impact is exacerbated by untidy and

poorly finished verges and edges, where little attention has been given to restoration and design detail.

## 13.6 Setting and Interpretation of Landscape

### NWLA 1

### Landscape Conservation

**Designated areas of scenic, cultural and scientific importance will be protected, maintained and enhanced through the exercise of strict control over development and the introduction of countryside management measures. Emphasis will be given to their appreciation by the community and promotion of their qualities.**

13.6.1 The Landscape Assessment identified highlights in the landscape, which are worthy of conservation in their own right primarily for scenic and/or cultural values. Those of national significance are identified and designated in this plan under World Conservation Union (I.U.C.N.) definitions and criteria for protected landscape. (Refer to Policy NWLA 3 and Policy NWLA 4). Also, there are many features of local significance, which the assessment identified and are fundamental to the well being of local landscape character.

13.6.2 An urgent need exists for MEPA, in conjunction with other appropriate bodies, to identify those areas suitable for a management approach, define boundaries and introduce, wherever possible, a programme of countryside management to reconcile land use, assess conflicts and enhance environmental conservation (Refer to Policy NWCO 15).

#### Areas of Scenic Value

### NWLA 2

### Areas of High Landscape Value

**MEPA will not permit the development of any inappropriate structures or activities which in the opinion of the Authority would adversely affect designated (or future designations), Areas of High Landscape Value at Buskett, Chadwick Lakes, Coastal Cliffs, Mdina, or Victoria Lines, as indicated on Map 17.**

13.6.3 MEPA will continue in accordance with Structure Plan policy to designate protect and maintain areas of urban, coastal or rural landscape of high scenic value within which the interaction of people and nature over time has produced a distinctive landscape character of high quality.

13.6.4 **Buskett** - The Verdala Castle and Buskett Gardens are amongst the landscape highlights on the escarpment between Rabat and the 'Tal-Gholja' area. The natural features of this tract are the series of *widien* and the steep spurs between them. One of these *widien* is the Wied il-Luq system itself, which passes through Buskett. The abundant maquis, pine stands and citrus orchards, blending with the green walls and terraces on the slopes are also significant features in this area. Key characteristics include the remote, unspoilt character, especially of the *widien*, and their secluded greenery, and the outstanding views from the escarpments. (Refer to Map 17).

13.6.5 Il-Buskett is Malta's largest wooded area. Much of it was originally planted during the rule of the Order of St. John but it is now self-sustaining as a semi-natural

woodland. It provides a unique ecosystem, which incorporates a whole variety of important habitats and rare species.

- 13.6.6 **Chadwick Lakes and Environs** – The scenic value of Chadwick Lakes and its Environs are recognised as an important resource aesthetically and consist of a large broad valley whose slopes descend to a series of irrigation dams and seasonal ponds on a watercourse. (Refer to Policy NWRE 9).
- 13.6.7 **Mdina** - The supreme jewel of the “Silent City” stands proud on the hillside overlooking and dominating its immediate area and skyline; a superb setting of international importance, which includes the broad, green valley, or wied, between Mtarfa and itself. The slopes are terraced and well cultivated giving a generally green, fertile feel.
- 13.6.8 This impression is enhanced by areas of maquis and groves of taller trees, the latter important in softening the modern development of Mtarfa. The fortifications of Mdina dominate the area, but other features include rock out-crops and smaller escarpments, the fine stone railway bridge across the wied, with the embankments either side of it, the old railway station, open reservoirs and tree-lined roads.
- 13.6.9 Famous views extend from Mdina ramparts to many parts of the island including Mosta, distant Valletta and the sea.
- 13.6.10 The main characteristic of the Mtarfa/Mdina escarpment is its vital role as the setting for Mdina. As such, the whole tract is part of a National Landmark. The main objective is to prevent development spilling onto the sensitive slopes from either above at Mtarfa, from below at Ta’ Qali, or any unnecessary scattered rural developments. No development of any kind should be permitted in this tract, including the entire escarpment, in order to protect the vital setting of Mdina.
- 13.6.11 The setting of Mdina and its environs are scheduled for conservation as an Area of High Landscape Value. (Refer to Policy Map 17).
- 13.6.12 **Victoria Lines** - The conservation and protection of the Victoria Lines offers historical interest, scenic beauty and the opportunity for informal recreation for residents and tourists alike.
- 13.6.13 In order to protect the setting of the Victoria Lines within the overall landscape character of Malta, a buffer zone will be designated along the plateau and the face of the escarpment (The Great Fault) and is scheduled an Area of High Landscape Value. Within this area no development of any structure or activity will be permitted which would adversely affect the landscape character.
- 13.6.14 **Coastal Cliffs** - This high, rugged, rocky coastline is the scenic highlight of Malta. It is a landscape of bays, headlands and high cliffs, defined on its inland side by the final cliff rim, or by the area sloping towards, or dominated by, the sea.
- 13.6.15 It displays great variety of form and profile. The cliffed headlands and secluded bays of the north grade into the continuously high cliff coast of Dingli with its secondary upper cliff rim; this in turn grading into the more broken cliffs, steep bare limestone escarpments and rocky inlets of the Ix-Xaqqa - Blue Grotto area in the south. In places the upper cliff rim curves inland to enclose dramatic coastal valleys, or widien, such as Mtahleb.

- 13.6.16 The Coastal Cliffs are scheduled, as indicated on **Map 17** as Areas of High Landscape Value, in which MEPA will not permit the development of any structure or activity, which in the opinion of the authority would adversely affect the scenic value of the landscape or setting of the cliffs.

#### **Areas of Cultural Importance**

- 13.6.17 Areas of Cultural Importance are areas of landscape, often limited in size, which display a specific landscape character of high cultural value of national or international significance but which depend on or has depended upon a specific interaction of people and nature over time.
- 13.6.18 Landscape Archaeology - Archaeology is one of the outstanding cultural assets that Malta exhibits. So strong is its presence that it is a major influence on landscape character. Too often this asset, which many nations would so dearly love to possess, is suppressed or almost denied. Yet properly displayed it can strengthen local identity and distinctiveness. The relationship between archaeology and landscape planning in such situations is inseparable and so the landscape assessment paid particular attention to their protection.
- 13.6.19 **Hagar Qim and Mnajdra Temples** - Hagar Qim and Mnajdra form one of the most important, yet most threatened, cultural landscapes in the plan area. Threatened by quarrying, it is essential that this is not allowed to extend any further in their direction, while the restoration of existing quarried land is needed. Additionally there is good reason for a total shooting and trapping exclusion zone in the vicinity of the temples; shooting and trapping create a frequent distraction to visitors together with the unsightly structures and graffiti which accompanies it. The incongruous cafe and boundary fence also detract from the appreciation of their setting and landscape context. The overall objective to be achieved by designation and management is to safeguard the areas and features of cultural value and maintain and enhance landscape character and quality and promote a greater understanding and appreciation of the temples in the community and for the visitors. The heritage management plan for the area, to be prepared by Heritage Malta in conjunction with MEPA and any other appropriate Government agency, shall seek to address these issues to achieve the sustainable management of the rich cultural and natural resources in this area.
- 13.6.20 The temples require explanation and interpretation for the visitor to appreciate their significance. The present treatment does not do justice to their historical and cultural importance nor to their potential for attracting visitors. Measures needed to improve presentation and interpretation of the temples may include:-
- i. More space around them, so that existing boundary fences can be moved well back from the features themselves, allowing them to be viewed in relation to the surrounding landscape;
  - ii. Well designed footpaths allowing all round viewing of the features with adequate on-site interpretation facilities; and
  - iii. Indoor interpretation facilities in order to enable a better understanding of the monuments their context, and their significance, adequate sanitary facilities and basic bookshop and catering.
- 13.6.21 The Local Plan protects and enhances the settings of the temples by the designation of the area as a Heritage Park, within which an Archaeological Park will be administered by the Superintendence of Cultural Heritage (Refer to Area Policies Section 2)

## **Areas of Scientific Value**

### ***Ecology and the Landscape***

- 13.6.22 There is a profound relationship between ecology and landscape and nowhere more so than in Malta. Man should be a part of an ecosystem and not the master of it. However, so often on Malta we see the effects of human abuse of the natural ecosystem. There is no noticeable remnant of the natural forest, which once covered the land. But nature fights back and has produced some distinctive habitats and plant communities, which have a primary influence on landscape character.
- 13.6.23 There are some exciting opportunities for habitat engineering, creation and diversification on Malta as well as major issues relating to the conservation of what is being damaged day by day through ill considered development as well as sporting and agricultural activities.
- 13.6.24 The richness of a landscape's character depends to a major part on the richness of its habitats. Their well being deeply influences remoteness and beauty in the countryside. The development of communities, such as woodland, can have a profound influence on the ability of the landscape to absorb activity and change and promote landscape renewal, as well as attracting additional dimensions of shade, sound, colour and texture in the scene.
- 13.6.25 The dramatic coastline is one of the Island's most distinctive landscape types, though it presents much variety. Rugged, cliffed coastlines predominate, but there are also a series of bays headed by gently shelving shorelines and sometimes beaches. The western coasts of the local plan area present a series of high cliffs and tiny secluded bays. The northern and eastern coasts are lower (though still often rugged and rocky) with a series of bays and inlets, much of which is now built up. The integrity of this landscape is a significant issue and worthy of special protection.
- 13.6.26 Opportunities must be taken to enhance landscape character and quality, and to develop a programme towards a more balanced and sustainable ecology and landscape.

### ***Geology***

- 13.6.27 The geology of the area consisting of rocks and land forms and their evolution, is the fundamental element in creating landscapes. The resulting physical landscape forms the stage on which surface cover and human activity evolve, and it greatly influences these. The landscape of Malta is thus the result of interplay between physical, biological and human factors. Malta's geology is relatively simple.
- 13.6.28 The predominant limestone is responsible for Malta's basic landscape types. Geology and climate interact to produce soil and vegetation but these are subsequently much altered by human activity. The landscape is locally complicated by the practice of moving and importing topsoil, which destroys the natural relationship between rock, soil and vegetation.
- 13.6.29 Change to the field patterns, surface cover and physical landform through the construction of new fields has become common practice.

## 13.7 Protected Area Management Categories (I.U.C.N.)

13.7.1 The concept of protecting landscape is internationally accepted and demonstrated in the World Conservation Union (IUCN) approach to Protected Areas which are defined under 5 Category headings. Two categories are identified in this Local Plan, i.e. Landmarks of Natural Beauty/National significance (Category 3) and Landscapes of High Aesthetic and/or Cultural Value of National Significance (Category 5). A protected area is defined as: -

*“An area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means”*

13.7.2 The Landscape Assessment for North West Malta suggests that this internationally accepted approach should form a substantive base for landscape planning and management in North West Malta. The results of the Landscape Assessment have therefore been analysed and the areas identified for inclusion within the context of Protected Area Management, in order to ensure the conservation, including maintenance and enhancement, of the coast and countryside of North West Malta.

### NWLA 3

### I.U.C.N. Category 3

**Areas are identified as Landmarks of Natural Beauty/Natural Significance, as indicated in Map17, for recognition as Protected Landscape Areas under the Protected Area Management Category 3, at Qammieh Point, Ras il-Wahx, Ras il-Pellegrin, Il-Qlejgha and Fomm ir-Rih Cliffs, Il-Kullana, Blue Grotto, on the Western Coast; and Rđum Tal-Madonna and St. Paul’s Island on the North East Coast.**

**MEPA in conjunction with Local Councils and other relevant agencies will initiate management plans to identify the measure of protection and enhancement to be adopted with respect to the various uses and activities.**

13.7.3 The Local Plan identifies landmarks of natural beauty/national significance, which make a vital contribution to national identity. Their contribution to scenic value is important and as such these landmarks are identified in accordance with Structure Plan Policies RCO 1 and RCO 3 and can be categorised under IUCN Protected Area Management Category 3.

13.7.4 The setting is taken to mean the context within which the feature is seen and which can be seen from it. This enables them to be fully appreciated and enjoyed in their context within the landscape.

13.7.5 The additional identification of an area as a Protected Landscape therefore gives the opportunity for international recognition and classification.

13.7.6 **Qammieh Point, Western Coast** - Il-Qammieh and Ras il-Wahx are natural features of significance in the context of the character of the area. The view southward along the coast from Ras il-Qammieh is particularly attractive, revealing a succession of cliffs, bays and headlands.

13.7.7 Clutter and dereliction associated with old buildings on Ras il-Qammieh cause an adverse impact on this outstanding viewpoint.

- 13.7.8 **Ras il-Wahx, Western Coast** - A natural feature of local significance, which is worthy of particular protection.
- 13.7.9 **Ras il-Pellegrin, Western Coast** - The area is dominated by the asymmetrical bulk of il-Pellegrin with its rim of yellow cliffs and steep slopes which makes it a major landmark significant in the context of the whole western coast. An important quality of this area, which makes it special, is its undeveloped character and unspoilt location.
- 13.7.10 **Il-Qlejgha and Fomm ir-Rih Cliffs, Western Coast** - The prominent cliff “cap” of il-Qlejgha with its site of a Bronze Age Village, facing il-Pellegrin across the bay, dominates this area and together with il-Pellegrin are important landmarks worthy of protection. The Bronze Age village and temple although not obvious as a landscape feature are of cultural significance. The area is also very special because of its remoteness, wildness, inaccessibility and the grandeur of its views and should be protected, with access strictly limited.
- 13.7.11 **Il-Kullana, Western Coast** - The culmination of the west coast dramatic scenery, Dingli Cliffs rise 250 m from the sea. Fine views are offered to the island of Filfla and of the conspicuous limestone outcrop known as il-Kullana - The Necklace. This natural feature of national importance must be protected and the surrounding areas cleared of clutter rubbish.
- 13.7.12 **Blue Grotto, Western Coast** - Broken limestone slopes descend towards the sea cliffs which contain the Blue Grotto. The slopes are cut by several deep, rocky, gorge-like wadien, and one ending in the inlet of il-Hnejja. This is an area of outstanding natural beauty and dramatic quality, worthy of protection because of its national importance.
- 13.7.13 **Rdum Tal-Madonna, North East Coast** - Coastal landscape at the eastern end of the Marfa Peninsula. Its most distinctive features are its vertical limestone cliffs, the relatively unspoilt garrigue, maquis and woodland on the low plateau above the Madonna chapel and the general remoteness of the area. The woodlands are a pleasant and valued feature contrasting with bare limestone and garrigue. There are extensive sea views to St Paul’s Islands.
- 13.7.14 The area in the vicinity of the Madonna Chapel should be protected as a viewpoint of national importance.
- 13.7.15 The garrigue and woodland should be conserved, limits to vehicle access established, and general clearing of rubbish, carried out in order to enhance the setting.
- 13.7.16 **St. Paul’s Island, North East Coast** - A rocky coastline which overlooks St Paul’s Islands, dominated by the statue of St. Paul and which has great cultural and historic significance. A landmark of national importance.
- 13.7.17 The status of the listed building is under threat from the adverse effect of the commercial fish farming development.

**The Hagar Qim and Mnajdra Area, and Skorba Temples are identified as a Landscape of Cultural Value of National Significance, as indicated in Map 17, for recognition as Protected Landscape Areas under the I.U.C.N. Protected Area Management Category 5.**

**MEPA will encourage the Superintendence of Cultural Heritage, Local Councils and other relevant agencies to initiate management plans to identify the measure of protection and enhancement to be adopted with respect to the various uses and activities.**

13.7.18 A site identified under Category 5 IUCN is an area of landscape, often limited in size, which displays a specific landscape character of high aesthetic and/or cultural value of national significance but which depends or has depended upon a specific interaction of people and nature over a period of time. In order to safeguard the integrity of this traditional interaction, the two areas shown on Map 17 are identified in the local plan for protection and maintenance.

### **13.8 Trees and Woodland in the Landscape**

13.8.1 MEPA will continue in conjunction with the Department of Agriculture to initiate the promotion of the planting of indigenous trees. (Refer to Chapter 14.8 of this Plan).

13.8.2 Malta was once largely covered in trees. It is a reflection of the Island's history and culture that so few trees and wooded areas exist now and that most of these are relatively recent in historical terms. Yet they serve to demonstrate that there is a woodland community, which can be developed and is appropriate to Malta.

13.8.3 The issue is whether more woodland should be promoted in a Maltese landscape which has become essentially an open one of maquis, garrigue and cultivation. Extensive tree planting could dramatically change its character but much of the existing landscape is so degraded through soil erosion, quarrying, waste dumping, urban fringe pressures and scattered development that the impact of these is exacerbated by its openness. More trees and woodland would improve the situation.

13.8.4 Tree species must always reflect the native or naturalised species of Malta except in urban gardens and parks. Guidance will be found in MEPA publication entitled "Guidelines on Trees, Shrubs and Plants for Planting and Landscaping in the Maltese Islands (2002)".

### **13.9 Agriculture in the Landscape**

13.9.1 Agriculture has provided the primary pattern on the landscape of Malta. This pattern richly displays the response of human beings to the natural realities of trying to make a living in an often rugged and hostile environment. Measures to create workable space, conserve soil, provide shade and make best use of available water have produced strength of landscape pattern and texture, which it is important to conserve.



- 13.9.2 The recent and gradual decline in agricultural viability is a serious threat to the character and quality of these landscapes. There is already much evidence of the decline, particularly on the dryer, often higher, non-irrigated areas with thin soil (baghli).
- 13.9.3 It is important to appreciate that the contribution of agriculture for landscape character and quality, which in turn affects tourism and national identity, is out of all proportion to its tiny contribution to the Gross Domestic Product (3%).

## **14. Conservation**

### **14.1 Introduction**

14.1.1 The Structure Plan stresses the need for strict control of future development, particularly in those parts of the Local Plan area where valuable built heritage is concentrated and where areas of archaeological, ecological and landscape value are found. Since the publication of the Structure Plan, many areas, both urban and rural have been scheduled for protection. (Refer to **Maps 17 and 18**).

### **14.2 Protection of the Urban Environment**

14.2.1 Malta has an exceptional built heritage of great value not only to Malta but to European and world culture. It is an asset that this Local Plan promotes not only for its intrinsic value, but also in order that it can be appreciated and enjoyed by locals and tourists alike. The plan recognises the need to see such assets in their wider physical setting. Emphasis is therefore given in this Plan area to protect this setting.

#### **NWCO 1**

#### **Urban Conservation Areas**

**MEPA has reviewed the Urban Conservation Areas (UCA) boundaries of Melleiha, St.Paul's Bay, Mgarr, and Dingli, and has established new boundaries as indicated on the relevant Area Policy maps. The UCA boundaries for Mdina and Rabat have been retained.**

**Development proposals within the reviewed UCAs at Melleiha, St.Paul's Bay, Mgarr, and Dingli and within Mdina and Rabat, will be required to protect and enhance the character and appearance of the UCAs and shall comply with the Design Guidelines for Development Control within Urban Conservation Areas of 1995, as amended from time to time, unless specific policies in this Local Plan indicate otherwise, and the relevant policies in the Structure Plan.**

**The boundaries of the UCAs are shown on the relevant Area Policy Maps.**

14.2.2 Urban Conservation Areas consist of important historic and/or architectural elements which are fundamental in establishing the character of settlements, and which must be maintained. The UCAs in the Local Plan area were designated in 1996 as part of the plan preparation process. MEPA has reviewed these designations to take into account developments that have occurred since 1996 and has identified those parts of the UCAs, which are extremely important to the heritage of the locality and therefore highly sensitive to interventions, and other parts, which have lost their UCA character and therefore the UCA policy regime should not apply.

14.2.3 Designation of UCAs is only the first step towards conservation of these important urban areas. UCAs need to be holistically managed in order to achieve a space that enhances the quality of life, protects amenity and attracts activity and vitality into the area. An integrated heritage management approach is essential to ensure the protection of the important elements of a UCA whilst allowing for sufficient

intervention to attract compatible activities to the area. However, planning alone is not sufficient to achieve the desired results. Education, economic instruments, and legal instruments also play an important role in the rehabilitation of UCAs.

## **NWCO 2**

## **Open Space Enclaves in UCAs**

**In the open space enclaves in the UCAs of Rabat and Dingli, as indicated on the relevant Area Policy Maps, MEPA will not consider any development or redevelopment proposals that create new independent residential/non-residential units, including garages for the parking of vehicles.**

**In the identified open space enclaves, development proposals will only be considered if they:**

- (i) Constitute an extension to an existing building aimed at increasing the amenity and enjoyment of the property; or**
- (ii) Form part of a conversion scheme aimed at bringing a disused or dilapidated building back into use, even if such a scheme will create new residential/non-residential units; or**
- (iii) Form part of redevelopment schemes provided these comply with all other policies relating to control of development in UCAs; or**
- (iv) Involve solely the construction or enlargement of a swimming pool together with its ancillary reservoir, pump room and paving or hard surfacing around the pool or such development if linked to (i) and (ii) above.**

**In addition, the development proposals listed above will be considered provided that all the following conditions are complied with:**

- a. the proposals under (i), (ii) and (iii) do not result in a building depth of more than 25m from street frontage and are physically attached with the main building and form an integral part of the main building;**
- b. the scale, bulk and design of the proposals under (i), (ii), and (iii) do not compromise the openness of the enclave and the architectural integrity of the existing building;**
- c. the design, materials and colours of the swimming pool and paving are compatible with the character of the enclave;**
- d. the take up of soil or planted areas, irrespective of the existing condition of such areas, for the development permitted under (i), (ii), (iii) and (iv) , should be minimal and in no case exceed 15% of the total soil and planted areas;**
- e. they do not adversely affect existing features which are worthy of retention, including tall/mature trees (such as oaks, conifers or palms), but consideration may be given in exceptional cases to the relocation of such features within the same open space provided the existing location is not an intrinsic part of the character of the open space and the relocation will not result in the destruction or serious alterations of the same feature.**

**Development proposals in those parts of the open space enclaves, which are scheduled, will be controlled by the Legal Notice giving statutory standing to such scheduling, together with all other policies relevant to such scheduling.**

**The provisions of Part B paras 2 and 3 of the Development Control within UCAs Design Guidance of 1995 are being replaced by this policy for the identified open space enclaves.**

- 14.2.4 Open spaces, both private and public, in UCAs perform essential functions of separating land uses in high density areas, protect amenity by supporting trees and vegetation, define the form of the urban settlement, and are an important element in local architecture and traditional urban character. Conservation policies in the 1990 Structure Plan and the 1995 Supplementary Planning Guidelines on UCAs provide the current policy framework for controlling development in such spaces. As part of the Local Plan process, concern, based on experience in implementing the Structure Plan policies, was raised on the adequacy of the Supplementary Planning Guidelines, to protect private open spaces in UCAs.
- 14.2.5 A detailed review of the guidelines in relation to private open space in UCAs revealed that through its generic statements, the policy document created loopholes, which have given rise to development opportunities in open spaces, which were not intended by the Structure Plan and would harm the UCAs themselves. The distinction in the guidelines between the core and the periphery of UCAs requires clarification and the criteria for assessing development have shortcomings, which needed to be addressed.
- 14.2.6 This policy prohibits any new development proposals in open space enclaves which will create new residential units, or any other type of new uses, as these will increase densities in UCAs, which will in turn have a direct negative impact on their character, especially due to additional traffic generation and parking requirements. The policy then identifies those development proposals, which can be accepted because they will not seriously harm the value of the enclaves with the condition that certain constraints are applied. The conditions ensure that, while not hindering the enjoyment of private property or undermining the objective of revitalising deteriorating urban cores, physical development will not prejudice the intrinsic features and character of the open space.
- 14.2.7 This policy reflects an analysis, from maps and aerial photographs, of the internal private open spaces (those enclosed by existing buildings) in the UCAs in the Plan area. This analysis was based on the following guiding principles, developed to select those open spaces worthy of more protection. The open spaces identified for protection needed to:
- (i) on average, be more than 30m wide at the shortest distance from one side of the enclave to the other; and/or
  - (ii) have substantial tree cover; and/or
  - (iii) have a substantial number of dwelling units overlooking the enclave; and/or
  - (iv) have an unfragmented configuration.
- The list of characteristics above was formulated to ensure that only those enclaves with significant group value were identified. Criterion (i) was required to establish a physical baseline around which to start the identification of the enclaves while criteria (ii), (iii) and (iv) establish the amenity value of each open space as it is being enjoyed by a substantial number of residents and contains good tree cover which gives them their intrinsic value. Criterion (iv) also ensures that enclaves which have already been compromised by significant development within them are not included. Small rooms, buildings or structures were not considered as leading to the fragmentation of the enclave.
- 14.2.8 In drawing up the boundaries of the enclaves indicated on the relevant Area Policy Maps, a flexible approach was taken to the 30m dimension if it resulted that a specific enclave achieved a considerably high conservation value when considering the other three criteria. Where an enclave was not completely surrounded by

buildings and had a gap site with a frontage along an existing street, the inclusion of this gap site within the enclave was decided on an assessment of whether development of the specific site would significantly affect the overall value of enclave.

- 14.2.9 The UCAs of Mgarr, Mellieha and St.Paul's Bay do not include any open spaces which merit a more stringent approach than that outlined in the UCA guidelines. The UCAs of Dingli and Rabat, however, do contain a good number of private open spaces and a number of open space enclaves have been designated.

### **14.3 Protection of the Rural Environment**

- 14.3.1 The countryside and the coast of the North West Local Plan area are identified as two of Malta's most valuable natural resources. Together they provide the backdrop and raw material for much of the Islands' industrial, commercial, agricultural, and recreational activities. The intensity of use of these resources, and the delicate equilibrium operating within and maintaining them, necessitate very careful management in order to harmonise the various uses of the countryside and coast, thus maximising their benefits without deterioration. Particular emphasis should be given to the role that the farming community plays as stewards of the countryside in terms of countryside management and rehabilitation of the traditional rural landscape.
- 14.3.2 The relationship of the limited land area and the Islands' high population results in pressure on the natural environment. The Local Plan lays down policies to address this conflict. Protection is also afforded to areas and sites of archaeological importance and where there are concentrations of such sites; the plan illustrates the opportunity afforded for comprehensive protection.
- 14.3.3 The plan area has a range of typical Mediterranean habitats, the coastal ones being particularly vulnerable. The Islands also possess a diverse flora and fauna. A number of species are endemic, being found only in the Islands and nowhere else in the world.
- 14.3.4 The geology presents numerous features of interest, as does the landscape, which is a product of the interaction of the geology, the climate and man's activities.
- 14.3.5 Recognising this, the Local Plan controls development of the countryside and coast in general, and particularly of aquifer recharge areas and other important water catchment areas, afforested areas, sites/areas of ecological and scientific importance, areas of high landscape value, coastal cliffs and sandy beaches, nature reserves, parks, other types of protected areas, and of areas that are unstable or otherwise prone to erosion.

#### **Rural Conservation Areas**

- 14.3.6 The Structure Plan designates the majority of the plan as a Rural Conservation Area. The restriction on development outside existing and planned urban areas, as stated in Structure Plan Policy RCO 2, is designed to prevent the development of any structures or activities in rural areas other than those essential to the needs of agriculture or limited development as proposed in designated rural settlements. (Refer to Chapter 5.3 of this Plan).

- 14.3.7 Rehabilitation and suitable change in use of some buildings may be permitted, in conjunction with the removal of other buildings and structures that adversely affect the rural environment.
- 14.3.8 In line with requirements of the Structure Plan, the Local Plan designates special areas, for protection: -
- i. Areas of High Landscape Value
  - ii. Areas of Agricultural Value
  - iii. Sites of Scientific Importance
  - iv. Areas of Ecological Importance
  - v. Areas of Archaeological Importance

#### **Areas of High Landscape Value**

- 14.3.9 The scenic value of certain rural areas is recognised as an important resource not only aesthetically but also for socio-cultural, ecological and economic reasons, particularly relating to the tourist industry. The Local Plan designates Areas of High Landscape Value at the following locations:-
- i. Buskett
  - ii. Mdina
  - iii. Victoria Lines
  - iv. Coastal Cliffs
- (Refer to Policy NWLA 2)

#### **Areas of Agricultural Value**

- 14.3.10 Areas of Agricultural Value are designated in accordance with Policy NWAG 1, as indicated on Map 4 in order to protect them from all forms of inappropriate development.

#### **Special Areas of Conservation**

- 14.3.11 Special Areas of Conservation have been designated by MEPA in accordance with the Habitats Directive on the conservation of natural habitats and of wild fauna and flora by the European Communities 1992.
- 14.3.12 These areas are of National Importance and/or of International Importance, and MEPA will ensure that the areas are protected and shall issue guidelines for their management with respect to the various uses and activities.

## **14.4 Geology and Geomorphology**

### **Geology**

- 14.4.1 The Islands are made up of a number of sedimentary rock types that were originally deposited in the form of organic and inorganic matter mostly in shallow seas. Consequently the sedimentary sequence of the Maltese Islands is dominated by shallow marine carbonates (limestone) and associated marls that are, in general, very rich in fossil content. While softstone (Lower Globigerina Limestone) used in the building industry is practically unexploited in the plan area, Hardstone (Upper and Lower Coralline Limestone) is quarried either in proximity to coastal cliffs or along valley sides.

## **Geomorphology**

- 14.4.2 The major axis of Malta and Gozo is located along a north west to south easterly direction. The islands have a roughly elliptical outline and present a general tilt normal to the direction of the major axis, thus presenting a wedged appearance in cross section. The highest elevation of these eroded limestone plateaux are thus situated to the south-west, reaching a maximum of 253m above mean sea level at Dingli.
- 14.4.3 North of the Victoria Fault, Malta is dominated by the development of horst and graben blocks, bounded by parallel east to north east faults, which give rise to prominent ridges and valleys.
- 14.4.4 Where exposed, Upper and Lower Coralline limestone rock masses normally form bare karst plateaux. However, along a number of rift valleys and along a good portion of the northern and western shoreline these formations are responsible for valley sides and vertical cliff faces. To the west of Malta one encounters a more or less deeply cut plateau with characteristic south-westerly to north easterly surface water run-off features. This is due to the fact that in this area the overlying strata (Upper Coralline Limestone) have preserved the underlying rock formations.
- 14.4.5 The Maltese Islands are characterised by a length of coastline amounting to about 191 km. A large combination of mechanisms (wind, wave action, currents), contribute to a continuous moulding (erosion, sedimentation) process of our shoreline. Additionally, this is characteristic of the varied geology (rock quality and structural formations and extent of exposure) of the coastal areas. The west and north-west of Malta are, as a result, characterised by high steep cliffs as compared to the low lying coasts to the east. Other geomorphological features of the Maltese shoreline include coastal arches, sea caves, tunnels, reefs and submerged karstic features.

## **NWCO 3 Sites of Scientific Importance (Geological)**

**Sites of Scientific Importance (Geological) are designated to regulate conservation in accordance with Section 46 of the Development Planning Act (1992), and development will only be permitted where it accords with specific criteria for SSI's Level 1 – 4 as stated below:**

- i. Level 1. No development will be permitted and access will be limited except for necessary rehabilitation works and to enhance the educational use of the area without damaging the features being protected;**
- ii. Level 2. Permission will only be granted for the maintenance of existing structures and construction of minor amenities such as footpaths and nature trails designed to enhance the educational use of the area;**
- iii. Level 3. Permission may be granted for small-scale informal recreation development subject to a satisfactory Environmental Impact Assessment being undertaken and approved by MEPA;**
- iv. Level 4. Permission will only be granted for small-scale development provided that no suitable alternative locations exist and features of geological and scientific interest are protected. A satisfactory Environmental Impact Assessment is to be undertaken and approved by MEPA.**

- 14.4.6 The protection and enhancement of areas of geological and geomorphological importance within the Local Plan is of paramount significance. Stringent controls on development and working of minerals will be exercised.
- 14.4.7 The general approach to conservation of geological sites within the North West Local Plan area is based on the identification of two contrasting types of site. The two types, although not mutually exclusive, are known as “exposure” sites and “integrity” sites. “Exposure” sites are those sites whose scientific or educational value lies in providing exposures of a deposit which is extensive or plentiful underground but which is otherwise accessible only by remote sampling. Such examples are quarries, cuttings, cliffs or outcrops. “Integrity” sites are those sites whose scientific or educational value lies in the fact that they contain finite and limited deposits or landforms that are irreplaceable if destroyed. Examples are caves, karsts, glacial, fluvial and coastal landforms and their associated deposits.” (Reference Nature Conservancy Council Strategy U.K.).
- 14.4.8 Level 1 SSIs are areas or sites, which include unique features. Human intervention will be kept to the barest minimum and where appropriate managed by a Government Agency.
- 14.4.9 Level 2 SSIs are areas or sites, which include rare features, occupying relatively larger areas than Level 1 sites. Small-scale amenity facilities, where permissible, should be carried out with the least possible damage to the environment.
- 14.4.10 Level 3 SSIs are areas or sites, which include (but are not limited to) buffer zones where control is necessary to preserve features in adjacent sites, from internal or external pressures, which may threaten their existence or stability. Small-scale development may be considered providing the SSIs are protected.
- 14.4.11 Level 4 SSIs are areas or sites, which include features of general interest not falling into any of the above levels.

## **4.5 Archaeology**

- 14.5.1 Archaeological sites, (including temples, caves, menhirs, dolmens, cart ruts, catacombs and tombs), need to be carefully identified, restored, maintained, made accessible and interpreted. A comprehensive survey of North West Malta has been completed and significant sites scheduled for their protection.

### **NWCO 4 Areas and Sites of Archaeological Importance**

**Areas and sites of Archaeological Importance, as indicated on Map 18, are designated to regulate their conservation in accordance with Section 46 of the Development Planning Act (1992), and development will only be permitted where it accords with specific criteria for SSIs Level 1- 4 as stated in this policy.**

**Protection Rating CLASS A**



No development will be permitted which would adversely affect the monument or site or its setting. A minimum buffer zone of at least 100m around the periphery of the site will be established in which no such development will be allowed.

#### Locations of Class A Archaeological Sites.

1. Megaliths, Mgarr
2. Roman Building, Mgarr
3. Neolithic Temple, San Pawl Il-Bahar
4. Neolithic Tombs, San Pawl Il-Bahar
5. Temple and Settlement, Mgarr
6. Neolithic Temple, Mgarr
7. Prehistoric Depression, Mellieha
8. Roman Baths, Mgarr
9. Bronze Age Settlement, Siggiewi
10. Cart Ruts, Siggiewi
11. Catacomb and Tombs, Mgarr
12. Roman/Medieval Cave, Rabat
13. Ancient Cave, Siggiewi
14. Roman/Christian Tomb, Mgarr
15. Punico-Roman Building, Siggiewi
16. Neolithic Temple, Naxxar
17. Punico-Roman Villa, San Pawl Il-Bahar
18. Cart Ruts, Siggiewi
19. Cart Ruts, Naxxar
20. Catacomb, Siggiewi
21. Temple, Qrendi
22. Temple, Qrendi
23. Prehistoric Water Cisterns, Qrendi
24. Bronze Age Settlement, San Pawl Il-Bahar
25. Catacombs, Naxxar
26. Settlement, Rabat
27. Villa, Sanctuary and Quarry, Rabat
28. Neolithic Temple, Rabat
29. Punico-Roman Wall, Rabat
30. Bronze Age – Present City, Mdina
31. Roman Building, Mdina
32. Roman Remains, Mdina
33. Punico - Early Christian Catacombs, Rabat
34. Early Christian Catacombs, Rabat
35. Roman - Early Christian Catacombs, Rabat
36. Early Christian Catacomb, Rabat
37. Neolithic Temple, San Pawl Il-Bahar

#### Protection Rating CLASS B

No development will be permitted which would adversely affect the monument or site or its natural setting. A buffer zone of at least 50 m will be identified, its size dependent on the level of protection appropriate to the specific site or area, in which no such development will be allowed.

#### Protection Rating CLASS C

No development will be permitted within the site or area of archaeological importance until the applicant has submitted a written scheme of investigation, which has been approved by the Superintendence of Cultural Heritage. Adequate opportunities must be provided for the recording and, where necessary, the excavation of such sites. Before a permit is issued, agreement must be reached to cover provision for detailed ground and structural surveys, excavation in advance of development, the conservation of remains in-situ, and on the carrying out of a monitoring report as the development proceeds. Provision for subsequent access and presentation of the area or site shall be made.

#### Protection Rating CLASS D

No development will be permitted within the site or area of archaeological importance until the applicant has submitted a written scheme of investigation, which has been approved by the Superintendence of Cultural Heritage. Adequate opportunities must be provided for the recording and, where necessary, the excavation of such sites. Before a permit is issued, agreement must be reached to cover provision for detailed ground and structural surveys, excavation in advance of development, the conservation of remains in-situ and on the carrying out of a monitoring report as the development

**proceeds. Where possible provision for subsequent presentation of the area or site shall be made.**

#### **Protection Rating CLASS E**

**Where applications for development permission are submitted on a site or area in which the Superintendence of Cultural Heritage or MEPA may have some archaeological interest, the applicant will be required to undertake an investigation including excavation if necessary. If following investigation, the Superintendence of Cultural Heritage considers the site to be of archaeological value, MEPA will normally refuse development permission if the proposed development would lead to the destruction of the site, or require the development to be modified so that the archaeological value of the site is protected.**

14.5.2 Where a proposal for development is likely to affect an archaeological site or area, MEPA will advise on the level of protection appropriate to the specific site.

14.5.3 Even if there is no over-riding case for preservation, development of such sites will only be permitted after alternative layouts have been examined which endeavour to protect the site/monument.

#### **Buffer Zones**

14.5.4 Buffer Zones are protected areas of the landscape surrounding archaeological sites within which no new development will be permitted and are at least 100m around the perimeter of a Class A site. A buffer zone will also be identified for Class B sites. These will normally be of at least 50 m distance but will vary depending on the level of protection appropriate to the specific site.

14.5.5 The purpose of a buffer zone is, firstly to protect the setting of the monument so that its appearance can be appreciated from a distance; secondly, to protect other possible remains within the immediate area; and thirdly, to define an area around the feature in which enhancement shall take place, particularly where more recent development has created an adverse impact on the setting of the feature.

14.5.6 A Class A site of archaeological importance is a site or monument of international or national importance which has been given top priority in conservation management and maximum protection. Preservation measures will have precedence over public accessibility. Protection will extend to a "buffer" zone of at least 100m from the perimeter of the site. Existing buildings within the buffer zone should be relocated where possible or landscape screening provided in order to enhance the setting of the site or monument

14.5.7 A Class B site of archaeological importance is a site or monument of national or local importance, which must be preserved. Preservation measures will have precedence over public accessibility. Protection will extend to a "buffer" zone of at least 50m from the perimeter of the site.

14.5.8 A Class C site of archaeological importance is an important site, which should be preserved if possible, but may be covered up after adequate investigation, documentation and cataloguing. If a site is to be covered, then provision should be made for future access.

14.5.9 A Class D site of archaeological importance is a site or monument belonging to a type known from numerous other examples, which should be protected if possible,

but to be in any case recorded and catalogued before covering or destroying. No materials or artefacts are to be removed without the express permission of the Superintendence of Cultural Heritage.

- 14.5.10 Class E site of archaeological importance is a site or monument known to have existed as referred to in written documents, prints, maps, paintings, photographs or according to oral tradition, but no longer visible. Investigations, including the excavation of the site if necessary, are to be undertaken prior to development. The results of these investigations may qualify the site to any of the protection ratings stipulated in Policy ARC 2 of the Structure Plan.

## **NWCO 5**

### **Protection of Archaeological Remains Discovered During Development**

**In the case of accidental discovery of archaeological remains during development, the contractor and owner shall stop work immediately, ensure that the remains are not disturbed and notify the Superintendence of Cultural Heritage and MEPA of the discovery.**

**No further work shall be carried out before approval is authorised by the Superintendence of Cultural Heritage and MEPA.**

- 14.5.11 MEPA may include conditions before or after the granting of a permit for development for the applicant to carry out archaeological investigations as directed by MEPA in consultation with the Superintendence of Cultural Heritage. Depending on the archaeological remains discovered, the applicant may be asked to amend the proposed development and safeguard the archaeological remains.
- 14.5.12 Notwithstanding the best possible investigations conducted prior to the granting of a development permit, there may be occasions when the presence of archaeological remains only becomes apparent once development has commenced. In such instances, developers should insure themselves against the risk of a substantial loss while safeguarding the interest of historic remains unexpectedly discovered on site. Where archaeological remains come to light during the carrying out of development (or after other works or operations), MEPA may issue an Emergency Conservation Order, and carry out the necessary investigations to determine the importance of the remains. Following the investigation, MEPA may schedule the site.

## **14.6 Ecology**

- 14.6.1 The Islands support a rich and diverse wildlife, certain elements of which are of particular scientific importance. A relatively large number of species of plants and animals are found in the Maltese Islands only and nowhere else in the world, while others have a restricted distribution elsewhere.
- 14.6.2 About 34% of mainland Malta no longer supports vegetation cover, while about 44% is cultivated, and natural vegetation covers only about 21%. Shrubs and trees (woodland, maquis, and afforested areas) collectively cover only about 4% of the Island's surface area and are relatively very localized.

- 14.6.3 Garrigue (which supports low woody shrubs) is more widespread but is conspicuously on the decline, mainly due to conversion to agricultural land, illegal dumping, trampling and construction activity, (including leveling of land for bird trapping).
- 14.6.4 The coast of the Local Plan area is of particular importance because of the sheer number of diverse habitat types it supports. Some of these are very rare and localised and consequently support rare and endangered wildlife, e.g. sand dunes, saline marshlands and coastal wetlands. Other habitat types, such as cliffs and low-lying rocky shores are more widespread but are nonetheless important since they often harbour unique species. Cliffs especially, are known to support a large proportion of endemic species, some of which are now only found in very localised and inaccessible regions and are scheduled for protection in accordance with Structure Plan Policy. Boulder screes associated with the “rdum” system often harbour a unique mosaic consisting of maquis, cliff, steppe, garrigue, coastal, watercourse and occasionally marshland vegetation. Other habitat types to be found in the plan area include forest remnants, permanent springs, caves (all of which are rare on the island), and watercourses. These locations are valuable as examples of their particular habitat, and also because they support specialised biota, which, since its habitat is rare in the Islands, is itself rare.

#### **Areas of Ecological Importance (AEIs) and Sites of Scientific Importance (SSIs)**

- 14.6.5 Areas of Ecological Importance (AEIs) are valuable, firstly as examples of their particular habitat, and secondly because they support distinctive biota which is specially adapted to particular conditions (e.g. salinity, flow of water, rocky environment, growth in a vertical plane). If the habitat is rare in the Islands, the biota it supports is itself rare. An AEI protects and conserves the habitat and ecosystem in their totality rather than dealing with individual species.
- 14.6.6 Sites of Scientific Importance (SSIs) are important primarily because of certain individual species which live in them and which are rare or unique. Important bird nesting sites and other sites of ornithological interest are also SSIs.

## **NWCO 6 Provisions for AEIs and SSIs (Ecological)**

**Areas of Ecological Importance (AEIs) and Sites of Scientific Importance (SSIs) are designated to regulate their conservation in accordance with Section 46 of the Development Planning Act 1992 and development will only be permitted in accordance with the level of protection required within the appropriate grading.**

**General Protection will apply as follows: -**

- i. No inappropriate development to the rural countryside will be permitted. However, suitable maintenance of existing structures and construction of minor amenities designed to enhance the conservation or educational use of any area may be permitted. Supervised visits to sites of natural importance will be encouraged in order to increase public awareness;**
- ii. no development activities that are likely to be a fire risk to trees and wooded areas will be allowed;**
- iii. no development where noxious emissions, effluents or waste are likely to create an adverse impact on nearby AEIs or SSIs will be allowed.**

- iv. The removal of intrusive elements and alien species in a manner compatible with conservation; and the inclusion of buffer zones to further the protection of AEIs and SSIs.

#### Level 1 AEIs and SSIs (Ecological)

No development will be permitted and access will be limited except to enhance the educational use of the area whilst not damaging the features being protected and for necessary rehabilitation works.

#### Locations of Level 1 Ecological Sites. (Map 18)

A	L-Ghadira	J	Il-Ballut (Wardija)	S	Mizieb
B	Saline marshlands and sand dunes at Ramla tal-Bir, Ramlet il-Qortin, Torri ta' l-Armier and Ramla tat-Torri (Mellieha)	K	Salina	T	Wied il-Qlejgha
C	Wied Musa (Mellieha)	L	Rdum Majjiesa and Rdum id-Delli	U	Ta' Baldu or Wied Hazrun
D	Saline Marshland at Ta' Qassisu (Mellieha)	M	Sand dunes at ir-Ramla tal-Mixquqa	V	Wied ta' l-Isqof, Gnien il-Kbir
E	Freshwater wetland at il-Qammieh	N	Il-Qarraba	W	Ghajn il-Kbira/Girgenti
F	l-Imgiebah	O	Gebel Ghawzara	X	Buskett area and Wied il-Luq
G	St. Paul's Islands	P	Wied Rini, Wied tal-Marca and Wied tal-Bahrija valley system	Y	Ta' Clotilde/Ta' San Lawrenz (Siggiewi)
H	Rdum il-Bies	Q	Wied Gerzuma	Z	Wied San Anton/Wied ta' l-Isqof, Hal Qdieri
I	Is-Simar	R	Gebel l-Abjad/Imtahleb	A1	Il-Maqluba
				A2	Wied Ta' Ghajn Rihana and Gebel Sarnu

#### Level 2 AEIs and SSIs (Ecological)

Permission will only be granted for the maintenance of existing structures, covered by a permit and construction of minor amenities where permissible, designed to enhance the educational and recreational use of the area (e.g. narrow footpaths, nature trails and small scale visitor centres).

#### Level 3 AEIs and SSIs (Ecological)

No residential, industrial, commercial, tourism development, infrastructure or public utility works will be permitted. A satisfactory environmental impact assessment is to be undertaken and approved by MEPA.

#### Level 4 AEIs and SSIs (Ecological)

Permission will only be granted for small-scale development provided that no suitable alternative locations exist and features of ecological and scientific interest are protected. A satisfactory environmental planning statement is to be undertaken and approved by MEPA.

14.6.7 This policy seeks to set out in greater detail a schedule of development control guidelines in addition to the general guidance given in Structure Plan Policy RCO 12. It is important to clarify in this Local Plan area, which consists of extensive areas of rural countryside, an interpretation of the type of development that may be or may not be considered appropriate in various Protection Levels.

## **NWCO 7**

## **Interpretive Visitor Centres**

**MEPA will encourage small scale development proposals that support visits by the public to appropriate sites for educational purposes in order to increase awareness of the importance of the Islands heritage.**

**Proposals, which through proper management and interpretation can preserve/conservate the cultural, recreational, ecological, educational and tourist potential of the built and natural heritage sites will be supported and promoted.**

**Sites for public presentation must be well managed and subject to the following objectives and criteria: -**

- i. the development has minimal adverse visual impact or other impact on the character or setting of the site;**
- ii. the development does not damage or otherwise adversely affect the cultural or natural heritage value of the site;**
- iii. in appropriate areas, the regeneration or reintroduction of indigenous plants and animals and their habitats;**
- iv. visitor education through sign posting/way marking, interpretation boards and permanent exhibitions, e.g. visitor centres (utilising existing buildings wherever possible);**
- v. adequate and safe access for visitors to the site and where appropriate, provision for vehicle parking which does not adversely affect the setting of the site;**
- vi. visitors are managed according to the carrying capacity or resilience of each site, so as to minimize visitor impact on the site, and**
- vii. there is no conflict with other policies of this Local Plan (especially those for the protection of the rural environment).**

**The Plan identifies the following sites, which need immediate protection and enhancement, and puts forward detailed policies listed against these sites in order to secure proper management.**

<b>Country Parkways and Footpaths,</b>	<b>Policy NWRE 5 &amp; 6</b>
<b>Victoria Lines Heritage Trail,</b>	<b>Policy NWRE 8</b>
<b>Chadwick Lakes,</b>	<b>Policy NWRE 9</b>
<b>L-Ghadira and Is-Simar Bird Sanctuaries</b>	<b>Policy NWCO 8</b>
<b>Woodland Conservation Areas,</b>	<b>Policy NWCO 10</b>
<b>Fort Campbell,</b>	<b>Policy NWML 20</b>
<b>Ta' Hagraat Temples,</b>	<b>Policy NWMG 1</b>
<b>Ta' Skorba Temples,</b>	<b>Policy NWMG 1</b>
<b>Interpretation Facility at Mtarfa</b>	<b>Policy NWMT 12</b>
<b>Archaeological Park, Hagar Qim,</b>	<b>Policy NWQD 1</b>
<b>Marfa Heritage Trail, Marfa Action Plan,</b>	<b>Policy MTO 2 (Marfa Action Plan)</b>

14.6.8 MEPA recognises the social, economic (tourism), recreational and educational value of the natural and built historic sites and the contribution that these make to the character and appearance of the North West Local Plan area. Proposals to preserve,

manage and improve sites in a manner that is compatible with the site and its surrounding environment will be encouraged and emphasis will be given to promoting their understanding and appreciation by the public.

- 14.6.9 The objectives of conservation and environmental education will only be achieved if there is good management. This can be achieved in many ways, e.g., by zoning the site into sectors where access and activities are restricted to different degrees, depending on the nature of the features to be protected. Supervision at specific sites will be required and trained personnel provided to offer tours of the area.
- 14.6.10 Area management is an important step forward in reconciling protection and enhancement of the countryside at the local level. However, given that this may not be possible in all parts of the Local Plan area, other forms of environmental initiatives are required. Community involvement in environmental protection is becoming increasingly important, participation of the public and private sectors, NGOs and voluntary bodies, should be encouraged.

### **Dark Sky Heritage**

- 14.6.11 The nightscape in the Maltese Islands has experienced an increased level of illumination resulting from the increased use of light directed into the night sky.
- 14.6.12 Outdoor lighting can cause intrusive and unnecessary pollution in both urban and rural areas, although it is in the countryside of the North West Local Plan area that light pollution is most noticeable. Not only is the excessive light in the night sky intrusive, it is also a significant waste of energy. External artificial lighting also has severe implications on bird nesting sites, particularly along the coastal cliffs. It is therefore sensible to keep light levels in such environmentally sensitive areas down to the barest minimum.
- 14.6.13 Good design of lighting, the prevention and reduction of light pollution, particularly in rural areas are important. Rdum tal-Madonna, Rdum Qammieh, Migra l-Ferha, Rdum id-Delli and Hagar Qim are particularly sensitive areas where light levels should be kept as low as possible.

### **Hunting, Shooting and Trapping**

- 14.6.14 Structure Plan policies emphasise the need to protect and enhance the natural environment together with protection of threatened flora and fauna.
- 14.6.15 Trapping sites often destroy an area of natural habitat, including woodland and garrigue, mainly through creation of vehicular access, clearance, demarcation and levelling of land. Natural vegetation on a trapping site is also often removed by means of herbicides, and alien/invasive species are often planted instead.
- 14.6.16 Trapping, shooting and hunting hides, often constructed of waste material, including galvanised metal sheeting, oil drums or concrete, are eyesores and create a severe adverse impact on the environment. Where permitted, hides shall be constructed in traditional rubble walling.
- 14.6.17 In Level 1 AEIs and SSIs and in AAI, hunting, shooting and trapping activities are incompatible. In these areas all existing trapping hides, sites and activity should be removed as part of a management plan for the area.

- 14.6.18 In Level 2 AEIs and SSIs, human intervention shall be strictly controlled and physical development limited to the maintenance of existing structures.

## NWCO 8

## Bird Sanctuaries

**The area of sanctuaries for birds within the existing Nature Reserves at I-Ghadira, Is-Simar and Ta' Qali will be enlarged. MEPA will initiate and support the establishment of managed nature reserves as indicated on Map 18 based on areas of ecological importance and/or sites of scientific importance and will seek to enter into management agreements with the landowners, local councils, non-government organisations and others to ensure the long-term protection and enhancement of such reserves.**

**No development of any kind will be permitted within the boundary except for suitable maintenance of existing structures and construction of minor amenities designed to enhance the conservation or educational use of the area.**

- 14.6.19 **L-Ghadira** - It is proposed to enlarge the area of sanctuary for birds within the existing nature reserve at L-Ghadira in order to give greater protection to the existing habitat and provide the opportunity for further facilities. The proposed enlargement is mainly to the north of the site with small extensions to the western and southern boundaries.
- 14.6.20 **Is-Simar** - It is proposed to enlarge the area of sanctuary for birds within the existing nature reserve at Is-Simar in order to provide greater protection to the existing bird life. The extensions are limited to the western and southern boundaries because of the adjacent access road to the north, the existence of valuable agricultural land to the west and the development of the fish-farm to the south.
- 14.6.21 **Ta' Qali** - The existing reserve at Ta' Qali provides protection against hunting and trapping for the participants of the National Recreation Centre. In order to extend this protection over the extension to the National Recreation Centre, the reserve was also extended (Ta' Qali Action Plan, February 2000).

## 14.7 Hydrology

### Background

- 14.7.1 Rain is the only natural source of freshwater in the Maltese Islands. Rainwater passes through the pores and crevices in rock and percolates down to recharge the Islands' aquifers. Water from these aquifers, which can be perched or at sea level, either flows out to form springs or is pumped up through boreholes. These underground sources of freshwater are extensively used for table water, often mixed with water from reverse osmosis plants prior to being distributed for consumption. Water from these underground sources has also traditionally been used by farmers to irrigate their fields. Maintaining or enhancing water quality is important in order to protect a wide range of uses. It is also important to note that the effects of pollution, especially on groundwater, and sites affected by surface run-off, can be difficult, expensive and prolonged to remedy. (Consultant's "Report on Water", 1995)



## **Issues**

- 14.7.2 A range of major threats to the groundwater resources in the Local Plan Area exist, demonstrating a lack of groundwater protection. Human activities with high risk for the deterioration or destruction of the water resources in the Local Plan Area can be grouped into three main categories: Infrastructural Development, Industrial Activities and Agricultural Activities. Contamination of the aquifers is also a problem arising from over-extraction, which results in the intrusion of seawater.

### **Infrastructural Development**

- 14.7.3 The main problems caused by Infrastructural Development are problems associated with waste disposal, either waste water or solid waste, traffic, construction works in general, increase in hard surfaces resulting in reduced percolation and increased run-off, leakages and contaminated run-off. Buildings can pose a threat to the water sources, especially wherever these are not connected to the public sewer system, and hence make use of cesspits.

### **Industrial Activities**

- 14.7.4 Pollution of the ground with hazardous substances is a danger for ground water. Also the disposal of waste products endangers groundwater quality. Quarrying of the rock itself results in the destruction of covering layers, the removal of the natural filtration medium (top soils and rock), and therefore in an increase of vulnerability. Uncontrolled dumping of waste in quarries poses a major threat.

### **Agricultural Activities**

- 14.7.5 Agricultural practices can also pose a threat, ranging from the manner in which fertilisers and pesticides are stored, the practice of keeping heaps of manure uncovered on the land, the amount of fertilisers and pesticides used and the time during the year it is applied.

### **Precautionary Principle**

- 14.7.6 It is only during the last few years that a legal framework has been put in place that considers the protection of fresh water resources from development proposals that are located within an aquifer protection zone. Individual, public groundwater extraction sources are legally protected on the basis of distance from proposed development. The Precautionary Principle is recognised as the most, if not only, feasible method to protect the water resources. This principle should be applied to both existing as well as new, potentially polluting activities at the surface.

## **NWCO 9**

## **Water Quality**

**Development will only be permitted in accordance with the Level of Protection Zones as set out below and as indicated on Map 19.**

### **Well Head Protection**

**No development or activity shall be permitted within 10 metres of borehole rooms or the discharge point of springs. New borehole rooms shall be constructed in natural materials with raised working platforms to ensure that no surface water run-off can enter the water discharge point.**

### **Inner Protection Zone**

Development will only be permitted within 500 metres of public boreholes, underground gallery systems of springs and pumping stations, or dry valleys and dolines that contribute to the natural recharge of aquifers that are tapped for drinking water purposes (Inner Protection Zone) subject to the following criteria:-

- i. prior approval of the Water Services Corporation and the Water Directorate of the Malta Resource Authority;
- ii. the development can be connected to the public sewer system. Cess pools or septic tanks will be prohibited;
- iii. provision for the collection of run-off water from all new roads, particularly in the immediate vicinity of water discharge points;
- iv. the provision of adequate collection areas for waste material;
- v. the preservation of a sufficient rock layer above the ground water table, and
- vi. the submission of a satisfactory Environmental Planning Statement.

The following development or activity will not be permitted within the Inner Protection Zone:-

1. live stock breeding or rearing;
2. proposed new or extensions to existing mineral workings;
3. industrial uses; and
4. landfill or waste collection centres, refuse dumps, scrapyards, petrol stations and communal cesspools.

### **Aquifer Protection Zone**

Development will be permitted within the Aquifer Protection Zone as indicated on Map 19 subject to the following criteria:-

- a) the connection to a public sewer system or sealed cesspool. Septic tanks will be prohibited;
- b) where the development involves or includes a road, adequate provision shall be made for the collection and storage of run-off water, particularly in the immediate vicinity of water discharge points;
- c) the provision of adequate collection areas for waste material;
- d) the preservation of a sufficient rock layer above the ground water table;
- e) industrial development will not be permitted in the vicinity of public boreholes, underground gallery systems of springs and pumping dolines which contribute to the natural recharge of aquifers which are tapped for drinking water purposes;
- f) the prohibition of disposal of harmful effluents into the sewer system;
- g) at agricultural establishments, the provision of a proper collection system, adequate storage, containment of manure and animal slurry including the submission of a suitable waste management plan for the whole operation;
- h) livestock breeding and rearing will not be permitted in doline areas or in quarries; and
- i) the provision of storage facilities for inorganic fertilisers on farming and agriculture developments.

14.7.7 Well Head Protection - The immediate vicinity of wells and springs should continue to be under the ownership of the groundwater abstractor. In this area, no activities should be permitted, which are not related to water abstraction itself.

14.7.8 The well head should be totally enclosed in order that access to the head of each source is protected, and no surface run off can enter these rooms. Extra measures such as culverts may be required where roads are passing next to water discharge

points. With regard to private wells and springs, a minimum level of protection should be offered by a surrounding wall around each water point.

#### Inner Protection Zone

- 14.7.9 A second level of protection to the Well Head is the Inner Protection Zone which is applied to an area of land of 500 metres in radius around public bore holes, gallery systems of springs and pumping station. Development within the inner protection zone is necessarily restrictive in order to protect threats to water resources.

#### Aquifer Protection Zone

- 14.7.10 A third level of protection (Aquifer Protection Zone) is required to cover all public water extraction points. It is important to consider the special degree of vulnerability of the aquifer systems in the local plan area due to the dense sequence of faults in the northern part of the island.

## 14.8 Trees and Afforestation

- 14.8.1 At present the only known original forest remnants remain at four localities; Il-Ballut (Wardija); Il-Ballut ta' l-Imgiebah; Ta' Baldu/Wied Hazrun, and Il-Bosk. Each of these occupies very small areas, and all other present day woodland areas have been planted since the rule of the Knights, or result from semi-natural regeneration of planted trees and remnant planting.
- 14.8.2 Efforts commenced in the early 1950s to plant trees and this has continued to the present time. Alien species were often used in afforestation projects rather than local species. The main areas planted were Il-Mizieb, L-Ahrax, Ta' Darrenzi, Il-Ballut ta' Ras il-Gebel, Id-Dwejra, L-Imtarfa, Il-Mellieha and Il-Wardija, Qammiegh, Ghajn Tuffieha slopes, Ta' Mrejnu Olives, Mgarr.
- 14.8.3 Ongoing major afforestation projects include Ghar Lapsi fields, Ghajn Tuffieha Rest Camp, Tal-Fjuri, St. Paul's Bay, and part of the Victoria Lines near Fort Mosta. More recently the Parks, Afforestation and Rural Conservation Department (P.A.R.C. Dept) under the responsibility of the Ministry of Rural Affairs and the Environment, has initiated a programme for the development and planting of a series of Afforestation Projects, the long term objective being to co-ordinate these projects together with the national and regional parks of Malta.
- 14.8.4 Much of the present landscape is degraded due to deforestation, soil erosion, quarrying, dumping of rubbish, the impact of which is exacerbated by the open, treeless landscape. Therefore a strategy of encouragement and promotion to create more afforestation and strategic landscaping is proposed in this plan.
- 14.8.5 The edges of built-up areas are often harsh and open and in these locations tree planting would enhance the landscape provided important views (e.g. towards Mdina) are protected. The strategy of the plan is to identify areas of opportunity in the appropriate area policy plans.
- 14.8.6 The introduction of major tree planting around areas of unattractive scattered development, including quarries, would increase the capacity of the landscape to absorb eyesores, channel views and dramatise the landscape.

Woodland Conservation Areas are designated, as illustrated on Map 20, for protection and no development will be permitted, which in the opinion of MEPA, will be detrimental to the ecosystem of these areas.

MEPA in conjunction with the relevant government agencies, NGOs and land owners, will encourage the planting and maintenance of indigenous trees in Woodland Conservation Areas unless this is deemed to be detrimental to the forest remnants or established maquis and woodland areas or other natural habitats. The use of woodland for passive recreation activities will be encouraged. Planting shall aim at an ecological approach to the sites and shall be in accordance with the Supplementary Planning Guidance on "Trees, Shrubs and Plants for Planting and Landscaping in the Maltese Islands".

MEPA will support and protect potential sites identified by PARK Department for development and management as Areas of Afforestation, in order to safeguard future options and prevent inappropriate allocation and use of the land.

Woodland Conservation Areas are listed below-

**Planted Areas**

L'Ahrax Tal-Madonna

Ix-Xewkija

Is-Sdieri

Dahlet il-Fekruna

Il-Mizieb

Il-Hotba l-Bajda

Ta' Darrenzi

Dwejra Lines

**Coastal Maquis**

Ghajn Hadid

**Rich Maquis**

Ras il-Wied

**Ancient Tamarisk**

Il-Bruka

**Woodland Remnants**

Il-Wied tal-Mizieb

Il-Wied tax-Xaqrani

Il-Wied ta' l-Imgiebah

Il-Ballut

Wied il-Bahrija

Wied il-Hut

Wied l-Imtahleb

Wied Hazrun and Ta' Baldu

Wied ir-Rum

Gnien il-Kbir

Wied il-Girgenti

L-Ghajn il-Kbira

Il-Maqluba

**Riparian Woodland**

Wied il-Qlejgha

Il-Wied Tal-Wilga

Afforestation Projects are listed below –

**Short Term**

L-Ghadira

Is-Salina, Burmarrad

Ta' Qali

**Long Term**

Mtahleb

Buskett

- 14.8.7 Woodland Conservation Areas - Ancient forest remnants and other semi-natural woodland areas are identified and designated as Woodland Conservation Areas. These include not only the main copses but also all indigenous trees found in the area surrounding the woodland. These trees help to provide a framework for a more wooded landscape and afford the woodland flora and fauna enough ecological space

for their populations to remain viable and gradually increase the area they occupy. Since trees offer this possibility, all trees in Woodland Conservation Areas will be protected. Certain species will be excluded for planting and enforcement measures will be taken to ensure that no new planting of alien, and/or invasive species is allowed. In the case of existing alien trees, trees of indigenous species will gradually replace these. Natural regeneration, (e.g. saplings), of alien species will be removed.

- 14.8.8 Areas of Afforestation - MEPA will support and protect Projects initiated by P.A.R.K. Dept. in order to safeguard future options and prevent inappropriate allocation and use of the land that would jeopardise future afforestation development. Opportunities to incorporate passive recreational activities within areas of afforestation, such as walking, cycling, horse riding, bird watching and picnicking, will be encouraged.

## **14.9 Safeguarding the Environment**

### **NWCO 11**

### **Open Space Gaps (Strategic and Local)**

**Urban Development will not be permitted in Strategic Gaps between the following settlements: Rabat, Mdina and Mtarfa; St. Paul's Bay/Bugibba and Burmarrad; Mgarr and Zebbiegh; and Ta' Qali and Attard, as indicated on Map 21.**

**Gap sites of local significance have been identified on the urban fringe of the settlements of Manikata, St.Paul's Bay, Burmarrad, Mgarr, Zebbiegh, Rabat and Dingli and indicated on the relevant Area Policy Maps. MEPA will exercise strict control on development within these gap sites and may refuse even legitimate uses outside the development zone if they lead to further significant intensification of built-up land.**

**The boundaries of the open space gaps (strategic and local) as indicated on the relevant Area Policy map are subject to change by the Local Plans Rationalisation of Development Boundaries Exercise (2006), as approved by Parliament.**

- 14.9.1 It is important that settlements retain their distinctive identity and contact with the countryside around them. This is easily lost through ribbon development along the roads between settlements, allowing them to coalesce. In some instances the gaps have already been eroded, for example between Ta' Qali and Attard, and it is important to protect what remains. Structure Plan Policies SET 11 and SET 12 regarding development in non-urban areas will be strictly enforced and MEPA is unlikely to grant permission for any formal urbanisation within these areas. This policy is included as an additional safeguard to protect the existing strategic gaps between settlements and those local gap sites, which due to urban development in the past or due to proposals for urban extensions in this Plan, have become significantly more important to protect from development and thus prevent further sprawl.

### **NWCO 12**

### **Change of Use and Conversion of Buildings of Architectural or Historic Merit in Rural Areas**

**Permission may be granted for the change of use and conversion of existing buildings of architectural or historic merit, with architectural features and/or a degree of antiquity which warrants its retention; or which comprise part of a traditional group of buildings,**

which may have become redundant whose form and design, in the opinion of MEPA, represent a feature worthy of retention. The proposed scheme of conversion must maintain and enhance the existing setting, and be no more conspicuous than the existing buildings, subject to the following criteria:

- i. The use of a building once converted must not adversely affect neighbouring property or cause undue interference with the management of surrounding farmland;
- ii. If the proposed change of use is for residential purposes, then the original structure should have a minimum total floor area of not less than 100m<sup>2</sup> and not more than 200m<sup>2</sup> measured externally;
- iii. The building to be converted must be in a structural condition such that it is capable of conversion without substantial rebuilding. MEPA will require in each case a detailed structural survey as part of the development permit application, with a clear indication at the outset of any sections of the building which require demolition and rebuilding;
- iv. The conversion must have only a minimal effect on the overall appearance and traditional character of the building. In particular, the existing openings should be used. New openings (door and windows) should be kept to a minimum, and respect existing void to solid ratio, in order to reflect the character of the original building;
- v. The traffic generated by the proposed use must not create an adverse effect on the highway network and on site parking must be provided;
- vi. Provision must be made for services, including the disposal of foul sewage, to the satisfaction of MEPA, and the appropriate Government agencies; and
- vii. MEPA may impose a condition on any permission granted that would remove permitted development rights under the Schedule of the Development Notification Order of 2001, in order to protect the character of the building.

**New uses, which provide public access, are preferred unless this would be detrimental to the amenity of the surrounding area.**

14.9.2 The development of new buildings in the open countryside will be resisted except those essential to the needs of agriculture and where limited development is specified in designated rural settlements. However, MEPA will encourage proposals for a change of use, which incorporates public access, such as heritage interpretation centres, museums for rural crafts and art galleries subject to no adverse impact on the local environment.

14.9.3 The change of use and conversion must be carried out sympathetically with the minimum effect on the architectural and/or historic features of the building. For this reason MEPA may impose a condition on any permission granted to remove the provisions of the Development Notification Order, 2001 and any future revisions.

## **NWCO 13**

## **Garrigue**

**Wherever possible, MEPA will protect areas of garrigue as indicated on Map 22, from activities that create adverse impact. The illegal deposit of soil, or the use for off-roading on such areas will not be permitted.**

14.9.4 Garrigue refers to ecological communities characterised and dominated by low woody shrubs. In many areas of the North West, the conversion of garrigue for agricultural purposes by the dumping of rubble and subsequent deposit of soil has destroyed the natural garrigue habitat, which although once common, is declining rapidly. Trapping sites, afforestation and off-roading have also contributed to the

erosion of the natural form and should be prohibited. The Local Plan provides protection for these rich areas of biodiversity and which are subject to environmental planning control.

## **NWCO 14**

## **Rubble Walling and Giren**

**In accordance with Structure Plan Policy AHF 8, MEPA will encourage the appropriate Government agencies including the Department of Agriculture and Local Councils, to promote a Grant Scheme to assist farmers and landowners to reinstate and maintain random rubble walls throughout the countryside with priority given to walls alongside rural roads and tracks, and the removal of visual intrusions, provided that the alignment of existing rubble walls is retained. There will be a strong presumption against widening of countryside roads, carriageways or footpaths.**

**All Giren (Corbelled Stone Huts) within the Local Plan area, are protected pending their official scheduling under Section 46 of the Development Planning Act. In the interim, all such structures shall be afforded the same protection as Grade 1 scheduled property under Structure Plan Policy UCO 7.**

14.9.5 Rubble walls are protected by legislation in view of their historical and architectural importance, their exceptional beauty, a habitat for flora and fauna, and their vital importance in the conservation of the soil and water. (Refer to Environment Protection Act 1991 (Conservation and Maintenance) Regulations 1997). The narrow countryside roads and lanes are as much a traditional feature/character of rural areas as the rubble walls themselves. Consequently, MEPA will strongly discourage the widening of existing roads and carriageways. This policy seeks to encourage the protection, reinstatement and maintenance of the dry stone rubble walling, many areas of which have fallen in disrepair or replaced by unsightly metal drums with a current increase in soil erosion. If this is to be curtailed then immediate attention must be given to their reinstatement.

14.9.6 Giren are small structures built of local stone and roofed over by corbelling and form an intrinsic part of the vernacular architecture and ethnic heritage of the local plan area. Giren are possibly the symbol *par excellence* of local rural heritage. Giren are structures that were erected by farmers adjacent to areas, which they were cultivating, or tending herds of animals. They were used for shelter whenever it was necessary and occur where quantities of suitable stone for construction were available. The girna is a double-walled structure built of undressed stone, the space in between being packed with soil and lime. They are usually circular in shape, with an internal ceiling shaped in the form of a corbelled dome. Occasionally, it can be square, rectangular or oval in shape, or were incorporated in rubble walls. There are a few examples in the east or south of Malta, a considerable number around Bahrija, Mtahleb and Dingli, but the greatest number by far is in the northern area of the Local Plan (Marfa, Selmun, Manikata and Zebbiegh).

## **14.10 Countryside Management**

### **NWCO 15**

### **Countryside Management**

**MEPA will establish, in conjunction with the appropriate agencies, those areas of land suitable for a Countryside Management approach and introduce, wherever possible, a**

**programme to reconcile land use, enhance environmental conservation and provide improved accessibility for public enjoyment.**

**Areas identified in this Local Plan include –**

**Burmarrad National Country Park,  
Il-Buskett,  
Marfa Action Plan Area,  
Ta'Qali Action Plan Area,  
Country Parkways,  
Long Distance Footpaths.  
Victoria Lines,  
Chadwick Lakes and Environs.  
Fort Campbell,  
Wied il-Ghasel Valley, Naxxar.**

- 14.10.1 The Development Planning Act 1992 and plans prepared under it concentrate on the allocation of land for development and other uses. However, the character and quality of the Maltese environment depends on a much broader range of issues than land use alone. For example, protecting habitats, wildlife, landscape and views and making them accessible for public enjoyment, requires neither development nor change of use but a sympathetic approach to the management of land and a recognition by land owners - Government or private - of these public interests in their land.
- 14.10.2 Some of these interests can be protected by law, most notably by Scheduling under the Development Planning Act or declaration under Part 6 of the Environment Protection Act 1991. However, it is only by encouraging and assisting all those with an interest in the land - including the Government and the public - to protect and enhance its environmental and heritage quality that the full value of the Maltese Islands can be appreciated.
- 14.10.3 This requires a different line of approach that can best be described as “environmental management”, a practice that involves three main inter-related techniques:-
- i. the resolution of small-scale conflicts between land owners/managers and those with other interests;
  - ii. the production of management plans, which may be broad statements of policy intent or site-specific proposals; and
  - iii. the implementation of site-specific agreements on a simple and informal, or on a more formal, legal basis.
- 14.10.4 The keys to success in such programmes are:-
- i. a willingness for all parties, Government, Local Councils, public, private, commercial and voluntary, to work together in the common cause; and
  - ii. an ability to get things done on the ground by pooling resources and “cutting red tape”.
- 14.10.5 Where the “management” approach is most likely to be appropriate, MEPA in conjunction with P.A.R.C. Department, will seek the co-operation of all other parties to pursue a voluntary and co-operative approach to this new initiative.



## **15. Coastal Zone Management**

### **15.1 Introduction - The Coast**

- 15.1.1 Coastal development in mainland Malta has been extensive with most of it being concentrated along the low-lying northeastern coast. Consequently, although development pressures exist within the western coast it still exhibits unique characteristics, which are of national and international significance.
- 15.1.2 A number of habitats are covered by statutory designation (Nature Reserves, Areas of Ecological Importance and Sites of Scientific Importance), and Ghadira is also internationally designated as a Ramsar Site.
- 15.1.3 The Neolithic temples, coastal towers and redoubts have already been given statutory protection under the Antiquities Act and are also designated as scheduled property, under the Development Planning Act, 1992.

### **15.2 Strategic Background**

- 15.2.1 The Structure Plan (Policies CZM 1-3) reflected a need to establish a professionally staffed and adequately resourced coastal zone management unit together with the preparation of a Subject Plan for Coastal Zone Management as a matter of high priority. Public ownership and the access of coastal areas should be secured and nearby detours established where security considerations are paramount. The policy also states that appropriate facilities for the enjoyment of coastal areas should be promoted.

### **15.3 Coastal Zone**

- 15.3.1 The Coastal Zone, as indicated on Map 23, is a geographical area incorporating land and sea areas within which the natural processes interact to create a unique dynamic system. The boundaries include areas of land on which activities have a direct impact on the natural processes.
- 15.3.2 The resource potential of the coast is dictated by its natural characteristics. The presence of historical and cultural artefacts is assets, which enhance its potential.
- 15.3.3 Only the landward boundary is clearly identified, the outer boundary is currently taken up to the twelve nautical mile limit. Nonetheless, to protect the habitats and water quality of coastal waters the approach adopted in this local plan is general protection through the regulation of activities.

### **15.4 Coastal Zone Management Plan**

- 15.4.1 The Coastal Topic paper for Malta identifies the Coastal **Zone** and states the objectives of a strategy for the predominantly rural areas, the predominantly urban areas and the marine environment, as illustrated on Map 23.

- 15.4.2 Rural coastline – To safeguard the natural and cultural heritage, including the landscape. The type and level of new development acceptable within these areas should be minimal. Only development that is directed towards improving degraded areas and enhancing informal recreation, in conformity with the objective of safeguarding the coastal characteristics and heritage of such areas will be acceptable. Existing legally approved uses and development within protected areas should be allowed to continue, provided that the values of the protected coast is not affected negatively.
- 15.4.3 Developed Coastline – To safeguard the existing legitimate coastal uses and to minimise existing and potential conflicts. The protection of open space for public use is to be safeguarded. Existing legally approved uses and development within protected areas should be allowed to continue, provided that it does not affect the value of the protected coast negatively.
- 15.4.4 Marine Environment - To safeguard the natural and cultural heritage present; to safeguard legitimate marine uses; and to minimise existing and potential conflicts.

## **15.5 Marine Conservation Areas**

- 15.5.1 The Structure Plan identifies fourteen sites around the coast of Malta and Gozo as candidate Marine Conservation Areas (MCA), of which 6 occur within the Local Plan area. These sites were established following a preliminary survey of the infralittoral communities around the Maltese Islands.
- 15.5.2 MEPA will initiate work for the establishment of Marine Conservation Areas on the candidate sites as listed below and at other sites as required:
- i. Cirkewwa
  - ii. St. Paul's Islands, Mistra Bay
  - iii. Qawra Point
  - iv. South of Fomm ir-Rih and Ras il-Wahx
  - v. Blue Grotto to Ghar Lapsi
  - vi. Filfla.
- 15.5.3 In the absence of designated Marine Conservation Areas, the Local Plan thus seeks to set a policy of restraint for candidate Marine Conservation Areas as identified in the Structure Plan key diagram, to protect these sites from unsuitable development, pending the environmental surveys and the setting up of a national policy on Marine Conservation Areas.
- 15.5.4 The lateral boundaries as identified on the key diagram are only preliminary boundaries. The Local Plan therefore reinforces the need to carry out marine surveys in order to define the permanent boundaries for all Marine Conservation Areas within it.

## **15.6 Coastal Cliffs**

- 15.6.1 The scheduling of the cliffs as indicated on Policy **Map 17** enables them to be protected in accordance with the Structure Plan Policy and Section 46 of the Development Planning Act (1992).

### **Areas of Ecological Importance (Level 2)**

- 15.6.2 The Coastal Cliffs are scheduled as Areas of Ecological Importance (Level 2) and Sites of Scientific Importance in which permission will only be granted for the maintenance of existing structures and construction of minor amenities designed to enhance the educational use of the area.
- 15.6.3 Areas or sites, which include important habitat types, present in relatively large areas and/or sites with rare species or features. The following criteria will apply: -
- i. human intervention will be strictly controlled;
  - ii. physical development limited to the maintenance of already existing structures and construction of minor amenities designed to enhance the educational use of the area (e.g. narrow footpaths, nature trails, small scale visitor centres) where these are deemed to be permissible. Any such developments to be carried out with the least possible damage to the environment; and
  - iii. traditional activities (e.g. agriculture) can continue, but no new land diverted to these uses except for the suitable re-establishment of abandoned fields for agriculture.

### **Areas of Ecological Importance (Level 3)**

- 15.6.4 Areas surrounding cliff habitats are scheduled as Areas of Ecological Importance (Level 3) and Sites of Scientific Importance (Level 3) in order to act as buffer zones where control is necessary to preserve the habitats/species/features in adjacent sites. No residential, commercial, tourist development, infrastructure or public utility works will be permitted. Small scale physical development or informal recreation use can be considered providing the adjacent AEIs and SSIs are protected, and that it is consistent with other policies of this local plan.

### **Areas of High Landscape Value**

- 15.6.5 The Coastal Cliffs are scheduled as Areas of High Landscape Value, in which MEPA will not permit the development of any structure or activity which in the opinion of the authority would adversely affect the scenic value of the landscape or setting of the cliffs.
- 15.6.6 The importance of cliffs for their amenity value is also highlighted. Areas adjacent to coastal cliffs are often used as recreational sites as their scenic beauty provides a feeling of openness and in some locations impart a sense of isolation and remoteness.

### **Protection Levels**

- 15.6.7 It must be emphasised that in no way does the scheduling of features located within the coastal cliffs prejudice the merit of protection of certain areas as Level 1 Zones. Such features include (but are not necessarily limited to) permanent springs, saline marshlands, sand dunes, fresh water pools and transitional coastal wetlands, deep caves, trees and woodlands, and a number of Sites of Scientific Importance. These

habitats/sites are being proposed for scheduling separately, as the two processes are being considered as complementary rather than mutually exclusive.

- 15.6.8 In cases where overlap occurs, the highest protective level will prevail. Where overlap occurs with other categories of scheduled property, or with other AEIs and/or SSIs with an equivalent protective status, the various protective levels and gradings will have an additive effect.
- 15.6.9 Other protective measures relevant to any site included in the scheduled areas, e.g. the Environmental Protection Act (1991), still apply in addition to the protection conferred by this local plan.

## **16. Public Utilities**

### **16.1 Introduction**

- 16.1.1 The population of Malta and its economic, social, recreational and other activities generate a need for supporting services. Policies in the Plan seek to ensure that existing and proposed development will be adequately served by utilities such as water, power supplies, telecommunications and drainage and sewerage.
- 16.1.2 In addition, the Plan seeks to ensure that sufficient land is available in appropriate locations to enable an adequate level of service provision for the existing and future population of the North West. The impact of providing such services requires plant, buildings, cabling and pipelines to be located in the most appropriate way and with the least adverse impact.

### **16.2 General Provisions**

- 16.2.1 The satisfactory provision of public utilities should be assured before land is released for development. Supply of sewerage facilities, water and energy may require sub-stations, pumping stations, valve houses and the like to be located in accessible positions for operational reasons. Early consultation with MEPA will be necessary to avoid abortive work and to achieve an acceptable solution well in advance of orders for equipment or detailed design.

#### **Water**

- 16.2.2 Water - The North West is supplied with water from aquifers and reverse osmosis plants, of which there are two at Ghar Lapsi and Cirkewwa. Nationally, 60% of drinking water production is from reverse osmosis plants. However, this is a very energy intensive operation and, as a result the Water Services Corporation are investigating alternative options for meeting demand.
- 16.2.3 Water is a precious resource on Malta, which needs to be used efficiently and effectively. Therefore the Water Services Corporation is seeking methods of re-using water from treated sewage effluent, surface run off, recycled waste water from industrial processes and non potable groundwater for aquifer recharge, flushing and agricultural uses. All these options are cheaper than desalinisation as they can be used in a partial or untreated state.

#### **Surface Water Run-off and Collection**

- 16.2.4 All new major building or development schemes and the construction of new road schemes will be required to make provision for the collection, storage and use of surface water run-off.

- 16.2.5 In view of the general shortage of fresh water, and the cost of providing fresh water from seawater, it is prudent to utilise all possible sources of supply. This may be difficult or impractical in the case of small schemes, but in large developments, particularly those that include substantial areas of impervious road surfacing such as car parks or carriageways, the marginal cost of providing a storage cistern or reservoir is low.

### **Sewerage and Drainage**

- 16.2.6 The sewerage and drainage network covers all the urban centres. In the more isolated areas, farms and buildings not connected to the sewage network have cesspits, which are emptied by the Health Department and disposed of into the main system.
- 16.2.7 The Drainage Department is committed to the implementation of the Sewerage Master Plan, which proposes solutions to problems experienced in the Plan area. The Master Plan proposes to improve the sewerage system by constructing galleries to contain storm water, improve capacity at existing pumping stations to cope with peak demand, construction of sewerage works, improvement of sewage outfalls into the sea and phasing out of existing outfalls in order to meet EU standards such as the Barcelona Convention.
- 16.2.8 The Master Plan proposes the decommissioning of the Anchor Bay outfall and the redirection of sewage to Cumnija, L/o Mellieha, where an outfall and a sewerage treatment plant would have to be constructed subject to an Environmental Impact Assessment which is presently being carried out. Sewerage treatment and disposal, including proposals for treated effluent for irrigation and other uses, are also subject to an EIA.
- 16.2.9 The specific objectives for the proposed sewage treatment plant are to treat all sewage from the North of Malta and reuse the effluent for irrigation or discharge through a sea outfall. The total capacity of the plant will be sufficient for some 50,000 people.
- 16.2.10 A project is being drawn up to replace the sewers extending from Attard to Rabat which will enable Bahrija to be connected up to the main sewer. This will require around 15 km of new sewers and two pumping stations at Fiddien and Bahrija.

### **Telecommunications**

- 16.2.11 An extension to current telecommunication networks are planned to include Zebbug, Mgarr and Rabat in the Plan area. This extension of the network will require the erection of collinear, Yagi and microwave antennae on top of existing buildings or towers and the siting of small equipment cabins near or on top of the buildings or towers where the antennae are positioned.
- 16.2.12 Maltacom do not plan any major additions to the network in the North West. The only significant development will be the removal of the military installations at Buskett and Mgarr. Further radio links in the Rabat/Mtarfa area will use existing towers.
- 16.2.13 The primary cable network which serves the larger villages and towns is underground whilst the secondary network serving smaller settlements are all above ground and there are no proposals to place these underground.

## **Electricity**

- 16.2.14 The North West area is a relatively low load density power consumption area. The areas with the highest demand are at St. Paul's Bay, Bugibba, Qawra and Mellieha (predominantly in summer) from domestic/commercial properties, in Rabat from domestic demand and a constant and significant demand from the reverse osmosis plants at Ghar Lapsi and Cirkewwa.
- 16.2.15 The main supply overhead lines and cables to Gozo pass through the plan area and these consist of two 33kV overhead line circuits between Mosta and Mellieha and a double line circuit between Mellieha and Marfa. Enemalta propose to replace the first section of the lines from Mosta and from Mellieha to Marfa with underground cables and are currently in the final phase of completing two 33kV underground cable circuits between Mosta and Mellieha to supplement but not replace the 33kV overhead lines. Other work being undertaken over the Plan period includes a submarine cable from Marfa to Gozo.
- 16.2.16 The whole of the North West area is supplied with 11kV overhead lines and so the network is unlikely to be extended. Any new supply lines will be provided for by underground cables. In addition Enemalta are replacing sections of 11kV overhead lines in rural areas with underground cables where it is no longer practical to repair deteriorated poles. The 11kV lines are also being placed underground where trenching for 33kV lines is occurring.
- 16.2.17 A number of 11kV distribution sub-stations will be installed in the plan area, the locations of which have not been determined. Other sub-stations are also likely to occur with any major development projects.

## **NWPU 1**

## **Development of Renewable Energy**

**Proposals for the production of energy from renewable sources will be approved, provided that:-**

- i. The total effect of all such development is at a scale sympathetic to the character and land-form of the North West;**
- ii. the location is not within a scheduled, designated or protected area as follows:**
  - Area of Ecological Importance**
  - Site of Special Scientific Importance**
  - Area or Sites of Archaeological Importance (including a buffer zone under Class A and B ratings)**
  - Area of High Landscape Value**
  - Natural/National Landmark**
  - Cultural Scenic Area**
  - Scheduled Trees**
  - Nature Reserve; and**
- iii. any effect from noise, electromagnetic, or similar interference generated by such developments is kept to a base minimum.**

- 16.2.18 Renewable energy resources are those which occur naturally and repeatedly in the environment, and include sun, wind and wave energy. Other types of renewable energy include the burning of biomass (plants and trees) and combustible waste from industrial, municipal and agricultural sources.
- 16.2.19 Renewable energy is integral to environmentally sustainable development and its introduction could make a substantial contribution to meeting Malta's energy needs whilst reducing emissions of harmful pollutants such as greenhouse gases into the atmosphere. At present the only renewable energy being harnessed is through solar powered water heaters. However the Institute for Energy Technology are investigating and promoting the use of solar power and wind power in Malta.
- 16.2.20 The issues to address when considering applications for any type of renewable energy project include the visual impact on the landscape and the extent to which any detrimental effect can be minimised through design, location, colour and layout. There may also be specific technical problems, which have to be resolved.
- 16.2.21 Account also needs to be taken not only of the impact of the generating plant itself, but also of any ancillary equipment required, such as transformers and access. The screening of ancillary development, use of underground service pipes and power lines will be sought.



# **North West Local Plan**

## **Approved Plan**

### **Section 2 Area Policies**

**Mellieha  
San Pawl il-Bahar  
Naxxar (Ta' Alla w Ommu)  
Mgarr and Zebbiegh  
Mdina  
Rabat  
Mtarfa  
Dingli  
Zebbug (Rural)  
Buskett  
Siggiewi (Rural)  
Qrendi (Rural)  
Zurrieq (Rural)**



## 17. Mellieha Area Policies

Area: 22.64 Km<sup>2</sup>

Population: 6,453 (by Local Council in 2003)

- 17.0.1 The Local Council boundary of Mellieha includes the three urban settlements of Mellieha, tas-Sellum and Manikata surrounded by countryside often of high environmental value. Policies within this chapter cover the three urban settlements together with parts of the countryside, which, in the opinion of MEPA, merited specific attention due to development pressures or particular issues relevant to that area. Policies are also proposed for Ghadira Bay, Anchor Bay and Fort Campbell. The Local Council boundary also includes the Marfa Ridge, which is being addressed through the **Marfa Action Plan**, which is currently awaiting MEPA Board approval following public consultation.

### 17.1 Mellieha

#### Introduction

- 17.1.1 Mellieha is the northern most urban settlement within the Local Plan area and represents an established residential base. The town has three distinct urban characters - the grid-iron street pattern of the older parts of Mellieha, predominantly dating from the nineteenth century, situated on a high ridge overlooking Mellieha Bay which also includes the commercial and social centre; recent Government housing and residential areas to the south, west and south east of the old core; and the low density, predominantly bungalow and villa area to the east of the core.
- 17.1.2 Mellieha's population has over recent years steadily increased with the establishment of Government housing on the outskirts of the traditional village at the southwest and southeast corners. During the period 1985-2003 population increased by almost 43%. This has increased the demand for services in the area and its retail sector has grown to compare well with other more central urban areas such as Qormi and San Gwann. New hotels have been developed within the commercial hub reflecting the town's attraction for tourism.
- 17.1.3 Mellieha's main commercial road suffers from a high proportion of through traffic on the way to Mellieha Bay en route to the Gozo ferry terminal and a lack of adequate parking facilities both for residents and users of the area. Thus certain areas such as the Church's square and approach roads are taken up for parking especially during the summer periods.
- 17.1.4 Since Mellieha is situated on a ridge interspersed by a number of minor valleys, the visual impact of development is an important factor for consideration in the formulation of future policy.
- 17.1.5 Garage industries in Mellieha have a negative impact on the residential amenity. In 1995 the Mellieha Local Council estimated that around 39,200 m<sup>2</sup> of industrial floor space is needed to satisfy local demand. Recent MEPA studies carried out in relation to the SMEs Site Selection Exercise indicated a need for land for industrial development in the area of Mellieha, albeit on a much lower scale.

- 17.1.6 Due to the higher proportion of old age persons living in Mellieha, increased community services to sustain this situation are envisaged. In this respect, there is a demand for an old people's home, better pedestrian environment and public transport. The current cemetery is proving to be small when compared to the number of deaths and current waiting burial list in Mellieha.
- 17.1.7 In Santa Maria Estate there are a number of issues related to the use of existing dwellings for tourism purposes. The recent amendments to the design conditions for the area (increase in percentage coverage and acceptance of semi-detached bungalows) included in the Development Control Policy and Design Guidance 2005, may also lead to an increase in densities and loss of more open landscaped areas. At the coastal side, including the Tas-Sellum area, there is extensive boathouse development. All these factors are having an adverse effect on the residential amenity of the estate. Flooding and sewage overflow during heavy storms indicate problems with the sewer network in the locality.
- 17.1.8 The main planning issues for Mellieha can be summarised as follows:
- a sharp increase in population requiring provision of more services;
  - growth in popularity of Mellieha's commercial centre;
  - Mellieha's main commercial road suffers from a high proportion of through traffic;
  - the visual impact of proposed development is potentially detrimental due to the topography;
  - garage industries in Mellieha have a negative impact on the residential amenity;
  - due to the higher proportion of old age persons there is a demand for an old people's home, better pedestrian environment and improved public transport.
  - the cemetery is proving to be inadequate when compared to the number of deaths and current waiting list for burial in Mellieha;
  - the residential amenity of Santa Maria Estate is being adversely affected by inappropriate development;
  - extensive boathouse development is threatening the ecological value of the coast.

## Land Designations

- 17.1.9 The Local Plan has designated a Secondary Town Centre for the central core of Mellieha, a Residential Area within the urban area to the west and a Residential Priority Area within the urban area to the east covering Santa Maria estate bungalow area, the villa zones at il-Qortin and the HOS of tal-Brag, amongst other areas. The Local Plan has also designated a Micro-Enterprise Park on the urban periphery of Mellieha to the west. The boundaries of these land designations are shown on Maps 25 and 27 and are covered by General Policies NWCM 1 (Secondary Town Centre), NWUS 3 (Residential Area), NWUS 4 (Residential Priority Area) and NWCM 4 (Micro-Enterprise Park), which relate to the zones as a whole. In support of these land designations, the Local Plan seeks to reduce through traffic, and manage town centre traffic and parking through General Policies NWTR 3 and NWTR 5.

## Policies

### NWML 1

### Regeneration of Derelict Land at Ta' Masrija

**Development proposals on the site indicated on Map 25, and further detailed on Map 26, must be in line with the policy document *Ta' Masrija-Mellieha. A Draft Planning Policy* published by MEPA in June 2003 and any future amendments. Proposals, which prejudice the holistic development of this site, as set out in the policy document, will not be allowed.**

17.1.10 The public consultation draft of the Local Plan had identified this 2.5ha site as an area for garage businesses together with supporting amenities such as shops, offices, and play areas. Following public consultation, the site was allocated for a residential neighbourhood with shops, open spaces, car parks and a small kindergarten. Due to the extensive amendments both to the Temporary Provisions Scheme and the draft Local Plan, MEPA published a separate policy document *Ta' Masrija-Mellieha A Draft Planning Policy* for public consultation, which went into more detailed site planning issues than would normally be required from a Local Plan policy. This document has been approved by MEPA and is currently awaiting Government endorsement.

17.1.11 The Local Plan endorses the document mentioned above and this policy seeks to ensure that the proposals contained in that document will not be prejudiced by piecemeal development and confers more weight to the document by making it part of the Local Plan as a whole.

## **NWML 2**

### **Land Allocation for Residential Development**

The site indicated on Map 25 is to be developed comprehensively (subdivision of the site into plots will not be permitted) with a mix of sizes and types of dwellings in accordance with Section 3 of the Development Control Policy and Design Guidance 2005, provided that:

- i. 30% of the site is to remain as public open space and constructed as integrated public space and landscaped as part of the development proposal;
- ii. A maximum of 500m<sup>2</sup> of retail (Class 4, Use Classes Order 1994, as amended) floor space subdivided into at least 5 units are to be included in the scheme and should comply with the Retail Planning Guidelines 2004;
- iii. Parking provision is to be provided on site;
- iv. The height of the buildings should not exceed three floors as indicated on Map 28; and
- v. The public roads shown on the Temporary Provisions Scheme can be removed or realigned provided the properties, which had an access onto a public road, will still be guaranteed this access.

17.1.12 This site, with an area of around 5,300m<sup>2</sup>, was zoned for shopping in the Temporary Provisions Scheme of 1988. This land allocation was considered inappropriate since a Secondary Town Centre has been designated for Mellieha and retail proposals should be concentrated there. However, a small element of retail development will enhance community identity and promote mixed uses. This is even more suitable when one considers the potential development of a residential institution and a pastoral centre in the vicinity to this site. Proposed residential use is in accordance with Local Plan Strategy to use land within residential areas for dwellings. It also allows for a higher number of residents to support social and recreational facilities being proposed nearby.

## **NWML 3**

### **Villa and Bungalow Zoning**

The areas indicated on Map 25 are to be zoned for residential villas or bungalows only and the construction of buildings is to be guided by the conditions detailed below:

**Tal-Hawlija Villas – Tal-Hawlija Area – Buildings are to be constructed in accordance with the following conditions:**

**Dwelling Type: Detached/semi-detached dwellings;**

**Habitable Floors: 2**

**Building Height: 2 floors plus semi-basement above Triq l-Izbark tal-Francizi**

Structures in the side curtilage, including habitable rooms and garages, will be permitted provided the façade of the structure shall be setback at least 4.5m from the building alignment and it does not exceed the height of 3m measured from the damp proof layer of the building. Permanent access to the roof of the structures will be permitted provided this would not give rise to overlooking of the adjoining property.

The 3m set back from Triq Louis Wettinger imposed in the Temporary Provisions Scheme shall no longer be applicable. Where the proposed building is to be located adjacent to an existing building, the back profile of the new building is to follow that of the existing structure in terms of set backs at each level.

The back elevations of new buildings should be appropriately designed to reflect the prominent position of the site. Applications for alterations on existing buildings should seek the improvement of the back elevations where these are judged to be of low quality.

All other conditions applicable to detached and semi-detached dwellings in the Development Control Policy and Design Guidance 2005 should also be applied to the Tal-Hawlija Area.

**High Ridge Bungalows - Buildings to be constructed in accordance with the guidelines in the Development Control Policy and Design Guidance 2005. The use of basements in these areas for separate dwelling units will not be permitted. Permissions issued in these areas, which run counter to the conditions stipulated in the Guidance 2005, cannot be used to justify other developments, which infringe these conditions. Re-development of sites within this locality should conform to the conditions in the Guidance 2005;**

**High Ridge Villas - Buildings to be constructed in accordance with the guidelines in the Development Control Policy and Design Guidance 2005. The use of basements in these areas for separate dwelling units will not be permitted.**

17.1.13 This policy identifies those localities within the residential area, which are zoned for villas, or bungalows within the Temporary Provisions Scheme. In the case of the Hawlija area, the Local Plan has reviewed the provisions of the Temporary Provisions Scheme and the conditions in the Development Control and Design Guidance 2000 for the area due to the awkward situation created by buildings, which infringe planning, and zoning conditions without any enforcement action ever being taken in their respect. The revisions are aimed at achieving a balance between the original zoning and design conditions and situation on the ground without compromising the general amenity of the area.

17.1.14 For villas and bungalows in the High Ridge area the use of basements for separate dwelling units is not permitted, as the location of separate dwellings in basements is not considered as compatible with the character of this particular residential neighbourhood. Furthermore an increase in density is envisaged on another site within the area of Tal-Qortin (Refer to NWML 4) and this should accommodate any demand for new dwelling units in the area. The policy also changes the zoning of a stretch of buildings from villas as in the 1988 Temporary Provisions Scheme to bungalows as on the older scheme since the buildings on site have been constructed with only one storey above road level.

## **NWML 4 Residential Zoning in the Residential Priority Area**

**The areas indicated on Map 27 are to be zoned for residential uses only with the buildings being constructed as detailed below: -**

**HOS Villas** - sites should have maximum site coverage of 40%, a height limitation of 2 floors and a side curtilage of 3.0m. Any additional conditions imposed by the Housing Authority regarding building design also apply;

**Tal-Qortin Villas** - sites should have maximum site coverage of 40%, a height limitation of 2 floors, a minimum side curtilage of 3m and garages within the side curtilage or within the building line. The use of basements in these areas for separate dwelling units will not be permitted;

**Tal-Qortin Terraced Houses** - sites can be developed for a mix of residential units (terraced houses, maisonettes, or flats provided the total floorspace of each unit is not less than 100m<sup>2</sup>. Height of buildings is not to exceed three floors plus three courses basement. Commercial uses within this area will not be permitted.

**Tal-Qortin Comprehensive Schemes** - the development of this area should not increase the existing residential densities and should not have an adverse impact on the existing residential character. No further extensions to existing buildings beyond their footprint will be allowed. The height of buildings on the site shall conform to the building heights on the Building Heights Map 29. The currently vacant land at the centre of the site, as shown on Map 27, can be developed into residential units on a maximum height of two floors provided that 260sqm are allocated and built as public open space as part of the development and the built site coverage for the remaining part of the site does not exceed 30%. MEPA will impose a bond to ensure that the public open space is actually implemented.

**Santa Maria Estate Villa Sites (Transition Zone)** – the zoning of these properties is changed from bungalow to villa with the following design parameters: maximum site coverage of 40%, minimum site curtilage of 3.0m and a maximum height limitation of 2 floors in accordance with paragraph 2.8 of Development Control Policy and Design Guidance of 2005.

The bungalow sites within Santa Maria Estate and Tal-Qortin are to be developed in accordance with the Development Control Policy and Design Guidance 2005. The use of basements in these areas for separate dwelling units will not be permitted.

The construction of bungalows on sites larger than 1 tumolo will not normally be allowed. Consideration to develop bungalows on sites smaller than 1 tumolo will only be given if the site is a residual plot constrained by other plots built according to permission or public roads.

17.1.15 Given the mixed zonings within the Residential Priority Area it is important that the acceptable land-uses and the design of buildings is clearly specified in order to allow the proper control of developments within these areas. The villa site within the Home Ownership Scheme is wedged between terraced developments but the semi-detached character should still be retained.

17.1.16 The villa and terraced house zonings at tal-Qortin are not in line with the character of the area and should not be allowed to expand. Hence conditions are being imposed which restrict the use of basements for habitation and the location of commercial uses and impose a minimum floorspace requirement for dwellings in the terraced house area.

17.1.17 The centrally located site within Tal-Qortin has been developed under a series of relatively recent development permissions which have departed from the normal layout, design and character for Santa Maria Estate. A central open space (circa 2,600 sqm) was required to be a communal open space as part of specific development permissions but this open space was never implemented. Under a later development application, the Development Control Commission had accepted the partial development of this vacant site. This Local Plan policy will ensure that an element of usable, public open space is finally included in the scheme for

the enjoyment of the surrounding residents and the development permitted on the remaining part of the site does not prejudice the residential amenity of the neighbourhood of Tal-Qortin.

17.1.18 It was also felt necessary to restrict the use of basements for separate habitation in Santa Maria Estate in order to prohibit the increase in residential densities which will have a deleterious impact on the character and amenity for the area through additional traffic generation and increased intensity of activity. Two properties to the extreme west of the Estate have been rezoned from bungalows to villa sites to create a transition zone between the high density development at Tas-Sellum and the rest of the bungalow area.

## **NWML 5**

## **Parking Management**

**To assist the implementation of General Policy NWTR 5 a comprehensive approach to parking is required, by providing car parks at different locations and by managing on street parking by introducing a Controlled Parking Zone (CPZ) to the area.**

**The two sites indicated on Map 24 are to include provision of a car park, which will be open to the public. The MEPA in seeking to maintain parking close to the town centre:**

- 1. Will not permit development, which will reduce or in any way compromise the existing parking spaces provided in Misrah il-Parrocca. However improvements to the townscape and urban design of this public space will be encouraged; and**
- 2. Will require the inclusion of an open plan multiple level public car park for the St. Helen's Street site preferably below street level. A pedestrian link is to be provided between this car park and Triq Borg Olivier. Such public car park will be additional to the parking requirements generated by any additional developments proposed on the site. Changes to the existing traffic flow may also be required to provide suitable vehicle access to the car park.**

**MEPA will encourage and support the Malta Transport Authority (ADT) and the Local Council in introducing a CPZ at the earliest opportunity after a detailed study is carried out in the area. The prime purpose of the CPZ should be to ensure that on-street and off-street parking are controlled and managed to support retail and commercial activities and to safeguard the convenience of residents.**

17.1.19 Parking is at a premium in and around the centre and needs to be well managed to support the functioning of Mellieha secondary town centre. A comprehensive approach to parking is required and therefore this policy seeks to make provision for a new car park while protecting the existing car parks within the town. Also, by introducing and implementing a CPZ in the area, the function and growth of the town centre for retailing is supported and encouraged.

17.1.20 It is therefore necessary to make the best use of available resources, and this means introducing controls that give priority to short term visitors and residents. Short-stay parking bays will provide convenient parking for shoppers and other visitors. However, to avoid the adverse impacts of longer stay parking over spilling into residential streets, resident's parking zones may also be required (See General Policy NWTR 5).

17.1.21 Misrah il-Parrocca provides valuable parking close to the town centre, however it would also greatly benefit from embellishment works. Any such improvement scheme should significantly upgrade the amenity of this area, whilst not materially reducing the available number of parking spaces.



17.1.22 An opportunity exists to provide additional public parking for the town centre as part of the development of St Helen's Street site. To achieve this, the site will need to be developed comprehensively. The number of spaces to be provided will be determined following the design of the CPZ. Access to the site will be through fairly narrow streets and this will represent a limiting factor that must be properly considered when determining the intended level of parking provision. The provision of a pedestrian link between the car park and Triq Borg Olivier is an important element of this development.

## **NWML 6**

## **Mellieha Community Residential Home**

**The site indicated on Map 25 is being allocated for a community residential home, primarily for older people, with supporting amenities. MEPA will not favourably consider applications which change the allocated use of this land, even within the same Use Class, or which materially depart from the design framework (site coverage, building heights, car parking, landscaping) established by MEPA.**

17.1.23 A survey by the Mellieha Local Council has revealed that the number of older people within Mellieha is constantly increasing. Around 1,081 persons within the age group of 61 years and over live at Mellieha and this makes up 20% of the resident population. Given the increasing number of older people, there is great community interest in providing facilities to accommodate their needs. These should be located within easy reach of the church with no need to negotiate extensive flights of steps or busy roads.

17.1.24 This site of 0.79ha conforms to the location and physical characteristics criteria mentioned above. MEPA Board took a decision to permit the development of this home for the elderly when considering application PA 5146/01 in February 2003. The Local Plan has endorsed this decision and the conditions imposed in that permission for this site, especially in relation to land uses, site coverage, building heights, car parking provision, and landscaping works. This policy seeks to ensure that the land remains for the specified use and the approved mitigation measures are implemented.

## **NWML 7**

## **Community Facilities**

**The two sites indicated on Map 25 are allocated for the development of community facilities.**

**The site in front of Pjazza Tumas Spratt could include a Class 2 (Use Classes Order 1994, as amended) residential institution and/or a pastoral centre or similar Class 7(e) (Use Classes Order 1994, as amended) non-residential institution, including a community chapel or church. Development proposals on this site should contain a reasonable amount of landscaped open spaces to visually integrate the buildings with the designated open spaces opposite the site. Height of buildings should comply with the height limitations indicated on Map 28 and parking provision should comply with established standards for the type of proposed use.**

**The site of the existing fort on Triq il-Fortizza could be utilised by a recognised non-governmental organisation working amongst the community, predominantly for indoor/outdoor recreation with supporting uses. Any development within the site should seek the sensitive rehabilitation of the existing buildings and underground structures and not prejudice the historical integrity of the fort or lead to any significant loss of open spaces within it. Any floor space created through vertical extensions should be essential to the operation of the main use and should not compromise the dominance of the observation tower over the site.**

17.1.25 The need for a pastoral centre in Mellieha, has been acknowledged by the Local Plan and this policy allocated the site of 0.78ha in front of Pjazza Tumas Spratt, identified on Map 25, for such a use. The Policy indicates also alternative uses should the proposal for a pastoral centre fail to materialise. The zoning of this site for a school in the 1988 Temporary Provisions Scheme for Mellieha is not considered appropriate given that the Local Plan has safeguarded land for the expansion of the existing school. The visual impact of the development on the area is to be given due consideration in the development assessment process. Adequate allowance is to be made for adequate landscaping of the site to mitigate any adverse visual impacts. Effective use of the change in level across the site is to be made in the design of the building, especially for the provision of car parking.

17.1.26 Another site (area 0.66ha), which has potential to be used as a community facility, are the grounds of Fort Mellieha located within the newer parts of the settlement. As no documented evidence has yet been discovered, it is believed that the origin of the fort was as an observation post or communication station as early as the 1880s-1900period. In the 1950s and 1960s it was occupied by the Civil Defence Corps, and in the 1970s by the Armed Forces of Malta. Currently it is used by the local Boy Scouts and this policy supports the continuation of such a use. It seeks to promote the rehabilitation of the fort and provides criteria to address any impacts, which might arise from proposed development within it.

## NWML 8

## School Extension

**The site adjoining the school as indicated on Map 25 is to be reserved for a future school extension. Priority will be given to additional facilities such as sports facilities. The new buildings should respect the height limitation as indicated on Map 28.**

17.1.27 In 1994, the primary school catered for some 450 pupils. On the basis of current trends, the school will cater for approximately 500 pupils in the year 2006/7. Reliable forecasts are, however, difficult to make since this depends on the popularity or otherwise of Church and private schools. It is therefore prudent to reserve the site of around 2,000 m<sup>2</sup> adjoining the school for possible extension over the Local Plan period.

## NWML 9

## Site for Social Club

**The site indicated on Map 27 is to be used for a social club serving the local community. Additional community uses and small-scale retail and/or entertainment uses, serving, as amenities to the main social use will also be accepted. Restrictions on operating times could be imposed to ensure that the activities within the social club do not have an adverse impact on the amenity of the adjacent residents. The building must respect the height limitation of one floor as indicated on Map 29 and respect the environmental characteristics of the area. A landscaping scheme must also be submitted and approved.**

17.1.28 The site, with an area of around 2,700m<sup>2</sup> was identified for a social club in the Temporary Provisions Scheme of 1988 and the Local Plan endorses the principle of community use for the site but includes a wider range of uses and gives more detail on other activities which can occur on the site, together with conditions to ensure that no adverse impacts on the residential amenity would result from the development. Particular attention should be afforded to the design of the building to ensure that it integrates well within the existing context.

## NWML10

## Sports Complex

MEPA will favourably consider the development of a sports complex with supporting facilities on the site indicated on Map 25 provided that:

- i. The existing football ground is retained;
- ii. Sports uses fall within Class 9(d) Assembly and Leisure (Use Classes Order 1994, as amended);
- iii. Non-sport related uses include the administrative facilities, with supporting amenities, of a local sports organisation only and together shall not exceed 1,000sqm in gross floor space;
- iv. Buildings are located on the undeveloped, western part of the site;
- v. The built-up footprint of the sports complex does not exceed 1,200sqm;
- vi. Building heights should not exceed 10.5m along Triq Qasam Barrani;
- vii. The massing and treatment of the elevations of the buildings, while reflecting the community use, contribute also to the attractiveness of the appearance of the residential neighbourhood;
- viii. An open plan car park accessible to visitors is included within the built-up footprint;
- ix. A landscaping scheme is included as part of the development with the landscaped areas concentrated along the street frontages.

17.1.29 The existing football ground does not have adequate supporting facilities such as clubrooms, showers and parking provision for the need of the daily users and this policy allocates 1,715m<sup>2</sup> on the undeveloped part of the site shown on Map 25 for the provision of these facilities. The policy also ensures that the whole site shown on Map 25 remains for sports use by protecting the existing football ground. The site also has potential to accommodate additional sports uses and other facilities to accommodate the needs for space for local sports organisations. The provision of on-site car parking facilities is essential to minimise the traffic generated impacts on nearby residential streets and conditions on building footprint, heights, and design, and landscaping are aimed at enhancing the quality of the urban environment.

## NWML 11

## Protected Areas

The areas indicated on Map 27, which in accordance with the Temporary Provisions Schemes are zoned for development or as white areas or are Outside the Development Zone, have been listed according to the level of protection afforded by the Structure Plan for the Maltese Islands (1992): -

- i. The Watercourse Area (partly zoned for development in the TPS);
- ii. Inland cliffs (white area/ODZ in the TPS);
- iii. The coastal area (white area in the TPS); and

**The Watercourse Area:** The zone in question is designated as a Level 2 Area of Ecological Importance under Structure Plan Policies RCO 10, RCO 12 and RCO 15. It is also covered by Structure Plan Policies RCO 28 (safeguarding of valleys as water catchments/conduits) and RCO 29 (prevention of development and control of interventions, in valleys and especially on watercourses).

**The Inland Cliffs:** Most of the zones in question are designated as Level 2 Areas of Ecological Importance under Structure Plan Policies RCO 10 (which considers cliffs and maquis as AEIs), RCO 11 (which treats geomorphological features as SSIs), RCO 15 (important natural features within urban areas), RCO 4 (scenic value), and RCO 22 (which seeks to prevent further loss of cliff edges).

**The Coastal area: The zone in question is designated as a Level 2 Area of Ecological Importance under Structure Plan Policies RCO 9, and 10. No development, which will compromise public access to the coastal stretch of Tas-Sellum or adversely affect the ecological value of the stretch, will be permitted. Encroachments onto the coast for private use or further constructions for the use of boathouses and/or beachrooms, as defined in this Plan, will not be allowed. Change of use of existing boathouses into beachrooms may be considered.**

17.1.30 Il-Wied ta' Ghajn Zejtuna at Mellieha is one of the very few watercourses which support a permanent freshwater spring, as well as a thriving valley bed vegetation. However, most of the valley slopes, including the lower sides of the watercourse are zoned for bungalow development according to the 1988 Temporary Provisions Schemes. The watercourse is already affected by construction activity and if not controlled, further encroachment by building development would further exacerbate the situation. Il-Wied ta' Ghajn Zejtuna therefore presents an unfortunate conflict between ongoing building development and the conservation of important natural resources.

17.1.31 The 1988 Temporary Provision Schemes also incorporate a lengthy stretch of rocky coast as well as the steep, cliffed sides of the valley. These are currently included as white areas within development zones. The rezoning of these sites would ensure the: -

- i. Safeguarding of natural features (viz. The cliff /boulder screed, maquis and caves, all located on the valley sides) which have retained their ecological, geomorphological and scenic value;
- ii. Retention of elements of old/traditional rural architecture, such as walled-up caves used in the past as habitation sites, sites for rearing animals and bee-hives. These are located within the cliffs forming the valley sides;
- iii. Continued public accessibility to the shore and preservation of the remaining rocky coast which is an AEI;
- iv. Prevention of further loss of cliff edges; and
- v. The retention of natural open spaces in an otherwise insensitively developed area.

17.1.32 The rocky coastal stretch of tas-Sellum forms the southern perimeter of Mellieha Bay and is a popular bathing area in summer. Substantial parts of the coast are within development boundaries and although the Structure Plan affords proper protection of the coast and foreshore it is necessary to specify the protection for this part of the coast due to the pressure it is subjected to from boathouses and beach rooms located further east and on the coastal zone of Santa Maria Estate. This policy ensures that no further degradation through inappropriate developments is permitted.

## **NWML 12**

## **Transition Zone in the Residential Priority Area**

**MEPA will favourably consider development applications on the site indicated on Map 27 as a Transition Zone in the Residential Priority Area provided that:**

- i. a single development application is submitted for the whole site;**
- ii. the proposals include only Class 1 (Use Classes Order, 1994) residential uses;**
- iii. car-parking provision should not exceed two car spaces per dwelling. Garages should be located within the footprint of the residential blocks;**
- iv. the residential density should not exceed 40 dwellings per hectare;**
- v. the built up footprint (site coverage) should not exceed 40% organised on at least three detached blocks;**

- vi. **the height of the building should not exceed 4.75m above the highest existing site level along the external wall of the building and no part of the development is ever higher than the existing dwelling on the higher portion of the site and never higher than the existing neighbouring dwelling on the east of the site, for blocks adjacent to it. One additional floor above this height will only be allowed if it is setback at least 6.0m away from adjacent properties within Santa Maria Estate;**
- vii. **the buildings are designed to create a terracing down effect in the west to east direction across the site and respect the contours of the site in the south to north direction. MEPA will afford particular attention to the design of the cross sections of the buildings to ensure a satisfactory transition in bulk and volume is obtained between the two areas adjoining this site;**
- viii. **a minimum site curtilage of 3.0m is left free of structures except along the perimeter of the basement levels of the existing neighbouring dwelling on the east of the site where the structures can be built along the party wall and up to the height of the roof level of the existing basements. Any structures above the existing roof levels of the existing basements must be setback a minimum of 3.0m away from the party walls;**
- ix. **a landscaping scheme indicating areas for hard and soft landscaping is submitted to the satisfaction of MEPA.**

17.1.33 Following the commencement of works on the site at the eastern fringe of Tas-Sellum under development permissions PA 3575/00 and PA 2650/04 (site of policy NWML 13), it became evident that the change in character between the multi storey development and the one storey bungalow area was too abrupt and that a row of bungalow sites had been adversely affected by the new scheme. This policy, together with policy NWML 4, is aimed at achieving a more gradual change in densities, building heights, layout and design between the two areas. Site specific criteria have been prepared for the 0.4ha site, currently partly occupied by two dwellings and partly vacant, which introduce a higher residential density (40 dwellings per hectare), higher site coverage and increased building height and a new site layout together with safeguards against overlooking and visual impact to ensure that a ripple effect does not occur onto a wider area of bungalows.

## 17.2 Tas-Sellum

### Introduction

- 17.2.1 The Sellum area is at the northeastern fringe of Mellieha, lying at the foot of the valley which separates the ridge from Ta' Skajda. Covering an area of around 21.56 hectares it extends approximately 1km along the shoreline of Mellieha Bay and rises steeply to some 40 metres above sea level. It is bound on the western flank by Marfa Road, which leads to the bay and further north to Marfa and Cirkewwa
- 17.2.2 Primarily a leisure resort, there are a number of summer houses built in the 1960s as holiday homes for locals and on a larger scale, flats and apartments for the foreign market. This often creates conflicts since local residents demand a tranquil environment while foreign tourists require facilities, which frequently have unsociable operating hours and attract considerable numbers of people.
- 17.2.3 More recent development has moved eastwards along the coast and further back into the valley. The predominant building height is three storeyed - two floors overlying a garage or a boathouse but recent planning decisions have committed the area to three floors plus an underlying semi-basement. A number of four storey buildings are also present. The Luna Holiday Complex rises to a height of six storeys. A number of restaurants have been established in the area, predominantly located along Marfa Road. The inner area is strikingly lacking any sort of amenities or facilities and only one small grocer is located there. At the coastal side including the Tas-Sellum area, there is extensive boathouse development.
- 17.2.4 The area has potential for further development since there are still a number of vacant sites within the settlement boundary and there is also scope for redevelopment. However, the location of the area on the coast and its proximity to environmentally sensitive cliffs raises conflicts between the need to accommodate further development, especially entertainment and tourism related uses and the necessity to protect the natural heritage.
- 17.2.5 The urban sprawl to the east has also merged the area of Tas-Sellum with that of Santa Maria Estate. A sizeable tract of vacant land currently under development, which is within the Temporary Provisions Schemes but without any zoning indication, separates the two settlements. This site is covered by planning permission for tourism development but recent permissions have changed the original permit to residential. This site presented a development opportunity but also raised a number of issues regarding environmental impact on the coast and cliffs, impact on the adjacent bungalow area, and visual amenity.
- 17.2.6 At the extreme west of the urban area, there are a group of buildings which are not included within the boundaries of the Temporary Provisions Scheme of 1988 but are being re-developed piece-meal through ad-hoc decisions.
- 17.2.7 The main planning issues at Tas-Sellum can be summarised as follows:
- Conflicting land uses emerging from the roles of tas-Sellum as a leisure and entertainment area and its residential function;
  - Illegal storeys and excessive existing building heights;
  - Threats to ecologically sensitive areas from urban sprawl.

## Land Designations

17.2.8 The Local Plan has designated an Entertainment Priority Area for Tas-Sellum to include the existing commercial and leisure uses on Marfa Road and make provision for future location of tourism and leisure facilities, and a Residential Area to safeguard the built environment from further encroachment by large scale commercial and entertainment uses. The boundaries of these land designations are shown on Map 30 and are covered by General Policies NWCM 3 (Entertainment Priority Area) and NWUS 3 (Residential Area), which relates to the zones as a whole. In support of these land designations the Local Plan seeks to introduce a Controlled Parking Zone (CPZ) through General Policy NWTR 5.

## Policies

### NWML 13

### Residential Scheme

The site indicated on Map 30 is identified for development of a residential scheme provided the following conditions are complied with:

- a) **The housing density does not exceed 85 dwellings per hectare;**
- b) **The built up footprint is not to exceed 45% of the total site area;**
- c) **The height of the buildings should not exceed three floors and semi-basement (14.0m) above the highest existing site level measured along the external wall of the building;**
- d) **No vehicular access to the site from Santa Maria estate;**
- e) **Provision of car-parking within the curtilage of the site in accordance with statutory car-parking standards;**
- f) **The buildings should be designed to achieve a minimal impact due to volume and bulk and should be preferably, separate blocks sensitively located on the site;**
- g) **There should be no over-looking onto residential bungalows located on the eastern boundary of the site and if necessary, the height of the buildings on the perimeter should be reduced. Variations to building heights on the western boundary from those stipulated in condition (c) may be considered to achieve the residential densities established by this policy;**
- h) **A minimum side curtilage of 4.5m is to be maintained between all buildings on the site and the boundary with Santa Maria Estate; and**
- i) **Detailed landscaping plan, construction management plan, access/circulation routes are to be submitted;**
- j) **Reasonable financial contributions for a specific project aimed towards the provision of public open space and other projects identified in the Marfa Action Plan are provided.**

17.2.14 This vacant site with an area of 13,800 m<sup>2</sup> acts as a transition zone between the tas-Sellum area developed for high-density seasonal accommodation and Santa Maria Estate which is dominated by bungalows. Outline development permission PA 3540/00 has already been issued on the site for 13 residential blocks housing 117 dwellings and this policy was formulated within the constraints created by the development permission and to ensure that the provisions of that permission are not reviewed with consequent development application requests. Additional full development permissions PA 3575/00 and PA 2650/04 have also been issued for the construction of the first phase comprising 5 blocks and the second and third phases comprising 7 blocks. Negotiations on large development schemes presents, an opportunity for the provision of public and community facilities such as open space. The outline development permission has already secured a monetary contribution for the

maintenance of a public open space in Mellicha together with additional payments for projects proposed in the Marfa Action Plan.

## **NWML 14**

## **Refurbishment of Cemetery**

**MEPA will favourably consider the refurbishment, through the provision of landscaping and a new entrance, and expansion of the cemetery indicated on Map 30 to service the needs of Mellicha.**

17.2.15 Mellicha cemetery located behind the church does not adequately cater for the town's needs because of its limited size. Its location does not permit expansion and hence an alternative site needs to be identified. The cemetery at Tas-Sellum is currently not in use and is in a dilapidated condition. The setting also needs some improvements.

17.2.16 This policy allows for the needs of Mellicha residents to be met. It also makes use of land which has already been committed for this purpose (1,350m<sup>2</sup>) and thus avoids the take up of undisturbed land elsewhere. This policy also envisages substantial improvements to the cemetery itself including the provision a new entrance. Landscaping in and around the cemetery will substantially improve its setting apart from providing some visual screening of the adjoining development in Tas-Sellum.



## 17.3 Manikata

### Introduction

- 17.3.1 Manikata is a small village surrounded by countryside of high agricultural, landscape and archaeological value, and located on a ridge overlooking the Pwales valley. Manikata is visually dominated by the relatively modern church at the top of the ridge with terraced residential development sloping down the side. The village is characterised by the serenity and quiet environment created by the low number of residents and compactness of the dwellings and the very few traffic movements through the streets.
- 17.3.2 The village is also in close proximity to the popular recreational area of Ghajn Tuffieha to the west. This recreational area attracts large numbers of visitors throughout the year due to the location of the sandy beach known as Golden Bay, the countryside and coastal cliffs. The Ghajn Tuffieha area also houses major tourist accommodation facilities and land allocations have been made by the Local Plan (refer to section 20.4 of this plan), for the location of campsites and additional tourist facilities. Further expansion of these tourist and leisure facilities may threaten the intrinsic character of the village.
- 17.3.3 No supporting amenities to the community are found. However, a number of mechanic and auto-repair garage workshops are spread on the southern urban periphery, which occasionally disturb the peaceful environment and create a visual eyesore in the area.
- 17.3.4 The rate of land take up for development over the past 12 years has been slow and dominated by small scale projects for residential use, but recent constructions resulting from the interpretation of building heights have caused adverse visual impacts. Three large vacant sites are still located within the village but one has recently been issued with outline development permission for semi-detached dwellings. Another site is partly zoned for bungalow development, which is not considered to be congruent with the urban design characteristics of the village.
- 17.3.5 The main planning issues for Manikata can be summarised as follows:
- Potential encroachment by leisure uses in Ghajn Tuffieha;
  - Lack of supporting amenities to the community;
  - Adverse impacts by mechanics and auto repair work shops;
  - Inappropriate urban design.

### Land Designations

- 17.3.6 The Local Plan has designated a Local Centre for the central core of Manikata, and a Residential Priority Area within the remaining urban area. The boundaries of these land designations are shown on Map 32 and are covered by General Policies NWCM 2 (Local Centre) and NWUS 4 (Residential Priority Area), which relate to the zones as a whole. In support of these land designations the Local Plan seeks to manage traffic in the centre of Manikata through General Policy NWTR 3.

## Policies

### NWML 15

### Residential Villa Development

**The two sites indicated on Map 32 are to be developed for residential villas only in accordance with the Development Control Policy and Design Guidance 2005. Only a maximum of two car-parking spaces per dwelling unit are allowed and the use of basements for separate dwellings will not be permitted. Semi-detached villas are to be constructed on those parts of the site, which abut terraced development party walls.**

17.3.7 These two sites were zoned for bungalows in the 1988 Temporary Provisions Scheme in line with the zoning conditions in the previous schemes. A number of dwellings have been constructed on one of these sites (area 8,300m<sup>2</sup>) but some of the buildings do not follow the bungalow conditions stipulated in Design Guidance 2000. The other site (area 3,400m<sup>2</sup>) is currently vacant and located on the higher grounds of Manikata and consequently highly visible from the surrounding countryside. This policy is aimed at regularising the situation for the existing buildings and also using land more efficiently by allocating the sites previously zoned for bungalows for villa development, thus increasing the potential number of dwellings. The design of the buildings, especially their height, needs to be strictly controlled to minimise the visual impacts of any new development. The policy also retains the villa zoning for another site, which had been zoned for such development in the Temporary Provisions Scheme.

### NWML 16

### Manikata Protected Sites

**The sites on Triq ix-Xifer and on Triq ir-Rahhala indicated on Map 32 are being safeguarded from development due to their potential as sites of archaeological importance and/or an inland cliff. In the eventuality that detailed investigations, carried out by MEPA or by the private sector under MEPA's supervision within the Local Plan period, reveal that the remains are insignificant and the heritage value of the site does not warrant protection, the site on Triq ix-Xifer shall be released for development in accordance with general policies NWUS 4 (Residential Priority Area) and NWUS 5 (Building Heights – 3 floors plus 3 courses basement from lower street level) in this plan, while the site on Triq ir-Rahhala shall be designated as public open space in accordance with general Policy NWUS 6.**

17.3.8 Preliminary investigations of these sites have revealed that a number of caves are located on them, which in the case of the site on Triq ix-Xifer also form part of an inland cliff. The heritage value of these caves still needs to be investigated and this policy will ensure that the necessary investigations can be carried out in due course by protecting them from development. This policy also permits the private sector to carry out the surveys provided that MEPA remains in control of the exercise. In the eventuality that the heritage value is not proven, the land will be released for development in line with the general strategy for Manikata and as indicated by this policy.

### NWML 17

### Environmental Improvements

**MEPA in conjunction with the Local Council will favourably encourage environmental improvements and limited vehicle access to the section of Triq il-Mellieha fronting the parish church, following the construction of the schemed road that runs parallel to it.**

17.3.9 The Manikata community although surrounded by open space, which could be used for informal recreational purposes, still lacks a formal recreational space that can be used by its residents. The construction of the schemed road by the parish church would provide the opportunity to create a pleasant traffic-free environment in this important and prominent location in front of the church.

## 17.4 Ghadira Isthmus

### Introduction

- 17.4.1 Ghadira Bay is one of the most popular attractions in the northwest, and on the Island, for local and foreign visitors alike owing to its fine sandy beach, the prominent landmarks of the Red Tower and the Mellieha Church, and its striking coastline and landscape. Over the years, these environmental qualities attracted demand for supporting facilities to accommodate visitors to the area and also demand for a residential settlement. Major tourist accommodation and facilities have been constructed, Santa Maria residential estate and tas-Sellum urban area were established and expanded, and a beachroom development serving as summer accommodation for locals has mushroomed.
- 17.4.2 These visible environmental qualities, and more importantly other environmental assets such as rare habitats of international importance, archaeological remains and valley systems, compelled MEPA to afford the highest level of statutory protection to a number of sites to safeguard them from any adverse impacts. The marshlands, which make up the nature reserve, a small patch of marshland on the southeastern corner, and the sand dune have all been scheduled, or are proposed for scheduling, as Sites of Ecological Importance Level 1. Most of the area has been declared as a bird sanctuary, a Ramsar Site – Wetland of International Importance and a Special Area of Conservation (SAC).
- 17.4.3 The physical developments, the intense use of the beach and the bay for recreation with their associated land and sea traffic, together with the dual carriage way arterial road cutting through the area, are posing serious threats to the environment. Uncontrolled intensification of the existing uses and possible introduction of new activities could lead to irreversible damage to the sensitive terrestrial and marine ecosystem of the area. The need for a planning policy framework to address the conflicting demands on the environment of Ghadira Bay is critical. (Map 34 shows the boundary of the strategy area).

### Brief Description of Location

- 17.4.4 The isthmus, having a land area of around 1.57 Km<sup>2</sup>, forms the link between the Marfa Ridge to the north and the Mellieha Ridge to the south, and is delineated by the sandy beach of Ghadira Bay to the east and the rugged coast from ic-Cumnija to Anchor Bay to the west. The landform slopes sharply from the ridges towards sea level but the plane rises to a knoll of 54m at the southwestern corner.
- 17.4.5 When viewed from the higher grounds, the striking landscape features on the plane, besides the sandy beach and the sea, are the inland waters of the nature reserve, and the flat roofs of the creatively designed Mellieha Holiday Complex diffused among tree covered areas. Another small patch of tree cover has evolved as part of the sand dune system along the perimeter of the nature reserve. The terraced agricultural fields are located along the slopes, and garrigue dominates the knoll.
- 17.4.6 The built up areas comprising the beach rooms and the Mellieha Bay Hotel in the form of a horizontal strip and the sprawling urban area of tas-Sellum and Santa Maria Estate are found along the north and southeastern coasts. The tarmac surfaces of the arterial road, the presence of vehicles, stationary and mobile, other paraphernalia on the beach and the movement of

pleasure craft and boats during the summer season add to the overall hectic ambiance, especially on the eastern section of the area.

## Planning Issues

- 17.4.7 The major issues in the area, which need to be addressed by a planning policy framework, are:
- (i) **Competing and conflicting demands on limited land and sea space** - Proliferation of land and sea uses such as tourist accommodation, leisure facilities, catering establishments, kiosks, organised boat mooring areas and water sports which are continually increasing the demand for space at the exclusion of less environmentally damaging activities such as agriculture, nature appreciation, walking, and bathing;
  - (ii) **Over development on existing land** - Intensification of existing uses such as incremental growth of tourism and leisure development, and encroachment on public bathing areas which are detracting from the quality of the experience of the area and leading to further congestion;
  - (iii) **Congestion** – The range and scale of uses continue to attract larger numbers of visitors which access the area by private cars increasing demand for more land for car parking, clogging up road junctions, leading to air and noise pollution, creating conflicts with pedestrians and contributing to a chaotic atmosphere;
  - (iv) **Environmental Impacts** – The proliferation of activities, over development and congestion mentioned above result in negative environmental impacts such as:
    - visual intrusions by poorly designed and located buildings and structures
    - visual intrusions by vehicles
    - air, noise and bathing water pollution
    - degradation of habitats (sand dunes and posidonia meadows)
    - loss of agricultural land.

## The Policy Context

- 17.4.8 Resolution of the planning issues requires firstly a broad policy framework as part of the Local Plan, which sets out MEPA's strategy for Ghadira and its environs and guides its future development. This strategy must then be followed up by detailed management plans on a site-specific basis to identify the actions, which need to be taken to implement the strategy. The strategic guidance in the Structure Plan, the general policies in this Local Plan, the protected areas and planned development set the context, which the strategy needs to take into account.

### *Strategic Guidance*

- 17.4.9 Ghadira Bay and its environs shown on Map 34 are located within a Rural Conservation Area and are the subject of policies designed to afford the necessary protection to, and enhancement of the countryside. Sub areas within Rural Conservation Areas are to be designated for Areas of Agricultural Value, Areas of Ecological Importance, Sites of Scientific Importance, and Areas of High Landscape Value. Ghadira Bay and its environs are affected by most of these designations.

### *Local Plan General Policies*

- 17.4.10 Topic strategies in the Local Plan aim to protect areas of agricultural value from inappropriate development, encourage the upgrading of existing tourism accommodation in rural areas,

attract recreational activities to sites where the impact on the rural environment would be limited, conserve and enhance the unique landscape setting of the North West countryside, and protect environmentally sensitive areas which are being degraded. Relevant general policies are NWAG 1 (Agriculture), NWTO 1 and 2 (Tourism), NWRE 11 to 16 (Recreation), NWTR 6 and 8 (Transport), NWLA 2 and 3 (Landscape), NWCO 6, 8, 13 and 14 (Conservation).

#### *Protected Areas*

- 17.4.11 The following protection levels cover the area under consideration, as shown on Map 34:
- Special Area of Conservation (SAC);
  - Ramsar Site – Wetland of International Importance;
  - Areas of Ecological Importance Levels 1, 2, 3, and 4;
  - Areas of High Landscape Value;
  - (Landscape Sensitivity Maps in the public consultation draft of the Landscape Assessment Study identify the sensitivity to interventions on the landscape and designate small patches within the Ghadira Isthmus as being an area of significant landscape sensitivity with the rest of the area being highly sensitive or very highly sensitive to interventions);
  - Areas of Archaeological Importance;
  - Garrigue.

The Local Plan has also identified Areas of Agricultural Value, which are shown on Map 34.

#### *Planned Development*

- 17.4.12 The central stretch of sandy beach, in front of the sand dune and the nature reserve, has come under considerable pressure in the past few years for the location of kiosks serving hot food, ice cream and beach equipment. Incrementally, this part of the beach has been taken over by commercial entities for the laying out of sun beds. No fewer than 18 applications on 10 sites on this beach have been submitted to MEPA over the past 10 years, mostly to sanction existing development. Initially, MEPA refused these applications but recently five structures have been sanctioned.
- 17.4.13 The Sewerage Master Plan proposes to decommission the sewage outfall at Anchor Bay, just outside the strategy area and redirect sewage to ic-Cumnija within the area under consideration where an outfall and a waste water treatment plant would be constructed. An application for this development PA 6044/03 has been submitted by the Water Services Corporation and was approved by MEPA in March 2006.
- 17.4.14 Two additional major applications in the area, which could have implications on the strategy, are a 2005 application for a family theme park behind the Sea Bank Hotel and a 1994 application for a four star hotel adjacent to the western boundary of the Mellieha Bay Hotel. The latter application has been refused by MEPA but on appeal, the Appeal's Board determined to refer back the application for further consideration. MEPA is also currently discussing the works on the arterial road through the area identified by TINA and funded by the TEN-T project of the EU. A submission from a private consultancy firm to upgrade the area to an environmentally sustainable tourist destination resort, urges a bay-wide strategy to resolve identified environmental problems. The submission also includes major developments such as the relocation of the arterial road from the foreshore to an inland location, converting the existing road into a pedestrian priority area, a beach replenishment programme, the establishment of two destination ports and the upgrading/introduction of tourist related projects including a water park and time share accommodation.

## The Strategy

(Refer to Map 34A)

The goal of MEPA's strategy for the Ghadira Isthmus is:

### NWML 18

### Strategy for Ghadira Isthmus

**To resolve competing spatial demands on Ghadira Bay and its environs by giving priority to the conservation and management of the natural and cultural environment of the area, including the landscape, and protecting it from environmentally unsustainable development whilst reducing congestion and its adverse environmental impacts, and improving the overall environmental quality of the area.**

17.4.15 The achievement of this goal requires any planning proposal to:

- (i) Protect and enhance the natural and cultural environment by:**
  - Maintaining all current statutory protection levels
  - Prohibiting development, which adversely affects statutory protected areas
  - Identifying further terrestrial and marine areas/sites for protection
  - Identifying opportunities for environmental enhancement
  - Ensuring that only the infrastructure project of the wastewater treatment plant is permitted on protected sites and that associated environmental impacts are properly evaluated and mitigation measures provided
- (ii) Improve transportation problems by:**
  - Managing access
  - Improving pedestrian safety
  - Improving the bus terminus
  - Managing car-parking provision
  - Encouraging traffic management schemes
  - Encouraging junction improvements
  - Realigning sections of the dual carriageway
- (iii) Control tourism related development by:**
  - Identifying tourism related development opportunities on existing tourism development sites
  - Defining boundaries and policy constraints for tourism related development opportunity areas on existing tourism development sites
  - Prohibiting establishment of new tourism related facilities outside the identified areas
- (iv) Manage recreation activities by:**
  - Safeguarding the beach for public use
  - Safeguarding the swimming zone for bathers
  - Improving facilities for water sports
  - Rationalising commercial use of beach
  - Rationalising the development of beachroom accommodation
  - Encouraging improvements to the promenade for pedestrians
  - Safeguarding the Nature Reserve as a recreational use
  - Considering a beach management plan
  - Identifying opportunities for environmentally friendly recreation

17.4.16 The environmental value of the Ghadira Isthmus is unquestionable and this strategy of environmental protection and enhancement aims to ensure that this value improves in the

future. The strategy adopts a two-pronged approach to achieve its goal – ensuring that unspoiled sites remain such, while actively seeking to improve degraded and damaged areas. MEPA’s statutory tools, reinforced by EU legislation, are an effective means for protecting sensitive sites and the strategy proposes full utilisation of these legal measures. This approach needs to be supported by the development control and enforcement functions to succeed.

17.4.17 The strategy also identifies those areas/sites, which are in urgent need of rehabilitation and makes proposals for the overall enhancement of the quality of the area, especially through transportation projects and landscape enhancement. Scope for new commercial and tourism development or intensification of existing uses is slight but opportunities for consolidation and upgrading of existing facilities with some restrained growth have been identified, subject to the projects not prejudicing the goal of environmental enhancement.

17.4.18 MEPA will adopt further subsidiary plans to implement this strategy. Development Briefs will be prepared to set out detailed policy guidance for the opportunity areas identified in the strategy and Management Plans will guide actions on environmentally sensitive areas such as the Nature Reserve, the beach, and the bay.

17.4.19 In the interim period between the approval of this Local Plan and the adoption of any subsidiary plan, applications for development within the strategy area of the Ghadira Isthmus will be assessed in the context of this strategy. Development, which will prejudice the objectives of this strategy, will not be allowed.



## 17.5 Anchor Bay

### NWML 19

### Anchor Bay

MEPA will not permit the development of any structure or activity, which in the view of the Authority, would adversely affect the Areas of Ecological Importance (Level 2 and 3), Areas of High Landscape Value and WWII Beach Post at Anchor Bay (as indicated on Map 35), scheduled to regulate their conservation in accordance with Structure Plan Policies RCO 1 and RCO 12, Section 46 of the Development Planning Act 1992, Scheduling of Coastal Cliffs (Government Notice 400) and Scheduling of Property (Government Notice 895).

MEPA, in conjunction with the appropriate agencies will seek to secure the restoration and maintenance of the WWII Beach Post, including a Buffer Zone as illustrated on Map 35.

MEPA will encourage the continued retention and maintenance of the former film set (illustrated as Popeye Village on Map 35) in accordance with an approved maintenance report.

MEPA may permit the rehabilitation or redevelopment of the existing ancillary buildings on land adjacent to the existing film set, (as indicated on Map 35), subject to the following criteria:-

- i. the use of the buildings shall be complimentary to the former film set and shall be located within the designated area;
- ii. the external design of the development is compatible with the general ambience of the surrounding rural and scheduled area, including materials and colours, which in the opinion of MEPA are appropriate for the location;
- iii. the containment of development within existing site boundaries as indicated on Map 35;
- iv. a maximum height of 7 m is not exceeded;
- v. the use of laser source light, sky beam, search light or any similar high intensity light for outdoor advertising or entertainment is prohibited;
- vi. details of drainage and sewage disposal arrangements shall be submitted and approved;
- vii. adequate access is provided together with off road parking; and
- viii. a landscape scheme including structural tree planting with particular emphasis to the site boundaries shall be submitted and approved with any permit application which shall be implemented in its entirety within the first planting season and thereafter maintained.

An area of land is allocated for an informal picnic area, as illustrated on Map 35. No structures or buildings shall be permitted in this area and a natural random rubble wall shall be erected and thereafter maintained.

Any development permit issued shall be subject to the submission of bank guarantees to ensure that the following works are carried out:-

- a. the restoration of the WWII Gun Post
- b. the completion of all landscaping work, and
- c. the construction of a physical boundary between the development site and the Areas of Ecological Value.

MEPA will continue to seek to secure public access to the coastline. Any permit application shall require the applicant to maintain and ensure free and unhindered public access to Anchor Bay beach.

The construction of additional new boathouses or extensions to existing boathouses will not be permitted. Existing structures that are bona fide boathouses may be rehabilitated for the

**storage of boats/fishing equipment or utilised for water recreation purposes, subject to the following criteria: -**

- i. the structure has access to the existing slipway;**
- ii. the structure/building must be of single storey in height, and maintained to a stone coloured standard;**
- iii. the structure must not be used as a holiday home, not for any form of residential or commercial use; and**
- iv. the submission and approval of a comprehensive management plan for the maintenance of the structures.**

**The site indicated on Map 35 shall be investigated for the possible inclusion of a caravan site.**

- 17.5.1 The purpose of this policy is to achieve an overall containment, enhancement and maintenance of the development known as Popeye Village. Il-Prajjet “Anchor Bay” is situated directly to the west of Mellieha Bay in an area of natural scenic and rural beauty. The coastal area is a dramatic, wild and remote near-vertical cliffed headland, with debris slopes, fallen blocks and bare limestone garrigue above. There is little cultivation and the most conspicuous man made features being “Popeye Village” (former film set). There is degraded land in close proximity to the Village caused by illegal dumping, indiscriminate vehicular access beyond existing roads and derelict agricultural land with collapsed stonewalls.
- 17.5.2 MEPA recognises the coast as one of the Island’s most valuable natural resources, and in accordance with Structure Plan Policy, will rigidly continue to control development of Areas of Ecological Importance, Areas of High Landscape Value and Scheduled Property (WW2 Beach Post).
- 17.5.3 The maintenance of the former film set will be encouraged and supported. The rehabilitation or redevelopment of the existing buildings located to the east of the film set may be permitted subject to strict planning criteria. Any additional development shall be complimentary to the former film set/ film industry. No extension of the designated area will be permitted and any facility provided must not have an adverse impact on the environment. Landscaping will be required in order to mitigate impact and should comply with the supplementary planning guidelines on trees shrubs and plants for planting and landscaping in the Maltese Islands of 2002.
- 17.5.4 The existing structures that are bonafide boathouses, located below the film set on the foreshore, may be rehabilitated for boat storage or water recreation purposes. The existing boathouses/structures have access to a communal slipway that does not restrict access to the foreshore and benefit from a retaining wall that gives protection against wave erosion.

## 17.6 Fort Campbell

### Introduction

17.6.1 Fort Campbell offers an excellent opportunity to restore a WW2 heritage site and MEPA will encourage proposals for its restoration together with appropriate compatible uses in order to achieve a sustainable development. It is important to facilitate the restoration of the historic buildings, which are in a serious state of decay, and are protected under the Antiquities Act 1925 and Scheduled Property Grade 1, in accordance with Section 46 of the Development Planning Act 1992, by positively considering financially feasible development proposals. The successful restoration of the Fort, incorporating public access and an interpretation centre, would provide an important opportunity to enhance the Islands tourist product.

### NWML 20

### Fort Campbell

MEPA will promote in conjunction with the appropriate Government agencies, the rehabilitation and restoration of Fort Campbell into a visitor attraction. A Development Brief shall be prepared to set out detailed policy guidance for the restoration of the Fort illustrated on Map 36.

The Development Brief shall have regard to the following –

#### Historic Fort

1. the conservation and restoration of all elements related to Fort Campbell as an historic fort shall take precedence over all other considerations;
2. the conversion of existing buildings contained within the boundary of the Fort, as illustrated on Map 36, will be permitted. Any scheme of conversion shall reflect the existing buildings and their setting, and shall be no more conspicuous than the existing buildings. Extensions, additions to height, or the erection of additional buildings within this area will not be permitted; in particular, the existing openings should be used wherever possible. New openings (doors and windows) should be kept to a minimum and respect existing void to solid ratio, in order to reflect the existing character of the building;
3. the sympathetic reinstatement of the military access road in order to cater for traffic using the complex;
4. the provision of public access to the Fort;
5. details of water supply, toilet facilities, drainage and sewage disposal arrangements;
6. a landscape scheme is submitted and approved with any permit application, which shall incorporate techniques as similar as possible to those used in wartime in order to make it difficult to detect when viewed in the context of the surrounding coastline, and which shall be implemented in its entirety within the first planting season and thereafter maintained.

The site illustrated on Map 36 is identified as an area of opportunity for development for a range of uses which it is considered are compatible with the character and scale of the historic fort and could provide a holistic entity capable of creating a sustainable product. MEPA will favourably consider the following land uses –

1. **Tourist accommodation in the form of self catering apartments;**
2. **Education – Research Institute;**
3. **Health Care - Nursing Home, Sheltered Housing**
4. **Community Facilities – Youth Activity Centre**

Other uses in conformity with the original designated use of the site would also be favourably considered.

The following conditions shall also apply: -

- a. **The appropriate rehabilitation of all the existing built structures within the area;**
- b. **The design of any new buildings/structures or extensions to existing structures shall integrate well with the historical context and have a minimal visual impact on their surroundings. New buildings shall be in separate blocks sensitively located in close proximity and well related to the existing buildings. In particular door and window openings should be kept to a minimum and respect the existing void to solid ratio of the existing buildings of the Fort;**
- c. **The total built up footprint of any new buildings shall not exceed 800 sqm;**
- d. **The height of buildings shall not exceed two storeys (7.0m) above existing site levels measured along the external walls of the buildings. This is a maximum height and may be reduced to one storey in certain areas to minimise visual impact and retain the existing characteristics of the site;**
- e. **Access to the site together with car parking is to be provided, together with provision for people with special needs including wheelchair users;**
- f. **A landscape plan shall be submitted and approved with any permit application, which shall be implemented in its entirety within the first planting season and thereafter maintained.**

17.6.2 This policy seeks to secure the restoration of Fort Campbell into a visitor attraction as an important war heritage site. In order to achieve a sustainable and financially feasible development, the policy proposes the introduction of an alternative range of opportunities to be located southwest of the Fort boundary.

17.6.3 The Fort is unique and was built with aerial warfare in mind. It blends exceptionally well with the landscape by the clever use of irregularly cut stones and irregular siting of the various buildings, making it difficult to detect and interpret from the air. The Fort also had the responsibility of challenging all shipping approaching the island from the north and proceeding towards the Grand Harbour.

17.6.4 MEPA will not permit the development of any structure or activity, which in the view of the Authority, would adversely affect Areas of Ecological Importance and Areas of High Landscape Value, as indicated on Map 36, scheduled in accordance with Structure Plan Policy, Development Planning Act 1992 and Scheduling of Coastal Cliffs (Government Notice 400). (Refer to Section 1 Chapter 15.6 (Coastal Cliffs) Map 17.

17.6.5 The scale of any new development will be of critical importance. Any application for development shall incorporate proposals strictly in accordance with this policy and conditions of the Development Brief. The additional built up footprint shall not exceed between 700 – 800 sqm, which together with the footprint of the existing built structures of 2400sqm will result in a total development area of around 3, 200sqm.

17.6.6 An area, as illustrated on Map 36, provides an important visual foreground to the setting of the fortified walls. No buildings/structures will be permitted within this area.

17.6.7 The successful realisation of the restoration of Fort Campbell incorporating the war time heritage together with an interpretation centre will be dependent on the availability of public/private funding. The development will not be achievable solely through planning legislation, but also by effective estate management based on the preparation of a Development Brief, which shall include details of the implementation of any approved scheme.

## **18. San Pawl il-Bahar Area Policies**

Area: 14.53 Km<sup>2</sup>

Population: 8,198 (By Local Council in 2003)

- 18.0.1 The Local Council of St. Paul's Bay includes the three urban areas of St. Paul's Bay Village/Bugibba/Qawra, Burmarrad and Xemxija and substantial areas of countryside of high scenic and agricultural value. This chapter will address the issues, and make proposals, only for the urban settlements mentioned above. The proposals and policies in Section 1 of this Local Plan have to be referred to when considering development in the countryside within the boundaries of St. Paul's Bay Local Council.

### **18.1 St. Paul's Bay Village/Bugibba/Qawra**

#### **Introduction**

- 18.1.1 The main urban area within the Local Council boundary includes the Qawra peninsula to the east which merges into Bugibba which then coalesces into the old village of St. Paul's Bay.
- 18.1.2 The Qawra peninsula, generally demarcated by Triq it-Turisti and Triq Ghawdex to the west, the coastline to the north and east and the last stretch of the coast road (Kennedy Drive) to the south, has four main physical features which contribute towards its present character - the rocky coast which includes Grade 1 scheduled entrenchment and tower, considerable amounts of vacant land especially towards the core, low density areas dominated by low-rise detached buildings to the north and small pockets along the eastern coast, and the remaining areas dominated by recent buildings of a speculative nature and design with heights reaching even seven and eight floors on particular streets.
- 18.1.3 Land-uses within the peninsula follow, to a certain extent, the physical characteristics described above. The stretch of coast overlooking Salina Bay is intensively used for tourism and entertainment while the rest of the coast up to the New Dolmen Hotel is relatively free of structures and used for recreation (bathing). This stretch is characterised by numerous boathouses/beachrooms constructed below the promenade. Another group of boathouses/beachrooms are located close to the Salina salt pans.
- 18.1.4 The vacant land in the core is mostly abandoned and the present zoning of a large portion of it as "public open space" has prevented its development. This presents an opportunity to provide required community facilities such as a school, landscaped public areas and sports facilities serving a wider region. The low-density areas are still predominantly residential with some tourism, entertainment and retail uses dispersed within them. However, their location in the midst of other mixed uses has compromised their future development as residential areas. The remaining areas contain mixed uses but tourist accommodation facilities are concentrated in an area adjacent to the low-density area.
- 18.1.5 Bugibba's main difference to Qawra is that it is mostly built up and contains older buildings dating to the 1950s and 1960s. The housing estate near the entrance to Bugibba is a particular characteristic of this area. Land-uses are mixed with a concentration of retail and entertainment along the coast, especially around the recently pedestrianised main square, and tourism and entertainment scattered throughout. This diversity of uses is significantly reduced when the activities at first floor are considered. The upper floors, except for tourism facilities, are completely dominated by residential uses.

- 18.1.6 The village of St. Paul's Bay has a different character to the rest of the built up area as it is dominated by residential uses with a few shops located along St. Paul's Street and still retains an element of its traditional role of a fishing village. It has a designated urban conservation area and a number of listed buildings, including a knight's tower, but recent developments have adversely affected the quality and character of this UCA. Sections of the coast have been scheduled for their ecological importance.
- 18.1.7 A particular issue for the St. Paul's Bay/Bugibba/Qawra area is its emergence, over a period of time, as a focal point for the location of entertainment and tourism facilities. San Pawl il-Bahar Council area accounts for around 33% of the national tourist accommodation together with more than 900 self-catering apartment blocks. There are also a significant number of unlicensed self-catering accommodations used for the summer and holiday homes used by locals as summer residences. This accounts for an estimated additional 7,000 beds. The area also hosts hundreds of restaurants and bars dispersed throughout the Qawra/Bugibba area, which attract large numbers of pedestrian and vehicular movements and generate activities during the night and early hours of the morning, especially in the summer season. The concentration of entertainment and tourism facilities is significantly less in St. Paul's Bay Village.
- 18.1.8 Over the recent past the locality has established itself as a permanent residential zone currently with over 3,000 residents. Records show that there has been a considerable increase in the take up of residential apartments, which seems to have established itself as a consistent trend over recent years, supported by the construction of social housing units by the Housing Authority.
- 18.1.9 A common feature within St. Paul's Bay locality is the promenade, which has recently been upgraded, running almost continuously along the coast from Gillieru to Salina. This public space is a major attraction for visitors to the area and as a consequence is subject to pressures for commercial developments in the form of kiosks and open air catering outlets. The overall attraction of the locality for visitors and the intensity of the different, often conflicting, land uses results in severe traffic congestion and parking problems especially in the peak summer season.
- 18.1.10 The main planning issues in St. Paul's Bay/Bugibba/Qawra can be summarised as follows:
- conflicting land-uses creating adverse impacts due to varied operational requirements;
  - significant pressures for increasing building densities through increase in building heights and re-zoning of low-density areas;
  - increasing visitor pressures on the existing public spaces created by the intensive tourism and entertainment uses which have aggregated over the past;
  - pressures for re-development of existing buildings of architectural value within the urban conservation area;
  - traffic congestion, parking problems and pedestrian/vehicular conflicts, especially in summer;
  - poor quality building design;
  - the need to safeguard land for a new school to meet future demands of a growing permanent residential population;
  - the need to safeguard land for a regional sports complex to allow the national strategy for sports facilities to be implemented.

## **Land Designations**

- 18.1.11 The Local Plan has designated a Secondary Town Centre for St. Paul's Bay, Local Centres for Qawra, a Tourism Zone for Bugibba and Qawra, a Residential Area in Bugibba, Qawra and St. Paul's Bay Village, and a Residential Priority Area for Bugibba to include the HOS, for

Qawra to cover the villa zone opposite Fra Ben, and at St. Paul's Bay for Tal-Fjuri. The Local Plan has also designated an Entertainment Priority Area for central Bugibba. The boundaries of these land designations are shown on Maps 39 and 40 and are covered by General Policies NWCM 1 (Secondary Town Centre), NWCM 2 (Local Centre), NWUS 3 (Residential Area), NWUS 4 (Residential Priority Area), NWCM 3 (Entertainment Priority Area), and NWTO 5 (Tourism Zone), which relate to the zones as a whole. In support of these land designations the Local Plan seeks to reduce through traffic, and manage town centre traffic and parking through General Policies NWTR 3 and NWTR 5.

## **Policies**

### **NWSP 1**

### **Parking Provisions**

**MEPA will encourage and support the Malta Transport Authority (ADT) and Local Council to introduce a Controlled Parking Zone (CPZ) at the earliest opportunity after a detailed study is carried out in the area. The prime purpose of the CPZ should be to ensure that on-street and off-street parking is controlled and managed to support retail and commercial activities and to safeguard the convenience of residents.**

**To assist the introduction of General Policy NWTR 5, the sites on Transport Strategy Maps 37/38 are to include provision of multi-storey underground car parks. The identified sites could all be part public parking and part private.**

**The car parks as listed below will also be included in the Commuted Parking Payment Scheme (CPPS):**

- i. Parades Street;**
- ii. Triq il-Port Ruman/Triq il-Fliegu**
- iii. Triq il-Mosta; and**
- iv. Underneath the existing football ground.**

**The public car parking on the four sites will be over and above the car-parking provision required for other development proposed on sites. These CPPS car parks will form part of a comprehensive parking regime for the area. The CPPS boundary is shown in the supplementary planning guidance CPPS Schemes for St. Paul's Bay of 1998.**

**MEPA will continue to investigate mechanisms to best direct funds obtained through the CPPS towards the development of these car parks.**

**MEPA will give due consideration to other acceptable alternative sites for off-street public car parks should these become available during the lifetime of this Plan.**

18.1.12 The proposed off-street car parks will only improve parking conditions if they form part of a parking management strategy for the whole area. In the absence of this, the car parks may be under-utilised, with motorists preferring to use unrestricted on-street parking instead. Therefore, a CPZ will be required (See General Policy NWTR5), designed to make best use of all public parking resources in the area. The CPZ is likely to include parking prohibitions to ensure the safe and efficient movement of traffic, short-stay restrictions near commercial premises, and possibly resident parking.

18.1.13 The car-park on Triq Parades should cater for around 100 parking spaces and in conjunction with the car-park on Triq il-Mosta, shall facilitate the aims of General Policy NWTR 5 and also serve the needs of the Secondary Town Centre proposed on Triq San Pawl (refer to



Policy NWCM 1), since the site indicated is a few metres away from the main street where most of the community and business activities occur. The site, currently partly occupied by a playing field, slopes down from Triq Parades towards the main street, Triq San Pawl. Two or three floors of parking can be provided, through excavation, such that the roof of the development will be at the same level as Triq Parades. Hence the existing open space can be maintained with the inclusion of a playing field at roof level.

18.1.14 The site on Triq il-Port Ruman/Triq il-Fliegu could accommodate approximately 200 parking spaces below street level. The site is ideally located for parking that would support the establishment of the Tourism Zone, which is being promoted by this Local Plan through Policy NWTO 5.

18.1.15 Proposed site on Triq il-Mosta is currently a vacant site and this opportunity could be taken to accommodate about 100 cars. An underground car park at this location will assist in solving some of the present traffic problems, by providing parking on the edge of the town centre for vehicles coming from Triq il-Mosta, Dawret San Pawl il-Bahar and Triq Burmarrad.

18.1.16 The site underneath the existing football ground at Triq il-Wileg covers a substantial area and has a capacity of providing approximately 300 parking spaces. An underground car park in this location will assist in solving present traffic problems by providing parking on the edge of the town centre for vehicles coming from Triq il-Wileg, Kennedy Drive and Triq Burmarrad.

18.1.17 To achieve the desired goal, that is to manage parking spaces to serve the town centre, it is important to state that if suitable alternative or additional sites become available as a consequence of re-development proposals, then a pragmatic and flexible approach will be adopted, to include them in the strategy.

## NWSP 2

## Environmental Improvements

**MEPA, in conjunction with the Malta Transport Authority (ADT) and the Local Council, will favourably consider proposals to pedestrianise the square in front of the church of St Paul's Shipwreck indicated on Transport Strategy Map 37.**

**MEPA will also support the extension of the pedestrian zone in the centre of Bugibba to include the following lengths of road as indicated on Transport Strategy Map 38.**

- i. Triq il-Bajja;**
- ii. Triq Gandoffli; and**
- iii. Triq ir-Rebbiegha**

**It is important that the pedestrianisation scheme ensures that existing commercial premises and domestic garages retain their access and servicing facilities, and the design of future developments should exclude vehicular access.**

18.1.18 Traffic going from Bugibba front to St Paul's Bay can pass through the square in front of the Church of St Paul's Shipwreck. The road width at two locations along the route is marginally greater than the width of a car and no pavement is available, therefore creating a hazard for pedestrians. Substantial reduction of parking and provision of paving for pedestrians will allow for a more pleasant pedestrian route from Bugibba to Sirens. Limited parking is to be appropriately located at the lower end of the piazza.

18.1.19 The pedestrian zone in the heart of Bugibba's Entertainment Priority Area is a vibrant and comfortable place because it is traffic free. It would be feasible to modestly extend this zone

in Triq il-Bajja, part of Triq Gandoffli and Triq ir-Rebbiegħa, so that further premises could enjoy the benefits of pedestrianisation. However it is appropriate that premises and domestic garages retain their access and servicing facilities, and the pedestrianisation scheme should pay due regard to this. The design of future developments should exclude vehicular access.

### **NWSP 3**

### **Public Bus Terminus**

The site illustrated on Transport Strategy Maps 38 and Policy Map 40 is allocated for the provision of a public bus terminus and supporting amenities. New buildings will be favourably considered provided that the structures:

- i. Are located on the eastern section of the unbuilt portion of the site;
- ii. Do not have a built footprint of more than 300sqm;
- iii. Do not exceed two floors in height;
- iv. Minimise the impact on existing mature trees and seek to replace those affected, where possible, within the site boundary;
- v. House supporting amenities to the main use such as public convenience, administrative offices, changing rooms and showers.

18.1.20 Part of the site (total area 4,500sqm) allocated by this policy for a bus terminus is already developed for such use and covered by development permission. The permit, however, was issued for a definite period and it was not in line with the zoning in the Temporary Provisions Scheme. This policy seeks to clarify the situation by acknowledging the current use of this site as a bus station and allocates an additional site with an area of 1,566sqm for supporting amenities, which are still lacking. The extension of the bus station contains a number of mature trees, which should be replanted within the same site. Additional conditions on the location of new buildings, built footprint, and building heights also seek to control the development on this open space to ensure that over development does not occur.

### **NWSP 4**

### **Foreshore Within Commercial Zones (Tourism, Entertainment Priority Area)**

The area indicated on Map 40 is designated as the foreshore within the Tourism Zone and the land-uses identified by Policy NWTO 5 (2), (3) and (4) only can be located within the area provided:

- i. they are located within buildings/structures which are covered by development permission;
- ii. they will involve only very minor extensions and consolidation of existing buildings/structures covered by development permission;
- iii. the finished level of any new minor structure serving as an extension to an existing structure covered by development permission, will not exceed the height of any existing legal structure within the site, and is not to increase the solid structures on street frontage to ensure that views onto the bay across the site are not obstructed;
- iv. public access to the foreshore is not compromised;
- v. MEPA will seek planning gain from any development on this stretch of foreshore it is minded to approve, particularly securing public access to the foreshore.

The area indicated on Maps 39/40 is designated as the foreshore within the Entertainment Priority Area and the land-uses identified by Policy NWCM 3 (i), (ii) and (iv) only can be located within the area provided criteria (i) to (v) above are complied with.

In the case where an existing structure on these stretches of foreshore is not covered by development permission, there will be a presumption against any further development permissions.

- 18.1.21 The larger part of the foreshore within the Tourism Zone identified by the policy is intensively used for tourism and entertainment and in urban design terms forms an integral part of the business activities and buildings occurring on the other side of the street. Four large lidos occupy most of the coast, three of which are associated with three of the major hotels in Qawra.
- 18.1.22 The area has a complex history and although a number of development permissions have been issued (both by the Planning Area Permits Board (PAPB) and the Development Control Commission (DCC)) as recently as October 1999, the area suffers from significant illegalities. The illegalities are largely confined to the use of the foreshore for private use and restricting public access to it remains contrary to the Structure Plan. Hence any existing developments not covered by development permission cannot be considered as a justification for further development through this Local Plan. This policy, however, seeks to introduce an element of order in the area by firstly acknowledging its character as an integral part of the Tourism Zone, indicating the activities that can occur and gives guidance on future development but only within the context established by development permissions and by the Structure Plan.
- 18.1.23 The stretch of foreshore lying within the Entertainment Priority Area (EPA) is also intensively used for commercial purposes including lidos for hotels across the street, bars and restaurants, sports/recreation/leisure facilities and kiosks. This area, however, has more commitments created through development permissions than the foreshore within the tourism zone and public access to the foreshore is much less compromised. For most of its length, the foreshore within the Entertainment Priority Area is still in its natural state. This policy acknowledges the predominant use of this stretch of foreshore and permits its controlled consolidation through strict regulation of any future developments.

## **NWSP 5**

### **Development on the San Antonio Hotel Site**

**MEPA will favourably consider development on the site indicated on Map 40 for the uses identified in general Policy NWTO 5 of this Plan provided that only 15% of the area within the site boundary shown as green on the same map can have any structure which is higher than 1.0m above street level. The uses within the 15% developable area must be an integral part of the use located on the whole site. MEPA, in consultation with the Malta Tourism Authority, will ensure that a high quality design is achieved which will considerably improve the quality of tourism facilities in the area, enhances the quality of the urban area and improves the public realm.**

- 18.1.24 This site (total area 0.9ha) has been subject to various applications and development permissions, with the most recent one issued in 2000 for a new hotel. The 1988 Temporary Provisions Scheme includes a green area on 58% of the site shown on Map 40 but decisions have been taken in the past, which allowed certain developments to occur within it. This policy endorses the most recent conditions imposed by a MEPA decision on a development application and restricts the uses and constructions, which can take place within the green area. It is intended to safeguard the open space which is an essential element contributing to the character of the Tourism Zone.

## **NWSP 6**

### **Development on the Dolmen Hotel Site**

**MEPA will favourably consider the expansion of the existing hotel, or complete redevelopment of the site indicated on Map 40, provided that:**

- i. Any proposal for the complete re-development of the site must be assessed through the submission of a comprehensive application;
- ii. the land uses fall in the list identified for a Tourism Zone in General Policy NWTO 5;
- iii. the building heights should not exceed five floors and comply with General Policy NWUS 5;
- iv. 63% of the site is retained as open space (shown as green on Map 40) within any development scheme in such a manner, which will not prejudice its recreational value. Within the green area shown on the map, no structure above ground level, which will compromise the openness of the space, will be allowed. Excavations of the open spaces (existing and proposed) for the construction of basements will not be accepted unless it is demonstrated to the satisfaction of MEPA that these works and the use of the space created below ground will not adversely affect the openness and landscaping of the site;
- v. any archaeological remains/features on the site are to be protected and retained within the site boundary;
- vi. additional public car-parking provision over and above the requirements generated by any proposed development is included in the scheme as a planning gain;

MEPA will consider the reduction of the 63% open space requirement under criterion (iv) above to a minimum of 25% only as part of a total redevelopment scheme for the whole site which complies with all the requirements of this policy and provided the coastal development in front of the Dolmen Hotel is removed, the area cleared of structures and the rocky beach rehabilitated.

MEPA, in consultation with the Malta Tourism Authority, will ensure that a high quality design is achieved which will considerably improve the quality of tourism facilities in the area, enhances the quality of the urban area and improves the public realm.

18.1.25 This is one of the larger hotel development sites (total site area 23,460m<sup>2</sup>) within the Qawra peninsula and contains extensive grounds and open space within it. It also contains archaeological remains to which the name of the site and hotel is owed. Over the years, there have been a number of applications and permissions on the site and also various concept proposals for re-development. This policy identifies the land-uses, compatible with the Tourism Zone designation established by Policy NWTO 5, which can be located on the site and seeks to establish a framework for any future re-development proposal by setting out the ratio of open space ( 5,900m<sup>2</sup>) to built up areas ( 17,560m<sup>2</sup>) and the activities which can take place within the open space. Such a re-development scheme may present an opportunity to gain the rehabilitation of the coast in front of this hotel and MEPA will consider reviewing the existing ratio of open space to built up areas on the development site provided the objectives of this policy to significantly improve the quality of the urban environment and the enhancement of the quality of the Tourism Zone are achieved. However, a minimum amount of open space must be included in the project and this has been set at 25% of the total development site. There is also a potential for a public car park on the site and the amount of spaces to be provided would be determined as part of the Controlled Parking Zone (CPZ) for the area. Other policies in this Local Plan and other relevant policy documents should guide the detailed assessment of any future development proposal but the potential to considerably improve the quality of the designated tourism zone must be actively pursued.

## NWSP 7

## Comprehensive Scheme on Triq il-Port Ruman

MEPA will require that a comprehensive outline application is submitted for the whole site indicated on Map 40 which will indicate the proposed uses, site layout, access points, parking provision and landscaping of the site. The land-uses must fall within the range of uses identified by General Policy NWTO 5 and the building heights must comply with those shown on Building

**Heights Map 42 and General Policy NWUS 5. The requirement for a public car park in Policy NWSP 1 must also be complied with. MEPA, in consultation with the Malta Tourism Authority, will ensure that a high quality design is achieved which will considerably improve the quality of tourism facilities in the area, enhances the quality of the urban area and improves the public realm.**

**MEPA will favourably consider the location of telecommunications infrastructure facilities as part of the proposal provided it is well integrated with the overall scheme and any adverse impacts on adjacent uses minimised by appropriate mitigation measures.**

18.1.26 The site (total area 11,180m<sup>2</sup>) indicated by this policy is strategically located within the Tourism Zone and MEPA will ensure that its development potential is maximised through a comprehensive scheme. The taking up of a good part of the site for a surface car park only (the remaining part being vacant) does not make efficient use of the land. Policy NWSP 1 identifies the location of a public car park below road level and any development scheme should comply with this policy. The scheme should contain a mix of uses from the preferred uses in a Tourism Zone. MEPA will seek the provision of public open space on the site through the policy framework established by Policy NWUS 5 for building heights.

## **NWSP 8**

## **Site for Community Facilities**

**MEPA will favourably consider development on the site indicated on Map 40 provided that the land uses include only the following:**

- (i) A primary school;**
- (ii) A regional sports complex and other sports uses;**
- (iii) An urban park.**

**The land subdivisions and location of uses within the site shown on Map 40 are indicative and MEPA will consider alternative land areas and locations for the three uses within the site provided that:**

**(a) for the primary school site, a comprehensive outline application is submitted indicating the scale, layout, access points, landscaping, car parking and supporting amenities to the school. MEPA will ensure that a high quality design is achieved which will considerably improve the provision and quality of educational facilities in the area, enhance the quality of the urban area and improve the public realm. The building heights should not exceed those indicated on Map 42.**

**Should the existing primary school site at Triq San Guzepp become redundant, re/development proposals shall comply with the general policy framework for the Residential Area of St. Paul's Bay (Refer to Policy NWUS 3) and the building heights indicated on Map 41.**

**(b) the regional sports complex should adequately serve the north of Malta and a comprehensive outline application for the whole site is submitted which will indicate the proposed site layout, access, parking provision, building mass and landscaping of the site. The main objective of the development scheme is to achieve a building within a park setting and therefore a 50% built site coverage (roofed over areas) is being imposed. The building heights are to comply with those indicated on the Building Heights Map 42;**

**(c) for the development of the urban park a comprehensive outline application for the site is submitted which will indicate the proposed uses, site layout, access and landscaping of the site and the site area should not be less than 12,000sqm.**

**Only development proposals, which enhance the potential of the site for the use by the general public for passive recreation and are compatible with the character of the surrounding residential areas, will be accepted. Priority is given to landscaping schemes and provision of play areas and equipment. Commercial uses and built structures on the site are to be restricted to the bare minimum and, where appropriate, shall only constitute small kiosks or other similar structures to serve the users of the open space only.**

**Excavations of the site for the construction of basements will not be accepted unless it is demonstrated to the satisfaction of MEPA that these works and the use of the space created below ground will not adversely affect the use of the site for recreation by the general public and provided they are compatible with the adjoining Residential Areas and all other policies controlling the use of underground space.**

18.1.27 This publicly owned site of over 5.5ha, currently vacant and partly derelict land, had been safeguarded as a public open space in the 1988 Temporary Provisions Scheme. The Local Plan has assessed the needs of the locality of St. Paul's Bay/Bugibba/Qawra and has identified appropriate uses for the site. MEPA's surveys have indicated that the permanent resident population in Qawra is growing. The Local Plan seeks to further promote the area for permanent residences and therefore it is envisaged that there will be a need for an educational facility (primary school) in the area. The need for a school was later confirmed by the Foundation for Tomorrow's Schools who agreed with the principle of identifying a site for a primary school to cater for the Qawra/Bugibba/St.Paul's Bay areas. The Foundation also identified problems with expansion and location of the existing primary school at St.Paul's Bay, which further reinforces the need for an alternative site in a more central location.

18.1.28 The site allocated by the Plan for the school has an area of nearly 16,000 m<sup>2</sup> which is deemed suitable for the needs of a primary school and its supporting amenities. It is also centrally located within the Bugibba/Qawra area facilitating walking to the school. Its proximity to the church and other community facilities will also help to create a community focus for the area.

18.1.29 The emerging MEPA studies on recreation have identified a deficiency in the provision of sports facilities on the Islands. MEPA has also received submissions from the Parliamentary Secretariat for Sports regarding the need to locate a sports complex to serve the north of the Islands and have indicated Bugibba/Qawra as a possible alternative. The allocation of this site for community use in the Temporary Provisions Scheme of 1988 facilitated the location for the sports complex. The detailed design of the development will be assessed within the policy framework of this Local Plan, the guidelines in the document "Criteria for the Selection of Sports Complexes" and other development control policies regarding urban design, transportation and parking facilities. The Local Plan expects that at least half the site remains unbuilt. The site area of around 22,600 m<sup>2</sup> allows a suitable development to take place and its location adjacent to the school and in the proximity of the Qawra Tourism Zone will enhance the potential of the project as a focal, visitor attraction and as a supporting use conjunction with the school which also integrates well with the Local Plan strategy to designate and upgrade Qawra for tourism purposes.

18.1.30 The locality suffers from intensive use of its existing open spaces on the coast and seriously lacks public open space within the core of the built up area. Specific need for a school and a sports complex necessitated the designation of parts of the larger site to be built up, albeit less intensively than the surrounding areas. It is imperative that this remaining part of the whole site is dedicated for public open space to serve as a green lung within the densely developed urban area and also act to relieve pressures from the coastal zone. MEPA will ensure that only minimal built structures are located on the site through the development control process.

## **NWSP 9**

## **Development at ix-Xaghra tal-Bandieri**

**Applications for development on the site indicated on Maps 39 and 41A must comply with the layout, land-use provisions and the building height limitations set out on Maps 41A and 41B together with all other relevant requirements of the Local Plan, particularly policies on Residential Areas and Building Heights, and of the Policy and Design Guidance 2005.**

**This policy is subject to endorsement of the Structure Plan Review as it includes an amendment to the development zone boundary.**

18.1.31 The only access point that connects Triq ix-Xaghra tal-Bandieri with Triq San Pawl is an unsafe junction centrally located within the policy area. An equally dangerous access is the lane leading directly onto the St. Paul's Bay by-pass. The layout proposed by this policy involves the creation of a turning circle at the eastern end of Triq ix-Xaghra tal-Bandieri, a new junction with Trejjet Patri Gwann F. Grima on the west and the closing off of the existing vehicular link between Triq ix-Xaghra tal-Bandieri and Triq San Pawl. The inclusion of land within the development zone was a consequence of the revised road layout to address the traffic and circulation problems.

18.1.32 When approaching the policy area from the west, the streetscape is unappealing as the blocks start with a height of four floors for a stretch of 13m, then fall to a height of two floors, rise again to a maximum of eight terraced levels, fall abruptly to two floors and terminate in 5 levels again at the eastern end of the area. This is mainly due to the development of small parcels of land in a piecemeal manner over extended periods of time and to the significant difference between permitted (four floors plus penthouse) and existing building heights (two floors). However, the main adverse impact has been created by the eight storey structure which was permitted on the basis of the development control policy on "sites between two streets".

18.1.33 This policy is seeking to limit the exacerbation of these impacts by prohibiting the creation of more sites between two streets with a significant difference in street level by introducing a green strip between existing built up properties with access only from St. Paul's Street and the site proposed to be included within the development zone and by limiting the building heights above the new road to two floors only. An exception are the sites which are already covered by development permission for higher buildings and sites immediately adjacent to them in order to achieve a more acceptable transition from a maximum building height of four floors to two floors.

## **NWSP 10**

## **Development Scheme on St. Paul's Street**

**MEPA may favourably consider further development and total redevelopment of the row of the four detached building indicated on Map 39 provided that the land uses comply with the provisions of policy NWUS 3 for Residential Areas and new buildings do not increase the existing site coverage and building heights and retain the position of the existing buildings on the site in relation to the street alignment and distances from adjacent properties. The take up land within the back gardens for development will be resisted.**

**MEPA will require a proper justification for and alteration and/or the demolition of the two properties at the centre and will ensure that replacement buildings integrate well with the context and respect the rhythm created by the ratio of open spaces to built volumes of the existing four properties.**

18.1.34 This policy seeks to regulate development proposals on a group of residential buildings located on the western end of St. Paul's Street overlooking il-Veccja fishing harbour and enjoying pleasant views of the bay, the headland of Xemxija and the cliffs beyond. These four buildings contribute significantly to the character of this stretch of St. Paul's Street due to the distinctive design of the two central properties and especially the built form created by detached cubes elevated on a continuous one storey podium. Although one of the buildings was redeveloped recently and a second building does not follow a similar architectural idiom as the older two properties, the overall built mass has been retained and the distinctiveness of the area not jeopardised. The primary objective of this policy is to ensure that future development schemes do not have an adverse impact on this character.

18.1.35 These four properties include large back gardens which are an integral part of the character of the area, especially when viewed from the higher levels of tal-Fjuri an adjoining countryside. This policy seeks to protect these gardens for their amenity value and also for their contribution to the distinctiveness of these four buildings.

## **NWSP 11 Re/development Schemes for Villa/Bungalow Sites**

**MEPA may consider favourably the re/development of the sites (A, B, B1, C, D, D1, D2, D3, E, F, G and H) indicated on Map 40 provided that:**

- i. The uses comply with the general policy in this Plan controlling land uses in the relevant zone:  
On site A (0.42ha) - NWCM 3 (Entertainment Priority Area)  
On sites B (0.79ha), B1 (0.6ha) and C (1.24ha) - NWUS 4 (Residential Priority Area)  
On site D ( 0.21ha), D1 (0.48ha), D2 (0.37ha), D3 (0.58ha)and site E (0.4ha) - NWTO 5 (Tourism Zone)  
On site F (0.62ha), site G (0.51ha) and site H (0.89ha) - NWUS 3 (Residential Area)**
- ii. The site coverage does not exceed 50% for all sites;**
- iii. The new building does not exceed the height limitations indicated on Map 42 measured from the lower street level. Application of the Floor Area Ratio will only be allowed in the Tourism Zone;**
- iv. Adequate site curtilage of not less than 3.0m is imposed;**
- v. A master plan agreed to by 75% of the owners of the gross floor area for each sites is submitted and approved.**

**In the absence of an approved master plan, development of individual plots should follow the conditions set out in the Development Control Policy and Design Guidance 2005 for the specific zones as follows: Sites A, C, D, D1, D2, D3, E, F, G, and H – Villas; Sites B and B1 – Bungalows.**

18.1.36 This policy relates to specific localities within Bugibba/Qawra which had been zoned for villa or bungalow development in the 1960s Town Planning Schemes. With the exception of one block located in the southeastern corner of the Residential Area (Site F), and another block on Triq it-Trunciera within the Residential Priority Area (Site C), which have remained practically undeveloped, the identified blocks were built as detached dwellings under the conditions prevalent at the time. Over the years, a number of developments both within the blocks and even more so in the surrounding areas, occurred which seriously compromised the low-density residential character, which the 1960s scheme had intended.

18.1.37 This policy is aimed at guiding the future development of these sites and ensuring that a balance is reached between the demands to develop land more efficiently and intensively, the needs of the existing residents and MEPA goals of improving the public realm. Whilst the policy supports the principle of re-development of the sites, it seeks to ensure that the new



buildings and land-uses that are provided enhance the urban environment and protects the amenity of existing residents. Conditions in the policy are aimed to ensure that proper site layouts and adequate open space are provided and that the maximum heights of new buildings are restricted to protect surrounding residential areas where appropriate. This will also, in particular, protect the amenity of the residential area from ad-hoc decisions on smaller plots of land.

- 18.1.38 This policy applies strictly to the identified nine blocks and the development of any other block or gap site within areas zoned for villas or bungalows in St. Paul's Bay/Bugibba/Qawra should be in strict conformity with the conditions in the Policy and Design Guidance 2005 for the specific zones.

## NWSP 12

## St.Paul's Bay Protected Sites

**The sites indicated on Maps 39 and 43 which under the 1988 Temporary Provisions Scheme are partly a white area and partly zoned for development are being safeguarded from future development due to their environmental importance as part of a coastal cliff and the archaeological remains discovered on them. Only developments permitted by the Scheduling Order will be allowed within the identified sites.**

- 18.1.39 The aim of this policy is to take on board the scheduling of parts of the areas as Level 2 ecologically sensitive coastal cliffs and afford the same protection to those sites which were not scheduled because they are not ecologically sensitive on their own merit but which have been included within the Urban Conservation Area of St. Paul's Bay since they form an integral part of the scenic value of the village when viewed from Xemxija and beyond. The areas also contains features of archaeological value. Cart ruts are present within the maritime karstland on part of the areas.

- 18.1.40 Notwithstanding the inclusion of the areas within the boundary of the Temporary Provisions Schemes of 1988, Structure Plan Policy RCO 15 requires MEPA to safeguard existing features of scientific importance (through a presumption against development) even if such features lie within existing or proposed built-up areas.

- 18.1.41 The site at Ghar Ghasfur is one of only two viewpoints from where the spectacular boulder scree at l-Irdum tal-Mahruq can be appreciated, the scene from tax-Xama' (the only other viewpoint) is somewhat marred by unsightly constructions. Apart from these two observation points, the "rdum" can only be seen at a great distance from Xemxija, the view being marred by any encroachment by future building development, which would obscure much of the site while also, hemming in the "rdum" even further. Dahlet il-Fekruna qualifies as a Site of Scientific Importance as it is the only known locality in the Maltese Islands for the hemipteran *Ectomocoris ululans*, and is also one of the few habitats for the cricket *Mogoplistes squamiger* which is very rare and has restricted distribution.

## NWSP 13

## Commercial Use of Promenade and Foreshore

**No additional kiosks to the number of kiosks, which possessed trading licence/development permission prior to the adoption of this Plan, or any other structure intended for the commercial use of the promenade and/or foreshore from Ghajn Razul in St. Paul's Bay to Salina Bay, will be allowed. MEPA will not accede to requests from applicants for land allocations on the promenade and/or the foreshore for their exclusive use, whether a permanent or temporary structure will be erected, safeguarding development rights granted under the Development Notification Order 2001, as amended from time to time.**

**This policy does not exempt the need of any existing kiosk, which was only covered by a Trading Licence but not development permission prior to adoption of this Plan, to obtain development permission. The exact locations and design of these kiosks will have to be determined in the assessment process of any eventual development application adopting the criteria included in the Kiosks Policy 1994, as amended from time to time.**

**The commercial use of existing boathouses on the foreshore along ix-Xtajta ta' Bugibba, ix-Xtajta tal-Qawra and ic-Cens tal-Gebel will not be allowed. The change of use of existing boathouses into beachrooms will only be allowed provided no commercial activity will be carried out in the beachroom. No new boathouses and /or beachrooms will be allowed on the foreshore. MEPA shall prepare Supplementary Planning Guidance for the boathouse area of ic-Cens tal-Gebel to address issues of colours, materials, roof structures and treatment of facades and seek an environmental upgrading of the area.**

18.1.42 This policy relates to all the stretch of coast from the roundabout at Pwales up to the salt pans of Salina, subject to other policies for specific lengths of the coast. It seeks to acknowledge those kiosks, which had already been identified, in the planning exercise carried out in 1994 prior to the adoption of the Kiosks Policy by MEPA. The Local Plan took into account other decisions made by the Development Control Commission and the recommendations made in the 1998 report on *Fixed Mobile Kiosks-Analysis And Proposals* prepared by a Government Technical Committee, on which MEPA was represented. The policy allows flexibility in the determination of the final location of the kiosks should the relevant authorities or Government wish to relocate those kiosks not covered by development permission.

18.1.43 The policy also places a moratorium on any additional structures whether for kiosks and associated tables and chairs, mechanised leisure facilities, sites allocated exclusively for mobile hawkers and traders or new boathouses and beachrooms on the promenade and/or foreshore. The coast is already intensely used for commercial purposes and any further intensification of use will cause a degradation of the resource, which attracts so many visitors in the first place.

## **NWSP 14**

## **Qawra Coast Development Brief**

**Development proposals on the site indicated on Map 40 must be in line with the approved Qawra Coast Development Brief. Proposals, which prejudice the holistic development of this site, as set out in the policy document, will not be allowed.**

18.1.44 The stretch of coast identified by this policy runs along the Residential Priority Area and thus it is important that its development is controlled to ensure that no adverse impacts on this area ensue. It also contains Grade 1 scheduled monuments, such as the entrenchment, and tower, and scheduled cliffs. Considerable dumping of material has been carried out in the area in the past but today the area has regenerated and has created a particular microenvironment, which should be enhanced.

18.1.45 The development brief prepared for the site, which recommends mainly the location of a visitor attraction (marine aquarium), is in line with the Local Plan strategy of protecting the natural environment and ensuring public access to the foreshore while meeting development requirements to upgrade the tourism product and accommodate more leisure and recreational uses.

## **NWSP 15**

## **Access to Shoreline**

**MEPA in conjunction with the Local Council and appropriate Government agencies will seek to improve and where necessary re-establish public access along the whole stretch of foreshore of St. Paul's Bay/Bugibba/Qawra. Conversely, no new structures, which hinder public access to the foreshore, will be allowed. Vehicle access to the foreshore is to be restricted along the coast at San Pawl il-Bahar, Bugibba and Qawra.**

18.1.46 Various developments along the coast are sufficiently close to the shoreline so as to make public access impractical. Parts of this shoreline are also used for water sports activities further restricting public access.

18.1.47 In accordance with the Structure and Local Plan strategy, this policy seeks to enhance public accessibility to the shoreline. MEPA considers the relative lack of accessibility to a long stretch of coastline in a densely populated summer resort area as a matter of concern. The policy therefore seeks the co-operation of the various parties involved to address this issue. The requirement to have a continuous stretch of fully accessible coastline should not therefore be compromised.

18.1.48 There are various locations where vehicles can drive to the water's edge including San Pawl il-Bahar opposite the school and at Sirens, Bugibba under Bay Square and Qawra below the tower, amongst others. However, because of people's reluctance to walk, many drive close to the foreshore for swimming or for barbecues. Vehicles cause environmental damage and this should be controlled through adequate parking provision at promenade level and restricting access to pedestrians only on the foreshore.

## **NWSP 16**

### **Site Safeguarded for Recreation**

**The site indicated on Map 40, forming part of the Burmarrad National Park, is being safeguarded for informal recreational uses only. In the interim period to the adoption of the comprehensive management plan for the whole of Burmarrad National Park envisaged by General Policy NWRE 1, developments, which will compromise the preparation and adoption of the management plan, will not be allowed.**

18.1.49 This site is wedged between the urban area of Bugibba/Qawra to the north and west and the salt pans to the east and is delineated by Kennedy Drive, which is the last stretch of the coast road. The site contains a football ground, two utility facilities, Kennedy Grove which is a formally laid out public open space, and some dilapidated buildings still used for the rearing of poultry. These location characteristics and the fact that it is outside the development zone make the site vulnerable for development and this policy is intended to protect it from proposals, which could compromise the comprehensive management plan for the Burmarrad National Park.

## **NWSP 17**

### **Utilities' Provision in St. Paul's Bay**

**MEPA, in conjunction with the relevant utility agencies, will facilitate the provision of utility services within the main urban area of St. Paul's Bay to meet the demand generated by development projected in the Plan.**

**MEPA envisages the nature of provision to include an upgrading and expansion of existing facilities held by utility providers, as indicated on Maps 39/40 (distribution centre and sewage pumping stations) or the provision of new facilities. In making provision for developments involving extensions or new infrastructure developments, MEPA would expect service providers to demonstrate that:**

- (i) the development is needed to satisfy a need to cater for an anticipated increase in demand in the locality;
- (ii) the proposal makes maximum use of existing buildings and/or committed land;
- (iii) where existing buildings/committed land is not available, the take up of fresh land is kept to a minimum;
- (iv) the proposal will not cause unacceptable impacts to the amenity of adjacent uses, especially residents, through noise, smells or fumes or additional traffic;
- (v) any new buildings should be designed so that they contribute positively to their context through their siting, massing and architectural treatment;
- (vi) new access points and parking requirements satisfactorily meet the relevant MEPA standards;
- (vii) a landscaping scheme is submitted, where appropriate.

**MEPA, in consultation with EneMalta Corporation, will continue to facilitate the provision of distribution substations as part of major development schemes or seek contributions towards such substations as planning gain.**

**MEPA will support the Water Services Corporation's on-going efforts to implement its leakage reduction programme by seeking the provision of water storage tanks for development proposals, where appropriate, in line with Policy and Design Guidance 2005.**

18.1.50 Consultations with the utility providers, as part of the Local Plan formulation process, revealed the need to upgrade the current infrastructure in Bugibba/Qawra to accommodate the projected demand for utilities generated by the development proposed in the locality. The Drainage Department (now part of the Water Services Corporation) expressed concern about the implications of the proposed growth in the urban capacity resulting from the increase in building heights on the sewer network, especially the present pumping stations. The Water Services Corporation also commented that although the existing water distribution network can cope with the increase in urban development, the increase in building heights would necessitate an increase in water pressure at ground level in order for the supply to reach the higher levels. An increase in water mains' pressure to accommodate the proposed increase in height limitations would be counter productive to the efforts of the WSC to control leakages in the water distribution network. Enemalta Corporation commented that further development on a large scale is unsustainable unless other measures for load management are taken.

18.1.51 The Drainage Department stated that an upgrade of the existing pumping stations would be required, EneMalta stated that extensive trenching works to reinforce the 11Kv network sourced at the Bugibba Distribution Centre would be required throughout Bugibba/Qawra together with several distribution substations, whilst the Water Services Corporation commented that developments would need to be fed through an indirect plumbing system (except for tap outlets for human consumption) and booster pumps would need to be installed downstream of the revenue meter.

18.1.52 The role of MEPA is to facilitate the provision of the required infrastructure through land use policies and to safeguard the environment from any adverse impacts by appropriate control of development. This policy clarifies MEPA's role in providing support to utility providers in their endeavours to provide the required services for St.Paul's Bay by supporting upgrading and expansion of their existing facilities and also new development, if necessary. It identifies planning gain from major projects as a means for providing certain types of utilities (electricity distribution substations) and lists the development control criteria for assessing development proposals related to infrastructure provision in St.Paul's Bay. These criteria are aimed at minimising the take up of land, while allowing such take-up only where it is absolutely necessary, and safeguarding the amenity of existing uses from adverse impact, such as environmental pollution and/or visual intrusions.

## 18.2 Xemxija

### Introduction

- 18.2.1 Xemxija is a small settlement on the northern coast of Ir-Ramla tal-Pwales Bay and is physically distinct from the main urban area of St. Paul's Bay by the Pwales Valley. The steeply sloping land on which Xemxija is located and the current policies on interpretation of building height limitations have dictated the settlement's urban form, which is dominated by high blocks, often with exposed party walls, and used mostly for residential purposes.
- 18.2.2 The arterial road serving as the only major link to the north of the Island, and giving access to a number of restaurants and shops, separates Xemxija into two parts, the western part on the sloping terrain and the eastern part which is made up of 1960s villas and apartments, mostly on two floors and made up of detached buildings. Exceptions are the church and ecclesiastical building at the top of the hill, the hotel at the edge of the villa zone and the restaurant overlooking Dahliet il-Fekruna.
- 18.2.3 The western part is dominated by the large tourist accommodation facility of Mistra Village at the top of the hill, which currently lies derelict and is up for redevelopment, and two other hotels at the bottom at Pwales. Substantial amounts of land zoned for villa development in the 1988 Temporary Provisions Scheme are still vacant and a plot of land on the highest parts of Xemxija contains archaeological remains and has remained undeveloped.
- 18.2.4 The main planning issues in Xemxija can be summarised as follows:
- traffic generated by business uses and direct accesses on the arterial road creates conflicts between need for access and traffic safety for vehicles and pedestrians;
  - pressures for more intensive development, especially on sites zoned for villas;
  - encroachment of residential area by tourism and business activity;
  - adverse visual impact of high buildings.

### Land Designations

- 18.2.5 The Local Plan has designated a Residential Area in Xemxija and a Residential Priority Area for the Fekruna peninsula and at the western end of the settlement to include the current villa areas. The boundaries of these land designations are shown on Map 43 and are covered by General Policies NWUS 3 (Residential Area), and NWUS 4 (Residential Priority Area), which relate to the zones as a whole.

### Policies

#### NWSP 18

#### Traffic Control at Xemxija Hill

MEPA will seek to introduce, in conjunction with the Malta Transport Authority (ADT) and the Local Council, a scheme which respects the approved road alignment at Xemxija Hill and which includes the following measures:

- i. Junction improvements;
- ii. Relocation of on-street parking to convenient alternative off-street locations such as at Triq is-Simar and Mistra Village;
- iii. Parking controls in adjacent residential areas;
- iv. Un/loading laybys and bus-stop laybys at appropriate locations;

- v. **Improved public transport services;**
- vi. **Introduction of footways along the length of this road and on both sides;**
- vii. **Improved accesses to the main leisure and recreation attractions;**
- viii. **Pelican crossings to replace zebra crossings; and**
- ix. **Enforcement of 50kph speed limit and measures to encourage compliance.**

**Some of these measures are shown on Transport Strategy Map 43. Others will be located on advice from ADT.**

18.2.6 Xemxija Hill is an important traffic artery carrying traffic to and from the northern part of the island and to the ferry service to Gozo. The current levels of traffic along Xemxija Hill result in:

- i. Dangerous conditions for pedestrians making use of the businesses located along the road;
- ii. Unsatisfactory parking situation resulting in problems for traffic at peak hours;
- iii. Xemxija being split into two areas, a smaller area along the coast and a larger area on the side of the hill; and
- iv. Constraints on the Church (*at top of Xemxija Hill*) and possibly other parts of Xemxija Hill acting as a social centre for the Xemxija community because of insecurity resulting from high traffic flows and lack of pedestrian accesses.

18.2.7 The relocation of on-street parking to appropriate off-street locations will allow for a less hindered flow of traffic. It is important that MEPA seeks to achieve above parking requirements when new developments are proposed along Telghet ix-Xemxija, so that additional parking is used for the public. The introduction of physical barriers, such as planters, between the vehicle carriageway and the pavement is recommended. The length of road in question has natural speed reducing features at each end, that is the roundabout at the top of the hill and the sharp bend at the bottom. The proposed measures are meant to keep speeds to a level that will assist road safety and help maintain a smooth flow of traffic.

18.2.8 This plan seeks to include parking restraint and charges, improve public transport, improve access to the main leisure and recreation attractions, reduce car trips and introduce strategies to disperse traffic to other localities. The possible development of a yacht marina at Xemxija is unlikely to have significant impact because marinas do not produce major traffic flows and the facility is likely to be located on the St Paul's side of the bay. Further information is given in General Policies Section 12.3, where it is explained that the possibility of an alternative alignment for Route 1 at this location, is currently being studied.

## **NWSP 19**

## **Development along Xemxija Hill**

**MEPA will consider favourably proposals for new development (including extensions to existing business outlets) and/or re-development of existing buildings on Xemxija Hill, provided that when the proposal includes retail outlets and food and drink outlets:**

- i. **Any Class 4 (Use Classes Order 1994, as amended) retail outlet does not exceed 150 sqm gross retail and storage space;**
- ii. **any Class 6 (Use Classes Order 1994, as amended) food and drink outlet does not exceed 75sqm customer floor space; and**
- iii. **Vehicular access is provided from the rear.**

**When the proposal for new development or re-development of existing buildings include only residential units, vehicular access onto Xemxija Hill may be considered provided strict compliance with parking standards and high design standards for carpark layouts and access points are adopted.**

18.2.9 Further development along Xemxija Hill will affect the flow of vehicles along this arterial road. This policy is intended to restrict, as much as possible, the development of more vehicular access points onto Xemxija Hill, and the intensification of use of sites without an alternative vehicular access, so as not to compound existing traffic problems.

18.2.10 Xemxija has been identified as a potential site for a yacht marina in the Yachting Development in Malta study. Given that the Xemxija site ranked as the fourth preferred location, development is likely to happen in the medium to long term and may well be beyond the life of this Local Plan. Its eventual development will probably have a substantial impact on Xemxija particularly with an increased demand for commercial space. In anticipation of this major development, the Local Plan aims at providing an appropriate planning framework to ensure that these changes can occur without compromising environmental improvements and the development of a community in Xemxija.

## **NWSP 20                      Development of Villa Sites in Xemxija Residential Area**

**MEPA may consider favourably the re/development of the sites indicated on Map 43 for the uses identified in General Policy NWUS 3 for Residential Areas, provided that for each site:**

- i. The site coverage does not exceed 50%;**
- ii. 30% of the land area must be public open space;**
- iii. Building heights should not exceed four floors. The application of the Floor Area Ratio is acceptable provided the maximum height of the resulting buildings does not exceed four floors from the higher street level;**
- iv. Adequate site curtilage of no less than 3.0m is imposed;**
- v. The new buildings should have a high quality design and seek to create a landmark feature in the landscape;**
- vi. A master plan agreed to by 75% of the owners of the gross floor area of each site is submitted and approved.**

**In the absence of an approved master plan, development of individual plots should follow the conditions set out in the Development Control Policy and Design Guidance 2005 for the specific zones as follows.**

**Non-residential uses will only be considered if the whole of site B shown on Map 43 is developed comprehensively and as part of a neighbourhood centre. The commercial floor space (retail, food and drink and offices) should not exceed 1, 100 m<sup>2</sup>.**

18.2.11 The two sites make up a large area of land (11,830m<sup>2</sup>) at the heart of Xemxija which is currently zoned for villa development. Comprehensive design and development provides an excellent opportunity to achieve higher standards of urban design and include a mix of uses, which will support the role of Xemxija as a residential area and create a neighbourhood centre around a public open space. For this purpose, conditions are being imposed to regulate any future development to ensure that proposals, which intend to depart from the present zoning conditions, will only be permitted if a higher quality project, in terms of urban design is achieved. This will also protect the amenity of the residential area from ad-hoc decisions on smaller plots of land.

## NWSP 21

## Archaeological Site

**The site indicated on Map 43 is being safeguarded from development due to its potential as a site of archaeological importance. In the eventuality that detailed investigations carried out by MEPA or by the private sector under MEPA's supervision within the Local Plan period reveal that the remains are insignificant, the site shall be released for development in accordance with General Policy NWUS 3 for Residential Areas and with a building height of four floors plus six courses semi-basement.**

18.2.12 This site was designated as a white area within the limits to development in the Temporary Provisions Scheme of 1988 due to the possibility of archaeological remains located on it. Since 1988, two surveys were carried out in 1991 and 1995 respectively, which produced conflicting results due to disturbances to the ground between these two dates. This policy permits further investigations and proper recording of any remains still located on the site by protecting it from further development and then allows development only after such surveys have been implemented with negative results.

## NWSP 22

## Xemxija Yacht Marina

**The area indicated in Map 43 is being safeguarded for the development of a yacht marina. Developments, both on land and the sea, which are likely to compromise the implementation of a yacht marina project in the area, will not be allowed.**

**MEPA will also favourably consider beach replenishment schemes provided such proposals are backed up by all the necessary environmental studies and any appropriate mitigation measures recommended by the studies are introduced to ensure that there is no demonstrable harm to the environment, and most importantly to the ecology of the bay and its sphere of influence.**

18.2.13 This area was short listed as an appropriate location for the development of a yacht marina following Dockyard Creek, Lazaretto Creek and Kalkara Creek by the Yachting Development Subject Study prepared by the then Planning Authority (now MEPA) and the Malta Maritime Authority in 1997. The study states that Xemxija is located along the most popular part of the Maltese coast for yachting activity and domestic users might therefore consider it a popular location for a marina. It adds that a marina development at Xemxija will not be financially viable on its own due to the need to construct a permanent breakwater, dredging and land reclamation. Environmental costs were also identified in the generic cost benefit analysis.

18.2.14 The role of the Local Plan, at this stage, is to ensure that the strategic proposals in the Subject Study are not compromised by other developments and makes provision for any support facilities which might be required if a marina is actually developed. During the public consultation on the Plan, concerns about the loss of a bathing area and suggestions by the MTA, encouraged MEPA to consider favourably a beach replenishment scheme provided the necessary safeguards are in place. The proposal for beach replenishment is still at a concept stage and much more work on its feasibility, and any resulting impacts needs to be carried out. Through this policy, MEPA is solely indicating its willingness to consider such a proposal. Environmental impacts, especially on the Posidonia Oceanica - a priority habitat in the Habitats Directive – of any scheme must be carefully considered.

## NWSP 23

## Tourism Scheme

**MEPA will favourably consider the development of the site indicated on Map 43 for tourism accommodation purposes, with ancillary facilities, provided that:**



- (i) **The prior approval of the Malta Tourism Authority is obtained;**
- (ii) **A comprehensive scheme covering the whole site is submitted;**
- (iii) **The scheme will ameliorate the negative visual impact created by the back elevations of the existing main block, if retained in the new scheme;**
- (iv) **The scheme will result in an upgrading of the tourism product;**
- (v) **The total built floor space does not exceed 9,000 sqm;**
- (vi) **Any increase in the number of beds on the current bed stock will be permitted subject to General Policy NWTO 1 in this Plan;**
- (vii) **The design of the scheme must take into account the prominent location of the site, its impact on long distance views and respect the context of the adjacent Residential Priority Area and must also take into account the natural flow of storm water from any projected road leading to the site;**
- (viii) **A reasonable planning gain for a specific project of public benefit in Xemxija is included in the scheme.**

**The adoption of the Floor Area Ratio (FAR) for the site to achieve varying building heights will be considered subject to the conditions included in the Policy and Design Guidance 2005 in relation to the adoption of the FAR.**

18.2.15 This site is located on the western end of the urban area of Xemxija and currently occupied by the Porto Azzurro tourism development, including its ancillary facilities, spread on three detached blocks. The site covers a total land area of around 3,900sqm of which 28% is covered by buildings while the remainder contains the pool and amenities. This development has been expanding over a period of years and under different permissions and licences. Some parts of the development are not in conformity with the zoning of the 1988 Temporary Provisions Scheme and also not in line with the established building heights. This incremental development has resulted in an unsatisfactory scheme and the owner has expressed the intent to implement a comprehensive scheme for the whole site.

18.2.16 The principle of a comprehensive scheme is supported by MEPA provided it will result in an improvement of the urban environment, an upgrading of the tourism product, and an overall gain to the community. The new project may retain the existing buildings provided the design addresses the negative visual impacts they create. New buildings must take into account the prominent position and the steep gradients of the site. Any access rights from the projected road in the 1988 Temporary Provisions Scheme to third party properties should not be prejudiced. The junction between Triq ir-Ridott and Xemxija Hill is already problematic and an intensification of activities can only make the situation worse. This project can be a means to address this junction and the developer would be expected to contribute to a traffic management scheme for Xemxija Hill.

## **NWSP 24**

## **Development on the Fekruna Restaurant Site**

**MEPA will favourably consider the development of the site indicated on Map 43 provided that:**

- (i) **Land uses relate to the coastal location of the site and may include a mix of the following use classes (Use Classes Order 1994): Class 6 food and drink, Class 9(d) leisure including beach amenities and Class 4 retail. Class 1 dwellings may be considered provided the gross floor space does not exceed one third of the total allowable floor space on the site and they do not prejudice the primary commercial uses;**

- (ii) **The total built floor space should not exceed the existing floor space covered by a development permission;**
- (iii) **The height of any new structure must not exceed the height of the existing building and should not encroach on the coast beyond the existing built and roofed over footprint;**
- (iv) **Public access to the coast is retained;**
- (v) **The design of the scheme must take into account the prominent location of the site and seek to enhance the visual quality of the area through innovative use of mass and form, colour and materials within the constraints of the other criteria of this policy.**

18.2.17 This site, having an area of 1,200 sq m is located at the northern tip of the bay and highly visible from distant views against a background of boulder scree scheduled for their ecological and landscape value. It bounds the secluded *Dahlet il-Fekruna*, which gives the name to the establishment located on the site. This facility includes a restaurant and a beach lido within an uninteresting three storey terraced structure above quay level and accessed from a slip road off Triq Dawret il-Fekruna within the Residential Priority Area. An application to locate a diving centre was refused by the Development Control Commission in 2003 due to illegalities on site and an application to redevelop the site into a multi-storey block of residential apartments was still pending in 2005.

18.2.18 This policy seeks to ensure that any future development of the site retains the primary use of a leisure coastal facility but prohibits any further intensification through limitations on additional floor space to limit the impacts on the amenity of the surrounding residences. Some residential units may be accepted if they are separated from the leisure uses and adequate mitigation measures to ensure compatibility are included. The high visibility and prominence of the site requires particular attention to the design of any new scheme and MEPA will endeavour to achieve a high quality design which improves the area provided the height and the total floor space do not exceed what currently exists on site and is covered by development permission. Public access to the coast around this site has created major concerns in the past and MEPA will ensure that any new development does not compromise access to the coast.

## **NWSP 25**

## **Re-development of the Misra Village Site**

**MEPA will consider the complete redevelopment of the Misra Village Tourist Complex shown on Map 43 into a residential neighbourhood provided that a development application that includes a master plan for the whole site and a development phasing programme is submitted and approved. The site coverage is not to exceed 75% and the building heights are not to exceed four floors. The building height which can be achieved through the application of the Floor Area Ratio (FAR) should not exceed eight floors and MEPA will only consider slight departures from this height provided it is satisfied that the scheme has a noteworthy urban and architectural design of the highest calibre.**

**The Master Plan should make provision for a network of streets (vehicular and pedestrian) and spaces (public and private), which creates a fine grained urban form promoting pedestrian permeability through the site, continuity of street frontage, serial vision and elements of surprise, utilizes and enhances the existing topography, and retains and makes optimum use of vantage view points and features of historical, architectural or archaeological interest.**

**A landscaping scheme, a planting schedule and maintenance programme, in line with the MEPA Guidelines on Trees, Shrubs and Plants for Planting and Landscaping in the Maltese Islands, indicating the details of the hard and soft landscaped areas, and the outdoor public**

**amenity and play spaces, should be submitted and approved. The scheme should promote biodiversity, create new habitats, especially for protected species, and give particular attention to the site edges and ridges.**

**Details of elevations, texture, colour and materials of buildings should contribute to the attractiveness of the character and appearance of the residential neighbourhood as a whole, ensure that the various buildings and spaces are visually compatible with each other and the project provides the highest quality in architectural form and details. The project should utilize construction technology which minimizes the use of energy, and water, facilitates maintenance and includes proposals for waste management and recycling, run-off reduction and collection, and heat recovery systems. The reuse and recycling of materials for construction should be maximized.**

**Detailed designs of the necessary infrastructure (vehicular and pedestrian routes, electricity, water, foul and storm-water sewers, telecommunications and street lighting) have to be submitted and approved for the whole site as part of the comprehensive master plan and development phasing programme. The development should not adversely affect the capability of the local public infrastructure to meet the demands of the locality.**

18.2.19 This policy seeks the redevelopment into a residential neighbourhood of the Mistra Village Tourist Complex which was closed down in 2004 and currently lays disused following removal of furniture, internal fittings, and apertures. The site covered by this policy has an area of 4.07ha and lies on sloping terrain on the fringe of Xemxija with views over Xemxija Bay towards St. Paul's Bay Village to the east and over the large terraced Mistra Valley towards Selmun to the north.

18.2.20 The 1980s "hilltop village" design of the tourist complex characterized by low density (only 26% of the site is covered by buildings), low lying two-three storey buildings amongst mature landscaping, and its' pedestrian organic layout are the dominant features of the existing development. This is rather marred by the incongruous design of the earlier building known as the *Dura* Block inappropriately located on the face of the small cliff, exacerbated by the adjacent sports facilities' building and tennis courts. The site is bordered by Triq Vitale and Triq il-Fuhhar on its western and southern perimeters. Triq Raddet ir-Roti, which gives access to Xemxija from the arterial road, passes through the site along the eastern side.

18.2.21 Following the development during the 1980s and 1990s, the most significant proposal on the site was made, and given the green light, in 1997 when the owners requested to demolish the *Dura* Block and replace it with a 102-bed hotel. This project was never implemented and the whole complex was eventually closed down and the site sold off. In early 2004 discussions were initiated between the developer and MEPA to redevelop the site for residential use with retail, leisure and a business centre. MEPA accepted the principle of comprehensive redevelopment and the adoption of the Floor Area Ratio (FAR) for the site and Terms of Reference for an Environmental Impact Assessment were issued. However, in late 2004 an outline development application was submitted which included 800 residential units of around 150sqm each, with car parking and only a limited number of local shops.

18.2.22 This policy provides the criteria which will be used by MEPA in the assessment of any pending or new development application on the site. The criteria establish broad objectives and principles and set firm parameters which should be followed by the developer in the formulation of the Master Plan. The layout should particularly provide for travel by foot, cycle and access for all. Vehicular routes through the site should not be more than what is required to adequately and safely service the proposed land uses and should seek to minimize the presence and intrusion of the car.

18.2.23 To facilitate the use of the Floor Area Ratio, the policy clearly identifies the Developable Site Area (set at 30,500sqm, and the allowable Gross Developable Floor space (set at 145,000 sqm). These values reflect, in general, the site coverage of 75% with the building height limitation for the urban settlement of Xemxija ie four floors plus overlying penthouse.

## 18.3 Burmarrad

### Introduction

- 18.3.1 Burmarrad is an urban settlement on the road from Mosta to St. Paul's Bay. The settlement is basically a stretch of 700m of residential development with an element of business activity along Triq Burmarrad. Over the recent past a number of relatively large showrooms have been granted development permissions but some are still in shell form and unutilised. A good proportion of the land zoned for development in 1988 remained unbuilt (1998 land availability survey data).
- 18.3.2 At peak hours, vehicle congestion at Burmarrad is a frequent occurrence, caused by commercial activities, parked cars and vehicles negotiating into or out of the main road. Additional industrial and commercial development on the outskirts of the village also generates traffic problems.
- 18.3.3 The main planning issues in Burmarrad can be summarised as follows:
- proliferation of large scale commercial uses on the main road;
  - expansion of industrial and commercial uses on the outskirts of the village;
  - negative impacts on residential amenity from industrial activity;
  - traffic issues related to hazardous parking, inappropriate access points, and vehicular/pedestrian conflicts.

### Land Designations

- 18.3.4 The Local Plan has designated a Local Centre and a Residential Area in Burmarrad. The boundaries of these land designations are shown on Map 45 and are covered by General Policies NWCM 2 (Local Centre), and NWUS 3 (Residential Area), which relate to the zones as a whole.

### Policy

#### NWSP 26

#### Area of Mixed Uses

**In line with general policy NWCM 8 - Areas of Containment, MEPA will favourably consider development (new development, extensions and changes of use) on the site indicated on Map 45, as further detailed on Map 45A, provided that:**

- A comprehensive scheme is submitted preferably for the whole site. MEPA will consider piecemeal development for sites A, B and C, only as indicated on Map 45A;**
- Any built structures are preferably located as indicated on Map 45A, do not, generally, exceed a height of one floor, and do not create more than 4,200 sqm of floor space above ground level distributed as follows: Site A – 2,500sqm; Site B – 1,300 sqm, Site C – 400sqm;**
- The land uses within the built structures may include a mix of the following: vehicle repairs and maintenance, storage, and showrooms as main uses, and retail and administrative offices as an ancillary facility to the main uses, provided adequate safety and mitigation measures, as identified by MEPA, for the industrial uses are included. New residential units will not be allowed but those covered by development permission**

- may be retained as part of the comprehensive schemes required under (i) and thresholds identified under (ii) are not exceeded;
- (iv) **The design of the buildings must take into account the rural context of the site and seek to minimise impacts on long distance views but innovative utilisation of modern materials will be favourably considered;**
  - (v) **A landscaped green belt is included as indicated on Map 45A with a minimum width of 5m, thickening at the southern tip of the site, as part of a landscaping scheme for the site. Any solid boundary walls enclosing this green belt should not be higher than 1.20m;**
  - (vi) **Landscaped car parks preferably located as indicated on Map 45A to accommodate parking requirements for visitors and employees generated by the different uses according to established parking standards;**
  - (vii) **Open yards for the storage of heavy vehicles are preferably located as indicated on Map 45A and are to be well screened from views on the approach road and from views from the nearby urban and rural settlements;**
  - (viii) **The current design of the junction between Triq Qannotta and Triq Burmarrad is reviewed as part of the overall scheme or as part of the scheme for Site C with the aim to safeguard existing mature trees, minimise take-up of agricultural land and achieve a suitable and safe access to Site C. The site zoned as a green area in the 1988 Temporary Provisions Scheme may be incorporated within the redesigned junction;**
  - (ix) **The design of the access to Sites A and B is safe and takes into account the status of Burmarrad Road. No direct access to buildings with a frontage onto Burmarrad Road will be allowed;**
  - (x) **The current yard for heavy vehicles located opposite the Site A to the east is closed down and the site rehabilitated for agricultural use;**
  - (xi) **Developers would be required to fund, in proportion to the land holdings, the implementation of the re-designed junction indicated on Map 45A as planning gain.**

18.3.5 This area (17,330sqm), located on Burmarrad road, to the north of the village of Burmarrad, has undergone an incremental transformation over an extended period of time from a rural area with a few farms to a fully fledged, predominantly commercial area. The predominant activities are a yard for heavy vehicles together with ancillary vehicles' maintenance and small-scale retail, a building materials contractor yard and garages for vehicle repairs and maintenance. A poultry farm, a remnant of the original uses, is still operating on the site and at least three residential units are also located within the site boundary. The storage for heavy vehicles has also spread across Burmarrad Road into the open countryside. Besides the visual eyesore created by the parked heavy vehicles, cars and car parts stacked even on the roofs of the buildings and dominant boundary walls, a serious traffic hazard has been created with direct accesses into the yards from the distributor road and display of vehicles for sale throughout most of the property frontage on Burmarrad Road.

18.3.6 The case history of the site, up to July 2003, revealed a complex situation of permissions dating back from 1965 related to agricultural activities, garages and boundary walls, residential blocks with ground floor industrial garages, to the most recent decision by the Planning Appeals Board in June 2003 to allow one residential unit on top of a two-storey commercial building. Additionally a considerable number of enforcement notices dating from 1996 related to changes of use to industrial, retail and office uses, excavation works and construction of new buildings for warehouses and commercial garages, have been issued on the site.

18.3.7 Following the publication of the Plan, which had not made any proposals for the area, submissions were made by the public on the need for the Plan to address the situation of this site. This policy acknowledges the current status of the site for a range of mixed uses, dominated by display of goods (vehicles), storage (heavy vehicles), and industrial (vehicle

repairs and maintenance) with ancillary retail and office uses. It seeks to address the adverse impacts which the current situation has created i.e.

- (i) Traffic hazards;
- (ii) Visual impacts;
- (iii) Uncontrolled expansion of industrial uses onto agricultural land;

by requiring comprehensive development schemes for the whole site, or large portions of it; restricting the development to the defined footprint; restricting the scale of activities (the thresholds in the policy reflect the current permitted floor space in the built structures); requiring a landscaping scheme, car-parking provision, safe access points, the rehabilitation of a site on the other side of Burmarrad Road; and planning gain for the implementation of mitigation measures.

- 18.3.8 MEPA prefers a comprehensive scheme for the redevelopment of the whole or of the portions identified in MAP 45A but proposals which retain, reuse and improve the existing buildings will also be considered provided the criteria set out by this policy are still complied with. The policy does not consider that residential units are compatible with the predominantly industrial and commercial character of the site and such uses are not to be included in any comprehensive redevelopment scheme for the area identified by the policy. However, should the developers opt to retain the existing buildings, as part of the comprehensive schemes, only the residential units permitted under planning applications PA 2153/97, PA 4781/98 and PA 5146/99, will be accepted, provided the residential floor space forms part of the thresholds in criterion (ii) of the policy.

## 18.4. Salina

### Introduction

18.4.1 The urban settlement of Salina, zoned for development as “terraced houses” within the Temporary Provisions Scheme of 1988, has largely developed, in a short span of time, into a second holiday home accommodation area close to a major hotel surrounded by open countryside, making it subject to development pressures. Another small urban area to the south is zoned for villa development and also contains a small tourist accommodation facility. Salina Bay is known for its archaeological importance and also as a former Roman port. Any development proposals in this area must incorporate prior investigation and safeguarding of any important archaeological remains as stipulated in policy NWCO 5 of this Plan, even if located within the development zone. There are few permanent residents and the lack of facilities in the area makes residents dependent on car transport.

18.4.2 The main planning issues in Salina can be summarised as follows:

- Threat to archaeological remains from development;
- Lack of basic provision of facilities to support the community;
- Demand for allocation of more land for development.

### Land Designations

18.4.3 The Local Plan has designated a Residential Area in Salina covering the two urban areas adjacent to the Coastline Hotel and the area on the road to Naxxar. The boundaries of these land designations are shown on Map 47 and are covered by General Policy NWUS 3 (Residential Area), which relates to the zone as a whole. The designation implies that a wider range of uses will be accepted in the area previously zoned for villas in the Temporary Provisions Scheme of 1988, but the Development Control Policy and Design Guidance 2005 will still control the design of the buildings.

### Policies

#### NWSP 27

#### Salina Archaeological Site

**The site indicated on Map 47 is being safeguarded from development due to its potential as a site of archaeological importance. In the eventuality that detailed investigations carried out, within the Local Plan period, by MEPA or by the private sector under MEPA’s supervision reveal that the remains are insignificant, the sites subject to a development application shall be released for development in accordance with General Policy NWUS 3 for Residential Areas and with a building height of three floors plus six courses semi-basement.**

18.4.4 Most of this site was zoned for terraced houses within the limits to development in the Temporary Provisions Scheme of 1988. In 2003 the Superintendence of Cultural Heritage indicated that the area is well known for a number of unique early Christian catacombs and the protection of such features in this area must be accorded high priority in conformity to their cultural significance. The Superintendence recommended that the Development Zone be modified to protect the archaeological resources of the area. As only a small part of the site has actually been scheduled, this policy permits further investigations and proper recording of



any remains located on the site by protecting it from further development and then allows development only after such surveys have been implemented with negative results. Should the investigations reveal only insignificant remains, the inclusion of a suitable turning circle at the end of Triq Francisco Ximenes should be considered.

## 19. Naxxar Area Policies

### 19.1 Introduction

- 19.1.1 The north western rural countryside and the area known as Ta' Alla w Ommu is included (as indicated on Map 49) in the North West Local Plan area in order to protect the countryside in accordance with the General Policies (Section 1) of this Local Plan.
- 19.1.2 The "Maghtab area" to the east of Ta' Alla w Ommu Road is not included in this local plan. (Refer to Central Malta Local Plan).
- 19.1.3 Ta' Alla w Ommu lies within the broad plain of Ghajn Rihana overlooked on the south by the steep, rocky Victoria Lines escarpment and the prominent knoll crowned by Mosta Fort. The Victoria Lines escarpment is straight, steep and rocky, interrupted by Mosta Fort, with its clutter of military buildings and rocky *wied* which curves round the fort. Very conspicuous is the large quarry complex cut into the escarpment beside the *wied* with its large industrial buildings, spoil heaps, noise and dust. The urban edge of Naxxar is visible above the escarpment and quarry. The plain itself is a pattern of small fields, with walls and a mixture of agricultural land and industrial buildings.
- 19.1.4 The area covered by the Policy (as indicated on Map 50) covers approximately 66.7ha, containing several predominant land uses which, notwithstanding their size, display different characteristics and therefore as such, require a different consideration in policy formulation.
- 19.1.5 Agricultural land will continue, where practical, to be protected in accordance with Local Plan practice (Refer to Section 1, Policy NWAG 1). An area of land on the northern boundary is subject to constraint imposed by a contractual agreement between the government and the owner, which stipulates the obligation of putting back the land to its original state and fit for agricultural use.
- 19.1.6 The proposed Area Policy promotes a flexible approach towards the planning of the area. It entails the inclusion of a number of policies in the Local Plan aimed at achieving the main objectives of environmental enhancement and more efficient use of the land available, and within the context of a broad land use framework for the area without being overly site specific or prescriptive. It addresses the SMEs Site Selection exercise and also provides the framework for the processing of development applications.

### 19.2 Strategy

- 19.2.1 Overall Goal - To improve the quality of all aspects of the environment within the policy area; including the redevelopment/enhancement of existing industry, reclamation of disused quarry working, encouragement to attain a more economic use of land; and for the enhancement of the overall landscape. In particular the plan seeks, as a long-term strategy, to provide a continuous landscaped amenity area to link the valley on the western boundary to the protected areas of ecological value on the eastern boundary of the policy plan area.

## 19.3 Policies

### NWNA 1

### Quarries to be Restored

#### Wied Filep Hardstone Quarry (23)

MEPA will require a restoration scheme for Wied Filep Hardstone Quarry (23), as illustrated on Map 50, in accordance with the Code of Practice for Quarry Workings and Restoration, set out in Appendix 3 of the Supplementary Document to the Minerals Subject Plan.

The proposed after use of the quarry shall be for amenity/nature conservation purposes.

The quarry is located within a major geomorphological feature that qualifies for Grade 1 protection under the provisions of the Structure Plan and further exploitable mineral resources will not be permitted.

#### Wied Filep Hardstone Quarry (15)

The operator shall submit a comprehensive plan for the phased restoration for Wied Filep Hardstone Quarry (15), as indicated on Map 50, in accordance with the Code of Practice for Quarry Workings and Restoration, set out in Appendix 3 of the Supplementary Document to the Minerals Subject Plan.

The restoration programme shall involve the relocation of existing buildings/structures and industrial processes to land located to the north of the quarry, and shall have regard to and be in accordance with the requirements of Policy NWNA 10.

The proposed after use of the quarry shall be for amenity / nature conservation purposes.

#### Wied Filep Hardstone Quarry (22)

Wied Filep Hardstone Quarry (22) will remain in operation beyond the Local Plan period and MEPA will ensure landscaping, mitigation measures and reclamation schemes are submitted by the operator to ensure the minimisation of environmental impacts.

19.3.1 The disused Wied Filep Hardstone Quarry (23) of 4.33ha is a valuable land resource. It is situated within an important geomorphologic feature, and this policy seeks to achieve the restoration, after care, and after use of the area.

19.3.2 This policy also seeks to achieve the enhancement of Wied Filep Hardstone Quarry (15) of 8.04ha through a programme of restoration, after care and after use in order to mitigate the adverse visual impact on the area. The restoration schemes for both quarries 15 and 23 should seek to:

- Re-establish, as much as technically possible, the distinctive landform of the T'Alla w Ommu escarpment into which the quarries have been cut;
- Integrate, in terms of landscape character, the restored site with the immediately adjacent areas;
- Visually link the valley on the western boundary of the policy area with the Protected Area and Cart Ruts located on the eastern boundary;
- Soften the urban edge of San Pawl tat-Targa through structural landscaping and afforestation.

The schemes should take into account the designation of the Area of High Landscape Value, the protected areas adjacent to the eastern and southern boundaries, and the scheduled structures in the vicinity. The planned after use of the site is to be for amenity/nature conservation purposes and should include managed public access, facilities for enhanced appreciation of the historic structures, and creation of habitats and their appreciation. A long-

term management plan for the site shall be established following completion of the aftercare period (Refer to Policy NWNA 5).

- 19.3.3 The restoration of Quarry 15 is to take into account the relocation of the existing buildings and structures to an adjacent area located to the north of the quarry and identified under Policy NWNA 10.
- 19.3.4 Wied Filep Hardstone Quarry (22) (existing benches) of 8.6ha will continue to be worked during the local plan period and the operator must submit together with the annual permit application for the renewal of workings, a scheme indicating landscaping, mitigation and reclamation proposals to ensure negative impacts are minimised. Bunding and landscaping can reduce unsightly views, and plant machinery can be located to minimise noise and dust. Derelict areas are to be restored by a phased restoration programme.

## NWNA 2

### Scheduled Buildings and Areas of Ecological Importance

**The Structure Plan, and Local Plan, extends the protection afforded to Listed Buildings and Areas of Ecological Importance in the area as shown on Map 50A. The buildings are to be preserved in their entirety, the setting to be enhanced and where required, all illegal structures/buildings, accretions will be removed, original structures made good and advice given on identifying sites for the relocation of existing inappropriate/illegal uses, which will be demolished and the sites restored.**

- 19.3.5 Although few in number, the built heritage of the policy area illustrates important periods of history. This policy proposes the protection and revitalisation of the following structures:-
1. R-15 Defence Post (Scheduled Grade 2)
  2. Cart-ruts and buffer zone (Scheduled A.A.I)
  3. Niche (Scheduled Grade 2)
  4. Remains of parish cross (scheduled Grade 2)
  5. St. Catherine's Chapel
  6. Plague Cemetery
  7. Naxxar Entrenchments (Scheduled Grade 1)
- 19.3.6 Ecology and Archaeology - Areas of Ecological and Archaeological Importance are scheduled to regulate their conservation in accordance with Structure Plan Policy, Section 46 of the Development Planning Act 1992, and Local Plan Policies.

## NWNA 3

### Great Fault Escarpment

**Within Policy Area NWNA 3, indicated on Map 50, no development will be permitted and access limited except for necessary rehabilitation works and to enhance the educational uses of the area without damaging the fault escarpment.**

- 19.3.7 The Great Fault Escarpment and Victoria Lines will continue to be protected and the recently exposed *slicken-sided* fault on the escarpment is a geological feature worthy of protection. Human intervention will be kept to the barest minimum and management by a government agency will be encouraged.

## NWNA 4

## Wied il-Ghasel Valley

**MEPA will initiate the preparation of a plan for the restoration and maintenance of Wied il-Ghasel Valley, as illustrated on Map 50. Funding for this work will be achieved through planning obligations entered into by applicants for development permits within the policies laid down for industrial and commercial development.**

19.3.8 The valley (AEI Level 4) has been subjected to severe degradation caused by run-off of quarry material, dumping of quarry debris, air-borne dust, off-roading and rubbish dumping. However, the valley supports several rare species of flora and MEPA will seek to initiate enhancement of the valley through the preparation of a restoration and maintenance plan. This plan is to complement and link with the restoration scheme for Wied Filep Quarry (23) adjacent to the eastern boundary. Provision will also be made for public access in the form of a continuous walkway link with the restored quarries and the protected areas on the eastern boundary of the policy plan area.

## NWNA 5

## Landscape

**MEPA will initiate, in conjunction with the Department of Agriculture, owners and developers, enhancement schemes for the planting of appropriate species of trees within the overall policy area. Particular attention will be given to areas adjacent to the main distributor; access roads and periphery boundaries of the policy plan area in order to provide a screen to visually unattractive areas. Special emphasis shall be given to the provision of a Buffer Zone located on the south western boundary and the north western boundary of policy area NWNA 7 in order to protect the Wied il-Ghasel Valley restoration scheme (Refer to Policy NWNA 4) and to mitigate the visual impact of the proposed development.**

**A management and maintenance plan shall be agreed and funded by planning obligations entered into by applicants submitting applications for development permits, (Refer to Policy NWNA 1, Policy NWNA 7, Policy NWNA 8, and Policy NWNA 10).**

19.3.9 The restoration of disused/exhausted quarries provide a valuable opportunity for strategic landscape planting. This policy seeks to achieve, by the provision of extensive landscaping, an overall enhancement of the amenity of the policy area. A long term management and maintenance plan for the various restored quarries and landscaped areas shall be established and funded by planning obligations entered into by applicants for development permits within the polices laid down for development within the plan area.

19.3.10 Landscape renewal, particularly tree planting, clearance of rubbish and eyesores, should be carried out. Restoration and identification of after uses including tree planting alongside roads and the quarried areas would also make a significant contribution to the enhancement of the environment.

## NWNA 6

## Buffer Zone

**MEPA will maintain a buffer zone, as indicated on Map 50, of at least 100m between the Wied Filep (15) and Wied Filep (22) Quarry Sites and the Residential Priority Area of Naxxar (Refer to the Central Malta Local Plan).**

19.3.11 The Wied Filep Quarry sites abut the protected areas of the Great Fault Escarpment and Victoria Lines (Entrenchments). Therefore a 100m buffer zone is designated within the Local Plan area, in order to safeguard the amenity of these areas and reduce conflict between incompatible land uses.

Permission may be given within the designated area of Policy NWNA 7, as illustrated on Map 50, for the following development proposals falling within

- (a) Class 11 (Business and Light Industry);
- (b) Class 12 (General Industry);
- (c) Class 17 (Storage and Distribution); and
- (d) Class 19 (Boatyards)

as defined by the Development Planning (Use Classes) Order 1994, as amended, subject to the following criteria: -

- i. The submission and approval of a comprehensive plan or conceptual scheme, for the whole of the land within the applicants' ownership, covered by the designation of this policy, including details of access;
- ii. A maximum site coverage of 60% (excluding common facilities);
- iii. Building heights shall not exceed one floor, subject to Development Control Policy and Design Guidance 2005 conditions on height of industrial buildings;
- iv. The provision of off-street operational and visitors car parking in accordance with the Structure Plan Explanatory Memorandum Guidelines;
- v. Details of water supply, drainage and sewage disposal arrangements, including trade effluent and refuse disposal, shall be submitted with any application and approved;
- vi. A landscape scheme is submitted and approved with any development application and shall include a landscaped buffer zone of a minimum of 30m adjacent to the south western and north western boundaries in order to mitigate the visual impact of the existing and any proposed development. The scheme shall be implemented in its entirety within the first planting season and thereafter maintained;
- vii. A management plan for the proposed development together with details of implementation and, if appropriate, a phasing programme.

Landowners and applicants shall be required when submitting development planning applications, and where appropriate, retrospective applications, to enter into a planning obligation to carry out works to (or to otherwise) provide wider environmental benefits, where the Authority considers this to be in the interests of the proper planning of the area.

**This policy is subject to endorsement by the Structure Plan Review.**

19.3.12 An area of land (11.73ha) has been identified for general industry, storage, distribution and boatyard purposes within the plan area. Proposals will be subject to the preparation and approval of comprehensive plans for the whole of the applicants' ownership within of the designated area. Encouragement will be given to the:

- i. Enhancement of existing industrial sites with measures taken to mitigate the impact on the amenity of the area;
- ii. Relocation of service industry from residential areas that have created an impact on the local amenity;
- iii. The development of storage and distribution (warehousing) facilities, particularly those requiring large strategic distribution depots, where access for large vehicles and parking is required. The provision of service roads will be given high priority, in particular adjacent to the main road on the north eastern boundary of the site, in order to avoid individual access and egress, and

- iv. The development of existing and new boatyards, particularly for the purpose of storing boats (Refer to Structure Plan para. 13.29), which could help mitigate pressure on the coastline/foreshore.

19.3.13 In the interests of the proper planning of the area the Authority shall require a planning obligation to be entered into for a contribution to be made from all developers towards the cost of enhancement schemes. These enhancement schemes shall include the restoration of the valley on the western boundary of the site, which has become seriously degraded by neglect, and the dumping of rubbish, and structural landscape planting to enhance the visual character of the area. This policy is subject to endorsement of the Structure Plan Review.

## **NWNA 8**

## **Micro-Enterprise Park**

**An area of land is designated for a Micro-Enterprise Park (SME) as indicated on Map 50, for development proposals falling within Classes 11-17 and 19 as defined by the Development Planning (Use Classes) Order 1994, as amended, and in compliance with S.M.E's (Micro Enterprise Site Selection Exercise) approved by MEPA (as amended from time to time). Buildings shall not exceed one floor in height, subject to Development Control Policy and Design Guidance 2005 conditions on height of industrial buildings.**

**The submission of an application must contain:**

- i. **An overall landscape scheme, which includes a buffer zone adjacent to the southern eastern boundary, in order to mitigate the visual impact of the proposed development. Such landscape scheme shall be implemented in its entirety within the first planting season and thereafter maintained; and**
- ii. **Improvements to the public road leading to the site and to its junction with Ta' Alla w Ommu Hill, to a standard approved by the Malta Transport Authority and suitable for vehicles using the Micro-Enterprise Park.**

19.3.14 The site (4.0 ha) was identified as a Strategic Site for S.M.E (Micro Enterprises) by the site selection exercise of 2004 and will be released following the approval of the S.M.E's (Micro Enterprise Site Selection Exercise) and a partial review of the Structure Plan. The Local Plan endorses this designation provided the SME's Exercise is approved as part of the Partial Structure Plan Review.

## **NWNA 9**

## **Containment of Existing and Industrial Uses**

**The site, as illustrated on Map 50, is identified for containment of existing uses. Development of built structures, whether new or, as extensions which increase the built footprint to existing buildings, will not be permitted on this site.**

**MEPA will give favourable consideration to the enhancement without physical extensions to the built footprint of the following:**

- i. **Residential -;**
- ii. **Wedding Hall –**
- iii. **Kennels –;**
- iv. **Agriculture -**

**A change of use of existing buildings or the redevelopment to Class 11, Business and Light Industry, as defined by the Development Planning (Use Class) Order 1994, as amended, may be permitted. A landscape scheme shall be submitted and approved with any**

**permit application, which shall be implemented in its entirety within the first planting season and thereafter maintained.**

**All developments to be subject to the following criteria:**

- i. The design, scale and character of buildings to have regard to adjacent land users in order to mitigate against adverse impact on the amenity, and shall not exceed two floors in height;**
- ii. The design of any additional access and/or parking provision to be in accordance with established parking standards; but no new direct access will be permitted with the Naxxar to Salina local access road.**

**MEPA will continue to take appropriate action and seek the removal of all illegal structures within the plan area in order to achieve a satisfactory environment.**

19.3.15 The objective of this policy, on land (3.92ha) located adjacent to the eastern boundary of the policy area, is to contain and where practical, to enhance existing uses. However, provision is also made for a change of use of buildings or their redevelopment to Business and Light Industrial Use (Class 11), provided that the design, scale and character of buildings have regard to adjacent land users in order to mitigate against impact on the amenity and shall not exceed two floors in height. The existing uses have evolved over a period of time and are subject to adverse extraneous environmental degradation. The extensive quarrying and manufacture of associated by-products coupled with heavy vehicle movement along the southern boundary access road has compounded the problem. The former agricultural land adjacent to the northwest boundary is subject to change to industrial use and although mitigation measures will be taken to reduce any adverse impact, only limited improvement may be achieved.

## **NWNA 10**

## **Obnoxious Industry**

**An area of land illustrated on Map 50, is allocated for Obnoxious Industry including the storage, distribution and processing of minerals subject to the following criteria:**

- (i) The design, scale and character of buildings shall have regard to adjacent land users in order to mitigate adverse impact, and shall not exceed the minimum height required for operational needs;**
- (ii) A landscape scheme is submitted and approved with any development application to mitigate visual impact of the existing and proposed development, especially on the south western boundary of the site adjacent to Wied Il-Ghasel Valley an the eastern boundary adjacent to the zone of mixed use, and shall be implemented in its entirety within the first planting season and thereafter maintained;**
- (iii) The design of any additional access and/or parking provision shall be in accordance with established parking standards.**

**Landowners and applicants shall be required when submitting development applications to enter into a planning obligation to carry out works to (or to otherwise) provide wider environmental benefits where the Authority considers this to be in the interests of the proper planning of the area.**

19.3.16 This policy seeks to rationalise the existing extraction and related industry of block manufacturing and the indiscriminate deposit of spoil heaps without compromising continuing enforcement action on illegal development by allocating an area of land (6.4ha) for this development with conditions requiring an improvement in design and external



environment. This policy shall have regard to the Phase 2 restoration programme which will involve the relocation of the existing buildings/structural and industrial processes currently located on Wied Filep Quarry (15) located to the south and to which Policy Nwana 1 applies. This policy is subject to endorsement of the Structure Plan Review.

## **NWNA 11**

## **Highway Improvements**

**MEPA in conjunction with the Malta Transport Authority (ADT) will encourage the improvement of standards of visibility and junction design on existing and new access points to the highway arising from redevelopment within the policy plan area.**

**Additionally, a climbing lane and footway at the T'Alla w Ommu hairpin bends as illustrated on Area Policy Map 50, shall be constructed.**

19.3. 17 This plan seeks to improve road safety, which will be affected by the amount and type of new development in the area such as the Micro Enterprise Park (SME). Hidden access points, sudden carriageway narrowing and poor levels of maintenance are elements, which particularly characterise the area and contribute to road accidents. It is intended that this policy would contribute towards the removal of some of these hazards and give clear warnings of the existence of others. This would contribute to the overall improvement of the road network in the area, which has recently been upgraded by the addition of a new roundabout and associated road works on the Naxxar to Mosta distributor road north of the pumping station at Wied il-Ghasel. These works will ensure appropriate use of the existing road space with the channelling of traffic, and clear indication of priorities and directions.

## 20. Mgarr Area Policies

Area: 16.12 Km<sup>2</sup>

Population: 2,860 (by Local Council in 2003)

- 20.0.1 The Local Council Boundary of Mgarr includes the two main urban settlements of Mgarr and Zebbiegh surrounded by countryside of high landscape, agricultural, archaeological and ecological value. A number of hamlets and rural settlements of varying size and characteristics are dispersed throughout the countryside and form an integral part of the rural environment of the area. The western perimeter of the council is made up of a stretch of dramatic coastal cliffs and contains two sandy beaches, which attract large numbers of visitors, especially during the summer season. Policies in this chapter address the urban settlements of Mgarr and Zebbiegh and the coastal zones of Gnejna Bay and Ghajn Tuffieha.

### 20.1 Mgarr

#### Introduction

- 20.1.1 Mgarr is the larger urban settlement located within the boundaries of Mgarr Local Council. It is predominantly residential in character but has a thriving business centre focused around the main church. Over the years, industrial activity mainly related to vehicle repairs and storage has increased considerably and is now having a deleterious impact on the environmental quality and character of the village.
- 20.1.2 The village serves a dual role of a service centre, especially for convenience shopping, for the local communities of Mgarr and Zebbiegh and the surrounding rural hamlets and also as a focal point for the visitors to the countryside and the coast to the west, especially during weekends. One particular restaurant in the main square of Mgarr attracts customers from across the island and the playground in the same square also attracts visitors from the larger urban areas.
- 20.1.3 The square fronting the church at Mgarr has a unique character as it is dominated by the church but is enclosed by other buildings only on three sides with the fourth side open to the surrounding countryside offering enjoyable views. This view is compromised by the location of a kerbside petrol station, which is seeking to expand, and a scrapyard located behind the playground.
- 20.1.4 The immediate countryside around Mgarr contains archaeological remains of considerable importance such as Ta' Hagrah which could serve as a major attraction if well preserved and adequately presented to the visitor. This could create conflicts with the residential area and any scheme to enhance the attractiveness of these heritage sites should be well managed to minimise impacts on the village.
- 20.1.5 The limits to development drawn around the village in 1988, especially the eastern boundary has created an irregular urban fringe and raised issues of interpretation of this boundary. It is important that development on this side of the village is controlled as it encroaches onto an open space which separates Mgarr from Zebbiegh which should be protected.
- 20.1.6 The main planning issues affecting Mgarr can be summarised as:
- enhancement of village square to retain attractiveness of the commercial centre;
  - protection of the residential character of the village;

- protection of community facilities and open spaces;
- allocation of land for industrial uses;
- relocation of a scrapyard and petrol pumps to a more appropriate location;
- protection and enhancement of the settings of the ancient temples
- protection of the strategic landscape settings of the village;
- rationalise the eastern settlement boundary.

## Land Designations

20.1.7 The Local Plan has designated a Local Centre within the village core of Mgarr, and a Residential Area covering the remaining parts of the urban settlement. The Local Plan has also designated a Micro Enterprise Park on the periphery of Mgarr. The boundaries of these land designations are shown on Maps 51 and 51A and are covered by General Policies NWCM 2 (Local Centre), NWUS 3 (Residential Area), and NWCM 4 (Micro Enterprise Park), which relate to the zones as a whole. In support of these land designations the Local Plan seeks to manage town centre traffic through General Policy NWTR 3.

## Policies

### NWVG 1 Interpretation Facilities for Heritage Sites

**The site indicated on Map 51 is being allocated for the development of those facilities which enhance the interpretation and appreciation of the Ta' Hagraat Temples Site of Archaeological Importance (Mgarr).**

**The site indicated on Map 53 is being allocated for the development of those facilities which enhance the interpretation and appreciation of the Ta' Skorba Temples Site of Archaeological Importance (Zebbiegh) to the west and the scattered archaeological remains to the east.**

**Any new structure must be sensitively designed and must respect the integrity of the Class A scheduled monument and its surroundings as determined by the heritage management plan for the sites to be prepared by Heritage Malta in conjunction with MEPA and any other appropriate Government agency. (Refer to Policy NWCO 7).**

20.1.8 The appreciation of Maltese heritage has to be supported by providing ancillary facilities which enhance their value and settings. The present setting of the Ta' Hagraat Temples is far from ideal and the allocation of this site for interpretation facilities, landscaping and a small car-park starts to address the issue. The industrial activity to the west discourages visitors and undermines the heritage value of the temple. This site will act as a buffer to the industrial area and screen the visual intrusion caused by vehicles and scrap metal, in the interim period to its relocation.

20.1.9 The present setting of the Ta' Skorba Temples is far from ideal - although in a much better situation than the Ta' Hagraat Temples in Mgarr - and the allocation of this site for interpretation facilities, landscaping and a small car-park can improve the appreciation of the archaeological remains.

### NWVG 2 Protected Urban Spaces

**The sites indicated on Map 51 are being protected from development. The existing trees on the sites are also being protected and should not be adversely affected by development in their vicinity, especially development intended to give access to the properties fronting parts of the**

**sites such as ramps, paved areas or staircases. Should the trees become damaged through such developments, they must be replaced at the developer's expense.**

20.1.10 These sites contain a row of mature trees which give character and identity to the area and enhance the urban environment and thus should be retained. As the sites give access to a number of properties, it must be ensured that development related to these properties does not have an adverse impact. The sites can be upgraded through appropriate location of street furniture to enhance the quality of the same areas and increase their value as a public space.

## 20.2 Zebbiegh

### Introduction

- 20.2.1 Zebbiegh is a smaller settlement a few hundred metres away from Mgarr. It is characterised by the older part of the village to the east, with dwellings dispersed over a larger area giving low densities and substantial infill vacant land, and the Government housing to the west made up of terraced houses and flats. A small centre of shops linked with a football ground and a children's play area give identity to the estate.
- 20.2.2 The problem of an irregular urban fringe mentioned in the case of Mgarr, is more acute for Zebbiegh due to the dispersal of buildings described above. The settlement boundary drawn in 1988 created pockets of land which are difficult to develop and left clusters of buildings outside the development zone.
- 20.2.3 The wedge of land between the housing estate and the older part of Zebbiegh contains important archaeological remains including Skorba Temples which must be protected from development. This implies that the urban form of Zebbiegh is likely to retain its existing pattern and it is extremely difficult to integrate the two parts of the village without taking up a substantial amount of land. This is even more undesirable since there is still adequate vacant land within the development boundaries to accommodate demand for new dwellings.
- 20.2.4 A summary of the main planning issues in Zebbiegh is:
- the need to strengthen community identity;
  - protection of residential character;
  - more efficient use of vacant sites within development boundaries;
  - clearer definition of the urban fringe;
  - protection and enhancement of heritage sites.

### Land Designations

- 20.2.5 The Local Plan has designated a Local Centre and a Residential Area in Zebbiegh. The boundaries of these land designations are shown on Map 53 and are covered by General Policies NWCM 2 (Local Centre), and NWUS 3 (Residential Area), which relate to the zones as a whole. In support of these land designations the Local Plan seeks to manage the centre of Zebbiegh traffic through General Policy NWTR 3.

### Policies

#### NWVG 3

#### Efficient Use of Land

**MEPA will support development proposals in Zebbiegh, which make more efficient use of land by opening up land-locked sites within blocks, especially to the east of the village. The land-uses identified in General Policy NWUS 3 and the height limitations indicated on Map 54 and by General Policy NWUS 5 will apply to land-locked sites, which become available for development. Existing development control guidance for such sites should also be applied.**

- 20.2.6 This issue at Zebbiegh is a consequence of the methods adopted to draw the limit to development boundaries in 1988. This policy is intended to implement the overall goal of the Structure Plan to make more efficient use of land for a specific location. It is also in line

with the approach adopted by the Development Control Policy and Design Guidance 2005 regarding internal residential development.

## **NWVG 4**

## **Sports and Recreation**

**The site indicated on Map 53 is being safeguarded for sports and recreation uses. Only developments which enhance the use of the site for sports and recreation will be allowed, provided they do not have an adverse impact on the neighbouring residential area through excessive scale, noise, visual intrusion and traffic generation. No commercial development will be permitted and strict control of advertisements will be adopted.**

20.2.7 This site is already developed as a football ground and other sports facilities. A small part is also landscaped and some street furniture has been placed by the Local Council. Applications for more buildings as ancillary facilities have also been submitted. This policy firstly ensures that the use of the land remains for sports and recreation for the whole of the Local Plan period and also protects the residential area from any adverse impacts created by additional development, even if related to the sports use.

## 20.3 Gnejna Bay

### Introduction

- 20.3.1 Gnejna Bay is an enclosed secluded bay with a popular sandy beach, and two small wieden descending to it. Located on the north west coast immediately south of Ghajn Tuffieha Bay, the area is reached by road from Misrah Miel. This approach road, winding through Wied il-Gnejna terminates at the beach after passing through a valley of exceptional landscape quality - a traditional Maltese agricultural terraced panorama.
- 20.3.2 An area of 11km of coastline from Rdum Majjiesa to Ras ir-Raheb, which includes the policy area, has recently been proposed as a Marine Protection Area by MedMPA who will co-ordinate the project in conjunction with other appropriate agencies including MEPA. Although the remit for the MedMPA project is for the Marine Area, there is an opportunity for incorporating the coastal zone boundary as the contiguous land area of the MPA, thus providing a more holistic approach.

### Strategy

- 20.3.3 Overall Strategy - MEPA will protect and enhance the natural character of Gnejna Bay by the creation of a better environment for the benefit of users. This includes the conservation of the coastal cliffs and the provision of suitable facilities that do not create an adverse impact on the environment. All further development in Gnejna Bay will be prohibited except rehabilitation work that will enhance public access without creating an adverse impact on the character of the area.

### Policies

#### NWGN 1

#### Landscape and Conservation

**MEPA will not permit the development of any structure or activity, which in the view of the Authority, would adversely affect the Area of High Landscape Value and Areas of Ecological Importance (Levels 2 and 3) (indicated on Map 56), scheduled in accordance with Structure Plan Policy, Development Planning Act 1992 and Scheduling of Coastal Cliffs (Government Notice 400) at Gnejna Bay because it would:-**

- i. break a presently undisturbed skyline; or**
- ii. visually dominate or disrupt its surroundings because of its mass or location, or**
- iii. obstruct a pleasant or a particular panoramic view of the cliffs, or**
- iv. adversely affect any element of the visual composition, or adversely affect existing trees or shrubs, or**
- v. introduce alien forms, materials, textures or colours to the natural landscape.**

**Permission will not normally be granted for development, which consists of or includes outdoor lighting, unless the applicant demonstrates that the proposals are so designed as to minimise light pollution.**

- 20.3.4 The importance of the cliffs at Gnejna Bay for their amenity value cannot be over emphasised. Their scenic beauty provides and creates a unique natural enclosed sense of space to the visitor.
- 20.3.5 Human intervention will be strictly controlled and physical development limited to the maintenance of existing structures which benefit from a development permit and construction of minor amenities designed to enhance the educational use of the area (e.g. narrow footpaths, nature trails) where these are deemed to be permissible. Any such developments to be carried out with the least possible damage to the environment.

## **NWGN 2**

## **Beach and Dune Area**

**No form of permanent or temporary structure will be permitted on the beach area, as indicated on Policy Map 55 and existing structures will be removed wherever practicable.**

**MEPA will, in conjunction with the relevant Government agencies, prohibit:-**

- i. the removal of sand from the beach and sand dunes;**
- ii. the granting of beach concessions;**
- iii. caravanning;**
- iv. vehicle access; and**
- v. the removal of vegetation from the sand dunes.**

**The existing concrete structure, which obstructs the valley watercourses, shall be removed.**

- 20.3.6 The beach at Gnejna is unique for its important characteristic of being enclosed, intimate and relatively undeveloped. This makes its conservation and protection of critical importance, not only for the benefit of visitors, but as a valuable resource of the tourist industry. MEPA will therefore ensure the beach is protected and enhanced as appropriate. Sand erosion has already taken place and will increase if dams or concrete structures are allowed to reduce input of sediment which enables beach growth. Building of quays and sea-walls may also increase the rate of beach erosion by sea action.
- 20.3.7 The existing retaining wall located at the south western end of the beach requires repair, but must be constructed with adequate drainage provision in order to avoid obstruction to the natural sedimentation process.
- 20.3.8 The existing concrete structure which obstructs the valley watercourses should be removed in order to avoid further disruption to the natural sedimentation process and replaced by timber bridges to facilitate vehicle access to parking areas. This would avoid further disruption of sediment.
- 20.3.9 Barriers should be erected to prohibit vehicular access to this beach and dune area.
- 20.3.10 Additionally, removal of sand or binding vegetation will be prohibited, in order that dune communities are formed and encouraged to develop.



## NWGN 3

## Swimming Zone

**MEPA will encourage the Malta Maritime Authority to reserve an area for swimming within Gnejna Bay, as indicated on Policy Map 55.**

**The navigation of mechanically propelled sea craft and aqua scooters or sailing boats including board sailing in the zone defined will be prohibited.**

- 20.3.11 Swimming is a popular summer sport at Gnejna Bay and is enjoyed by locals and visitors to the area, but is subject to the constraints of pollution and limitation of access from the foreshore.
- 20.3.12 The Local Plan identifies a water zone for safe swimming and proposes protection measures to prohibit conflicting uses and to maintain the right of access to the foreshore.
- 20.3.13 Legislation to protect the swimming zone is implemented by the Malta Maritime Authority and enforced by the Administrative Law Enforcement (ALE) of the Police Department. Right of access will be safeguarded, as will prohibition of beach concessions which in any way restrict public use of the beach. Additionally the use of power craft, surf or sail boards, or motorised water sports will be prohibited in the swimming zone.

## NWGN 4

## Public Facilities

**Areas for car parking are designated as illustrated on Area Policy Map 55. The provision of small permanent kiosk/s together with emergency services/public telephone, adjacent to the recently constructed public toilets to the eastern boundary of the car park, will be encouraged. However, kiosk/s must not exceed 2.5m in height, with a maximum floor area of 20sqm. An area adjacent to the beach on the western boundary of the main car park will be allocated for a pedestrian barbeque area. Additional public toilets should be provided on the western side of the proposed parking area utilizing existing buildings wherever possible.**

- 20.3.14 Car parking provision has recently been upgraded. However, boundaries need to be clearly marked by physical barriers to prevent further encroachment to the beach and foreshore.
- 20.3.15 Structure Plan Policy REC 9 prohibits kiosks on sandy or rocky beaches or in areas immediately adjoining the sea. However at Gnejna Bay there are no permanent places where visitors can purchase refreshments and therefore, favourable consideration may be given to the provision of a small permanent structure or kiosk/s. A suitable site is illustrated on Policy Map 55 on the eastern side of the bay adjacent to the public toilets. It may be possible to combine a permanent structure with provision of an emergency services/public telephone.

## NWGN 5

## Fishing

**An area is designated for the mooring of boats, as indicated on Policy Map 55, for use by fishermen and visitors to the bay.**

- 20.3.16 MEPA will encourage the Malta Maritime Authority, the Departments of Fisheries and the Police Department to identify, regulate and monitor the provision of moorings at Gnejna Bay. The location identified at the western area of the bay will not conflict with the use of the bay by the public for leisure or swimming purposes subject to adequate management and supervision being provided.

## **NWGN 6**

## **Aquaculture**

**No marine sites will be permitted for aquaculture within inlets and bays from Ras il-Wahx to Ras ir-Raheb closer to the shore than one nautical mile or less than a water depth of 50 metres, whichever is the lesser.**

- 20.3.17 The Local Plan Policy for Aquaculture (NWAG 3 Chapter 8.4 Section 1) prohibits production units (sea based) within the bays in the North West Local Plan area. In accordance with this policy no production unit, access, loading, unloading or net cleaning, ancillary to fish farming, will be permitted within Gnejna Bay.
- 20.3.18 The accessible coastline of the bay is important for tourism and recreation purposes. Locating a fish farm unit within this area would result in detrimental effects in the water quality and the marine environment in general.
- 20.3.19 Land based support buildings will also be prohibited because the coastline is located in a protected Area of Ecological Importance and an Area of High Landscape Value. The areas around the mouth of the bay are to be kept free from marine sites. Any permit application for development outside the Marine Conservation Area has to provide a detailed survey of prevailing currents in order to provide evidence that no waste will be transported into an area of ecological or socio-economic importance.

## **NWGN 7**

## **Boathouses**

**The construction of additional new boathouses will not be permitted anywhere along the coastline/foreshore in Gnejna Bay.**

**All illegal structures/buildings along the north eastern foreshore are to be removed and the area restored to its natural state.**

**Existing structures/buildings that are bona fide boathouses on the western foreshore of Gnejna Bay may be retained, subject to the submission of a development application and the following criteria:-**

- i. the applicant must be a bona fide full or part time registered fisherman for at least two years prior to the application;**
- ii. the structure/building does not restrict or hinder pedestrian use of the coastline;**
- iii. the structure/building must have access to an existing slipway;**
- iv. the structure/building must be a single storey structure height, and maintained to a stone coloured standard;**
- v. the provision of services will not be permitted;**
- vi. the purpose of the structure/building is for the storage of boats and/or fishing equipment;**
- vii. the structure must not be used as a holiday home, nor for any form of residential or commercial use;**
- viii. any encroachments that restrict public access to the foreshore shall be removed prior to the submission of a development application; and**
- ix. the submission and approval of a development application.**

**Existing structures/buildings on the western foreshore that are not bona fide boathouses or used for storage of fishing equipment will be demolished, and the appropriate Government agencies encouraged to restore the area to its natural state.**

- 20.3.20 Existing structures/buildings that are bona fide boathouses for use by registered fishermen for the purpose of storage of boats and fishing equipment, on the western foreshore may be permitted subject to the submission and approval of a development application. The boathouse must have access to a communal slipway that does not restrict access to or within the foreshore. Additionally, because of the sensitive protected nature of the bay, the buildings/structures must not have an adverse impact on the ecology or character of the area.
- 20.3.21 Any existing structures/buildings on the western foreshore that do not comply with the above criteria will be demolished and the area restored to its natural state.
- 20.3.22 All illegal structures/buildings along the north eastern foreshore are to be removed and the area restored to its natural state.
- 20.3.23 MEPA will encourage public access for visitors and tourists to the area, together with the provision of public toilets.

## **NWGN 8**

## **Slipways**

**Designated slipways for the launching of boats are indicated on Map 55.**

**No additional slipways will be permitted in Gnejna Bay.**

- 20.3.24 There is a need to improve public access to the foreshore and resolve conflict between the public and the launching and recovery of boats. The policy designates three existing slipways for this purpose. It is considered that improved winch facilities should be provided. Access to boat moorings will be restricted to the buoyed channels.

## **NWGN 9**

## **Removal of Encroachments**

**All encroachments and/or accretions to boathouses, or other buildings/structures on or close to the foreshore, which are not ancillary to the use of the boathouse for the storage of boats and/or fishing equipment, are to be demolished/removed and the site restored.**

- 20.3.25 There is no justification for encroachment on the foreshore, which creates either a physical restriction to public access, or an adverse impact on the character of the area. Additionally, the presence of such structures, often construed as a demarcation of an area for private use, creates a strong psychological inhibition on the public from using or gaining access to the foreshore. Any restriction of access to the foreshore is contrary to Structure Plan Policy CZM 3, which states that public access will be secured to the coastline immediately adjacent to the sea or at the tops of cliffs (including bays, harbours, and creeks).

## 20.4 Ghajn Tuffieha

### Introduction

- 20.4.1 The area covered by this policy, as indicated on Policy Map 57 includes the popular bays of Ghajn Tuffieha, *ir-Ramla tal-Mixquqa* (Golden Sands) and their hinterland. A number of headlands - with *Ras il-Qarraba* headland/promontory being the most important - are also associated with this area.
- 20.4.2 The area is well known for its fine sandy beaches, the high clay slopes and exceptional picturesque scenery.
- 20.4.3 Ghajn Tuffieha Bay is a steep sided sandy beach with boulder headlands on both sides, whilst Golden Sands is a wider sandy beach with Pwales Valley to the east. The former bay is being administered by Mgarr Local Council whilst Golden Sands Bay is under the jurisdiction of Mellieha Local Council in terms of the 1993 Local Councils Act.
- 20.4.4 The Golden Sands Hotel has been redeveloped and will make a significant contribution to the local economy and also provide an improved tourist product.
- 20.4.5 An area of land indicated on Map 58 is managed by the GAIA Foundation in accordance with the Management Agreement held between the Environment Protection Directorate and the Foundation. The land covered under the agreement shall be managed in a sustainable manner as outlined in the Foundation's Management Plan. Since the area is scheduled it is important that any works or measures to be undertaken (in the area subject to the management agreement) be monitored by MEPA and executed in consultation with interested departments/agencies in order to avoid unnecessary and conflicting practices that would otherwise disrupt the fragile ecosystem and other features of the area.
- 20.4.6 An area of 11 km of coastline from Rdum Majjiesa to Ras ir-Raheb, which includes the policy area, has recently been proposed as a Marine Protection Area by MedMPA who will co-ordinate the project in conjunction with other appropriate agencies including MEPA. Although the remit for the MedMPA project is for the Marine Area, there is an opportunity for incorporating the coastal zone boundary as the contiguous land area of the MPA, thus providing a more holistic approach."

### Strategy

- 20.4.7 Key Objective - MEPA will seek to achieve the protection and enhancement of the natural character of Ghajn Tuffieha and Golden Bay by the creation of a better environment for the benefit of users. This includes the conservation of coastal habitats, rehabilitation and improvement of public access around the coastline immediately adjacent to the foreshore and cliff tops.

### Areas of Agricultural Value

- 20.4.8 MEPA will protect agricultural land within the Policy Area of Ghajn Tuffieha (Refer to Map 57) in conformity with criteria proposed within the General Policies of the Local Plan notably, NWAG 1 (Protection of Agricultural Land).

20.4.9 The prevention of all types of erosion through maintenance of rubble walls and planting of native species is important in order to maintain and whenever applicable improve the aesthetic and productive quality of these fields (Refer to Section 1 NWCO 14 – Rubble Walling and Giren).

20.4.10 Alien plant species are to be replaced with appropriate native plants in conformity with MEPA's Design Guidance and following advice by the Environment Protection Department and the Ministry of Agriculture and Fisheries.

### **Transportation**

20.4.11 Access to the area for public transport and private cars to be maintained but limited to specific designated parking areas, and provided with the ancillary facilities required for their convenience. The Local Plan also seeks to improve junctions through General Policy NWTR 8.

20.4.12 The junction adjacent to Ghajn Tuffieha car park will be improved to give priority to traffic travelling to and from Golden Bay. Due to the steep gradient at the junction, it is proposed that the turning movement for the flow of vehicles moving east from the Golden Bay access road is eased by giving this movement priority over traffic entering and leaving the car park. The car park will be extended and the internal circulation improved (as indicated on Map 57).

## **Policies**

### **NWGT 1**

### **Site for Golf Course**

**The site shown on Map 57 is being indicated as a search area for the development of a golf course with ancillary built development to accommodate supporting amenities. MEPA will utilise the environmental impact assessment (EIA) process to determine the best layout and design for the course and the built development within the site if the environmental impacts can be adequately mitigated.**

**Should Government not continue to pursue the golf course proposal, MEPA will favourably consider the development or complete redevelopment of the smaller area, or parts of it, on the west of the site indicated on Map 57 subject to the preparation of a Development Brief provided that:**

- (iv) the prior approval of the Malta Tourism Authority is obtained;**
- (v) the primary land uses fall within tourism accommodation, camping and horse riding facilities with supporting amenities to the main use such as retail, catering, storage, administration etc.;**
- (vi) any features or structures of historical or architectural merit are conserved and integrated in the development;**
- (vii) new buildings are designed (height, form, massing, materials and colours) to respect and integrate well with the rural context and the contours of the site;**
- (viii) the site layout provides appropriate open spaces between buildings to break the bulk of the built development;**
- (ix) adequate access and on site parking is provided;**
- (x) a landscaping scheme, a planting schedule and maintenance programme, in line with the *MEPA Guidelines on Trees, Shrubs and Plants for Planting and Landscaping in***

***the Maltese Islands, indicating the details of the hard and soft landscaped areas is submitted and approved.***

20.4.13 Golf is frequently seen as a significant attraction for the higher yield tourist. This sport is also recognised as a means of extending the tourist season into the shoulder and off-peak periods. Many European and Mediterranean countries with a high dependency on holiday tourism identified golf as an important feature of their respective tourism strategy. With a population in Europe that is progressively ageing and with golf particularly enjoyed by older people this is a significant visitor market sector for Malta.

20.4.14 The policy framework for the location of golf courses is provided through planning policies in the *Structure Plan for the Maltese Islands* of 1992 and the *Golf Course Development Policy Paper* of 1997. Following the Government's 2004 announcement that there should be one golf course in Malta and another in Gozo, MEPA was asked to identify suitable sites for such development. An exercise was undertaken to review a number of potential sites and recommend a shortlist of sites. Sites were assessed with regard to environmental and planning implications as well as in terms of golf course design requirements.

20.4.15 The site, of 123.6ha, is located in the proximity of Malta's popular sandy beaches of Ir-Ramla l-Mixquqa (Goldens sands) and Ghajn Tuffieha, to the south west of Mellieha. The site is composed principally of two sections, each with its own very different outlook and landscape character. The section to the north is a large area occupying the western end of the Bajda Ridge, composed of mainly abandoned fields and garrigue, with rocky outcrops. The section to the south is divided into three sub-sections that to the north rather similar in topography to parts of the northern section but with a more built structures in the area of In-Nahhalija scattered along its steep slopes. The two southern sub-sections are a larger area of horticultural and agricultural production and the area occupied by the Hal Ferh tourist village. These two subsections are on land almost flat, occupying the western end of the Pwales Valley and presenting a very great contrast with all of the land to their north.

20.4.16 This policy identifies the boundary of the land area which could be available for the golf course project including the course and ancillary buildings. Due to the scale and complexity of the project, issues of appropriate location and layout of the golf course and other development and their environmental impact need to be assessed in depth. In MEPA's opinion the appropriate tool to assist the decision-making process is the environmental impact assessment.

20.4.17 This policy also sets out a broad policy framework for a sub section of the golf course site (area 18.2 ha) which even if the golf course project is abandoned, has potential for redevelopment in tourist or tourist related facilities.

## **NWGT 2**

## **Conservation**

**MEPA will not permit the development of any structure or activity, which in the view of the Authority would adversely affect the Area of High Landscape Values and Areas of Ecological Importance (Level 1, 2 and 3) (indicated on Map 58) at Ghajn Tuffieha scheduled to regulate their conservation in accordance with Structure Plan Policies on Conservation, Section 46 of the Development Planning Act 1992, and Scheduling Notices of Coastal Cliffs (Government Notice 400/1996).**

**Permission will not normally be granted for development, which consists of or includes outdoor lighting unless the applicant demonstrates that the proposals are so designed as to minimise light pollution.**

20.4.18 The coast is recognised as being one of the Island's most valuable natural resources. The Local Plan in accordance with Structure Plan Policy will rigidly continue to control development in Areas of High Landscape Value, Areas of Ecological Importance, and Marine Conservation Areas.

20.4.19 Human intervention will be strictly controlled and physical development limited to the maintenance of already existing structures (but not illegal structures/buildings used as holiday accommodation or kiosks etc.) and construction of minor amenities designed to enhance the educational use of the area (e.g. narrow footpaths, nature trails, way-markers) where these are deemed to be permissible. Any such developments are to be carried out with the least possible damage to the environment and, where possible, in a reversible manner.

20.4.20 The promotion of conservation practices which envisage improvement of sites having landscape, ecological, geomorphological value as well as archaeological features or historic buildings present within the area under review, will be sought. The GAIA Foundation, which is entrusted to formulate and execute a Management Plan for part of the area, will also promote such awareness both through its education campaign as well as through its enforcement potential.

20.4.21 The former hotel (Riviera Martinique) located on the slopes of Ghajn Tuffieha, is considered to be in a dangerous structural condition and a development permission for the demolition of the building and the development of a restaurant and a multi purpose hall has been granted by MEPA.

### **NWGT 3**

### **Beach and Dune Area**

**No form of permanent structure will be permitted on the beach area, (as indicated on Maps 57 & 59) and existing illegal structures will be removed.**

**MEPA will, in conjunction with the relevant Government agencies and beach operators, prepare a management plan for the enhancement of the beach area, which shall prohibit: -**

- i. the removal of sand from the beach and sand dunes;**
- ii. additional beach concessions over and above that recognised by the management plan ;**
- iii. vehicle access; and**
- iv. the removal of vegetation from the sand dunes.**

20.4.22 The beach at Ghajn Tuffieha is unique for its important characteristic of being enclosed, intimate and relatively undeveloped. This makes its conservation and protection of critical importance, not only for the benefit of visitors, but also as a valuable resource of the tourist industry. In contrast, Golden Bay though larger, is surrounded by sporadic development, which needs to be rationalised so as to enhance the qualities of the bay. MEPA will therefore ensure the beach is protected and enhanced, as appropriate and illegal structures will be removed. Sand erosion has already taken place and will increase if concrete structures are allowed to reduce input of sediment, which enables beach growth. Building of quays and sea walls may also increase the rate of beach erosion by sea action.

20.4.23 Additionally, removal of sand-binding vegetation will also be prohibited, in order that dune communities are formed and encouraged to develop.

## **NWGT 4**

## **Swimming Zones**

**Areas have been reserved for swimming under the authorisation of the Malta Maritime Authority, as indicated on Policy Maps 57 & 59 at Ir-Ramla tal-Mixquqa (Golden Sands) and Ir-Ramla ta' Ghajn Tuffieha.**

**The navigation of mechanically propelled sea craft and aqua scooters or sailing boats including board sailing in the zone defined, will be prohibited and the area reserved for swimmers.**

20.4.24 Swimming is a popular summer sport at Ghajn Tuffieha Bay and Golden Bay and is enjoyed by locals and visitors to the area, but is subject to the constraints of pollution and limitation of access from the foreshore. It is prohibited to navigate mechanically propelled sea craft on sailing boats including windsurfers, surfboards and aqua-scooters in the zones reserved for swimmers during the summer months. Legislation to protect the swimming zone is implemented by the Malta Maritime Authority and enforced by the Administrative Law Enforcement (ALE) of the Police Authority.

## **NWGT 5**

## **Kiosks**

**MEPA will rationalise and limit the provision of kiosks within the Area Policy Boundary (as indicated on Map 59) in accordance with MEPA Supplementary Planning Guidelines for Kiosks (Malta and Gozo) and Policy NWGT 6 Beach and Dune area.**

20.4.25 The erection of permanent kiosks will be allowed in accordance with this policy and MEPA guidelines for the development of kiosks. This policy seeks to enhance the amenity of the beach by the removal of all illegal structures/buildings which shall be demolished and removed and makes provision for the rationalisation of the existing kiosks.

## **NWGT 6**

## **Public Access to the Coast and Foreshore**

**MEPA in accordance with Structure Plan Policy CZM 3 and NWRE 16 of this Local Plan will seek to further secure public access to the foreshore/coastline of Ghajn Tuffieha Bay and Golden Bay.**

20.4.26 In accordance with Structure Plan and Local Plan policy, public access around the foreshore of Ghajn Tuffieha Bay and Golden Bay will be secured. Public access is to be encouraged for visitors and tourists to enjoy the area. The removal of buildings/structures, which restrict public access to the foreshore, will be treated as a priority. The existing footpaths within the policy area will be improved to facilitate pedestrian access to the coastline/foreshore.

## **NWGT 7**

## **Boathouses**

**The construction of additional new boathouses or extensions to existing boathouses will not be permitted along the foreshore of Ghajn Tuffieha.**



**Existing structure/buildings that are bona fide boathouses may be retained/ rehabilitated, subject to the submission and approval of a development application and the following criteria:-**

- i. the applicant must be a registered fisherman for two years prior to the application;**
- ii. the structure has access to an existing slipway;**
- iii. the structure must be maintained to a stone coloured standard,**
- iv. the provision of services will not be permitted,**
- v. the purpose of the structure/building is for storage and/or fishing equipment;**
- vi. the structure must not be used as a holiday home, nor for any form of residential or commercial use; and**
- vii. the submission and approval of a management plan for the maintenance of the existing structures and the existing pedestrian access link.**

20.4.27 The existing structures that are bona fide boathouses for use by registered fisherman for the storage of boats and/or equipment on the foreshore, may be permitted subject to the submission and approval of a development application. The purpose of the policy seeks to contain the existing structures/buildings and ensure that they are used for the bona fide purpose of boathouses and the area is enhanced through a process of managed maintenance.

## **NWGT 8**

### **Parking Facilities**

**MEPA will encourage, in conjunction with the Local Council and the Malta Transport Authority (ADT), the preparation of a scheme to rationalise vehicle parking. The scheme will provide for the relocation of parking areas, which encroach onto the beach and foreshore, the redesign of existing parking areas, and the rationalisation of bus and coach facilities.**

**The Ghajn Tuffieha Car Park will be extended as indicated on Map 57, and the internal circulation improved.**

20.4.28 The existing car parking provision is adequate in terms of space but it needs to be redesigned to include facilities for vehicles and passengers in addition to private cars. Boundaries need to be clearly defined, to segregate vehicles and pedestrians and physical barriers may be required in some cases to prevent vehicular access onto the beach and foreshore.

## **NWGT 9**

### **Public Toilets**

**MEPA will encourage the appropriate Government agencies in conjunction with the Local Council to provide public toilets and showers together with emergency telephone facilities in suitable locations, as illustrated on Map 57 and 59, adjacent to public parking areas.**

20.4.29 Sites for public toilets and showers with adequate sewage disposal facilities are needed in both bays, suitable locations being adjacent to public parking facilities. Emergency services telephones should also be provided.

## **NWGT 10**

### **Pedestrian Facilities**

**MEPA will encourage the Local Council and the ADT to improve and enhance through a combination of signing and road surfacing, pedestrian routes to the beach and other nearby attractions.**

**No development, which would adversely affect the route or character of existing or proposed long distance footpaths (as indicated on Area Policy Map 57), will be permitted.**

20.4.30 In this busy tourist area, vehicle/pedestrian conflict causes problems and therefore some segregation of these road users is desirable. The measures proposed here are intended to encourage the identification of the best routes for pedestrians and make their presence more apparent to drivers.

20.4.31 The footpaths need protection from the adverse impact of Off Road Vehicles and jeep safaris by the erection of physical barriers in order to restrict access. It is also proposed that a system of Way Marking is formulated in order to integrate the local footpaths into the Country Parkway system.

## **NWGT 11**

## **Safeguarding the Marine Conservation Area**

**No marine sites will be permitted for aquaculture within inlets and bays from Rdum Majjiesa to Ras ir-Raheb closer to the shore than one nautical mile or less than a water depth of 50 metres, which ever is the lesser not to prejudice the designation of a marine conservation area.**

20.4.32 The Local Plan Policy for Aquaculture (Section 1: Chapter 8, Policy NWAG 3) prohibits production units (sea based) within the bays in the North West Local Plan area. In accordance with this policy no production unit will be permitted within Ghajn Tuffieha Bay area. The accessible coastline of the bay is important for tourism and recreation purposes and has significant ecological value. Locating a fish farm unit within this area would result in detrimental effects in the water quality and the marine environment in general. Land based support buildings will also be prohibited because the coastline is located in a protected Area of Ecological Importance and an Area of High Landscape Value.

## 21. Mdina Area Policies

Area: 0.885 Km<sup>2</sup>

Population: 381 (by Local Council in 2003)

### 21.1 Introduction

- 21.1.1 Mdina is historically unique, even on a world stage, providing clear evidence of a fusion of Arabic and European cultures. The walled citadel contains a number of fine medieval palaces, Baroque buildings and monuments. Mdina as a walled city has an urban morphology that in part dates back to the medieval period and includes areas that were transformed in the early eighteenth century.
- 21.1.2 The national landmark of Mdina is perhaps the most unspoilt and dramatically sited settlement in the Local Plan area with its unique skyline and visual composition. The hill on which Mdina is sited is of significant historic value, is important for the setting of Mdina and acts as a buffer zone to the bastions that surround it. Therefore the hill itself forms part of the Urban Conservation Area (UCA). Howard Gardens to the south of the city has both historic value as the original area of the covertway and visual value as it provides the setting to Mdina. The Roman Villa, in the outskirts of the town, has extraordinary archaeological importance, integral to Mdina's history. The value of this heritage is not always appreciated, a number of buildings and spaces remain in dire need of rehabilitation and major landmarks are currently vacant. New development, on the other hand, is not always sensitive to this vulnerable historical context.
- 21.1.3 Mdina's immense history and culture makes it a prime visitor attraction. Over recent years it attracted the interest of tourist related facilities and businesses, particularly along the main route of Triq Villegaignon, which is starting to threaten the very qualities, which attract so many visitors. Traffic problems (indiscriminate parking of coaches, congestion at main junctions, pedestrian and vehicular conflict) associated with tourist activities, are common. Above all, Mdina is a living city and although with a decreasing and ageing population it is still a prime residential area.
- 21.1.4 An outline of planning issues for Mdina are listed below:
- Setting out a conservation strategy for Mdina;
  - An intensification of business uses conflicting with conservation objectives;
  - Adverse impacts on the quality of life of residents from over commercialisation;
  - Tourism impact on the urban fabric;
  - Traffic management (e.g. public pedestrian access, resident parking and coach parking);
  - Re-use/rehabilitation of vacant properties;
  - Visual impact of development on the skyline.

## 21.2 Policies

### NWMD 1

### Conservation Strategy for Mdina

**Any development and/or re-development proposal within Mdina and/or any conservation programme for Mdina will be assessed within the framework of the planning policy guidelines and conservation parameters included in the conservation area strategy for Mdina to be prepared by MEPA on the basis of the character appraisal and the heritage management system for Mdina.**

21.2.1 There is an ever-growing concern in relation to Mdina's conservation. Its growing popularity as a tourist venue, as a prime site in the real estate market and a magnet for commercial outlets has increasingly compromised its fabric. Even though Mdina is an Urban Conservation Area and an Area of Archaeological Importance this has not been sufficient to create an awareness of its heritage importance to the nation and the prevention of inappropriate development from taking place. MEPA has carried out a Character Appraisal, and has formulated a Heritage Management System including all listed and scheduled assets (buildings, spaces, street classification) to respond to the current state of Mdina's environment. This information will be used to formulate a heritage management plan with corresponding planning policy guidance and conservation parameters, which should be followed when assessing development applications and other proposals and programmes in Mdina.

### NWMD 2

### Consolidation of Business Activity

**MEPA will give favourable consideration only for the following business uses to locate within Mdina:**

- 1. Attractions, including museums and exhibition halls, designed to enhance the visitors' authentic interpretation and experience of Maltese architecture, culture and history provided they have access from Triq Villegaignon, Triq San Pawl, part of Triq Inguanez, and part of Triq l-Imhazen, as indicated on Map 61; and**
- 2. Tourism accommodation;**

**MEPA will not permit new Class 4 (Use Classes Order 1994, amended) retail outlets and Class 6 (Use Classes Order 1994, as amended) food and drink outlets. These uses will only be accepted if they are ancillary to (1) and (2) above (tourism accommodation and visitor attractions) and do not have an independent street access. In the case of extensions to existing legal shops and food and drink outlets, any development should not result in more than 25% increase in total from the original floorspace.**

**Development proposals will be evaluated on the following criteria:**

- i. The use is intended to rehabilitate an under-utilised property where the major thrust of the development is either cultural/educational/heritage oriented or a specialist tourism accommodation project;**
- ii. the use should positively enhance the visitors' experience of the city by providing public access to previously inaccessible buildings or views;**
- iii. a condition prohibiting a change of use within the same Use Class will be imposed;**
- iv. the design of the scheme should strictly respect the listed/scheduled, or the potential listed/scheduled status of the building, be in line with the provisions of the Design Guidelines for Development Control within Urban Conservation Areas of 1995, the**

**Billboards and Signs guidance note of 1994, and the Shop fronts guidance note of 1994. No vending machines will be permitted in, or which are visible from, public spaces.**

- 21.2.2 The current range of commercial activity in Mdina is dominated by low-intensity, specialist retail and food and drink uses with small customer floorspaces serving the visitor. There are no conventional shop-fronts with glazed display areas facing the street. Most of the commercial outlets operate from unaltered facades, with the premises sealed by solid timber doors when trading has ceased. There are some exceptions where superfluous signage is used, inappropriate canopies have been added to the facades and goods are displayed outside the store. .
- 21.2.3 The scope for introducing further commercial activity (retail, food and drink, leisure and assembly), within Mdina is extremely limited, without threatening the character of the citadel. Controls on the type of activity are considered necessary to ensure that any new facilities provided are restricted in scale and provide benefits to visitors and residents alike. Strict control will also be exercised by MEPA, in consultation with other relevant agencies, on the types of cultural entertainment uses which are located in Mdina to ensure that these activities truly respect the history of the city and represent the heritage value in an authentic manner. The criteria are designed to ensure that any further business activity in Mdina delivers positive planning benefits, either by enhancing visitor experiences of the city or by contributing to conservation objectives of reuse and rehabilitation of vacant buildings.
- 21.2.4 Mdina includes several buildings (currently used for residential or education) which are difficult and expensive to maintain. Conversion to tourism accommodation or visitor attractions could provide for adequate income to maintain the building in a suitable condition. Current tourism policy is targeted towards quality rather than quantity. Mdina has potential for providing accommodation to visitors looking for something different and this policy is aimed at encouraging the genuine entrepreneur willing to take a risk and invest in Malta's heritage. However, smaller scale facilities such as guesthouses, *pensione* or boutique hotels will also be considered within the policy framework of this Plan. The Magisterial Palace, the Banca Giuratale, and a row of warehouses on Triq l-Imhazen, owned by Government, all have potential for adaptive re-use for the activities indicated by this policy.
- 21.2.5 The aim of this policy is to ensure that the unique character of Mdina is not threatened by new commercial development at the expense of residential uses. This policy aims at ensuring that any business activity is exceptionally discreet and that any visual intrusion is minimal. As a general principle, business outlets in Mdina should become unrecognisable as such when trading has ceased.

### NWMD 3

### Underground Space

**Proposed use of existing underground space such as basement and/or underground passages will be considered favourably provided it will result in better public appreciation of these spaces and that the proposed use will support the use of the overlying building. The proposed rehabilitation of these spaces should include an exhaustive method statement of the restoration practices to be used. The creation of new underground space in Mdina will not be permitted. The provisions of policy NWRB 2 also apply.**

- 21.2.6 In Mdina, there are extensive underground spaces which for various reasons are unused or grossly under-utilised. Appropriate use of these spaces will allow for their renovation as well as better appreciation. The Cathedral Museum, for example, includes part of the original Roman Wall. Excavation works also needs to be strictly controlled to ensure that no damage is done to any archaeological remains within the area.

**MEPA will adopt a strong presumption against vertical extensions, which increase the maximum height of existing buildings on which the extension is proposed, in Mdina. Detailed evaluation of the visual impact of horizontal extensions to existing structures at roof level of existing buildings and of structures such as shading devices (umbrellas, canopies), water tanks, air-conditioning units, and dish antennas will be carried out to ensure the distinctive skyline of Mdina is protected.**

**MEPA will strictly control illumination schemes, which have an impact on the nighttime appreciation of Mdina and will prohibit any scheme, which competes with or detracts from this appreciation.**

**MEPA will adopt a similar approach to any vertical extensions and illuminations schemes that impinge on the skyline of Mdina within the parts of Rabat, which form the setting of Mdina.**

21.2.7 The assessment of the impact of development, including light pollution, on the skyline can be subjective since the scale of the impact is a factor of the position of the viewpoint, the importance of the viewpoint for the general public, and the distance of the viewpoint from the site. Viewpoints from closer distances, focused on a short stretch of the city profile will depict additional floors having an adverse impact on the skyline. However, there will be insignificant impacts on the skyline when the more long distance views are taken into account.

21.2.8 The hill-top location of Mdina, the dominance of the dome and spires of the cathedral above closely knit geometric cuboids, and the unique setting need to be preserved. The Local Plan protects the setting and visual composition of Mdina and its skyline by prohibiting the creation of additional floors or the increase in the height of buildings. The firm stance taken by the Local Plan in relation to increase in building heights eliminates ambiguity in the assessment of development proposals which increase the height of the existing buildings and avoids protracted negotiations with developers.

21.2.9 Extensions at roof level where structures already exist may be allowed provided the developer proves that no visual impact will result. A similar approach will also be adopted for other structures, normally placed at roof level. This concession is being allowed to ensure that small extensions or other amenities, which might be required to make a building habitable or commercially viable, are not unnecessarily restricted. However, a detailed evaluation of visual impacts will still be required.

**MEPA, in consultation with the Local Council, will favourably consider physical proposals for Mdina to be designated as a Positive Parking Zone for residents only, as indicated on Transport Strategy Map 60.**

21.2.10 Parking availability within Mdina is severely limited. Because of restricted width of streets and open spaces, vehicle flow and parking has a substantial impact. Vehicles detract from the urban space qualities of the streets and piazzas and are a nuisance to pedestrians, even though their access is already restricted.

21.2.11 The policy is aimed at making current restrictions more effective. It will involve the removal of all traffic signs within the walled City. More important appropriately located signs outside Mдина are required informing motorists of the Positive Parking Zone designation meaning that parking bays are to be marked on the road surface possibly by the use of different coloured paving (rather than yellow paint). Any parking outside bays will be prohibited and this will allow for the removal of all no parking signs.

21.2.12 Service vehicles including delivery vans and taxis but excluding minibuses and coaches will be allowed to enter the city at any time and park close to the establishment being serviced provided that the service vehicle does not remain within the city longer than is necessary. Hence, no service vehicles are to be left unattended. It is suggested that the Local Council discusses the possibility of use of smaller service vehicles with operators of commercial establishments as well as with main service providers.

21.2.13 Due to limitation of vehicles entering Mдина it will be possible to remove all direction signs and provide residents and other permit holders with detailed maps showing the one-way system. The Local Council may issue additional permits to non-residents in exceptional circumstances (e.g. relative of infirm resident, minibuses with school children).

## **NWMD 6**

### **Drop off Points and Coach Parking**

**MEPA, in consultation with the ADT, will seek to ensure that space for parking of coaches to serve both Mдина and Rabat is to be provided in close proximity to the converted train station (currently a restaurant) as indicated on Transport Strategy Map 60. Sites for the dropping off of tourists from coaches will be permissible at suitable locations (e.g. on this site, in front of Roman Villa or as part of the redesigned public carpark) provided that the coaches go on to park in the designated site.**

21.2.14 Given the importance of Mдина and several other sites in Rabat for tourism purposes, it is not surprising that coaches are a common feature in the streets around Mдина and Rabat. Improvements to the ditch and Howard Gardens will make the site near the converted train station within easy reach on foot to the Roman Villa through Il-Mina tal-Gharreqin. Tourists could also walk to Mдина gate through the pleasant surroundings of the ditch or Howard Gardens. However, the area indicated would best be used, until further improvements are undertaken, only for the parking of coaches whilst a temporary stop for the alighting of tourists could be created in front of the Roman Villa.

## **NWMD 7**

### **Public Access to Fortifications**

**MEPA will favourably consider proposals to promote new public access, where fortifications are in public ownership. In particular MEPA, in consultation with the relevant agency, will favourably consider the opening of public access into Gnien is-Sindku so as to allow free unhindered pedestrian circulation from the south east point to the south west point of the bastions. The main access is to be provided from the staircase immediately within Mдина gate with other accesses being from the Magisterial Palace, the roof of the Torri tal-Istandard, and possibly from Greeks Gate area.**

21.2.15 Parts of the fortifications around Mдина are in public ownership. Their use for informal recreation will allow for better appreciation of the historical heritage as well as the views of surrounding areas. Such areas are to be restored to their original condition with paving and seating provided as required. With reference to lighting, careful consideration will need to be

given to how the fortifications will be seen from a distance as well as the design of the fixtures themselves.

21.2.16 Gniien is-Sindku is located on the bastions and stretches from the Magisterial Palace at the southeast corner to the southwest corner overlying Greeks' Gate. The provision of access at different locations will allow people to walk from one end to another without having to retrace their steps. This will result in the garden forming part of a 'network' of walks, which includes Howard Gardens and the ditch under the bastions. Walls currently blocking pedestrian flow will need to be removed.

## NWMD 8

## Enhancement of Howard Gardens and Environs

**MEPA will permit an enhancement scheme for Howard Gardens as indicated on Map 61 which:**

- i. Provides for better use by pedestrians particularly by re-organising traffic circulation in front of Mdina Gate (indicated on Map 60) and increasing paved areas and seating;**
- ii. Formalises the existing surface car-park and child play area (indicated on Map 60);**
- iii. Addresses the confused urban clutter in front of Mdina Gate by relocating or removing inappropriately designed or located structures, in consultation with all stake-holders;**
- iv. Spreads recreational activities to the western part of the Gardens;**
- v. Respects the important historical context of the area by adopting appropriate materials, colours, and design for any proposed built structure, signage and paved areas;**
- vi. Includes a landscaping scheme, which minimises adverse impacts on the existing shrubs and trees.**

21.2.17 The current layout of Howard Gardens is inappropriate to cater for large numbers of people particularly because of the restricted width and the poor condition of the footpaths. The provision of more paved areas will allow for better public enjoyment of the garden and reduced restriction to pedestrian flows.

21.2.18 The public toilets, billboard, kiosks, and other structures outside Mdina gate and within the garden detract from the historical context and public enjoyment of the garden because of their poor design as well as their poor location. They are therefore to be relocated to other more appropriate sites.

21.2.19 The lower part of Howard Gardens (between Roman Villa and Mtarfa Gate) is to be included in the design. In particular, the garden layout and design should encourage increased use of this area. This will result in a spreading of informal activities over a wider area and better use of existing recreational assets.

21.2.20 Existing traffic flows directed towards and near Mdina Gate are intrusive on the amenity of the area, and unnecessary. Part of Howard Gardens is used as a roundabout making pedestrian access to it more difficult. Cars parked close to the bridge leading to the gate detract from the visual aspect of the gate and bastion. The policy is intended to emphasise all this by giving priority to the pedestrian and restricting vehicle flows and parking.

21.2.21 The reorganisation will include: -

- Road currently taking traffic to Mdina Gate to be re-paved and dedicated to pedestrians;
- Road currently taking traffic away from Mdina Gate to be made two-way with an appropriate turning head provided;
- Parking will be restricted to existing car park adjacent to playing field; and



- Part of Triq il-Muzew to be made two-way, together with appropriate parking restrictions.

21.2.22 The proposed changes will provide for a visually stimulating walk between St. Augustine Church and Mdina Gate along Vjal Santu Wistin and road converted to pedestrian flow. A pedestrian crossing in Triq il- Muzew would be required for this purpose. The provision of a turning head may require the take-up of part of the garden. Such an encroachment should be kept to an absolute minimum and removal of existing trees will not be permitted.

## NWMD 9

## Sports and Recreation In Mdina Ditch

**An area of land (ditch), as indicated on Map 61 outside the southern bastion will be used predominantly for recreation as follows: -**

- i. **Pedestrian footpaths linking the western end to the eastern part of the ditch and integrating with Howard Gardens, the parking areas and possibly with the route leading down to the area around the former train station;**
- ii. **Paved areas with seating;**
- iii. **Child's play areas;**
- iv. **Sports facilities;**

**A primary objective of the scheme should be the better appreciation of the fortifications. A number of unsightly additions and structures abutting the fortification wall should be removed. No new structures within the ditch will be permitted unless they are required for the uses above. The provision of new structures within the ditch should not be visually intrusive and should, as far as possible, be integrated with the wall adjoining Howard Gardens.**

21.2.23 The ditch has been put to a variety of uses. To the west of Mdina Gate Bridge there are tennis courts, orange grove, football ground and car park. To the east of the bridge is an area of vegetation and landscaping. The policy refers to the ditch west of Mdina Gate. No changes are being proposed to the remaining part of the ditch.

21.2.24 The ditch is currently accessed from a staircase outside Mdina Gate at one end and from the western extremity of Howard Gardens and Greeks Gate at the other end. The policy is aimed at providing a footpath from one end of the ditch to the other such that the ditch forms part of the 'network' of walks outside the walled city.

21.2.25 The need and the intensity of use of the existing sports facilities within the ditch should be assessed to establish whether there will be better public enjoyment of the site if the facilities, or some of them, would be replaced by landscaped areas. The crowded conditions in peak hours of the playing field in Howard Gardens are a clear indication that an additional playing field is required in the area. The site considered most appropriate is on part of the football ground near Greeks Gate. This location is preferred mainly because it will encourage increased pedestrian flow along the ditch. Moreover, it is a very sheltered location.

21.2.26 The kiosk opposite Greeks gate is to be replaced with a more appropriately designed structure whilst the seating area for the kiosk is to be clearly defined. Parking layout and circulation is to be better designed ensuring that vehicles and pedestrians are kept separate. The provision of recreational facilities (playing field, seating area for kiosks) in the ditch allows for informal supervision of the car park and hence greater security.

## 22. Rabat Area Policies

Area: 26.60 Km<sup>2</sup>

Population: 11,459 (by Local Council in 2003)

### 22.1 Rabat

#### Introduction

- 22.1.1 Rabat is unique in terms of the wealth of historically and archaeologically important sites; various monastic complexes, churches and early Christian rock cut tombs. Some of these facilities are badly in need of interpretative facilities to enhance their conservation value and tourism potential as a network of historic attractions. However, these sites attract large volumes of day visitors, mostly foreigners, who arrive in large coaches putting pressure on the road infrastructure and parking spaces and on the historic character itself. A major issue is how to develop Rabat's tourism potential as a historic attraction without compromising the historic integrity of the area and minimising the impacts (traffic, congestion, air and noise pollution) such development would bring upon the community. Rabat also includes several piazzas with particular character that further enhance the quality of the historic area. Certain restrictions to future redevelopment due to the presence of underground archaeological remains dictate to a large extent what can be built in the local plan period.
- 22.1.2 Rabat is the major residential centre in the west of Malta. It provides community and commercial facilities for surrounding towns and villages such as Mdina, Mtarfa, Bahrija and Dingli. In this respect there is a distinct commercial area centred on the main square, which spreads out along the more important access roads. The majority of retailers are of a small to medium scale mainly catering for the local use. Dispersal of these activities along the access routes is contributing to congestion and pollution in the area's narrow streets.
- 22.1.3 The current traffic situation in Rabat is exacerbated by the narrow roads, especially in the village core with heavy traffic passing onto Dingli and Buskett. There is a general lack of parking provision for residents and visitors alike although a number of development permissions for private garages have been approved on the western outskirts of Rabat. Coupled with this there is a lack of provision for pedestrians leading to conflict with traffic. Visitors to Mdina also have an impact on Rabat due to increases in traffic movements and parking requirements.
- 22.1.4 The resident population of Rabat has shown a slow increase over the period 1985-95. This is attributed mainly to the establishment of Housing Estates in the area. There is also a marked increase in the percentage of middle to old age section of the population. Although access to shops and services is relatively good, the slowly ageing population will continue to put a strain on particular services. Future demand for health care facilities and the pressing need to facilitate better access for the elderly over the coming years is an important issue in the area.
- 22.1.5 In summary, the main planning issues in Rabat are as follows:
- Lack of interpretative facilities for historic attractions;
  - Impact from day visitors;
  - Parking and congestion;
  - Proliferation of business uses;
  - Poor amenities for business centre;
  - Ageing population especially in the older parts of the town;

## Land Designations

22.1.6 The Local Plan has designated a Secondary Town Centre for the central core of Rabat, a Residential Area, and two Residential Priority Areas for Tal-Virtu' and Ghar Barka. The boundaries of these land designations are shown on Map 6.3 and are covered by General Policies NWCM 1 (Secondary Town Centre), NWUS 3 (Residential Area), and NWUS 4 (Residential Priority Area), which relate to the zones as a whole. In support of these land designations, the Local Plan seeks to reduce through traffic and manage town centre traffic and parking through General Policies NWTR 3 and NWTR 5.

## Policies

### NWRB 1

### Parking Provision

**MEPA will encourage and support the Malta Transport Authority (ADT) and the Local Council in introducing a Controlled Parking Zone (CPZ) in the town centre area, to increase the turnover of parking spaces in the town centre and protect residents.**

**In order to assist the implementation of General Policy NWTR 5, two sites indicated on Transport Strategy Map 62 are to be utilised for car-parking as follows:**

- i. Il-Wesgha Tal-Muzew - Access to the car park is to be provided from Triq il-Karrijiet. To protect the site's archaeological value, surfacing will be subject to detailed archaeological surveys and;**
- ii. Site on Triq Santa Rita - open plan car parking at basement/ ground floor level over and above any car parking required by additional development on the site.**

22.1.7 Parking needs to be managed to support the efficient functioning of the town centre. To this end, a CPZ is required (See General Policy NWTR 5). Short stay restrictions will provide convenient parking for shoppers and other visitors.

22.1.8 The area where the Wesgha tal-Muzew is located is known to contain considerable archaeological remains dating to the Punic and Roman period. It is also likely that entire structures of medieval remains are present and it is hoped that detailed excavation works will one day be carried out to establish what treasures are hidden below.

22.1.9 These remains are at present being heavily damaged by the parking of motor vehicles, including heavy commercial vehicles, directly over the emerging archaeological features. Likewise the area is being gradually eroded due to the action of the natural elements. The gradual but constant deterioration of the site would be halted if the area were to receive adequate treatment in the form of a stable surface covering.

22.1.10 The policy allows the provision of a suitable surface to protect the remains and allow for the site's use for car parking being fairly close to the town centre. Irrespective of the site's use as a car park, the Superintendence of Cultural Heritage will be allowed to excavate the site and display the findings as an open site, should it prove desirable at a future date.

22.1.11 The second site is strategically located close to the centre and to the bus terminus. The provision of extensive parking is intended to relieve the pressures on the centre of Rabat as

well as provide much needed parking facilities for residents in narrow alleys of the Urban Conservation Area.

22.1.12 Visitors to the Civic Centre presently park in the small square. This space is severely congested by parked vehicles undermining its urban space qualities. To allow the civic centre to operate effectively alternative parking spaces need to be provided. The site indicated in this policy can be used by visitors to the Civic Centre (and other facilities) without difficulty.

## **NWRB 2**

### **Excavations within Rabat**

**MEPA will adopt a general presumption against the creation of any underground space, whether completely or partially below ground level within all the urban area of Rabat. Prior to the issue of any development permission for a development proposal which includes the creation of such space, or will necessitate excavation works for the construction of any structure, the developer must demonstrate to the satisfaction of MEPA and the Superintendence of Cultural Heritage that the proposed works will not have any adverse impacts on any archaeological remains within the site boundary or on any other remains in the proximity of the site. In the case of the discovery of remains, which merit the safeguarding of the land from development, no permissions will be issued.**

22.1.13 The importance of Rabat as an area containing archaeological remains necessitates a careful and precautionary approach towards development proposals, which include excavations beneath ground level either through the construction of basements or the laying of foundations and even for the preparation of the site for building. MEPA, in conjunction with other agencies and departments, will ensure that no damage is done to archaeological remains and will endeavour to take the appropriate measures to investigate remains, record the findings in an effective manner and if necessary prevent development which will harm such remains.

## **NWRB 3**

### **Land Overlying Catacombs**

**MEPA will only favourably consider the development on the sites overlying the catacombs indicated on Map 63 of facilities which are related to the conservation and management of the scheduled catacombs and which will enhance the visitors' interpretation and appreciation of the archaeological heritage of the sites. The design of any new structure must be compatible with the environmental characteristics of the scheduled sites and their surroundings in terms of height, mass, volume, and materials.**

22.1.14 The heritage value of archaeological remains will be increased considerably if the local people and visitors become more aware of them and start to appreciate their importance in local culture. To achieve this awareness, the sites themselves must first of all be protected from damage and development. The scheduling of the sites goes a long way to achieving the required level of protection but this policy seeks to ensure that the land above the catacombs is not subject to development pressures. It also encourages the location of facilities on the sites themselves, which will facilitate their interpretation and thus permit the implementation of an eventual awareness campaign.

## **NWRB 4**

## **Facilities for St. Agatha's College**

**The site indicated on Map 63 adjoining St. Agatha's College is being safeguarded for the expansion of facilities, preferably a sports hall, related to St. Agatha's College. The new buildings must respect the character and setting of adjoining buildings and should be integrated within the site by an appropriate landscaping scheme.**

22.1.15 The area is currently partly under cultivation and partly derelict. The site is strategically located within easy reach of sizeable residential areas along the northwest, west and southwest parts of the town.

22.1.16 Sports facilities are already available within the confines of St. Agatha's College. Representatives of Missionary Society of St. Paul (MSSP) have, however, indicated the need for a sports hall. This will be in accordance with the role of the MSSP within the community particularly by the running of the Youth Centre. Additional facilities for the school and convent will also be considered favourably.

## **NWRB 5**

## **Land For Educational/Community Facilities**

**The sites indicated on Map 63 including the three state schools and adjoining land is being safeguarded for the expansion of the existing schools. Should any one of the schools become redundant during the Local Plan period, community facilities falling within Class 2 (Residential Institutions), Class 7 (Non-Residential Institutions) and Class 9 (d) (Assembly and Leisure) of the Use Classes Order 1994, as amended, will be considered favourably as replacement development. In the case of a Class 9 (d) proposal, MEPA will ensure that the proposal is genuinely a community facility and will serve the needs of local people.**

**Any new development must respect its context, especially if located in a UCA, in terms of overall design, height, mass and volume of buildings and their architectural treatment.**

**The development of an industrial museum on the site adjacent to the secondary school will be considered favourably. Development is to be purpose built and is to cater also for traditional pottery techniques currently being carried out on site. Careful consideration to the visual aspect of the building will be given when considering any application for development. Retail and/or catering use will be permitted provided it supports the cultural use of the site and does not exceed 10% of the floor area of the development.**

22.1.17 A unique characteristic of Rabat is the location of three public schools (two primary and one secondary) within the urban core and in very close proximity to each other. The Temporary Provisions Schemes had safeguarded land for the expansion of these schools but a portion of the site allocated for the expansion of the secondary school has been developed for other uses. The Local Plan safeguards the remaining sites for the extension of the schools but makes a provision for the eventual change in the needs for space by the Foundation for Tomorrow's Schools. The policy ensures that land, which at present is serving a community purpose, is retained for this general purpose, albeit for other activities.

## **NWRB 6**

## **Rabat Protected Area**

**The site indicated on Map 63, which in accordance with the Temporary Provisions Scheme was allocated as a white area, is to be protected from any development, which will adversely affect the scenic value of the conservation area, or views from the conservation area, or disturb the**

**existing landscape setting. Only minor extensions to the existing/permitted structures and in relation to the legitimate land-uses existing at the time of adoption of the Plan will be permitted.**

22.1.18 This site is located on the eastern urban fringe of Rabat and is on the promontory above the Tafal tal-Imdina slopes. The site consists partly of terraced fields behind existing buildings and partly a private garden of another existing dwelling. The overall appearance of the setting is of a very sinuous escarpment, with terraced layered slopes descending from a sharp crest to merge into the plain. Abundant maquis and citrus orchards and relatively damp environment give the valley a green, fertile, intimate environment with foliage spilling over the rubble walls. Due to these intrinsic characteristics of the landscape, it was included in the Urban Conservation Area of Rabat to ensure that views to and from the UCA are preserved. Three applications had already been submitted on this site by 2001, which had all been refused by the Development Control Commission. The Appeals Board had also confirmed these decisions when determining the appeals on two of the decisions. A fourth application was refused in 2004 but a fifth application on half the site permitted residential development. In view of the high landscape value of the site as an integral part of one of the more important conservation areas of the Island, the site should still be protected from more development, which would compromise these qualities.

## **NWRB 7**

### **Development within Seminary Grounds**

**There is a presumption against further development within the grounds of the Archbishop's Seminary as indicated on Map 63 unless the development is an ancillary facility to the seminary and there is a genuine need for the use. New buildings should be sensitively located within the grounds and should respect the integrity of the existing buildings and their setting in terms of building height, mass, volume, and materials, should not adversely affect any existing landscaping or feature of architectural importance worthy of conservation within the grounds, and should not create a negative visual impact on the wider landscape.**

22.1.19 The Seminary is one of the larger religious institutions in Rabat and has considerable grounds associated with it. Its location on the periphery of the town, adjacent to the residential area of Tal-Virtu' and its setting in the wider landscape make development on the site environmentally sensitive. This policy is aimed at protecting the amenity of the residential priority area and minimising any impacts on the landscape whilst permitting only necessary and essential expansion of the Seminary itself.

## **NWRB 8**

### **Development within St. Dominic Convent Grounds**

**There is a presumption against further development within the grounds of the St. Dominic Convent as indicated on Map 63 unless the development is an ancillary facility to the convent and there is a genuine need for the use. Any extensions should be sensitively located within the grounds and should respect the integrity of the existing building and its setting in terms of height, mass, volume, and materials, and should not adversely affect any existing landscaping or feature of architectural importance worthy of conservation within the grounds.**

**In the eventuality that the convent becomes under utilised or redundant within the Local Plan Period, alternative uses should have a low intensity, be compatible with the residential area (Refer to Policy NWUS 3) and preferably provide a service to the local community. Any extensions necessary to accommodate new uses should be minor and comply with the criteria for extensions established by this policy.**

22.1.20 The historic Dominican convent has substantial grounds but is different in character to the Seminary because the undeveloped sites are surrounded by buildings and not visible from the public road. These grounds must also be protected from development because they form an integral part of the historic setting of the convent and church. However, the needs of the convent must still be met and such development will be allowed, provided it is sensitively located and designed. This site is wedged between the residential area and the residential priority area of Tal-Virtu' and special attention must be accorded to any proposed new use or extensions to buildings to ensure a transition between the two zones. New structures should also relate well to the existing buildings.

## **NWRB 9**

## **Conservation of Triq ic-Caghki Windmill Urban Space**

**MEPA will consider development proposals in the urban space indicated in Map 63A provided:**

- (i) they comply with the land allocations and provisions indicated on Map 63A and policies NWRB 2, NWCO 4 and 5 of this Plan;**
- (ii) the land uses are compatible with the Residential Area of Rabat and comply with policy NWUS 3;**
- (iii) the design of the buildings (new structures and extensions to existing structures) should compliment the traditional character of the urban space, especially in the immediate vicinity of the mill. The Design Guidelines for Development Control In Urban Conservation Areas should be applied to assess proposals within this policy boundary;**
- (iv) the building heights should comply with the heights shown on Map 63A and only stairwells will be permitted on the roof;**
- (v) new vehicular accesses onto the pedestrian area will not be permitted;**
- (vi) parking requirements for development of the sites fronting the pedestrian area will be waived.**

**MEPA will favourably consider proposals for the enhancement of the public areas through hard and soft landscaping schemes and traffic calming measures, aimed at enhancing the appreciation of the mill and its environs.**

**Development proposals to sanction incongruous accretions to the existing buildings or the redevelopment of the windmill itself will not be allowed.**

22.1.21 The urban space identified in Map 63A lies outside the Urban Conservation Area of Rabat but has a distinctive character dominated by the cylindrical tower of the old mill which is worthy of protection and enhancement.

22.1.22 The Temporary Provisions Scheme for Rabat projected a local road to encircle the mill which would have required the demolition of a number of buildings and also zoned the central site as a green area. This scheme, if implemented, would have an adverse impact on the character of the area, as it will adversely affect the urban fabric due to the demolition of the buildings and the zoning of others as a green space. The Local Plan policy deletes the projected road thus safeguarding the character, introduces a wider range of uses through Policy NWUS 3 provided they are compatible with the residential area, and requires careful attention to the design of any new structures, especially their impact on archaeological remains. The policy also serves as a guide to public agencies or private developers which are willing, and have the necessary funds, to carry out embellishment projects or else are requested to carry out embellishment projects as planning gain with other major developments in the vicinity.

## 22.2 Bahrija

### Introduction

- 22.2.1 Bahrija is a small, relatively isolated, residential settlement to the North West of Rabat surrounded by open countryside of high landscape, ecological and archaeological value, most of which has been scheduled. The whole area within development boundaries is limited to 11.25 ha. This is made up of nine blocks zoned for terraced houses and two blocks for semi-detached villas. Most of the buildings are one or two-storey terraced houses but recent buildings have been constructed on three floors as maisonettes and flats reflecting the increasing development pressures on this small settlement. The village has a main church and a small historic chapel, its own primary school and is also served by the basic retail facilities such as grocer, butcher, stationer and ironmonger.
- 22.2.2 The village is associated mostly with an autumn religious activity of St. Martin and during this period attracts large numbers of visitors. Bahrija is also visited during the autumn and winter season due to the attraction of the surrounding countryside and nearby coastal cliffs. Supporting the function of a visitor attraction are four bars and restaurants located in close proximity, which are famous across the island for serving traditional dishes.
- 22.2.3 The main planning issues for Bahrija can be summarised as:
- to safeguard the setting and visual composition of the village from incongruous development;
  - to retain a community focus around the established centre;
  - to safeguard land for the school and ensure its viability;
  - to protect the amenity of residents from further commercial uses.

### Land Designations

- 22.2.4 The Local Plan has designated a Local Centre and a Residential Area in Bahrija. The boundaries of these land designations are shown on Map 65 and are covered by General Policies NWCM 2 (Local Centre), and NWUS 2 (Residential Area), which relate to the zones as a whole.

### Policies

#### NWRB 10

#### Bahrija Protected Sites

**The two sites indicated on Map 65 are being protected from development, which will adversely affect the setting of the churches or views of the same churches from the approach roads towards them or from the wider landscape.**

- 22.2.5 The site around the main church was already zoned as forming an integral part of the church in the Temporary Provisions Schemes of 1988 and this policy endorses that designation and restricts development which can occur on it. The church is a low-lying building but due to its location on the urban boundary (eastern side), on elevated ground and the open space around it, is visible from long views and its steeple acts as a landmark within the landscape when Bahrija is approached from the main access route.
- 22.2.6 The second site is presently a white area within development boundary in the Temporary Provisions Schemes of 1988 and it is therefore important that it is protected from



developments which would adversely affect the setting of the chapel which, similar to the main church, is located on the boundary (western side) and on elevated ground.

## **NWRB 11**

## **Site for Primary School**

**The site indicated on Map 65 is being designated as land for the primary school of Bahrija. Extensions to the school outside this boundary will only be considered in exceptional circumstances when MEPA is satisfied that there is a genuine need for the extension and the existing land cannot accommodate the required extension.**

22.2.7 This primary school is located outside the development boundary for Bahrija and hence the Local Plan is recognising its perimeter and allocating the land for educational facilities. The site is already occupied by the school building itself and a play-area for school children, and room for expansion is limited. Although it is highly unlikely that a need for expansion will arise within the Local Plan period due to the low population of Bahrija, this policy allows consideration of further facilities provided MEPA is satisfied with the need for the facilities.

## **NWRB 12**

## **Residential Development**

**MEPA will favourably consider the development of a mix of Class 1 (Use Classes Order, 1994, as amended) dwelling units only, as detailed in Part 3 of the Development Control Policy and Design Guidance 2005, on the site indicated on Map 65 provided that:**

- (i) a comprehensive development application covering the whole site is submitted;**
- (ii) the built site coverage does not exceed 40% and the remaining 60% are allocated as public open space with seating/play facilities;**
- (iii) the building heights do not exceed 3 floors plus 3 courses basement as per the Building Heights Map 66;**
- (iv) the built structures are located to the western portion of the site while the public open space is located facing the church and designed to integrate with the open area surrounding the church;**
- (v) a holistic design, reflecting and respecting the character of the area, is adopted;**
- (vi) a landscaping scheme is submitted and approved;**
- (vii) the construction of the public open space is included as planning gain with the overall scheme.**

22.2.8 The larger part of this privately owned site (total area 2,400m<sup>2</sup>) was zoned as a green area in the Temporary Provisions Scheme for Bahrija with a small part allocated as a road linking Triq Gerdalu Paris with Triq Saverin Bianco. This public open space has never materialised in spite of being allocated for a long period of time, because the private sector is not keen on providing facilities with no return.

22.2.9 The partial development of the site for around 20 dwelling units, provided the remaining part is landscaped with seating areas as planning gain, will achieve MEPA's objective of increasing the provision of usable public open space. Another large public open space has been allocated for Bahrija, part of which has been developed as a play area by Government. This small village also has two substantial open spaces surrounding the main church and a small chapel within the development boundary and therefore, the retention of this entire site as open space with the real risk of actually getting none at all, as has happened in other green areas on private land, will not achieve a tangible improvement in the quality of the urban environment.

## 23. Mtarfa Area Policies

Area: 0.725 km<sup>2</sup>

Population: 1, 602 (by Local Council in 2003)

### 23.1 Introduction

- 23.1.1 Mtarfa is a local service centre in terms of population size, and the catchment area for shopping, but it also provides major community services such as a secondary school, which serves the wider region, a sizeable home for the elderly, a centre for persons with disability and a respite home which all cater for persons outside of Mtarfa, and generate extraneous traffic and parking. It is also in the immediate proximity of Rabat and until very recently did not have its own Local Council, but formed part of the administrative boundaries of Rabat. No Town Planning Scheme was prepared in the 1960s and even the Temporary Provisions Schemes of 1988 did not recognise it as an urban settlement. In terms of planning policies, Mtarfa is still considered as an area Outside the Development Zone, although a building heights limitation exists.
- 23.1.2 The word “Mtarfa” means ‘on the edge’ and the location is a probable origin for the name but other historians associate it with a Medieval Age Spaniard. However prehistoric remains have been discovered including silos, cart ruts and rock-hewn tombs. Marble credited to the Temple of Proserpine has also been discovered. It is important that if such heritage is unearthed, especially in the Primary School area, it is adequately protected.
- 23.1.3 For several years Mtarfa remained as a fertile land jutting out in between “Qlejgha” and Busbies Valleys. This is reflected in the urban form and street pattern of the western part of the town, which demonstrates a predominantly rural character with a scatter of traditional farmhouses and rural buildings, now intermingled with more modern, sometimes incongruent, constructions and land uses such as large garages for industrial activities and plant yards.
- 23.1.4 During the British period considerable development occurred at Mtarfa which commenced in the late nineteenth century with the military barracks (now converted into residential units) and the Mtarfa landmark – the Clock Tower - and continued in the early twentieth century with the construction of the hospital, currently utilised as a secondary school, and its ancillary facilities some of which lie derelict like the Dispensary and the Sisters Quarters. The architectural style and site layouts of the period are still evident but considerable alterations have been made to the buildings to enable their re-use for other purposes. Dereliction and abandonment is also threatening important buildings from this era.
- 23.1.5 Over the past 15 years Mtarfa has once again witnessed extensive development, and a consequent growth in population, as the implementation of the Mtarfa New Town project began in earnest in the early 1990s. This project was undertaken by the public sector and aimed primarily at the provision of social housing. A community centre, which is currently increasing in activity with the occupation of the building by shops, Local Council offices, and police station and the construction of a pastoral centre, was also integrated in the plan. The site allocated for the church is still vacant. The location of the community centre is not ideal as it is not central and thus not easily accessible on foot from the entire Town.
- 23.1.6 The New Town project had significant impacts on the skyline of Mtarfa and on views of the town from Mdina and from the surrounding countryside, especially due to the heights of the new housing blocks. Nonetheless, the clock tower remains a dominant landmark and the landscaped belt is still intact retaining the characteristic view of Mtarfa of buildings within a

landscaped setting. Two additional sites proposed for further housing development, one opposite the secondary school to the north and a larger one to the south of the old people's home, have created contention due to their location right on the edge of the ridge.

23.1.7 In summary, the main planning issues in Mtarfa are as follows:

- Recognition of Mtarfa as an urban settlement and establishing a development boundary;
- Protection of residential amenity from large scale establishments, including social facilities;
- Protection of archaeological remains within Mtarfa;
- Protection of the older parts of Mtarfa to the west from inappropriate development;
- Protection of buildings of architectural importance from the British period from inappropriate alterations or abandonment;
- Identification of a new neighbourhood centre on the western part of the town;
- Allowing further development of social housing;
- Protection of the landscaped green belt;
- Protection of views of Mtarfa from Mdina and the surrounding countryside.

## Land Designations

23.1.8 The Local Plan has designated Mtarfa as an urban settlement with a development boundary for the town, and has designated a Local Centre and a Residential Area in Mtarfa. The boundaries of these land designations are shown on Map 67 and are covered by General Policies NWUS 1 (Development Boundary), NWCM 2 (Local Centre), and NWUS 3 (Residential Area), which relate to the zones as a whole.

## 23.2 Policies

### NWMT 1

### Conservation of Urban Character

**MEPA will favourably consider proposals, which enhance the character of the two urban areas indicated on Map 67. MEPA will exercise stricter control over development proposals within these areas and will only consider proposals when:**

- (i) **Land uses are compatible with the residential character of the areas as detailed in General Policy NWUS 3 of this Plan;**
- (ii) **Proposals are, generally, in line with UCA Design Guidance of 1995 and with policy NWMT 3 of this Plan for the area to the east;**
- (iii) **Built structures retain the predominant two-storey building height of the areas;**
- (iv) **New buildings or redevelopment of existing buildings (provided they are not worthy of retention due to their architectural/historical importance) respect the existing street alignments;**
- (v) **Proposals do not adversely affect any landscaped open/play spaces.**

23.2.1 These two areas are a reflection of the historical development of Mtarfa and therefore it is important that this characteristic is not lost through insensitive development. The part to the west illustrates the earlier urban pattern with its winding streets and a good number of traditional, rural buildings. Recent interventions and activities have already had a deleterious effect on the character and this policy seeks to halt, and reverse, this negative trend by clearly stating the intentions of MEPA, with regards to future development, to safeguard the area. The part to the east is a depiction of the military architectural and urban planning styles of the British period with which Mtarfa is so strongly associated. While reuse of the military

buildings was an important element in their survival, incremental interventions by the new owners have not always been sympathetic with good principles of conservation and rehabilitation.

- 23.2.2 The open spaces surrounding the buildings are as important a contributor to the character as the buildings themselves and provide the setting to the buildings. The setting of individual buildings very often owes its character to the harmony produced by a particular grouping of buildings (not necessarily all of great individual merit) and to the quality of the spaces created between them. Such areas require careful appraisal when proposals for development are under consideration, even if the redevelopment would only replace a building, which is neither itself listed or immediately adjacent to a listed building. Where a listed/scheduled building, or a building with potential for listing/scheduling, forms an important visual element in a street, it would probably be right to regard any development in the street as being within the setting of the building. A proposed high or bulky building might also affect the setting of a listed building some distance away, or alter views of a historic skyline. In some cases, setting can only be defined by a historical assessment of a building's surroundings. This policy seeks to build upon the framework for interventions on the buildings within the area set out by Policy NWMT 3 in this Plan and provides guidance for the wider areas.

## **NWMT 2**

## **Protected Urban Landscaped Areas**

**The two areas indicated on Map 67 will be protected from further development, which harms their significant landscape quality. Felling of trees within these areas will not be permitted unless they are ailing and are to be replaced. Development on the built structures within these areas must comply with policies NWMT 3 for the residential buildings and NWMT 9 for the small-scale workshops. MEPA will seek to enhance these areas through funds obtained from planning gain from major developments within Mtarfa.**

- 23.2.3 This policy, similar to NWMT 1, seeks to protect two particular areas in Mtarfa which have a unique character in terms of the relationship between the open spaces and the buildings of architectural importance within them. The distinctive character of these areas is also due to substantial, densely landscaped areas with mature trees which not only contribute to the setting of the buildings within them, but also to the setting of Mtarfa when viewed from Mdina and the surrounding countryside. This policy seeks to protect the areas by prohibiting felling of trees, and when necessary, requires their replacement, and by controlling development on the buildings within the areas.

## **NWMT 3**

## **Alterations to Buildings of Architectural Importance**

**MEPA will not favourably consider external alterations to buildings of architectural importance (which include the barrack blocks, individual buildings and public buildings) indicated on Map 67. Internal alterations to the same buildings and other development will be considered provided that:**

- i. No structures (including washrooms) are constructed on the roof of any building with the exception of water tanks and telecommunications equipment provided they are well screened from public view, and the works do not adversely affect the visual integrity of the building;**
- ii. No further construction of front/side back yard walls, entrances steps/stairwells, enclosures of arches, replacement of apertures, replacement of balustrades etc., on any building is carried out unless it can be demonstrated that the proposed development will not affect the**

**symmetry of the building, and will not have other adverse effects on the visual composition and integrity of the building;**

**iii. No painting of facades is included as part of the proposal.**

**The guidelines approved by MEPA in 1995 for Development Control Within Urban Conservation Areas may also be used to safeguard the architectural integrity of these buildings.**

23.2.4 Mtarfa includes a substantial number of buildings, which were formerly used by the British military establishment in Malta referred to as Barrack Blocks in this policy. Most of these buildings have been scheduled. Following reuse for residential or other uses, the buildings have been subject to indiscriminate interventions. Piecemeal works (such as closing of archways, replacement of original aperture frames) are destroying the architectural quality of the buildings.

23.2.5 This policy and the relevant 1996 development control guidance for Mtarfa aim at maintaining the homogeneity of the area resulting from the architectural style adopted. The guidelines deal with

- (i) structures on roof of buildings;
- (ii) boundary wall of front/side/back yard;
- (iii) entrance steps/stairwells; and
- (iv) enclosure of arches, replacement of recessed apertures, replacement of balustrades.

## **NWMT 4 Re-use of Abandoned Buildings of Architectural Importance**

**MEPA will favourably consider proposals for re-use and rehabilitation of the buildings as indicated on Map 67, provided that:**

- i. The proposed reuse does not create a negative impact on the residential amenity through excessive extraneous traffic generation and parking requirements, noise, dust and fumes and unusual operating times;**
- ii. Land uses catering for the needs of the community of Mtarfa will not be required to provide car parking other than basic operational requirements;**
- iii. Any alterations/extensions preserve the architectural integrity, including the planimetry, of the buildings and for the Ex-Dispensary and the buildings off Triq Hamilton, do not adversely affect views of Mtarfa;**
- iv. Any alterations/extensions preserve the setting of the building and its context and do not adversely affect any mature landscaped areas;**
- v. A Restoration Method Statement is submitted in accordance with terms of reference prepared by MEPA.**

**Proposals, which include the complete or substantial demolition of the existing buildings, will not be approved.**

23.2.6 There are a number of buildings, or groups of buildings in Mtarfa of special architectural or historic interest, which are at risk particularly where their original uses are no longer viable and/or they have been vacated. In these cases sympathetic conversions to new uses, including commercial development may be the best way of securing their long-term future. Any proposal should retain the original structural features as much as possible and alterations should not be so extensive as to put the structure at risk. Alterations should reflect the plan form of the building and decorative features which are of architectural or historic interest should be retained or reinstated. Repair of the fabric of historic buildings is preferable to replacement and should, where possible, be undertaken in authentic, matching materials.

23.2.7 This policy relates to three major buildings in Mtarfa:

- Ex-Dispensary: An H-planned single storey building having an axle-shaped corridor linking two (west and east) wings with a central hall;
- Ex- Sisters Quarters: A two storey eclectic building that used to serve as the “Sisters’ Quarters”, complete with relevant stores, etc., is a good example of the late 19<sup>th</sup> century ‘colonial’ architecture with a touch of Art Nouveau inspiration;
- Three blocks located on the northeastern edge of Mtarfa off Triq Hamilton with a height of one and two storeys dominated by a colonnaded portico with a recessed first floor.

23.2.8 The Mtarfa New Town Project had identified the Ex-Dispensary as a neighbourhood centre comprising shops, a social centre and a kindergarten school together with related landscaping works. The Housing Authority had submitted an application for these works in 1993 but this was later withdrawn. A 1994 report by the architects of the project stated that the acquisition of this building was a problem and proposed the Ex Sister’s Quarters as a possible alternative. The Local Plan supports such uses for either building, with preference to the ex Sisters’ Quarters as it is more centrally located within the western part of Mtarfa, but does not make any restrictions on specific uses to introduce more flexibility into the choice of the most viable option. However, any proposal should respect the context of its location in buildings of architectural importance, its location within a wider residential area and the need to protect Mtarfa from large-scale establishments.

## NWMT 5

## School Grounds

**The two sites indicated on Map 67 are being designated for schools, in line with their current use. Further development within the school grounds will be favourably considered provided:**

- (i) Any interventions on the existing buildings comply with Policy NWMT 3 in this Plan;**
- (ii) Development in the grounds of the Secondary School is aimed at providing ancillary facilities to the primary use. Development which increases the intensity of the primary use should be carefully assessed to ensure that any additional traffic generation will not have an adverse impact on residential amenity;**
- (iii) New buildings are well integrated within the setting of the grounds and relate to the existing buildings in terms of scale, mass, proportions and materials;**
- (iv) New buildings do not adversely affect mature trees or landscaped areas.**

23.2.9 The site to the east contains the primary school of Mtarfa and the site to the west contains the secondary School, which caters for the surrounding region. Both schools are located within buildings of the British period (the secondary school occupying the military hospital buildings) that must be protected from insensitive development due to the architectural importance of the buildings, the setting of the buildings and the landscaped open spaces, which together make up the character of the sites. Policies NWMT 12 and 13 are also applicable to any new development on these sites.

23.2.10 The secondary school generates substantial amounts of traffic during specific short periods of time, which are having a negative impact on the amenity of the residential areas. This policy allows the provision or expansion of supporting amenities to the school, which serve and support the main use such as labs, library, sports, etc. The policy controls the expansion of the school by prohibiting an increase in the intensity of use (number of classrooms), which would adversely affect the residential amenity of the area.

## NWMT 6

## Extension of Dar il-Kaptan

MEPA will favourably consider the extension of facilities related to Dar il-Kaptan, on the site indicated on Map 67, provided that:

- i. An application on the whole site is submitted;
- ii. New buildings should:
  - respect the scale, form and architectural qualities of the existing building;
  - not occupy more than 550 sqm footprint;
  - be located on the south east corner of the site, avoiding existing mature trees as much as possible;
- iii. A safe new access from the lower street, Triq L-Imtarfa, is provided;
- iv. Adequate on-site car-parking is included;
- v. A detailed landscaping plan is to be submitted and approved.

23.2.11 The Foundation for Respite Care Services operates from Dar il-Kaptan and is a voluntary, non-profit making organisation. Respite services are provided to people of all ages with disabilities from Malta and Gozo. The house currently accommodates twelve beds and the emphasis is on providing care in a family like environment. There is a large demand to expand services and consequently facilities.

23.2.12 This site has an area of around 5,100sqm and forms the grounds of the existing Dar il-Kaptan. The building, of significant architectural importance, is located on the northwestern corner and most of the remaining parts of the site are covered with mature trees, except for a site with a frontage on Triq l-Imtarfa. This site could accommodate a new building without too much damage to the existing landscaped setting of the existing building. As the Local Plan does not encourage large establishments catering for a national or a regional need to locate within Mtarfa, it must be ensured that the extension to Dar il-Kaptan does not result in negative impacts on the surrounding areas through traffic generation and on street parking. The provision of adequate car parking areas is essential.

## NWMT 7

## New Residential Development

MEPA will favourably consider further residential development on the three sites indicated on Map 67 provided that: -

- i. The developer demonstrates through appropriate studies of the visual impact of the proposed development that views of or from Mtarfa from strategic viewpoints will not be compromised;
- ii. The height and massing of any development relates well to adjoining development particularly buildings of architectural importance;
- iii. The design of the buildings enhances the residential character of the area and of adjacent buildings;
- iv. Adequate on site car parking provision is included;
- v. Any development along the ridge edge should not impinge on the stability of the ridge;
- vi. Planning gain aimed at the consolidation of the afforested area/the open space gap indicated on Map 67 should be submitted.

23.2.13 In line with the general thrust of the Mtarfa New Town Master Plan, the Local Plan has identified three sites for the development of further social housing units. The sites are already covered by development permission under applications PA 2487/98, PA 2161/00 and

PA 3318/00 and will accommodate an additional 90 units. Works had started on two of the sites.

- 23.2.14 This policy requires attention to be paid to the visual impacts of development on the sites due to their sensitive location especially on the ridge overlooking Chadwick Lakes Conservation Area, to ensure that any new development does not compromise any further the unique character of Mtarfa of relatively low buildings on a hilltop in a landscaped setting.

## NWMT 8

## Sports Facilities

**The site indicated on Map 67 is safeguarded for sports facilities catering for the local needs. Additional built structures above ground level will only be permitted provided that:**

- (i) The use of the site for sports is not compromised;**
- (ii) They are ancillary to the main use of the site for sports;**
- (iii) They do not harm the open character of the site due to their scale, bulk and design;**
- (iv) They do not adversely affect the amenity of adjacent residential blocks through visual intrusion, noise, excessive traffic generation and unusual operating times;**

**Development below ground level will be considered provided criteria (i) and (iv) above are complied with and this underground development is part of a scheme aimed at enhancing the provision of sports facilities on the site. Planning gain aimed at the consolidation of the afforested area/the open space gap/ protected urban landscaped areas indicated on Map 67 should be submitted.**

- 23.2.15 The two football pitches on the site provide a social facility and an important element for a vibrant community and thus should be protected from development, which compromises their main use. Supporting facilities such as changing rooms and showers are lacking and there is scope for providing such uses within the site boundary subject to their proper location away from residential blocks. Other facilities such as a small kiosk, or play equipment can enhance the use of the site for recreation especially if linked with the adjacent site allocated for a similar use in the Plan.
- 23.2.16 Development underground, not necessarily for sports facilities, may be considered if MEPA is convinced that it will lead to an upgrading of the whole site for sports. Preferred uses at basement level are carparks and garages but other uses will be considered provided they will not have an adverse impact on the amenity of adjacent residential areas and are in line with relevant policies controlling use of underground space. This development can also be an opportunity for MEPA to obtain funds for a project in Mtarfa, which is identified under policy NWMT 11 in this Plan. Policy NWMT 12 also applies to this site.

## NWMT 9

## Small-scale Workshops

**MEPA will favourably consider development for light industrial workshops and storage on the two sites indicated on Map 67 provided that:**

- (i) For the building off Triq San David, a comprehensive application for the whole site is submitted;**
- (ii) For the building off Triq San David, the land uses fall within Class 11 – Business and Light Industry and Class 17 - Storage only, and for the building off the junction between Triq San David and Triq il-Maltin Internati u Eziljati the land uses fall within Class 11 – Business and Light Industry and Class 12 – General Industrial, of the Use Classes Order 1994, as amended;**



- (iii) **Proposal involves the reuse of the existing structure only without additions in terms of footprint or height. The surrounding hard surface areas can be utilised for car parking and access provided policies NWMT 2 and NWCO 11 are complied with;**
- (iv) **The external appearance of the existing structures is enhanced and improved;**
- (v) **Each business unit is, in general, not to exceed 50sqm in floor area;**
- (vi) **The activity is undertaken wholly within the premises;**
- (vii) **The precise nature of the activity is determined (type of machinery, noise, vibration, emissions, materials used, wastes, traffic generated, hours of operation) and must not have an adverse impact on the amenity of surrounding residential blocks;**
- (viii) **For the building off Triq San David, planning gain aimed at the consolidation of the protected urban landscaped areas indicated on Map 67 should be submitted.**

23.2.17 The sites identified by this policy are located on the outskirts of the main urban area and contain one-storey buildings, which are already utilised for industrial purposes. The buildings off Triq San David (floorspace 510 sqm) are used for the construction and storage of carnival floats while the buildings down by the main roundabout linking Triq San David and Triq il-Maltin Internati u Eziljati (floorspace 550 sqm) are mostly used for vehicle repairs or other industrial activities.

23.2.18 The location of the buildings away from residential areas facilitates their utilisation for industrial uses but control should still be exercised on the activities to ensure that no intensification occurs and the buildings support local needs without damaging any existing landscaped areas or the existing buildings.

## **NWMT 10**

## **Recreational Area**

**The site indicated on Map 67 is being allocated for the provision of informal and passive recreational facilities. Only the provision of facilities/equipment, which enhance the potential of the site for informal, passive recreation, will be permitted, provided they do not harm any mature trees and do not have an adverse impact on the amenity of adjacent residential blocks through the generation of noise and an excessively higher level of activity within the site. No built development is envisaged for this site.**

23.2.19 Mtarfa is characterised by substantial landscaped areas, which soften the impact of the buildings and provide an aesthetically pleasing setting to the town, especially when viewed from the surrounding areas of high landscape value. These areas are mostly located on steep slopes with very restricted access making their use for passive recreation very difficult. This site, on the other hand, has good access and can be used for picnics and similar passive recreational activities. Its use can also be combined with the sports facilities but it must be ensured that any further activities do not harm the intrinsic characteristics of the site or the amenity of adjacent uses.

## **NWMT 11**

## **Retention of Afforested Area**

**The afforested area on the perimeter of Mtarfa indicated on Map 67 is to be retained. Felling of existing trees will not be permitted unless they are ailing and are to be replaced. Those sparse patches within the overall area indicated on Map 67, which are currently devoid of trees, should be enhanced by tree planting schemes. MEPA will direct funds obtained from planning gain associated with major developments in Mtarfa towards such tree planting schemes. This policy applies also to those parts of the open space gap indicated on Map 67 and covered by policy NWCO 11 that also contain afforested areas.**

**Any tree planting schemes within areas are of ecological importance should not impinge on established natural communities.**

**Any development proposals on existing buildings, and in their curtilages, within the afforested areas should comply with the provisions of this policy if they are going to affect existing trees or take up land, which could be afforested. Proposals, which do not affect fresh land, should be subject to the normal planning policy frameworks for development outside the development zone.**

23.2.20 The justification for this policy is two fold: it seeks to protect the existing afforested areas around Mtarfa, which are a major contributor to its visual appearance and quality, from development; and it seeks to achieve a continuous belt of landscaped land around the town by identifying additional sites for possible further afforestation. The Plan also identifies two projects in Mtarfa (New residential development (Policy NWMT 7) and sports facilities (Policy NWMT 8)) that could contribute funds towards the implementation of such an afforestation project.

## **NWMT 12**

## **Archaeological Remains**

**The scheduled part of the site indicated on Map 67 is being safeguarded from development due to its potential as a site of archaeological importance. The development of those facilities, which enhance the interpretation, and appreciation of the heritage value of the site by the public will be allowed on the eastern, unscheduled part of the site, provided they are of a small scale and do not create an adverse impact on the residential amenity of the area through visual intrusion, excessive traffic generation and parking requirements.**

**Any development proposal within Mtarfa which includes the construction of basements or will necessitate excavation works for the construction of any structure must demonstrate to the satisfaction of MEPA and the Superintendence of Cultural Heritage that the proposed works will not have any adverse impacts on any archaeological remains within the site boundary or on any other remains in the proximity of the site.**

23.2.21 Within this particular area, several cart-ruts can be identified which are associated with Phoenician tombs (7<sup>th</sup> - 4<sup>th</sup> century B.C.). The association of these features is a unique example and has high value for local archaeology. This relationship is the only evidence of dating for cart-ruts, at least the ones found here. Extensions of these cart-ruts and other related archaeological features were partially destroyed by development. The surviving area therefore is of high importance. MEPA is in close collaboration with the Superintendence of Cultural Heritage and the Local Council to conserve this area and utilise it as an educational and cultural activity area. A site adjacent to the scheduled part has been identified to accommodate an interpretation and appreciation centre for the scheduled site and also for the heritage value of Mtarfa as a whole.

## **NWMT 13**

## **Views of Mtarfa**

**The visual quality of Mtarfa, characterised largely by buildings interspersed with greenery, as seen from surrounding areas, is to be maintained and enhanced. Any developments, which will compromise this character, will not be permitted. Height of buildings should comply with those shown on the Building Heights Map (Map 67A) and MEPA will exercise strict control on building heights, even on structures at roof level, for development overlooking Wied il-Hemsija and the Chadwick Lakes Conservation Area and other development sites on the ridge.**

23.2.22 Mtarfa is located on a ridge and its visual aspect from nearby ridges and valleys is an important part of the Maltese landscape. It is unique in that, from most viewpoints, greenery rather than buildings is the dominant feature of its ambiance. It is essential that building heights on the ridge are limited as much as possible to avoid creation of visual intrusions, which would have a negative effect on views from Mdina and other areas of high landscape quality. This policy is intended to protect this image and prevent further damage. It is regretted that recent developments have not been particularly sensitive to this aspect. This will entail the provision of additional landscaping to shield, at least in part, the more recent housing development. Moreover, developments, which because of their scale compromise the 'green' element of Mtarfa's visual aspect, will not be permitted.

## **NWMT 14**

## **Local Access Road Improvement**

**MEPA will permit the improvement of the road on the eastern boundary of the settlement indicated on Map 67 provided that:**

- i. An appropriate environmental evaluation is undertaken;**
- ii. The carriageway width does not exceed 7.0m excluding any bend widening;**
- iii. A footway is provided on one side; and**
- iv. The boundary treatment on the eastern side of the road is in keeping with the rural setting.**

23.2.23 There are three vehicle accesses to Mtarfa two at either end of the ridge whereas a third is off the road in Wied il-Hemsija. The road at the northeast end is arguably the most convenient for most users but it is somewhat unsafe because of restricted widths and poor sight lines. With a growing population in Mtarfa, an upgrading of the road as indicated in this policy becomes a priority. It is important that the design of any improvement needs to be sensitive to the environment of the area and therefore the policy sets parameters within which any scheme will be viewed. The retention of two access roads, one at either end of Mtarfa, is a means of reducing traffic along the spinal road through Mtarfa and hence reducing impact of traffic on residents.

23.2.24 The road in Wied il-Hemsija is being proposed for upgrading to arterial (NWTR7). The existing roundabout on this road will need to be redesigned in accordance with accepted standards (NWTR8). Retaining an access road into Mtarfa at this junction would require a substantial increase in area for the junction. In any case, this access road is not particularly useful given that there are two other access roads, both of which are proposed for improvement.

## 24. Dingli Area Policies

Area: 5.66 Km<sup>2</sup>

Population: 2,937 (by Local Council in 2003)

### 24.1 Introduction

24.1.1 Dingli is located to the south west of the Local Plan Area, four kilometres from Rabat. It is strongly dominated by residential uses but has a commercial centre concentrated around the main church. The village is closely associated to Dingli Cliffs to the west that are very popular with tourists and locals because of the magnificent views they offer. Dingli is also surrounded by attractive countryside where a number of rural hamlets are scattered such as Misrah Suffara and Tal-Imbart.

24.1.2 The village serves a dual role of a service centre for convenience shopping for the local community and the surrounding hamlets, and also as a focal point for the visitors to the countryside and the coastal cliffs. Those roads in Dingli giving access to the cliffs are therefore subject to substantial traffic during weekends. The location of quarries in the vicinity necessitates the use of Dingli as a through road by large vehicles, which create nuisance to residents and traffic hazards.

24.1.3 The urban fabric of Dingli has two main characteristics - the old village core around the church, stretching further to the east, characterised by narrow winding roads, and the housing estate characterised by a pre-determined layout and building types, to the north and north west of the old core. Terraced houses issued by the Housing Authority dominate the housing estate but a number of maisonettes have also been constructed.

24.1.4 In summary, the main planning issues in Dingli are as follows:

- Identification of a local commercial centre;
- Protection of the historic core;
- Traffic management;
- Protection of the setting of the village;

### Land Designations

24.1.5 The Local Plan has designated a Local Centre and a Residential Area in Dingli. The boundaries of these land designations are shown on Map 68 and are covered by General Policies NWCM 2 (Local Centre), and NWUS 3 (Residential Area), which relate to the zones as a whole. In support of these land designations the Local Plan seeks to manage traffic through General Policy NWTR 3.

## 24.2 Policies

### NWDG 1

### Recreational Facilities

**The site indicated in Map 68 is being safeguarded for sports facilities. Only development which enhances the use of the site for sports will be allowed, provided it does not have an adverse impact on the neighbouring residential area through excessive noise generation, additional traffic movements and parking requirements.**

**The adjacent site indicated on Map 68 is allocated for passive recreation as a landscaped open space for public use and policy NWUS 6 applies. Additional facilities for active recreation falling within Class 9(d) of the Use Classes Order 1994, as amended, on this site will be favourably considered provided the built up footprint does not compromise the objective of providing passive recreational, landscaped space and does not exceed 30% of the site area. The scale of any facility should not have an adverse impact on the residential amenity through noise and traffic generation and the height of any building should not exceed one floor.**

**No commercial development will be permitted on both sites except for a small kiosk to support the public open space as provided in policy NWUS 6.**

24.2.1 This site (total area of 1ha) is currently partly developed as a football ground with minor ancillary facilities and partly taken up by road space and abandoned land. This policy ensures that the use of the land remains for sports throughout the Local Plan period as it plays an important function in the community. It also allocates the sterile area of land (0.21ha) for public open space and allows consideration of additional sports facilities subject to safeguards from adverse impacts on the nearby residents. This policy also entails an amendment to the road layout in the area.

## **NWDG 2**

## **School Extension**

**The site indicated on Policy Map 68 is reserved for a school extension. No other development will be permitted in this area, including agriculture related development, which will prejudice the use of the site as an extension to the school.**

24.2.5 The school population stood at 350 in 1994/95. Government provision of dwellings in Tal-Hawli area and new developments at the western end of the village suggest that the school population is likely to increase over the coming years. It is difficult however, to make reliable forecasts since the new residents may choose to send their children to school elsewhere.

24.2.6 This policy reserves the area for school extension should the need arise over the next decade. The prohibition of further development in site earmarked for the extension includes agriculture related developments.

## **25. Zebbug**

- 25.1.1 The western rural countryside of Zebbug is included (as indicated on **Map 70**) in the North West Local Plan area in order to protect the countryside in accordance with General Policies (Section 1) of this Local Plan.
- 25.1.2 Existing footpaths create an opportunity for informal recreation and will be protected from any developments, which would adversely affect their route or character. MEPA in conjunction with the Local Council will initiate a system of way marking of footpaths and access ways (Refer to Section 1 Policy NWRE 6). MEPA will also encourage the Local Council to provide and maintain picnic areas in appropriate locations (Refer to Section 1 Policy NWRE 7).

### **Valleys**

- 25.1.3 The valleys of Wied Incita, Wied San Anton and Wied il-Baqjija are identified as a natural resource in terms of water resources, agriculture, wild life and soil conservation. The appropriate agencies will be encouraged to rehabilitate the valleys by the removal of rubbish and construction waste, and the creation of footpaths in appropriate locations.
- 25.1.4 No development will be permitted on the sides of valleys, adjacent to or within valley watercourses except for constructions aimed at preventing soil erosion and the management of water courses in a manner which does not damage water courses and valley sides, and their ecology and geomorphology. (Refer to Structure Plan Policy RCO 29).

### **Rubble Walling**

- 25.1.5 MEPA will encourage the reinstatement and maintenance of random rubble walling throughout the countryside.
- 25.1.6 Rubble walls are protected by legislation in view of their historical and architectural importance, their beauty and vital importance in the conservation of soil and water. Walling knocked down should be rebuilt and existing walls retained. It is important to use traditional materials and methods if the characteristic rural landscape is to be conserved.

## 26. Il-Buskett

### 26.1 Policy

#### NWBU 1

#### Il-Buskett Action Plan

**The area indicated on Map 10, is identified as the Il-Buskett Action Plan area, as defined under Section 26 of the Development Planning Act (1992).**

26.1.1 MEPA will prepare an Action Plan in conjunction with the Department of Agriculture. There is an urgent need to re-establish the general principles for the future of Il-Buskett in a land use framework consistent with the objectives of the Structure Plan and the North West Local Plan.

26.1.2 The location known as Il-Buskett lies 1.8 km due south of Rabat and 1 km to the east of Had-Dingli. (**Map 10**) and is approximately 1.13km<sup>2</sup> in area.

26.1.3 During the late 16th century a large fortified palace (Verdala) was built on the northern flank above the valley. During this period intensive efforts were made to afforest the valley slopes, and these gradually developed into Malta's largest semi-natural woodland.

26.1.4 Much of the present day layout dates back to the 17th century, when orchards were planted and were supported by an irrigation system. Vineyards and conifers were planted on the hillside terraces, and a number of ponds were constructed.

#### 26.1.5 Current Situation

- a. Agriculture - An area of approximately 0.1 km<sup>2</sup> consists of agricultural land and citrus orchards (along the valley floor and on the lower slopes) and vineyards on higher ground. However some areas of garrigue have also been damaged in an attempt to convert the land into agricultural use, and a pig farm has been established on the plateau area.
- b. Ecological and Scientific Importance - Il-Buskett provides a unique ecosystem supporting many uncommon and endemic species since it incorporates a whole variety of important communities - woodland, watercourses, maquis, garrigue, caves and cliffside, all concentrated within a small area, and scheduled as an Area of Ecological Importance.
- c. Landscape Value- The area is scheduled as an Area of High Landscape Value.
- d. Recreation - The environment at Il-Buskett creates an attraction for large numbers of people seeking recreation. Activities include picnicking, camping and barbecues, which together with the high volume of vehicle traffic especially during the weekends cause an adverse impact on the natural environment of the area.  
The Buskett Roadhouse, situated within the vicinity of Il-Buskett, occupies an area of 5156m<sup>2</sup>; with its restaurant and discotheque it also attracts a considerable number of vehicles to the area.
- e. Nature Reserve - Il-Buskett has been declared a Nature Reserve under the Environment Protection Act (1991). However the area is still popular for hunting which, because of Il-Buskett's protected status, is illegal. Construction of trapping sites and hides has damaged garrigue, and trees and rubble walls have been mutilated.

- f. Historical Aspects - Il-Buskett and its immediate surroundings contain a number of historic buildings, which constitute a valuable resource, which should be put to a more appropriate use in order to preserve their intrinsic character and the integrity of their surroundings.

### **Strategic Background**

- 26.1.6 Il-Buskett is located within a Rural Conservation Area and is subject to policies designed to afford the necessary protection to, and enhancement of, the countryside. The purpose of the Structure Plan in designating Rural Conservation Areas is to protect the rural environment.
- 26.1.7 Il-Buskett and its surrounding area are considered to be especially relevant in the context of these objectives. Structure Plan Policies also seek ways in which the interests of agriculture can be compatible with areas of scenic and ecological importance.

### **World Conservation Union (IUCN)**

- 26.1.8 The IUCN range of Protected Area Management Categories provide opportunity to gain National and International recognition for Buskett.
- 26.1.9 The IUCN defines a protected area as *“An area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means”*.
- 26.1.10 The IUCN has devised guidelines for Protected Area Management Categories. The main purposes for which protected areas are managed differ greatly, but there are three categories that are applicable to Il-Buskett and meet the requirements of Structure Plan Policy RCO1: -
- a. Conservation of Natural Features (Category III) - Protected areas managed mainly for conservation of specific natural features (sometimes called natural monuments); which are of a national aesthetic or cultural significance and contribute to national identity;
  - b. Conservation through Active Management (Category IV) - Protected areas managed mainly for conservation management intervention (sometimes called habitat/species management areas); and
  - c. Landscape Conservation and Recreation: (Category V) - Protected areas managed mainly for landscape conservation and recreation (sometimes called protected landscape), which depends upon a specific interaction of people and nature over a period of time.

26.1.11 Issues identified include:-

- a. The need to define the role and extent of agriculture and recreation, and to resolve conflict with Areas of Ecological Importance by scheduling in order to regulate their conservation;
- b. the need to resolve the adverse impact on the natural environment caused by the influx of large numbers of vehicles and people participating in recreational activities;
- c. the need to recognise and reduce the indirect destruction of flora and fauna caused by the number of vehicles and people visiting the area;
- d. the need to protect rubble walling from disturbance and destruction caused by trapping, hunting and recreational activity;
- e. the need to enforce the prohibition of the killing and trapping of birds and fauna in a protected area;
- f. the need to protect, enhance and suitably utilise the historic buildings and structures;
- g. the need to create a buffer zone to give additional protection to the ecosystems of the area;



- h. the need to give consideration to the extension of the gardens in an eastwards direction; and
- i. the need to prepare a comprehensive landscape enhancement scheme.

## **26.2 Action Plan**

### **26.2.1 The need for an Action Plan for Il-Buskett.**

It is proposed that Il-Buskett is identified as an Action Plan Area under Section 26 of the Development Planning Act 1992 in order to provide a legal and planning framework. The Action Plan for Il-Buskett will form an important part of this local plan but will be published as a separate document. In order to ensure the conservation of the Il-Buskett, it will formulate guidance for land use, maintenance and enhancement for the area throughout and beyond the 10-year life span of the Local Plan. It will examine in detail the current situation at Il-Buskett in terms of landscape and conservation, recreation, agriculture, preservation of historical features, inappropriate development, traffic and parking problems, as well as recognising the opportunities for the future. The policies and suggestions in the Action Plan will be formulated after a public consultation procedure, and discussions with various public and private organisations concerned with the area. The views and concerns of these organisations will be evaluated and incorporated within the plan.

### **26.2.2 Aims and Objectives of the Action Plan.**

To maintain and enhance the character and quality of the Il-Buskett area and to increase public awareness of the attributes of agricultural, landscape, ecological, recreation, conservation and cultural value.

### **26.2.3 Objectives:**

- i. To re-establish general principles for the future of the Il-Buskett within a land use framework consistent with the objectives of the Structure Plan and North West Local Plan;
- ii. to define a boundary for the Action Plan Area including a buffer protection zone;
- iii. to schedule Areas of Ecological Importance and Sites of Scientific Interest;
- iv. to maintain and enhance agricultural land whilst safeguarding Areas of Ecological Importance and Sites of Scientific Interest;
- v. to protect and enhance the historical association of the area including the scheduling of historic buildings in order to regulate their conservation;
- vi. to realise the potential of Il-Buskett as an outdoor recreation area compatible with the protection and conservation of its natural habitat and environment;
- vii. to highlight the need for a management structure involving all interested parties including the public; and
- viii. to promote public awareness of, and interest, in the conservation of Il-Buskett, as a means of assisting in the realisation of the aims and objectives of the Action Plan.

## 27. Siggiewi

### 27.1 Introduction

27.1.1 The western rural countryside of Siggiewi is included in the North West Local Plan area in order to protect the Western Coast as an entity - an area that is in part, very remote and unspoilt except for Ghar Lapsi, a quarry and the Reverse Osmosis plant.

#### Country Parkway and Footpaths

27.1.2 A Country Parkway has been identified, as indicated on **Map 11 and Map 70** from Ghar Lapsi to Wied iz-Zurrieq. An important function of the Local Plan is to encourage provision of opportunities for recreation in order that tourists and residents can participate in greater enjoyment of the countryside. A Country Park, in accordance with Structure Plan policy, is essentially a linear open space and its immediate surrounding within which a variety of open-air recreational activities may be located.

27.1.3 The Country Parkway will involve the provision of safe access and parking, route way enhancement, picnic areas and occasional facilities in the form of bench seating. (Refer also to Section 1 Policy NWRE 5).

#### Picnic Areas

27.1.4 MEPA will encourage the Local Council to provide and maintain picnic areas in appropriate locations, including Ghar Lapsi as indicated on **Map 71** (Refer also to Section 1, Policy NWRE 7).

#### Coastal Cliffs

27.1.5 A rugged, complex stretch of cliffed coastline stretches around the bays of Ix-Xaqqa and Ghar Lapsi. The cliffs are lower than further west, and their slopes are broader and gentler. The cliffs are scheduled, as indicated on **Map 17**, enabling them to be protected in accordance with Structure Plan Policies. The cliffs are scheduled as Areas of Ecological Importance (Level 2) and also as Areas of High Landscape Value. (Refer to Section 1, Chapter 13, Policy NWLA 2).

### 27.2 Ghar Lapsi

27.2.1 The area is situated on the coast to the south west of Siggiewi and is used mainly by local people as a recreational facility. The area covered by the policy includes the cluster of buildings in Ghar Lapsi and the Reverse Osmosis Plant. Because of their prominence and adverse visual impact on the area, there is a need to introduce policies to ensure that the physical and natural environment is protected and enhanced accordingly.

**There is a presumption against further development within the site boundary as indicated on Map 71 except for proposals of enhancement to existing structures/ buildings and the provision of better access for the public to the cliff top and foreshore amenities.**

**MEPA will encourage the Local Council to provide and maintain a picnic area immediately adjacent to the car park, as indicated on Map 71, and to construct a traditional stone wall along the cliff top to mitigate the present dangerous situation.**

**MEPA will encourage the Water Services Corporation and the Department of Agriculture to provide a landscaped tree screen around the periphery of the Reverse Osmosis Plant in order to reduce the adverse visual impact of the buildings on the natural environment. The existing external lighting should be replaced with symmetric full cut off lighting or else fitted with appropriate shields to eliminate glare in order to reduce adverse visual impact of light pollution.**

### **Public Gardens**

27.2.2 The public gardens located on the cliff top are being upgraded by the provision of new public toilets, improved pedestrian access and rationalisation of parking.

### **The Built Environment**

27.2.3 The built environment includes a large cafeteria, an unfinished three storey shell building recently granted a permit as a restaurant, and multi-purpose hall with parking provision. The car park is to be landscaped together with a scheme for external lighting.

27.2.4 Access to the foreshore and boathouses is by a steep ramp and steps. The boathouses, which are cut into the rock, and well screened, do not create any visual impact.

### **Coastal Cliffs**

27.2.5 The coastal cliffs are scheduled as Areas of Ecological Importance (Level 2) and as Areas of High Landscape Value, in which development permission will only be granted for the maintenance of existing structures and construction of minor amenities designed to enhance the educational use of the area. (Refer to Section 1, Chapter 15.7 Coastal Cliffs).

### **Reverse Osmosis Plant**

27.2.6 The osmosis plant creates an adverse visual impact on the natural environment of the area. The impact of the wire fencing structural block walling and untidy appearance within the plant, could be partly mitigated by structural landscaped planting of mature trees.

### **Picnic Area**

27.2.7 A Picnic and B.B.Q site is proposed immediately adjacent to the eastern boundary of the car park. However, urgent priority must be given to the provision of a traditional stonewall along the cliff top to mitigate the present dangerous situation.

### **Coastal Zone Management Plan**

27.2.8 The emerging Subject Plan for Coastal Zone Management calls for the area to be promoted for its natural and cultural heritage with a focus on transient rather than permanent visitors. (Refer to Section 1, Chapter 15.5).

## 28. Qrendi

### 28.1 Qrendi

28.1.1 The rural countryside of Qrendi is included in the North West Local Plan area in order to protect the Western Coast as an entity. The area consists of bare broken limestone slopes descending towards sea cliffs, which contains the famous Blue Grotto. The coast itself is a complex of caves, cliffs and rocky promontories. Filfla provides a focus and scale for sea views. Other well known features are the temples of Hagar Qim and Mnajdra, on a dramatic, cliff top site, together with Wied iz-Zurrieq village containing an assortment of cafes, gardens, car parks and jetties.

### 28.2 Hagar Qim

28.2.1 The area between Wied iz-Zurrieq and Wied il-Maghlaq is dominated by Hagar Qim and Mnajdra megalithic temples. The Temples are amongst the earliest free standing monuments in the world, over 5,000 years old, and as such were designated UNESCO World Heritage sites. In addition to the Temples, the area contains other archaeological features such as prehistoric water tanks at Il-Misqa, a seventeenth century tower (Il-Torri tal-Hamrija), important ecological and geological features, a very attractive landscape setting; and a nineteenth century monument i.e. Congreve Monument. Therefore the area is of great interest to archaeologists, historians, naturalists, geologists and sightseers.

#### NWQD 1

#### Hagar Qim Area Policy

**The area from Ghar Lapsi to Wied iz-Zurrieq will be designated as a Heritage Park as indicated on Map 72 in order to protect and enhance Hagar Qim and Mnajdra temples and their setting.**

**MEPA, in conjunction with Heritage Malta, the Superintendence of Cultural Heritage and any other appropriate Government agency, shall encourage the preparation of a Management Plan including a programme for implementation for the Heritage Park. Interested parties will be encouraged to:-**

- i. enhance the setting through measures such as clearing illegal structures and restoring degraded land;**
- ii. improve facilities at the Temples and other archaeological, ecological or scientific areas within the Heritage Park by providing sensitively designed interpretation facilities;**
- iii. identify various heritage and nature trails to help visitors discover the landscape and its cultural features; and**

28.2.2 The landscape of the area displays a character of high cultural value of international significance which has resulted from the interaction of nature and people over a period of time. The Local Plan protects and enhances this landscape setting of the temples by the designation of the area as a Heritage Park.

28.2.3 In addition, the World Conservation Union encourages countries to develop a system of protected areas that meet their own natural and cultural heritage objectives. The area surrounding Hagar Qim and Mnajdra has been proposed as a Cultural Scenic Area under Category 5 IUCN, (Refer to Section 1, Landscape Chapter 13, Policy NWLA 4).

- 28.2.4 Protection of temple structures - A number of measures are being undertaken or proposed by Heritage Malta and/or the Superintendent of Cultural Heritage in order to protect the structures. The Scientific Committee for the Conservation of the Megalithic Temples, in collaboration with Heritage Malta and other Government and international agencies shall explore the best manner in which to preserve the temple sites. The short-term measure for the preservation of the sites is their protection from environmental factors by means of an open shelter, which shall be designed as far as possible to be reversible.
- 28.2.5 Provision of a Heritage Trail and Coastal Footpaths - A Heritage Trail linking the sites of archaeological and historical importance will be incorporated into footpaths identified in the Local Plan. The trail and footpaths should follow existing tracks in order to minimise impact and sensitively designed information provided at strategic locations in order to enhance the visitor experience and raise environmental awareness (Refer to Section 1, Chapter 11, Recreation, Policy NWRE 6).
- 28.2.6 In order to protect and enhance the Heritage Park a proactive and easy to implement management plan shall be prepared by Heritage Malta with the participation of relevant government agencies, including the Superintendence of Cultural Heritage, Agriculture, Tourism and MEPA, and other interested parties such as Local Councils, landowners and users.

## **NWQD 2**

## **Archaeological Park**

**Within the Heritage Park, subject to Policy NWQD 1, an area of land, as indicated on Map 72, has been allocated for an Archaeological Park in order to protect the isolation and settings of the Temples.**

- 28.2.7 An Archaeological Park has been established around the Temples in order to maintain their isolation and peacefulness and to protect the area from development. Heritage Malta, in conjunction with MEPA, the Superintendence of Cultural Heritage and other appropriate Government agency, shall draw up a management plan for the area to protect the Temples, preserve and enhance their setting, and to improve the visitor experience to the park.
- 28.2.8 Visitors' centre - A visitors' centre is proposed in order to provide interpretation facilities, additional visitor facilities, and help improve visitor experience to the archaeological sites.
- 28.2.9 Conflict between hunting, trapping and the Temples' environment - The garrigue that surrounds the Temples is adversely affected by trapping. The "duri" built by trappers are numerous and often of an untidy appearance and the impact of trapping can be severe, such as the scraping away of topsoil and vegetation and the levelling of land. In addition, the poles that are used to rest nets are visually unsightly and detract from the setting and experience of the Temples.
- 28.2.10 This conflict of interests needs to be resolved, namely the desire of hunters and trappers to use the area and the need to protect the setting and indeed the visitors to the site. The issue of hunting and trapping is very emotive and a solution needs to be identified, as the existing situation is clearly unacceptable.
- 28.2.11 Measures which could be introduced include phasing out hunting and trapping in the area, no hunting and trapping within 100m of archaeological monuments and features, the visitor centre, car park and any identified coastal footpaths or heritage trail. Where hunting and trapping are appropriate, bird hides and trapping sites should be constructed in traditional

methods using local stone and rubble walling; and hunting and trapping should only occur outside visiting hours. These conflicts within the archaeological park shall be addressed and resolved through the formulation of a Management Plan by Heritage Malta in conjunction with MEPA, the Superintendence of Cultural Heritage and any appropriate Government agency.

### **28.3 Wied iz-Zurrieq (Qrendi)**

- 28.3.1 Wied-iz-Zurrieq, is a small urban area situated on a small inlet on the coast south of Qrendi. The area is best known for boat trips to the Blue Grotto. As a result, the building cluster contains an assortment of cafes, a public garden, car park, jetty, boathouses and a watchtower, which is currently in use as a police station. The area covered in the policy extends beyond the buildings in the Temporary Provision Scheme to include the car park area, garden, tower and coast (Refer to **Map 73**).
- 28.3.2 The surrounding area comprises bare broken limestone slopes with garrigue vegetation descending towards the cliffs. The slopes are cut by deep, rocky gorge-like wadies and the coast is a complex of coves, cliffs and rocky promontories.
- 28.3.3 The purpose of the policy is to identify issues affecting the area and to ensure the physical and natural environment is protected and enhanced accordingly.

## **NWQD 3**

## **Wied iz-Zurrieq Area Policy**

**There is a presumption against further development in this area, as indicated on Map 73, except for the upgrading of the tourist product, a coastguard station and the provision of a new police station. All development shall be of a scale and character in keeping with this rural coastal settlement.**

**MEPA in conjunction with the Local Council will prepare a design brief to ensure the area is improved in a way which meets this key objective. Upgrading of existing commercial shop fronts will be encouraged in order to enhance the character of the area and any improvements should incorporate traditional design features and use of local materials. The use of modern materials such as aluminium, plastic and similar material will be discouraged. MEPA will actively seek the removal of unsightly masts and pylons by the provision of underground services.**

**Development outside scheme boundary shown on Map 73 will not be permitted, except for:**

- i. upgrading the public garden using indigenous vegetation and materials while ensuring public access is retained;**
- ii. utilising an area adjacent to Ta` Xuta Tower for informal recreation;**
- iii. change of use of the Tower to an appropriate tourist facility;**
- iv. provision for the increased capacity of the car park including the provision of adequate facilities for a waste disposal collection area;**
- v. provision of a new police station;**
- vi. the provision of underground changing facilities for divers, and**
- vii. the provision/enhancement of a coastal footpath.**

**The land subject to this Area Policy is indicated on Map 73.**

- 28.3.4 Temporary Provision Scheme area - A number of boathouses have been constructed as well as alterations to existing buildings within scheme. The settlement is tightly contained in a scheme boundary which limits development.
- 28.3.5 A sensitively designed life saving observation building (Coastguard Station) will be encouraged adjacent to the decked boat storage area. This will provide the emergency services with improved safety measures for the protection of swimmers/boat passengers on this exposed coastline.
- 28.3.6 Provision of further boat storage - Any further applications for boathouses will be resisted on the basis of visual impact and restricted access. The available space for additional boathouses is severely limited and cutting into the rock will not improve the amenity of the area. Therefore MEPA will continue to resist any further applications except for the possibility for additional boat storage under the western end of Triq Congreve.
- 28.3.7 It is the policy of the Local Council to continue to enhance the existing amenity facilities by the provision of landscaping and street furniture.
- 28.3.8 In addition to these improvements MEPA will actively seek the removal of unsightly masts and pylons, improvement in design of buildings to a more traditional appearance, and the limitation of heights in order to protect views between watchtowers.
- 28.3.9 Embellishment of the coastal stretch - Part of the coastal area directly in front of the settlement has been embellished with the provision of a garden with seats, footpaths and vegetation. However, an area of the western gardens, which is currently, a concrete apron requires further landscaping but provision for public access must be maintained. Any further encroachment onto the coast will detract from the natural setting and is contrary to Structure Plan policies on coastal areas.
- 28.3.10 Provision of informal recreation - The area surrounding the Tower is presently an unsightly space which could be better utilised. The area could be used for informal recreational purposes. For example, the stepped area currently a disused shooting range could easily be rehabilitated as a stage for entertainment such as children's shows or the site used as a play area whilst the garden could be extended. Safety requirements will require the construction of a sensitively designed and located rubble-style stonewall in the vicinity of the cliff edge.
- 28.3.11 After use of tower (It-Torri ta' Xuta) - The Local Council are proposing to relocate the police station from its present location in the watch tower to a more appropriate site, and use the tower as a tourist attraction/facility. An exact use has not been determined but one possibility is a museum. The after use must be compatible with the character of the building and subject to conditions to protect its setting which is in need of urgent maintenance. The existing car park is inadequate during the tourism season and an increase in capacity is required. The possible provision of two level parking could increase capacity and facilitate the relocation of the Police Station.
- 28.3.12 Identification and Provision of a Footpath - The area is very popular with walkers as a result of the spectacular landscape, natural and cultural features. This should be encouraged by the provision of a footpath linking the features rather than having to use the main road. Therefore a footpath should be provided to the north of the policy area to link Wied iz-Zurrieq with Hagar Qim and other areas. In order to minimise disturbance the path could follow an existing track for much of the route.

## 29. Zurrieq

### 29.1 Introduction

- 29.1.1 The southern rural area of Zurrieq is included in the North West Local Plan area in order to present the western coast as an entity (refer to Map 70).
- 29.1.2 The area known as Wied Fulija, a formal landfill site, offers an opportunity for enhancement for recreational use.
- 29.1.3 The cliffs are scheduled, as indicated on **Map 17**, enabling them to be protected in accordance with Structure Plan policies as Areas of Ecological Importance (Levels 2 and 3) and also as Areas of High Landscaped Value (Refer to Section 1. Chapter 15.7, Map 17).

### 29.2 Wied Fulija

- 29.2.1 Wied Fulija is situated close to the coast, south of Zurrieq and covers an area of 113,800m<sup>2</sup>. In 1995 some 430,000 tonnes of waste were deposited at the site, of which 72% was construction and demolition debris, the remainder being household and industrial waste. The landfill was closed in September 1996 upon reaching disposal limits. More recently the southern area of the site has been used for the temporary storage of compost from the St. Anthony recycling plant (refer to Map74).

#### NWZQ 1

#### Aftercare

**Following the closure of the landfill at Wied Fulija, MEPA will continue to monitor the area for leachate contamination and gas emissions.**

- 29.2.2 Landfill sites are one of the single largest sources of methane emissions. In addition to the risk of gas build up and possible explosions, thus limiting suitable after-uses of the land, methane contributes to global warming. If the emissions become dangerously high measures such as venting or burning the gas will be introduced. However, it is unlikely that measures of this sort will be required given the low levels of methane being monitored at present.
- 29.2.3 The Environmental Protection Directorate are currently, and will continue, monitoring the site to ensure no pollution incidents occur, which could adversely affect the surrounding environment.

#### NWZQ 2

#### Restoration and After use

**MEPA will encourage the appropriate Government agencies to restore and landscape Wied Fulija as indicated on Map 74. The site is to be used for multiple and compatible recreational uses.**

**MEPA will encourage the site to be restored in phases in order to minimise initial restoration costs and to ensure an early use of the site.**

**A landscape scheme shall be submitted and approved prior to the issue of any development permit. This scheme should be implemented in phases concurrent with the land restoration**



**programme in order to reduce the economic impact and ensure an early use of the site. The landscape shall thereafter be maintained.**

- 29.2.4 Restoration and monitoring – The Environmental Protection Directorate within MEPA, as the responsible Government agency, will undertake preliminary restoration of the site. This will entail:
- i. covering the site with a layer of inert construction waste over a one to two year period;
  - ii. allow settling to occur so the land becomes stable;
  - iii. landscaping of the boundary and;
  - iv. monitoring the area for leachate and methane gas build up. The Directorate will also, in consultation with the Zurrieq Local Council, call for tenders from interested parties for development for recreational purposes.
- 29.2.5 Recreational provision - This Policy proposes recreational use, as an after use for the site for a number of reasons. The degraded nature of the land makes it unsuitable for built development, it is outside scheme, the land is unstable due to lack of compaction and settling and there is the possibility of dangerous gas build up all of which limit its after use potential. In addition, the area whilst degraded, is rural in character and so recreational uses will be better suited to the terrain and conditions.
- 29.2.6 The peace, tranquillity and remoteness of the coast and countryside can be severely disrupted by unofficial shooting ranges and off roading. The impact of off-road activities is very significant, such as at Selmun/Tal-Blata, where the slopes have been severely damaged. As a result there is a real need and demand to cater for these pursuits and a large degraded site such as Wied Fulija may be suitable for these purposes.
- 29.2.7 Given the relatively large size of the landfill at Wied Fulija the area should be identified for as many recreational purposes as possible. These uses should be compatible and ensure efficient use of space and facilities where required. In addition, a coastal footpath should be provided.
- 29.2.8 Landscaping - As part of its restoration and after use the area shall be landscaped and screened in order to enhance the rural setting, encourage habitat re-creation and utilise areas unsuitable for recreational purposes due to steepness of slope or shape and size of the area.
- 29.2.9 Phasing of facilities – A phased programme of reclamation of the site will be prepared by the Malta Environment and MEPA in conjunction with the appropriate government agencies and other interested parties.
- 29.2.10 Surrounding Land - Some areas surrounding the landfill have become degraded as a result of tipping, particularly along the road side. Therefore, measures need to be taken to clear the area and to ensure that tipping ceases, such as reducing the width of the road to discourage larger vehicles, erecting low boundary rubble walls, (where applicable) and landscaping.

### **NWZQ 3**

### **Recreational Area at Tal-Gibjun**

**MEPA will favourably consider the extension of the Tal-Gibjun recreational area to an area located to the south west of the existing gardens, as indicated on Map 75, subject to the following criteria:-**

- i. the submission and approval of an overall comprehensive plan for the whole of the recreational area,**
- ii. the provision of a parking area and public toilets;**
- iii. the provision of boundary walling around the whole of the existing and extended site constructed of traditional rubble walling; and**

**iv. a landscape scheme is submitted and approved to mitigate the visual impact of the proposed extension which shall be implemented in the first available planting season and thereafter maintained.**

29.2.11 The recreational area is located to the south west of Zurrieq. It covers an area of approximately 9,400m<sup>2</sup>, and is outside the limits to development. It comprises a garden, bocci pitch and club, children's playing area and an elevated closed water reservoir. It is very popular with the local residents, since it is one of a few existing recreational areas available and is situated on the outskirts of the village. It offers excellent panoramic views of Wied Babu and nearby villages.

29.2.12 The opportunity exists for the enhancement of the existing area including a more intensive utilisation of space. The possibility also exists for the roof of the closed water reservoir to be used as a recreational area, subject to the approval of the Water Services Corporation.

## **30. Implementation**

### **30.1 Introduction**

- 30.1.1 Preparing a development plan is a means to an end. The purpose of the Local Plan is to provide for development that is required within the Plan area and to establish the detailed policy framework for the consideration of applications for development, in both cases so that a contribution can be made towards the achievement of the strategic, long-term objectives outlined in the Structure Plan for the Maltese Islands. Delivery of the Local Plan's objectives requires the Local Plan to be regarded not simply as a negative set of rules, but as a coordinating and enabling tool to consider individual development issues in a wider context.
- 30.1.2 The format of policies indicates the means for their implementation. Policies in this Plan are generally considered to fall under three broad groupings: incentive policies, control policies and guidance policies – incentive for stimulating development activity by allocating land for particular types of development; control which ensures that developers cannot insist on a development that will create environmental damage; guidance to help people plan the use of their land confidently. It also provides the framework for the coordination of development through the identification of relevant agencies responsible for the initiation and steering of particular developments.
- 30.1.3 A number of policies need to be highlighted for specific action. Those policies offering incentive for development, and those setting out frameworks for coordination have been included in Appendices A1 to A3; policies eligible for EU funding are included in Appendix A4, while those policies seeking planning gain are listed in Appendix A5. Control and guidance policies have not been separately identified as they are “seamless” and relate more to day-to-day operation of the development control process.

### **30.2 Means of Implementation**

#### **Stimulating Development**

- 30.2.1 The Local Plan has identified a number of development opportunities and made land allocations for a range of uses (housing, industry, tourism, education, social facilities, transport), which should stimulate growth and investment and also land allocations for recreation, and environmental enhancement (sports, public open spaces), which should improve the quality of life in the area (Refer to Appendix A.1). The former set of policies are primarily aimed at the private sector or specific public agencies while the latter will most likely require the intervention of the public sector or public/private sector partnerships. Although the Local Plan can facilitate these developments, the decision to secure their implementation on the ground rests with the funding agency or the private sector. The implementation of a number of these policies requires further planning input from MEPA itself through the formulation of Action Plans, Development Briefs/Policy Statements, Management Plans, Settlement Design Statements or Character Appraisals (Refer to Appendix A.2).

#### **Controlling Development**

- 30.2.2 The most effective tool at MEPA's disposal to directly influence development in the local plan area is its powers of development control. Section 5 (1) (b) of the Development Planning Act 1992, as amended in 2001, states that one of the functions of the Authority shall be “*the control of [such] development in accordance with development plans and planning policies*”

*approved in terms of this Act*” with the Authority also having regard to “*any other material consideration and representations*” [Section 33 (1) (b)]. This is the plan-led system of development control. Therefore, where an approved development plan contains relevant policies, an application for development shall be determined in accordance with the plan, unless material considerations indicate otherwise. This Local Plan provides the framework for rational and consistent development control decision making within the northwest geographic area of Malta. Development control decisions must focus on the wider objectives set out by the Plan rather than solely narrow site-specific considerations. The success of the Plan will also be measured in terms of the extent to which it succeeds in affording protection, what has been conserved, altered or improved.

- 30.2.3 The implementation of the bulk of the policies in the Plan, whether they are aimed at stimulating, controlling or guiding development, is largely incremental and the utility of the Plan is heavily dependant on the ability of the Authority to use, and follow, its policies in the day-to-day development control decisions.
- 30.2.4 The legislative advice guiding the preparation of Local Plans requires that these Plans be closely monitored in order to identify difficulties in the implementation of policies. It is important, therefore, that, a monitoring system needs to be put into place to note the on-going effectiveness of the policies in influencing development decisions and identify gaps in policy coverage, in policy wording, and major deviations from the Plan objectives over time. This information should enable MEPA to resolve these issues in the next Review of this Plan or at any point it chooses to reconsider aspects of the Plan through the “Minor Amendments” procedure.

#### **Co-ordinating Development**

- 30.2.5 Another key function of the Local Plan is to bring a number of public agencies together to ensure the delivery of several of its proposals. MEPA’s wider remit under the Development Planning Act 2001 and the Environment Protection Act 2001 has placed it in a better position to take initiatives in the environmental management field but it cannot implement them without the input and support from other agencies and key players. In some cases it could assist these agencies to implement proposals for which they would be the promoters, by contributing technical expertise and resources. Appendix A.3 lists the policies in the Local Plan, which specifically require an input from other organisations for their implementation, and identifies the core public agencies involved. A co-ordinated approach is still necessary for the implementation of other policies in the Plan even though the policy itself does not identify the specific agency.

### **30.3 The Implementation Process**

- 30.3.1 For any plan to be implemented effectively, adequate resources need to be allocated. The above paragraphs have already indicated the need for (1) a rigorous development control process, (2) the setting up of a monitoring system, and (3) co-ordination of multi-sectoral projects and proposals. The Plan also sets out the areas, which require further planning studies such as Development Briefs, Management Plans, Design Guides and Character Appraisals. All these require human resources, which may not always be available in-house. Recruitment of additional staff or farming out of certain activities have financial and time implications both affecting the timely delivery of proposals in the Local Plan.
- 30.3.2 The Local Plan is also promoting planning gain as a tool for implementation, which will require further supplementary guidelines to clearly set out the policy framework within which the legal provisions and the requirements of this Plan shall operate. Implementing planning gain may also require knowledge in economics, financial planning and management, and the

development of refined negotiation skills. Co-ordination of multi-sectoral projects also requires managerial skills. Availability of these skills may also impinge on the delivery of this Plan.

- 30.3.3 Another key element in implementation of the Plan is financial resources. MEPA's main financial resources emanate from Government's subvention and the building levies but only a limited amount can be allocated towards environmental initiatives, such as the "Timber Balcony Grant Scheme", or environmental projects which involve development, such as embellishment schemes. Some might even argue that the role of MEPA is to implement longer-term policies and not development proposals. However, the proactive approach to planning promoted by this Plan encourages it to tap into other sources of funding to enable desired environmentally beneficial projects to materialise during the Local Plan time frame.
- 30.3.4 Important sources for funding are the EU programmes, such as LIFE, INTERREG III, structural funds and cohesion funds, which can be accessed to part finance a number of proposals (Refer to Appendix A.4) identified in this Plan. The Environment and Rural Development are given considerable importance by the European Commission in the allocation of the EU Structural and Cohesion Funds and opportunities for funding the environmental enhancement schemes and rural diversification projects identified in this Plan (Refer to Appendix A.4) should also be investigated. Obtaining EU funds can be quite complex, demanding technical expertise and co-ordination and management skills, and would require a well-resourced section/unit within MEPA to carry out these functions.
- 30.3.5 MEPA has also used its powers of development control to collect funds aimed at specific projects. The Commuted Parking Payment Scheme (CPPS) is an example of funding obtained by MEPA for specific projects and this fund should be accessed to implement the proposals in this Plan for public car parks in strategic locations. Future reviews of the Structure Plan could also examine the scope of such funds to finance or part/finance parking and traffic management schemes in conjunction with other stakeholders.
- 30.3.6 The concept of "Planning gain", which refers to works or extraneous benefits or payments being imposed by the Authority on a developer in connection with a grant of development permission, has been legally enshrined in Article 40 of the Development Planning Act of 2001, as further elaborated by LN 28 of 2002. This concept is used in the Local Plan, and referred to in specific policies (Refer to Appendix A.5), as a means of implementing public facilities and infrastructure works, highway improvements, afforestation and tree planting schemes, electricity substations, and environmental embellishment schemes. These policies are a clear indication of when MEPA should impose a planning gain and for which purpose. The amounts of funds dedicated for such extraneous benefits, and the methods to ensure implementation, remain the subject of negotiations on the individual merits of each case between MEPA and the developer. Nonetheless, the test of reasonableness, namely, "is the amount requested as gain fairly and reasonably related in scale to the proposed development?" is considered as the most appropriate approach. It must be borne in mind that the opportunity for planning gain will only arise when developers decide to carry out development projects, which is not under MEPA's control but depends on the prevailing economic conditions.



# **North West Local Plan**

**MEPA Approved Draft**

**Appendices**





## Appendix A

### Implementation

#### A.1 Policies Stimulating Development

Locality	Policy Ref.	Description	
Mellieha	NWCM 4	Micro Enterprise Park	
	NWML 1	Regeneration of Derelict Land at Ta' Masrija	
	NWML 2	Land Allocation for Residential Development	
	NWML 4	Residential Zoning in Residential Priority Area	
	NWML 5	Parking Management	
	NWML 6	Mellieha Community Residential Home	
	NWML 7	Community Facilities	
	NWML 8	School Extension	
	NWML 9	Site For Social Club	
	NWML 10	Sports Complex	
	NWML 12	Transition Zone in the Residential Priority Area	
	Tas-Sellum	NWML 13	Residential Scheme
Ghadira	NWML 18	Ghadira Isthmus	
Anchor Bay	NWML 19	Anchor Bay	
Fort Campbell	NWML 20	Fort Campbell	
St. Paul's Bay	NWSP 1	Parking Provisions	
	NWSP 3	Public Bus Terminus	
	NWSP 5	Development on the San Antonio Hotel Site	
	NWSP 6	Development on the Dolmen Hotel Site	
	NWSP 7	Comprehensive Scheme on Triq il-Port Ruman	
	NWSP 8	Site for a Community facilities	
	NWSP 9	Development at ix-Xaghra tal-Bandieri	
	NWSP 10	Development Schemes on St. Paul's Street	
	NWSP 11	Redevelopment Schemes for Villa/ Bungalow Sites	
	NWSP 14	Qawra Coast Development Brief	
	NWSP 16	Site Safeguarded for Recreation	
	Xemxija	NWSP 20	Development of Villa Sites in Xemxija Residential Area
		NWSP 22	Xemxija Yacht Marina
		NWSP 23	Tourism Scheme
		NWSP 24	Development on the Fekruna Restaurant Site
		NWSP 25	Redevelopment of the Mistra Village Site
Burmarrad	NWSP 26	Area of Mixed Uses	
Naxxar	NWNA 7	General Industry, Storage and Distribution, Boatyards	
	NWCM 4/ NWNA 8	Micro Enterprise Park	
	NWNA 10	Obnoxious Industry	
Mgarr	NWCM 4	Micro Enterprise Park	
Ghajn Tuffieha	NWGT 1	Site for Golf Course	
Mdina	NWMD 6	Drop off Points and Coach Parking	
	NWMD 8	Enhancement of Howard Gardens and Environs	
	NWMD 9	Sports and Recreation in Mdina Ditch	
Rabat	NWRB 1	Parking Provision	
	NWRB 5	Land for Educational/Community Facilities	
Bahrija	NWRB 12	Residential Development	

Mtarfa	NWMT 4	Re use of Abandoned Buildings of Architectural Importance
	NWMT 6	Extension of Dar il-Kaptan
	NWMT 7	New Residential Development
	NWMT 8	Sports Facilities
	NWMT 9	Small Scale Workshops
	NWMT 10	Recreational Areas
Dingli	NWDG 2	School Extension

### A.2 Policies requiring further planning input

MEPA Action	Description	Policy Ref.
Action Plans	Ta' Qali Action Plan	NWRE 1
	Marfa Action Plan	NWRE 1
	Il-Buskett Action Plan	NWBU 1
Development Briefs/ Policy Statements	Ta' Masrija	NWML 1
	Ghadira Isthmus Opportunity Areas Development Brief	NWML 18
	Fort Campbell Development Brief	NWML 20
	Beachroom Design Guidance	NWSP 13
	Qawra Coast Development Brief	NWSP 14
	Wied iz-Zurrieq Design Brief	NWQD 3
Management Plans	Burmarrad National Park Management Plan	NWRE 1
	Protected Landscapes Management Plan	NWLA 3
	Nature Reserves Management Plans	NWCO 8
	Countryside Management Plans	NWCO 15
	Hagar Qim Heritage Park Management Plan	NWQD 1
	Ghadira Isthmus Management Plan	NWML 18
Settlement Design Statements	Design Guides for Category 2 Rural Settlements	NWRS 3

### A.3 Policies requiring input from other agencies

Department of Agriculture	
Agriculture	NWAG 1 Protection of Agricultural Land, NWAG 2 Abandoned Agricultural Land
Minerals & Waste	NWMW 1 After use, NWMW 3 Civic Amenity Sites
Recreation	NWRE 1 Major Recreation Areas, NWRE 5 Country Parkways, NWRE17 Boathouses
Landscape	NWLA 1 Landscape Conservation
Conservation	NWCO 14 Rubble Walling and Giren
Naxxar Area Policies	NWNA 5 Landscape
Buskett Area Policy	NWBU 1 Buskett Action Plan
Siggiewi Area Policy	NWSI 1 Area Policy

<b>Department of Estates Management</b>	
Recreation	NWRE 16 Beach Concessions
<b>Department of Fisheries</b>	
Aquaculture	NWAG 3 Production Units (Sea Based), NWAG 4 Support Land Base for Marine Cages, NWAG 5 Hatcheries
Recreation	NWRE 17 Boathouses
Gnejna Area Policies	NWGN 5 Fishing
<b>Department of Health</b>	
Social and Community Facilities	NWSO 1 Health, NWSO 4 Cemeteries
Mellieha Area Policies	NWML 14 Refurbishment of Cemetery
<b>Parks, Afforestation and Rural Conservation Unit (P.A.R.K.)</b>	
Conservation	NWCO 10 Woodland Conservation Areas and Afforestation Projects, NWCO 15 Countryside Management
<b>Department of Police</b>	
Recreation	NWRE 12 Swimming
Gnejna Area Policies	NWGN 5 Fishing
Ghajn Tuffieha Area Policies	NWGT 4 Swimming Zones
<b>Awtorita dwar it-Trasport (A.D.T.)</b>	
Transport	NWTR 1 Providing for Pedestrians and Cyclists, NWTR 2 Public Transport Access and Facilities, NWTR 3 Traffic Calming Measures, NWTR 5 Parking Management, NWTR 6 Strategic Road Network Improvements, NWTR 7 Re grading Roads in the Strategic Network, NWTR 8 Junction Improvements on the Strategic Network
Mellieha Area Policies	NWML 5 Parking Management, NWML 17 Environmental Improvements, NWML 18 Ghadira Isthmus Strategy
St.Paul's Bay Area Policies	NWSP 1 Parking Provisions, NWSP 2 Environmental Improvements, NWSP 3 Public Bus Terminus, NWSP 18 Traffic Control at Xemxija Hill
Naxxar Area Policies	NWNA 8 Micro Enterprise Park, NWNA 12 Highway Improvements
Ghajn Tuffieha Area Policies	NWGT 8 Parking Facilities, NWGT 10 Pedestrian Facilities
Mdina Area Policy	NWMD 5 Positive Parking Zone, NWMD 6 Drop off Points and Coach Parking, NWMD 8 Enhancement of Howard Gardens
Rabat Area Policy	NWRB 1 Parking Provision
Mtarfa Area Policies	NWMT 14 Local Access Road Improvement
<b>EneMalta Corporation</b>	
St. Paul's Bay Area Policy	NWSP 17 Utilities Provisions in St.Paul's Bay
<b>Foundation for Tomorrow Schools</b>	
Social and Community Facilities	NWSO 3 Education
Recreation	NWRE 4 Protection of Sports Facilities
Mellieha Area Policies	NWML 8 School Extension
St. Paul's Bay Area Policies	NWSP 8 Site for a Community Facilities
Rabat Area Policies	NWRB 5 Land for Educational/Community Facilities, NWRB 11 Site for Primary School
Mtarfa Area Policies	NWMT 5 School Grounds

Dingli Area Policies	NWDG 2 School Extension
<b>Heritage Malta</b>	
Conservation	NWCO 7 Interpretive Visitor Centres
Mellieha Area Policies	NWML 20 Fort Campbell
Mgarr Area Policies	NWGM 1 Interpretation Facilities for Heritage Sites
Rabat Area Policies	NWRB 3 Land Overlying Catacombs
Mtarfa Area Policies	NWMT 12 Archaeological Remains
Qrendi Area Policies	NWQD 1 Hagar Qim Area Policy, NWQD 2 Archaeological Park
<b>Housing Authority</b>	
Urban Settlements	NWUS 4 Residential Priority Area
Mtarfa Area Policy	NWMT 7 New Residential Development
<b>Malta Maritime Authority</b>	
Recreation	NWRE 11 Canoeing, NWRE 12 Swimming, NWRE 13 Jetties, Pontoons and Slipways, NWRE 14 Motorised Water Sports, NWRE 15 Small Boat Sailing
St Paul's Bay Area Policy	NWSP 22 Xemxija Yacht Marina
Gnejna Area Policies	NWGN 3 Swimming Zone, NWGN 5 Fishing
Ghajn Tuffieha Area Policies	NWGT 7 Swimming Zones
<b>Malta Resources Authority</b>	
Agriculture	NWAG 5 Hatcheries
Mineral & Waste	NWMW 1 After use, NWMW 2 Long Term Quarry Operations
Conservation	NWCO 9 Water Quality
Public Utilities	NWPU 1 Development of Renewable Energy
<b>Malta Tourism Authority</b>	
Commerce & Industry	NWCM 1 Town Centres, NWCM 2 Neighbourhood Centres, NWCM 3 Entertainment Priority Areas
Tourism	NWTO 1 New Tourist Accommodation, NWTO 2 Rehabilitation Redevelopment of Existing Tourist Accommodation in Rural Areas, NWTO 3 Visitor Attractions, NWTO 5 Tourism Zones
Recreation	NWRE 16 Beach Concessions
Mellieha Area Policies	NWML 18 Strategy for Ghadira Isthmus
St. Paul's Bay Area Policies	NWSP 5 Development of the San Antonio Hotel Site, NWSP 6 Development on the Dolmen Hotel Site, NWSP 7 Comprehensive Scheme on Triq il-Port Ruman, NWSP 22 Xemxija Yacht Marina, NWSP 23 Tourism Scheme
Ghajn Turrieha Area Policies	NWGT 1 Site for Golf Course
<b>National Parks Development &amp; Management Committee</b>	
Recreation	NWRE 1 Major Recreation Areas
St. Paul's Bay Area Policies	NWSP 16 Site Safeguarded for Recreation
<b>Superintendence of Cultural Heritage</b>	
Landscape	NWLA 4 IUCN Category 5
Conservation	NWCO 4 Areas of Sites of Archaeological Importance, NWCO 5 Protection of Archaeological Remains Discovered During Development
Mellieha Area Policies	NWML 16 Manikata Protected Sites
St. Paul's Bay Area Policies	NWSP 21 Archaeological Site, NWSP 26 Salina Archaeological Site
Mdina Area Policies	NWMD 3 Underground Space

Rabat Area Policies	NWRB 1 Parking Provisions, NWRB 2 Excavations within Rabat
Mtarfa Area Policies	NWMT 12 Archaeological Remains
Qrendi Area Policies	NWQD 1 Hagar Qim Area Policy, NWQD 2 Archaeological Park
<b>Water Services Corporation</b>	
Minerals & Waste	NWMW 1 After use
Conservation	NWCO 9 Water Quality
Agriculture	NWAG 4 Support Land Base for Marine Cages
St.Paul's Bay Area Policy	NWSP 17 Utilities' Provisions in St.Paul's Bay
Siggiewi Area Policy	NWSI 1 Area Policy
Zurrieq Area Policies	NWZQ 3 Recreational Area at Tal-Gibjun
<b>Waste Serve</b>	
Minerals & Waste	NWMW 3 Civic Amenity Sites
<b>Various Local Councils</b>	
Urban Settlements	NWUS 6 Urban Open Space
Social and Community Facilities	NWSO 2 Community Facilities
Commerce & Industry	NWCM 1 Town Centres, NWCM 3 Entertainment Priority Areas
Agriculture	NWAG 2 Abandoned Agricultural Land
Minerals & Waste	NWMW 3 Civic Amenity Sites
Tourism	NWTO 5 Tourism Zones
Recreation	NWRE 5 Country Parkways, NWRE 6 Footpaths, NWRE 7 Picnic Areas, NWRE 8 Heritage Trail at the Victoria Lines
Transport	NWTR 1 Providing for Pedestrians and Cyclists, NWTR 2 Public Transport Access and Facilities, NWTR 3 Traffic Calming Measures, NWTR 5 Parking Management, NWTR 6 Strategic Road Network Improvement, NWTR 8 Junction Improvement on the Strategic Network
Landscape	NWLA 3 IUCN Category 3, NWLA 4 IUCN Category 5
Conservation	NWCO 8 Bird Sanctuaries, NWCO 10 Woodland Conservation Areas And Afforestation Projects, NWCO 14 Rubble Walling and Giren
Mellieha Local Council	NWML 5 Parking Management, NWML 17 Environmental Improvement
St. Paul's Bay Local Council	NWSP 1 Parking Provisions, NWSP 2 Environmental Improvement, NWSP 15 Access to the Shoreline, NWSP 18 Traffic Control at Xemxija Hill
Mellieha/ Mgarr Local Council	NWGT 8 Parking Facilities, NWGT 9 Public Toilet, NWGT 10 Pedestrian Facilities
Mdina Local Council	MWMD 5 Positive Parking Zone
Rabat Local Council	NWRB 1 Parking Provision
Siggiewi Local Council	NWSI 1 Area Policy
Qrendi Local Council	NWQD 3 Wied iz-Zurrieq Area Policy

#### A.4 Policies eligible for EU Funding

<b>Policy</b>	<b>EU Programme</b>	<b>Programme's Objective</b>
General – Networking and sharing of ideas on local planning	Interreg III	To strengthen economic and social cohesion in the EU by promoting cross boundary, trans national and interregional co-operation.
NWCM 1/2/3 – Enhancement of the external environment of town and neighbourhood centres; and entertainment priority areas.	ERDF European Regional Development Fund (Structural Funds)	To strengthen the economic and social cohesion between the Member States and to reduce regional imbalances
NWAG 1 – Improvements to existing agricultural land and buildings NWCO12 and 13 – Schemes to assist farmers to implement the planting of trees and landscape rehabilitation.	EAGGF European Agriculture Guidance and Guarantee Fund (Structural Funds)	To support the CAP and improve the agricultural sector and rural development
NWTR 6 – Strategic Road Network Improvements NWTR 8 – Junction Improvements on the Strategic Road Network	Cohesion Funds (Structural Funds)	To support large projects in the transport and environment areas
NWLA 1 – Landscape Conservation Management Measures NWLA 3 and 4 – Management Plans NWQD 1 and 2 – Management Plan for Hagar Qim Heritage Park NWML 11 – Study on Surface Water Management in Sta. Marija Estate.	Interreg III	To strengthen economic and social cohesion in the EU by promoting cross boundary, trans national and interregional co-operations
NWLA 1 – Implementation of Landscape Conservation Management Measures NWLA 3 and 4 – Implementation of Management Plans NWCO 8 - Management of Nature Reserves NWBU 1 – Implementation of Buskett Action Plan	LIFE Nature	To preserve nature by helping to implement the Directives relating to birds and habitats.
NWCO 15 – Countryside Management NWZQ 2 – Restoration and After use	LIFE Environment	To contribute to the development of innovative techniques and methods by co-financing demonstration projects aimed at: (1) the integration of environmental considerations into land use development and planning, including in urban and coastal areas; (2) the promotion of the sustainable management of groundwater and surface water; (3) the minimisation of environmental impact of economic activities; (4) the prevention, recycling and sound management of waste streams; (5) the reduction of the environmental impact of products.

## A.5 Policies requiring Planning Gain

Locality	Policy Ref.	Description of Planning Gain
Tourism Zones	NWTO 5	Enhancement of the external environment and the public realm
Mellieha	NWML 1	Highway Improvements, Pedestrianisation, Public Open Space
	NWML 13	Public Open Space
St.Paul's Bay	NWSP 4	Public Access to Foreshore
	NWSP 6	Public Car Parking
	NWSP 7	Public car park
	NWSP 17	Electricity Distribution Sub Stations
	NWSP 23	Highway Improvements
	NWSP 26	Highway Improvements
Naxxar	NWNA 7	Landscaping Schemes
	NWNA 8	Landscaping Schemes
	NWNA 10	Landscaping Schemes
Rabat	NWRB 12	Public Open Space
Mtarfa	NWMT 8	Consolidation of Afforested Area (tree planting)
	NWMT 9	Consolidation of Urban Landscaped Areas (tree planting)

## Appendix B

### Acknowledgements

An approach to Coastal Management in Malta - Michelle Borg;  
Archaeology - Malta University Services Ltd;  
Carrick District Wide Local Plan, Cornwall (1994);  
Cornwall Structure Plan (1994);  
Cotswold District Local Plan - Deposit Draft (1993);  
Ecology - Malta University Services Ltd;  
Geology - Integrated Resources Management Co. Ltd;  
Hydrology - Integrated Resources Management Co. Ltd;  
North Cornwall District Local Plan (1995);  
North West Malta - An Exploration and Celebration of the Landscape East Sussex C.C (1996);  
Structure Plan for the Maltese Islands  
Explanatory Memorandum (1990)  
Draft Final Written Statement (1990);  
Survey of Archaeological Resources - Prof. A. Bonanno (1995);  
Survey and Assessment of Agricultural Land (1996) - Professor Ewan Anderson;  
The High Weald - Countryside Commission (1994).  
Management Scheme for Il-Buskett - Report produced by Alex J Camilleri for the Department of Agriculture.



## Appendix C

### Glossary

In preparing the Local Plan, an attempt has been made throughout to make it interesting, informative and easy to read. Written justifications and the policies themselves have been simply worded in order that the intentions are as clear, unambiguous and easily understood as possible. It is inevitable, however, that some unfamiliar words or phrases have been used. The following glossary gives a quick reference guide to assist in understanding of the Plan.

**Advertisements:** Any word, letter, model, sign, placard, notice, device wholly or in part for the purposes of advertisement, announcement or direction, including any boarding or similar structure used or adopted for use for the display of advertisements.

**Ancillary Use:** A planning term, which describes a use that is subsidiary, but related, to the main use.

**Appeal:** If an application for development permission has been refused, or MEPA has imposed conditions, the applicant may appeal to the Planning Appeals Board.

**Approved Local Plan:** Once the plan has been through all the preparation stages, it is approved by the MEPA then forwarded to Government for final approval. After this stage, changes can only be made by formal alteration or replacement.

**Aquifer:** All underground water-bearing strata capable of yielding water on a practical basis, and includes ground water reservoirs, ground water catchment areas, the waters in geological rock formations, including fissures and fractures, and the structures containing deep fossil waters.

**Archaeology:** The study of ancient cultures by the excavation and analysis of physical remains.

**Biodiversity:** The range of plant and animal species present in an area.

**Caravan:** Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), and any motor vehicle so designed. This definition is also applicable to mobile homes.

**Change of Use:** A different or new use of a building or land for which permission may be required from the MEPA.

**Coastal Zone:** The coastal zone extends seaward and landward of the coastline. Its limits are determined by the geographical extent of coastal natural processes and human activities related to the coast.

**Commitments:** That land which already has a valid development permit for a specific use, but where development has not been started or is under construction.

**Conservation:** Positive measures for the management of existing resources or assets to ensure their protection and enhancement.

**Degraded/Derelict Land:** Land so damaged by industrial or other development that it is incapable of beneficial use without treatment. It may include worked-out or abandoned mineral excavations and land made derelict from natural causes.

**Density:** The term usually refers to the number of new dwellings per hectare, but not exclusively.

**Development:** The carrying out of building, engineering, mining, or other operations for construction, demolition or alterations in, on, over or under any land or sea, or the making of any material change of use of land or building.

**Development Permission:** New buildings, major alterations and enlargement of existing buildings and many changes of use of buildings and land require development permission. Permission is sought from the MEPA. An application for development permission may be approved, or approved subject to certain conditions, or refused.

**Dwellings:** Self contained buildings or parts of buildings, which usually accommodate a single household. This may include terraced houses, maisonettes, villas, converted farm buildings or flats.

**Enforcement:** The process by which the MEPA can take steps to remedy a breach of planning control, usually development which has been carried out without or not in accordance with development permission under planning or sanitary legislation.

**Environment:** Surroundings, both natural and man made.

**Environmental Assessment (EA):** Information about the likely environmental effects of certain major projects, which is assessed and taken into account in determining applications. An E.A. is required if a particular development is likely to have a significant environmental effect by virtue of its nature, size or location.

**Formal Open Space:** An area of land which is laid out for sport and children's play. This can include playing pitches and playgrounds.

**Garrigue:** Ecological communities characterised and dominated by low woody shrubs.

**Gross Floorspace:** The total floor area of a building measured to the outside of the external walls.

**GDP:** Gross Domestic Product is the total money value of all final goods and services produced in an area's economy over a one-year period.

**Hamlet:** A small settlement which has limited or no basic community facilities, usually some distance away from a fully serviced urban area.

**Inert Waste:** Waste, which, with regard to a specific management process, does not undergo physical, chemical, or biological changes that cause it to be a pollutant.

**Informal Open Space:** An undeveloped area of land, which can be used for informal recreational activities.

**Informal Recreation:** Leisure activities which are not undertaken on a formal organised basis and are generally carried out by individuals or small groups on an intermittent basis with a minimal requirement for supporting facilities.

**Infrastructure:** Roads, drainage and other apparatus and structures which provide essential services to development.

**Landscaping:** A general term used for the means by which, where appropriate, development is made to fit visually into its surroundings by control of siting and layout and use of trees, shrubs or grass (soft landscaping) and/or fences, walls or paving (hard landscaping).

**Nature Reserves:** Declared by Environment Protection Department in accordance with the Environment Protection Act to protect areas of local nature conservation interest and importance for the enjoyment of and learning about nature.

**Net Floorspace:** Typically the floor area of a building used by the primary activity, but excluding toilets and similar ancillary areas.

**Normally:** Where a policy states that “development will normally be permitted...” it does not necessarily mean that development will be permitted. The circumstances of the particular site or building, and the details of the particular proposal have to be considered. In all cases the details of siting, design, external appearance, intensity of use, means of access, parking, landscaping and other relevant factors must be satisfactory, and all relevant policies must be complied with.

**Outline Development Permission:** Planning permission which establishes that the broad principles of development are acceptable although the details are still to be agreed. Outline development permission is valid for three years from the date of the decision unless otherwise stated.

**Pedestrianisation:** The partial or complete prohibition of vehicles from a street to improve the environment for pedestrians. In the case of shopping streets, it is usual to permit access for delivery vehicles between specified hours, unless rear servicing is available.

**Plan Period:** The period during which the policies in the Local Plan are expected to apply, which in the case of this Local Plan is 2004 - 2014.

**Planning Conditions:** Development permission for development may be conditional on other works or undertakings being carried out by the developer, may restrict or modify the development, or require the submission of further details.

**Preservation:** Protection from change, guarding against loss of worthwhile assets, including restoration.

**Proposals Map:** The map (or series of maps at different scales), which identifies the precise sites and areas affected by the proposals in the Local Plan.

**Public Participation:** The involvement of the public in the process of making plans and planning decisions.

**Ramsar Site:** Ramsar Sites are areas protected by the Ramsar Convention of which Malta is a signatory. The Ramsar Convention covers, protects and conserves all wetlands of international importance as habitats for waders. The Convention was signed in Ramsar, Iran in 1971 and was promulgated in 1975.

**Random Rubble Walls:** Low walls built in random rubble *sejjieh* are a distinctive feature of Malta's countryside. The term relates only to walls built in stone which is not machine

finished, and which gives the effect of having used stone picked up from adjacent fields. Sometimes cement is used, but other than stone no other material is used.

**Rdum:** Near vertical rock face.

**Renewable Energy:** Energy that is produced naturally and repeatedly in the environment. For example energy from the sun, wind, sea and water as well as from plant material and combustible or digestible industrial, agricultural and domestic waste materials.

**Representations:** Written comments made within the relevant period to the MEPA, by any person or body of persons likely to be affected by a policy or proposal of the Local Plan. Representations can support or oppose policies and proposals.

**Site of Scientific Importance (SSI):** Statutory designated sites where features of nature conservation importance are at their best and/or most concentrated. They include geological interest as well as flora and fauna. SSIs are scheduled in accordance with the Development Planning Act 1992.

**Social Housing:** Dwellings owned by Government, and rented or sold to occupants at subsidised rates. Does not include plots of land sold by Government at subsidised rates for private dwellings.

**Structure Plan:** Strategic Planning Policy is set out in the Structure Plan. The Structure Plan does not identify specific sites for development nor the precise boundaries of areas to be protected. One of the important tasks of the Local Plan is to apply that strategy at the local level.

**Environmentally sustainable development:** The Brundtland Commission (1987) defined environmentally sustainable development as “development which meets present needs without compromising the ability of future generations to achieve their needs and aspirations.”

**Town Centres:**

Primary Town Centre - Town Centre with a regional or sub regional function for non-food shopping;

Secondary Town Centre - A significant non-food shopping centre serving local residents, or residents of closely neighbouring villages and used by at least 2500 people for non-food shopping; and

Tertiary Town Centre - A significant non-food shopping centre, but serving a smaller number of people.

**Tourism:** The short-term movement of people away from their normal place of residence or work in pursuit of leisure, recreation and culture.

**Tourism Industry:** The business of providing for different types of visitor including accommodation, entertainment and attractions.

**Tourist Attraction:** The use of land or buildings which is primarily economically dependent on paying day visitors.

**Traffic Calming:** Measures which reduce the adverse effects of vehicular traffic in order to improve road safety and the living environment. This approach seeks to adapt the volume, speed and behaviour of traffic, to that which is sympathetic to non-traffic activities.

**Traffic Management:** The promotion of a more effective movement of traffic within a given street system by rearranging the flows, controlling the intersections and regulating the time and place for parking by means of traffic orders. Traffic management can also give priority to different forms of transport, such as buses, or to pedestrians.

**Tree Preservation Order:** An order made and confirmed by the MEPA to protect trees from lopping, topping or felling without prior written consent.

**Urban Conservation Areas:** Scheduled areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

**Use Classes Order:** The Development Planning (Use Classes) Order 1994 sets out a classification of land uses so that compatible uses are grouped together in a class. Permission is normally required to change from one class to another but not within a class, although conditions on permissions may restrict or prohibit such changes of use without a specific development permission.

**Utility services:** Water supply, sewerage disposal, land drainage, gas and electricity supply, waste disposal and telecommunications.

**Written Statement:** A document, which forms part of a statutory development plan and sets out the MEPA's policies or proposals. It is normally accompanied by a Proposals Map.

**Widien:** (Singular Wied) Dry valleys, only carrying water during the rainy season.

**Yacht:** For the purpose of the Structure Plan, and this local plan, the term applies to any sea vessel, with or without an engine, which can be towed on land using a trailer. A ship is a sea vessel which is too large to be towed on land. A boat is a small yacht.

# **SOUTH MALTA LOCAL PLAN**

**Approved Plan**

July 2006

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# CONTENTS

<b><u>List of Policies</u></b> .....	<b>VII</b>
<b>1. <u>Introduction</u></b> .....	<b>1</b>
1.1 <u>The Local Plan and Its Format</u> .....	1
1.2 <u>The Legal Background</u> .....	2
1.3 <u>Functions of the Local Plan</u> .....	2
1.4 <u>General Description of the South Malta Local Plan Area</u> .....	3
1.5 <u>Summary of Overall General Strategy</u> .....	4
<b><u>General Policies</u></b> .....	<b>5</b>
<b>2. <u>Settlements</u></b> .....	<b>6</b>
2.1 <u>Introduction</u> .....	6
2.2 <u>Strategic Background</u> .....	6
2.3 <u>Strategy</u> .....	7
2.4 <u>Policies</u> .....	7
<b>3. <u>Transport</u></b> .....	<b>18</b>
3.1 <u>Introduction</u> .....	18
3.2 <u>Strategic Background</u> .....	18
3.3 <u>Strategy</u> .....	20
3.4 <u>Policies</u> .....	20
<b>4. <u>Housing</u></b> .....	<b>24</b>
4.1 <u>Introduction</u> .....	24
4.2 <u>Strategic Background</u> .....	25
4.3 <u>Strategy</u> .....	25
4.4 <u>Policies</u> .....	25
<b>5. <u>Commerce and Industry</u></b> .....	<b>30</b>
5.1 <u>Introduction</u> .....	30
5.2 <u>Strategic Background</u> .....	30
5.3 <u>Strategy</u> .....	31
5.4 <u>Policies</u> .....	31



<b><u>6. Agriculture, Fisheries and Aquaculture</u></b> .....	<b>42</b>
<u>6.1 Introduction</u> .....	42
<u>6.2 Strategic Background</u> .....	43
<u>6.3 Strategy</u> .....	43
<u>6.4 Policies</u> .....	44
<b><u>7. Social and Community Facilities</u></b> .....	<b>46</b>
<u>7.1 Introduction</u> .....	46
<u>7.2 Strategic Background</u> .....	47
<u>7.3 Strategy</u> .....	47
<u>7.4 Policies</u> .....	47
<b><u>8. Urban &amp; Rural Conservation</u></b> .....	<b>50</b>
<u>8.1 Introduction</u> .....	50
<u>8.2 Strategic Background</u> .....	51
<u>8.3 Strategy</u> .....	51
<u>8.4 Policies</u> .....	51
<b><u>9. Recreation and Tourism</u></b> .....	<b>62</b>
<u>9.1 Introduction</u> .....	62
<u>9.2 Strategic Background</u> .....	62
<u>9.3 Strategy</u> .....	63
<u>9.4 Policies</u> .....	63
<b><u>10. Minerals Extraction and Waste Management</u></b> .....	<b>68</b>
<u>10.1 Introduction</u> .....	68
<u>10.2 Strategic Background</u> .....	68
<u>10.3 Strategy</u> .....	69
<u>10.4 Policies</u> .....	69
<b><u>11. Public Utilities</u></b> .....	<b>71</b>
<u>11.1 Introduction</u> .....	71
<u>11.2 Strategic Background</u> .....	71
<u>11.3 Strategy</u> .....	71
<u>11.4 Policies</u> .....	72

<b><u>12.</u></b>	<b><u>Inter Area Policies</u></b> .....	<b>74</b>
<u>12.1</u>	<u>Introduction</u> .....	74
<u>12.2</u>	<u>Transport</u> .....	74
<u>12.3</u>	<u>Urban Environment</u> .....	82
<u>12.4</u>	<u>Minerals and Quarrying</u> .....	84
<u>12.5</u>	<u>Recreation</u> .....	86
	<b><u>Area Policies</u></b> .....	<b>89</b>
<b><u>13.</u></b>	<b><u>Fgura Area Policies</u></b> .....	<b>90</b>
<u>13.1</u>	<u>Area Description</u> .....	90
<u>13.2</u>	<u>Summary of Planning Issues</u> .....	91
<u>13.3</u>	<u>Strategy</u> .....	91
<u>13.4</u>	<u>Area Policies</u> .....	91
<b><u>14.</u></b>	<b><u>Ghaxaq Area Policies</u></b> .....	<b>95</b>
<u>14.1</u>	<u>Area Description</u> .....	95
<u>14.2</u>	<u>Summary of Planning Issues</u> .....	96
<u>14.3</u>	<u>Strategy</u> .....	96
<u>14.4</u>	<u>Area Policies</u> .....	96
<b><u>15.</u></b>	<b><u>Gudja Area Policies</u></b> .....	<b>101</b>
<u>15.1</u>	<u>Area Description</u> .....	101
<u>15.2</u>	<u>Summary of Planning Issues</u> .....	101
<u>15.3</u>	<u>Strategy</u> .....	102
<u>15.4</u>	<u>Area Policies</u> .....	102
<b><u>16.</u></b>	<b><u>Kirkop Area Policies</u></b> .....	<b>105</b>
<u>16.1</u>	<u>Area Description</u> .....	105
<u>16.2</u>	<u>Summary of Planning Issues</u> .....	106
<u>16.3</u>	<u>Strategy</u> .....	106
<u>16.4</u>	<u>Area Policies</u> .....	106
<b><u>17.</u></b>	<b><u>Luqa Area Policies</u></b> .....	<b>109</b>
<u>17.1</u>	<u>Area Description</u> .....	109
<u>17.2</u>	<u>Summary of Planning Issues</u> .....	110
<u>17.3</u>	<u>Strategy</u> .....	110
<u>17.4</u>	<u>Area Policies</u> .....	110

<b><u>18.</u></b>	<b><u>Marsascala Area Policies</u></b>	<b>116</b>
<u>18.1</u>	<u>Area Description</u>	116
<u>18.2</u>	<u>Summary of Planning Issues</u>	117
<u>18.3</u>	<u>Strategy</u>	117
<u>18.4</u>	<u>Area Policies</u>	117
<b><u>19.</u></b>	<b><u>Mqabba Area Policies</u></b>	<b>127</b>
<u>19.1</u>	<u>Area Description</u>	127
<u>19.2</u>	<u>Summary of Planning Issues</u>	128
<u>19.3</u>	<u>Strategy</u>	128
<u>19.4</u>	<u>Area Policies</u>	128
<b><u>20.</u></b>	<b><u>Paola Area Policies</u></b>	<b>131</b>
<u>20.1</u>	<u>Area Description</u>	131
<u>20.2</u>	<u>Summary of Planning Issues</u>	132
<u>20.3</u>	<u>Strategy</u>	132
<u>20.4</u>	<u>Area Policies</u>	132
<b><u>21.</u></b>	<b><u>Orendi Area Policies</u></b>	<b>141</b>
<u>21.1</u>	<u>Area Description</u>	141
<u>21.2</u>	<u>Summary of Planning Issues</u>	141
<u>21.3</u>	<u>Strategy</u>	142
<u>21.4</u>	<u>Area Policies</u>	142
<b><u>22.</u></b>	<b><u>Safi Area Policies</u></b>	<b>144</b>
<u>22.1</u>	<u>Area Description</u>	144
<u>22.2</u>	<u>Summary of Planning Issues</u>	144
<u>22.3</u>	<u>Strategy</u>	144
<u>22.4</u>	<u>Area Policies</u>	145
<b><u>23.</u></b>	<b><u>Sta. Lucija Area Policies</u></b>	<b>148</b>
<u>23.1</u>	<u>Area Description</u>	148
<u>23.2</u>	<u>Summary of Planning Issues</u>	149
<u>23.3</u>	<u>Strategy</u>	149
<u>23.4</u>	<u>Area Policies</u>	149

<b><u>24.</u></b>	<b><u>Siggiewi Area Policies</u></b> .....	<b>154</b>
<u>24.1</u>	<u>Area Description</u> .....	154
<u>24.2</u>	<u>Summary of Planning Issues</u> .....	154
<u>24.3</u>	<u>Strategy</u> .....	155
<u>24.4</u>	<u>Area Policies</u> .....	155
<b><u>25.</u></b>	<b><u>Tarxien Area Policies</u></b> .....	<b>160</b>
<u>25.1</u>	<u>Area Description</u> .....	160
<u>25.2</u>	<u>Summary of Planning Issues</u> .....	161
<u>25.3</u>	<u>Strategy</u> .....	161
<u>25.4</u>	<u>Area Policies</u> .....	161
<b><u>26.</u></b>	<b><u>Xghajra Area Policies</u></b> .....	<b>165</b>
<u>26.1</u>	<u>Area Description</u> .....	165
<u>26.2</u>	<u>Summary of Planning Issues</u> .....	165
<u>26.3</u>	<u>Strategy</u> .....	166
<u>26.4</u>	<u>Area Policies</u> .....	166
<b><u>27.</u></b>	<b><u>Zabbar Area Policies</u></b> .....	<b>168</b>
<u>27.1</u>	<u>Area Description</u> .....	168
<u>27.2</u>	<u>Summary of Planning Issues</u> .....	169
<u>27.3</u>	<u>Strategy</u> .....	169
<u>27.4</u>	<u>Area Policies</u> .....	169
<b><u>28.</u></b>	<b><u>Zebbug Area Policies</u></b> .....	<b>175</b>
<u>28.1</u>	<u>Area Description</u> .....	175
<u>28.2</u>	<u>Summary of Planning Issues</u> .....	176
<u>28.3</u>	<u>Strategy</u> .....	176
<u>28.4</u>	<u>Area Policies</u> .....	176
<b><u>29.</u></b>	<b><u>Zejtun Area Policies</u></b> .....	<b>181</b>
<u>29.1</u>	<u>Area Description</u> .....	181
<u>29.2</u>	<u>Summary of Planning Issues</u> .....	182
<u>29.3</u>	<u>Strategy</u> .....	182
<u>29.4</u>	<u>Area Policies</u> .....	182

<b><u>30. Zurrieg Area Policies</u></b> .....	<b>186</b>
<u>30.1 Area Description</u> .....	186
<u>30.2 Summary of Planning Issues</u> .....	187
<u>30.3 Strategy</u> .....	187
<u>30.4 Area Policies</u> .....	187
<b><u>31. Marsa Industrial Estate Policies</u></b> .....	<b>193</b>
<u>31.1 Area Description</u> .....	193
<u>31.2 Summary of Planning Issues</u> .....	193
<u>31.3 Strategy</u> .....	193
<u>31.4 Area Policies</u> .....	194
<b><u>32. Hal Far Industrial Estate Policies</u></b> .....	<b>196</b>
<u>31.1 Area Description</u> .....	196
<u>31.2 Summary of Planning Issues</u> .....	196
<u>31.3 Strategy</u> .....	197
<u>31.4 Area Policies</u> .....	197
<b><u>Appendices</u></b> .....	<b>202</b>
<b><u>APPENDIX A - Criteria for Identifying Major Projects</u></b> .....	<b>203</b>
<b><u>APPENDIX B - Guidelines for caravan sites upgrading in Malta</u></b> .....	<b>204</b>
<b><u>APPENDIX C - Archaeological Features</u></b> .....	<b>212</b>
<b><u>APPENDIX D – Quarries in Kirkop, Mgabba, Orendi and Siggiewi</u></b> .....	<b>217</b>
<b><u>APPENDIX E – Glossary</u></b> .....	<b>220</b>

# List of Policies

## General Policies

	<b>Policy No.</b>	<b>Page No.</b>
<b>Settlements</b>		
Limits to Development Boundaries	SMSE 01	7
Development in the absence of specific policies	SMSE 02	8
Building Heights	SMSE 03	8
Public urban open spaces, squares and Green Areas	SMSE 04	10
Classification of ODZ Settlements	SMSE 05	11
Category 1 Settlements ODZ	SMSE 06	13
Large Rural Settlements - (Category 2 Settlements ODZ)	SMSE 07	14
Small Rural Settlements - (Category Settlements ODZ)	SMSE 08	16
Soft and Hard Landscaping Schemes	SMSE 09	17
<b>Transport</b>		
Strategic Bus Corridors	SMTR 01	20
Controlled Car Parking	SMTR 02	21
Traffic Calming and Road Safety	SMTR 03	22
Junction Improvements and Accident Remedial Measures	SMTR 04	22
<b>Housing</b>		
Residential Amenity Improvement Action Areas	SMHO 01	25
Residential Areas and Residential Priority Areas	SMHO 02	26
Social Housing/Community Uses	SMHO 03	29
<b>Commerce and Industry</b>		
Town Centres	SMCM 01	31
Local Centres	SMCM 02	33
Location of SMEs (Micro-enterprise Parks)	SMCM 03	35
Sites for the provision of Parking/Open Storage of heavy vehicles & plant machinery	SMCM 04	36
Areas of Containment (Industrial and Commercial)	SMCM 05	37
Commercial Areas & Retail parks	SMCM 06	38
Supermarkets	SMCM 07	39
Industrial Areas	SMCM 08	40
<b>Agriculture, Fisheries and Aquaculture</b>		
Protection of Agricultural Land	SMAG 01	44
Animal Breeding Farms within Urban Settlements	SMAG 02	44
Management Plans for Intensive Agricultural Zones	SMAG 03	45
Production units for marine cages	SMAG 04	45

<b>Social and Community Facilities</b>		
Health Facilities	SMSO 01	47
Extension of Existing Cemeteries	SMSO 02	48
Education facilities	SMSO 03	48
Community Facilities	SMSO 04	49
<b>Urban and Rural Conservation</b>		
Urban Conservation Areas and Design Priority Areas	SMCO 01	51
Classification of Streets in Urban Conservation Areas	SMCO 02	52
Protection of AEIs and SSIs	SMCO 03	54
Areas and Sites of Archaeological Importance	SMCO 04	55
Promote and safeguard public access along the coast	SMCO 05	56
Areas of High Landscape Value	SMCO 06	56
Valleys	SMCO 07	57
Groundwater Resources Protection and Water Quality	SMCO 08	58
Environment Management Plans	SMCO 09	59
Protection of Strategic Open Space Gaps	SMCO 10	60
<b>Recreation and Tourism</b>		
New Tourism Accommodation developments	SMTO 01	63
Development of visitor attractions	SMTO 02	64
Camping and Touring Caravan sites	SMTO 03	65
Provision and Retention of Recreational and Sports facilities	SMRE 01	66
Walking & Cycle routes and heritage trails in urban and rural areas	SMRE 02	67
<b>Minerals Extraction and Waste Management</b>		
Quarrying and Buffer Areas between Quarrying Sites, Protected Areas and Residential Areas	SMMW 01	69
Civic Amenity Sites	SMMW 02	69
<b>Public Utilities</b>		
Water runoff Management and Identification of Flood Prone Areas	SMPU 01	72
<b>Inter Area Policies</b>		
Deletion of South Harbours Link Road	SMIA 01	74
Highway Improvements for the South Harbours Area	SMIA 02	74
Improvements along Tal-Barrani Arterial Corridor	SMIA 03	76
Creation of Boulevards	SMIA 04	77
Safe Routes to schools	SMIA 05	78
Lorry Route Network	SMIA 06	79
Area Reserved for Airport Taxiway Route	SMIA 07	80
A Transport Strategy for Fgura, Paola and Tarxien	SMIA 08	81
Sites for bus termini	SMIA 09	81
Protection of Private Gardens and Open Space Enclaves in UCAs	SMIA 10	82
Softstone Quarries in Mqabba, Siggiewi, Qrendi and Kirkop	SMIA 11	84
District Park along the Cottonera Lines	SMIA 12	86
National parks	SMIA 13	87

	<b>Policy No.</b>	<b>Page No.</b>
<b>Area Policies</b>		89
<b>Fgura</b>		
Traffic Calming	SMFG 01	91
Removal of scrapyards at Triq id-Dejma	SMFG 02	91
Rezoning of site at Triq Mater Boni Consigli	SMFG 03	92
Improvement and Expansion of sports facilities	SMFG 04	92
Mixed Development at Dahlet in-Nicca l-Antika	SMFG 05	93
<b>Ghaxaq</b>		
Sports and Community Facilities and Rezoning of Green Area at Triq il-Barbazzal	SMGH 01	96
Rezoning of Green Area in Triq il-Barbazzal	SMGH 02	97
Recreational sites at Ta' Haxum and Has Saptan	SMGH 03	97
Improving pedestrian safety along Triq Dawret Hal-Ghaxaq	SMGH 04	98
Rezoning of area at Tal-Qattus	SMGH 05	98
Land safeguarded for the Development of Educational Facilities	SMGH 06	99
Has-Saptan Fuel Storage Facility	SMGH 07	100
<b>Gudja</b>		
Traffic Management within Urban Conservation Area	SMGU 01	102
Upgrading of Vjal it-Torri	SMGU 02	102
Mixed Use Area at Triq Hal Tarxien (Ta' L-Imsaqqa)	SMGU 03	103
Residential Priority Area at Triq Dun Pietru Farrugia	SMGU 04	104
<b>Kirkop</b>		
Traffic Calming and Environmental Improvements.	SMKI 01	106
Urban open space at Misrah iz-Zerniq	SMKI 02	106
Kirkop Industrial Area	SMKI 03	107
Recreational area at Triq il-Belt Valletta	SMKI 04	107
Quarries at Tas-Sienja, Tal-Bolla and Bonu z-Zghir	SMKI 05	108
<b>Luqa</b>		
Rezoning of site at Triq il-Gdida and Triq Mikelang Sapiano	SMLU 01	110
Deletion of Primary Development Area	SMLU 02	111
Mixed Development at Triq il-Vitorja, Hal-Farrug	SMLU 03	112
New Church and Related Facilities at Hal-Farrug	SMLU 04	112
Mixed Development at Hal-Farrug	SMLU 05	113
Local Park and Sports Facilities at Hal-Farrug	SMLU 06	113
Malta International Airport Master Plan Area	SMLU 07	114
Air Malta Development Brief Areas	SMLU 08	114
Luqa Industrial Estate	SMLU 09	114
Carnival Float and Scenography Production Park/Agro-Industry	SMLU 10	115



<b>Marsascala</b>		
Tourism Area and Entertainment Priority Area	SMMS 01	117
Development at site between Triq il-Bahhara and Triq is-Salini	SMMS 02	119
Sports facilities at the Ex-National Waterpolo pitch site	SMMS 03	119
Yacht marina site	SMMS 04	120
Deletion of Proposed Coast Road	SMMS 05	121
Pedestrian Link to Zonqor Estate	SMMS 06	121
Wied Il-Ghajn Road Alignment Changes	SMMS 07	122
St. Thomas Bay Coastal Recreation area Action Plan	SMMS 08	122
Site at Wied Sant' Antnin for informal recreation	SMMS 09	123
Sites reserved for extension of school facilities	SMMS 10	123
Traffic Management	SMMS 11	124
Sant' Antnin Waste Management Facility	SMMS 12	124
Zonqor Battery & St. Thomas Tower	SMMS 13	125
Development of sites between Triq il-Qrempuc and Triq l-Iskal	SMMS 14	125
Development Brief for Jerma Palace Hotel site	SMMS 15	125
<b>Mqabba</b>		
Mqabba Bypass/Valletta Road Junction Improvement	SMMA 01	128
Mixed Development at Quarry at Tal-Hagra (SM52)	SMMA 02	128
Water Reservoir at Triq Ganni Darmanin	SMMA 03	130
<b>Paola</b>		
Environmental Upgrading of and Development at Paola Square	SMPA 01	132
Area zoned for warehousing at Triq il-Bacir	SMPA 02	134
Addolorata Junction	SMPA 03	134
Relocation of Flea Market	SMPA 04	135
Site at Triq Brittanja for Recreational and Social and Community facilities	SMPA 05	136
Leisure Area at Triq Kordin	SMPA 06	136
Upgrading of Ghaddafi Gardens	SMPA 07	137
Redevelopment of the Pace Grasso Site	SMPA 08	138
Mixed Use Area off Vjal Sir Paul Boffa and at Triq L-Ibjar	SMPA 09	139
District park	SMPA 10	139
<b>Qrendi</b>		
New Pastoral Centre	SMQR 01	142
Rezoning of site between Triq Massabielle & Triq N Communit	SMQR 02	143
New scheme layout along Triq Sant' Anna	SMQR 03	143
<b>Safi</b>		
Vehicular Movements, Triq San Pawl/Cemetery Area	SMSA 01	145
Development of site at Ta' Amparell	SMSA 02	145
Traffic Management Scheme at Triq Ta' Gawhar/Triq S Erardi Junction	SMSA 03	146
Rezoning at Triq Salvu Cauchi	SMSA 04	146
Rezoning of green area in Triq il-Biedja	SMSA 05	147

<b>Sta. Lucija</b>		
Opportunity area opposite Triq l-Istefanotis	SMSL 01	149
Improvement of Triq Hal-Luqa/Dawret it-Torri Junction	SMSL 02	150
Public Urban Open Space along Triq Hal-Luqa & Triq Bir-id-Deheb	SMSL 03	150
Protection of Archaeological Remains at Triq il-Lellux	SMSL 04	151
Redevelopment Opportunity around Dawret it-Torri	SMSL 05	151
Acceptable land uses in Residential Areas	SMSL 06	152
Mixed Use Area at Triq Hal-Tarxien	SMSL 07	152
Redevelopment of football pitch area	SMSL 08	153
<b>Siggiewi</b>		
Comprehensive Traffic Management	SMSI 01	155
Multi-Purpose Community Facility at Triq Dr. N. Zammit	SMSI 02	156
Upgrading of Tal-Hesri Sports complex	SMSI 03	156
Rezoning at Triq il-Muza	SMSI 04	157
Rezoning of Green Area between Triq Mons. Mikiel Azzopardi	SMSI 05	158
Urban Open Space at Misrah il-Vittmi tal-Gwerra	SMSI 06	158
Protection of Old Parish Church ruins and rezoning at Triq L. Pisani	SMSI 07	159
Rezoning at Triq il-Qajjied	SMSI 08	159
<b>Tarxien</b>		
Provision of Sports facilities on site between Triq Cikku Saliba and Triq Kellinu Cachia	SMTA 01	161
Rezoning of White Area in Il-Qalgha	SMTA 02	162
Social and Community facilities at Triq l-Alfier de Medran	SMTA 03	163
Traffic Management and Environmental Improvements	SMTA 04	163
Rezoning at Triq iz-Zejtun	SMTA 05	164
<b>Xghajra</b>		
Improved Pedestrian Access to Xghajra Primary School	SMXA 01	166
Promenade Improvements at Dawret ix-Xatt	SMXA 02	166
Deletion of Road Widening and traffic related improvements	SMXA 03	167
Rezoning of part of green area at triq il-Fortizza tal-Grazzja	SMXA 04	167
Defense Heritage trail	SMXA 05	167
<b>Zabbar</b>		
Mediatrix Square	SMZA 01	169
Public Urban Open Space at Triq l-Ghakrux	SMZA 02	170
Rezoning of land at Santa Domenica	SMZA 03	170
Re-use of existing schools for Social and Community Facilities	SMZA 04	171
Relocation of outdoor market	SMZA 05	171
Rehabilitation of Fort St. Leonard	SMZA 06	172
Public Open Space at Tal-Hofra, St. Nicholas Square	SMZA 07	172
Mixed Development at Ta' Dun Lanza	SMZA 08	172
Rezoning of Land at Ta' Dun Lanza	SMZA 09	173
Development Guidelines for land adjacent to Sqaq Berqi	SMZA 10	174

<b>Zebbug</b>		
Hal Mula Mixed Use Area	SMZG 01	176
Zoning of Hal Dwien area as a green area	SMZG 02	178
Rezoning of site at Triq Hal Mula	SMZG 03	179
Redevelopment of Infetti Football Ground	SMZG 04	180
<b>Zejtun</b>		
Northern Relief Road	SMZN 01	182
Redefinition of Bulebel Industrial Area Boundary	SMZN 02	183
Rezoning of site at Misrah l-Indipendenza and Public Urban Open Space in Triq A. Cachia Zammit	SMZN 03	183
Hardstone Quarry at Wied iz-Ziju	SMZN 04	184
Rezoning of Green Area at Triq Salvu Cacciattolo	SMZN 05	184
Comprehensive Development Area at Triq Vendome	SMZN 06	184
<b>Zurrieq</b>		
Rezoning of area at Nigret	SMZU 01	187
Hardstone Quarries at Wied Moqbol	SMZU 02	189
Development of site at Triq Guzeppi Mattew Callus	SMZU 03	190
Junction improvement at Blue Grotto Avenue and realignment of Triq il-Kangu	SMZU 04	190
Rezoning of site at Triq Bronja	SMZU 05	191
Development of site along Blue Grotto Avenue	SMZU 06	191
Junction Improvement at Vjal Indipendenza	SMZU 07	191
<b>Marsa Industrial Estate</b>		
Boundary Limits of Marsa Industrial Estate	SMMR 01	194
Junction Improvement	SMMR 02	194
<b>Hal Far Industrial Estate</b>		
Industrial Development Boundary	SMHF 01	197
Transport and Access Improvements	SMHF 02	199
Government Administrative Entities	SMHF 03	200
Hal Far Public Recreation and Sports Areas	SMHF 04	200

# 1. Introduction

## 1.1 The Local Plan and Its Format

- 1.1.1 A Local Plan deals mainly with land-use planning and development issues, and indicates where development can take place, what type and the criteria against which development proposals will be assessed by the Malta Environment and Planning Authority (MEPA). Its main function is to guide development by seeking a sustainable balance between economic and social needs of the public (e.g homes, shops, employment, transport, recreation and community facility requirements) and the need to protect and improve the existing urban and natural environment and to meet future demand in a sustainable manner. This is a complex task as requirements are diverse and very often conflicting and the various individual interests have to be balanced against the needs and interests of the general public.
- 1.1.2 The Development Planning Act requires MEPA to prepare Local Plans for the whole of the Maltese Islands. The South Malta Local Plan (SMLP) is one of 7 plans, and includes 18 localities covering a total area of about 63.1 km<sup>2</sup> or approximately 20% of the entire Maltese Islands. The Plan area comprises the localities of Fgura, Ghaxaq, Gudja, Kirkop, Luqa, M'Scala, Mqabba, Paola, Qrendi, Safi, Sta. Lucia, Siggiewi, Tarxien, Xghajra, Zabbar, Zebbug, Zejtun and Zurrieq as well as the Marsa and Hal Far Industrial Estates.
- 1.1.3 The Local Plan provides the framework for development within the plan area for up to 10 years, following its adoption by Government. The primary thrust of this Plan is to afford protection and secure enhancement of all the assets the area contains, to achieve a more sustainable quality of life and efficient use of land for all sectors. The SMLP area borders most of the other Local Plans (North West, Grand Harbour, Central and Marsaxlokk Bay) and this Plan pays due regard to the relevant proposals from these Plans in coming up with proposals in the Plan area. In addition this Plan ensures that its policies and proposals are generally compatible with the relevant plans of the adjoining areas to ensure an overall consistent and comprehensive approach.
- 1.1.4 The underlying factual basis and the issues the Plan generally addresses are contained in the Report of Survey (February 2002). This contains background information on the plan area and its individual localities. The Local Plan consists of maps and 'inset' maps supported by written policy statements. The written statement comprises two sections. **Section One** is the main policy document containing general policies that affect the whole plan area or large parts of it and sets out the guiding planning principles for each topic, say settlements, social and community facilities, tourism, conservation, etc. which are then taken forward in the Area Policies in Section Two. General policies deal with issues not covered by the Structure Plan (or any other policy documents approved by MEPA) in sufficient detail for the purpose of the Local Plan. **Section Two** deals with different parts of the South Malta Local Plan area. The Area Policies reflect, as far as possible, the immediate spheres of influence of the settlements, or urban development areas and include detailed site specific policies. Occasions may arise where due to special circumstances of a particular site, an area policy may depart from certain aspects of the policy framework established by the topic-based general policies. Throughout the plan, the policies are highlighted in **bold** type. The rest of the text explains the justification for the policy.

## **1.2 The Legal Background and Context of the Plan**

- 1.2.1 The Development Planning Act, 1992, establishes a MEPA and provides that where a Structure Plan has been prepared under the Building Permits (Temporary Provisions) Act, 1988, the Authority shall adopt such a Structure Plan as if prepared under the provisions of the new Act. The Structure Plan came into force on 29 July 1992. The subsequent amendments to the 1992 Act permit the partial review of the Structure Plan by Parliamentary Resolution, provided such a review shall not adversely affect rights acquired by any person prior to the effective date of such review (Clause 18 (3)). The Structure Plan establishes an overall strategic framework for land use planning and related development, over a twenty year period. To deal with area planning on a detailed basis, and to respond to local issues, the Structure Plan makes provision for the preparation of Local Plans. Article 27(2) of the Development Planning Act 2001 requires the Authority to seek final approval of a Local Plan from the Minister responsible for Development Planning and the Plan shall stay in force for a minimum period of two years following such approval, unless a review is necessitated by a review of the Structure Plan, as required by Article 28(1) of the same Act. Changing circumstances may well require adjustments to the Plan after the minimum period of two years following final approval by the Minister, and such review of the Plan will be undertaken within the legal provisions of the Development Planning Act.
- 1.2.2 Over the past years, several Subsidiary Plans/Briefs, Planning Policies and Guidance Notes/Circulars have been prepared/issued by the MEPA. These also play an important part in establishing approved planning policies against which decisions can be made, and are therefore taken into full account in the Local Plan.
- 1.2.3 Development proposals will be affected by several Structure Plan and Local Plan policies, each dealing with a different aspect of planning. The Structure Plan and the Local Plan need to be read together in evaluating a proposal. Where several policies apply to a development proposal, they must all be complied with if a proposal is to be accepted.

## **1.3 Functions of the Local Plan**

- 1.3.1 The functions of the South Malta Local Plan include:-
1. To apply and evaluate the strategy, principles, policies and standards of the Structure Plan on a local scale;
  2. To provide area and site specific, detailed guidance for development control by proposing allocations for particular land uses, defining areas in which particular development control policies will apply, safeguarding areas for specific future land uses and stating standards and other criteria to which development must conform;
  3. To designate any specific areas within the Local Plan boundaries that outline conceptual proposals that will be developed further through more detailed Planning Briefs and to provide a basis for promoting and co-ordinating public and private development opportunities;
  4. To put forward proposals for the improvement of conditions relating to the quality of the living environment particularly transport related proposals for the improvement of both vehicular and pedestrian traffic, and parking;
  5. To bring local and detailed planning issues before the public, and to offer solutions to these issues by means of public consultations.
  6. To highlight all areas that require protection from development for social and

environmental and other planning reasons.

- 1.3.2 In view of the above, Local Plan policies should generally conform to the provisions of the Structure Plan. However, the particular circumstances and specific issues of the local plan area occasionally necessitate policies to address these issues which materially depart from the existing Structure Plan. Where such policies are proposed in the Local Plan it is indicated that these are to be given due consideration during the next Structure Plan review.

## **1.4 General Description of the South Malta Local Plan Area**

- 1.4.1 The plan area stretches from the west to the east side of the Island. The 18 localities comprising the plan area are shown on Map 2. However, parts of Siggiewi, Zebbug, Qrendi and Zurrieq also form part of the North West Local Plan and part of Paola (Kordin area) as well as Marsa (excluding the industrial estate) are within the Grand Harbour Local Plan. The plan area had a population of about 110,000 in the 1995 census and this increased to 113,291 in 2000. The average population density for the plan area is 1795 persons per km<sup>2</sup>.
- 1.4.2 70% of the plan area is characterized by non-urban areas i.e. land which is outside the Development Zone boundary. Ghaxaq, Gudja, Kirkop, Marsascala, Mqabba, Qrendi, Safi, Siggiewi, Xghajra, Zabbar, Zebbug, Zejtun and Zurrieq have a high percentage of non-urban areas whilst Fgura, Luqa, Paola, Sta. Lucia and Tarxien are more urban in character. The rural character of the area is an important feature which warrants a careful approach to development, particularly since specific infrastructure (Sant' Antnin Plant) and quarrying operations have created adverse impacts on the rural environment.
- 1.4.3 There is a general feeling amongst the population within the plan area that this area has not attracted the level (or type) of investment which has been attracted by other parts of the mainland. Although in recent years private sector investment has occurred in the plan area, e.g. a shopping centre in Fgura, a cinema complex in Marsascala, yet this certainly did not match the interest other localities have received in this regard. However, the high population density, as well as construction related activity and industrial operations, create significant noise and air pollution apart from parking related problems.
- 1.4.4 These trends have been confirmed by the Regional Socio-Economic Development Plan for the South published in February 1998 which also identified a number of serious social problems concerning specific localities in the plan area (e.g. Zabbar and Xghajra). These include unsettled families, separated couples, drug abuse, unemployment, single parent families. The plan area accounted for 34% of the unemployment recorded in June 2000. In planning terms, these concerns stem particularly from a neglect of the area and the low quality of life associated with such an environment and forms of development allowed in the area. Scrapyards, animal farms, quarries, industrial estates all combine to place pressure on the quality of the environment of the residents.
- 1.4.5 Localities have developed specific functions or roles. Thus Marsascala has become the touristic and entertainment/leisure locality of the South as well as the summer resort for a number of residents. Paola and Fgura have become important shopping centres. The plan area has the highest retail floorspace per person at 0.46 m<sup>2</sup>. 6% of total showroom floorspace is in Zebbug. Paola is designated as a Primary Town Centre whilst Fgura, Qormi, Zurrieq, Zabbar and Zejtun as Secondary Town Centres and Ghaxaq, Siggiewi, Luqa, Kirkop and Safi as Tertiary Town Centres in the Retail Topic Paper.

- 1.4.6 Most localities (e.g. Qrendi, Safi, Ghaxaq, Gudja, Kirkop, Tarxien, Sta. Lucia) retain a predominant residential character. The proximity to tourist attractions like Il-Maqluba and Hagar Qim and Mnajdra temples and the Blue Grotto enhance the potential of localities like Qrendi and Zurrieq to develop their tourism potential. A number of other important heritage attractions are also located in the plan area (e.g. Hypogeum in Paola and Tarxien Temples).
- 1.4.7 Mqabba and Siggiewi are ‘littered’ with quarries and construction related businesses. Although such activities are necessary, nonetheless they scar the area’s rural landscape whilst creating other significant adverse impacts on the surrounding environment and nearby residents e.g. noise and air pollution as well as destruction of habitats. The Malta International Airport cuts across the length of the plan area from Luqa to Birzebbuga whilst other areas of national importance in the plan area include the main industrial estates of Bulebel and Marsa.
- 1.4.8 Important areas of conservation value in the South Malta Local Plan area include the saline marshland at Il-Maghluq, Marsascala, which is the only example of this type of habitat in the Local Plan area. This is one of the few remaining saline marshlands supporting many halophilic species. The area towards Tal-Munxar, St. Thomas Bay has many Pleistocene deposits and supports an endemic subterranean cricket. The following areas also have features of particular ecological interest – the coastal slopes of the Xghajra – Zonqor region, the valleys that drain into Marsascala Bay and into Marsaxlokk Bay and those that form the Wied il-Kbir complex.

## **1.5 Summary of Overall General Strategy**

- 1.5.1 The overall strategy for the South Malta Local Plan area is to improve the quality of the environment for the population living within this region and to ensure that sufficient provision of land has been made to meet demands not only with regard to housing and employment but also to accommodate facilities including social and community and recreational facilities. The strategy seeks to make efficient use of the land designated for development by the Temporary Provisions Schemes, 1988, through various policies including a policy of containment of existing settlements.
- 1.5.2 The Plan aims to secure an improvement to the quality of the environment of urban areas through various measures including ensuring the provision of appropriate sites, outside residential areas, for the relocation of obnoxious activities, introduction of traffic management schemes in all localities, facilitating the provision of support facilities like social and community facilities, etc.
- 1.5.3 With regard to the rural and coastal environment the strategy seeks to facilitate the rehabilitation of degraded rural landscapes and the protection and safeguarding of the limited coastal stretch for the provision of recreational facilities.

# **GENERAL POLICIES**



## **2. Settlements**

### **2.1 Introduction**

- 2.1.1 The settlements in the plan area have been characterised by a growing urban sprawl which risks obliterating some of the green gaps that still exist between some of the urban settlements. The general characteristics of the settlements range from well developed towns like Paola, Fgura and Tarxien to village settlements like Safi, Gudja, Qrendi and Kirkop. A number of major infrastructural developments generate different types of pressures on the plan area. These developments include, for example, the sewage treatment and solid waste recycling plant at Marsascala and the Malta International Airport in Luqa. In addition to these, the localities of Mqabba and Siggiewi have a high concentration of quarries, some of which are in the proximity of the urban settlements.
- 2.1.2 A vacant land condition study carried out in 2002 estimates that land currently left vacant within the TPS boundaries in the plan area is of around 1.7 km<sup>2</sup>. It is considered that this amount of land is adequate to meet demand for housing over the plan period. Zurrieq and Marsascala have the highest share of vacant land at 11% and 10% respectively.
- 2.1.3 The plan area includes the rural settlements of Bir-id-Deheb, Misrah Strejnu, Torri Mamo and Bubaqra amongst others. Incremental urban development has not spared some of the typical rural settlements, for example Bubaqra at Zurrieq and Bir-id-Deheb in Zejtun, giving them more of an urban character, despite being rural settlements..
- 2.1.4 The Local Plan has identified the rural settlements on the basis of their physical size and development pattern. Rural settlements are defined as consisting of at least 10 dwellings and having a compact or clearly identifiable form, being either a cluster of buildings or a linear pattern fronting onto an existing local access road.
- 2.1.5 In spite of the Structure Plan blanket prohibition of urban development outside existing and committed built-up areas, development permissions for new dwellings outside the development zone are still being issued. The Structure Plan Review Topic Paper on Housing revealed that between the years 1994 – 2000, some 495 dwelling units, outside the development zone, were granted permission, with 211 of these in the plan area, implying that the rural settlements are under constant pressure for further development.

### **2.2 Strategic Background**

- 2.2.1 The Structure Plan's main strategy with regard to new urban development is to channel development into the existing built-up areas primarily through the rehabilitation and redevelopment of existing buildings (SET 1) and the prevention of development of undeveloped land outside the development boundaries (SET 11 and RCO 2).
- 2.2.2 With regard to Rural Settlements, the Structure Plan adopts a restrictive approach to developments in the countryside. Policy SET 11 and para 7.6 specify those categories of non-urban development which will be permitted outside existing and committed built-up areas. The Structure Plan provides that only farmhouses and other genuine agricultural buildings, reservoirs, picnic areas toilets and car parks, control buildings and wall/fences at archaeological and ecological sites are considered acceptable inclusions in the non-urban scene.

## **2.3 Strategy**

2.3.1 The strategy for urban settlements in the SMLP is:

1. to contain urban development within the Limits to Development boundaries and make efficient use of existing undeveloped land within such boundaries;
2. to rationalise anomalies to the Limits to Development boundaries;
3. to retain building heights in general but allow for changes where residential densities are low and where such changes will not impact negatively on the urban fabric of the settlement.

2.3.2 The strategy for rural settlements is:

1. to protect their identity by preventing as far as possible their coalescence with urban settlements (e.g. Zejtun, Zabbar, M'Scala).
2. to ensure that essential features of historic settlements are safeguarded and measures adopted to promote their rehabilitation and conservation so as to enhance the character and amenity of these settlements.
3. to provide the framework which enables derelict and abandoned buildings within rural settlements being brought into effective use through the identification of appropriate uses;
4. allow for modest and controlled development within rural settlements.

## **Policies**

### **SMSE 01**

### **Limits to Development Boundaries**

**The Local Plan has reviewed the Limits to Development Boundaries and is proposing a number of sites to be excluded from the development zone, as listed in Table 1 below and in the respective policy maps.**

**Inclusions to the boundaries are to be considered at the next Structure Plan Review and are indicated on the relevant maps in Appendix B – Recommended Changes to Limits to Development Boundary attached with the Maps' Volume. These are not to be considered as part of this Plan.**

**A development boundary for the locality of Hal Farrug (Luqa) has been established.**

2.4.1 The analysis from the Vacant Land Condition Survey and the Urban Capacity Study indicates that there is still sufficient land available within the Temporary Provisions Scheme boundaries to accommodate future demand, particularly for housing. The Housing Topic Paper estimates that for the period 2000 – 2010 housing requirements in the plan area would be in the region of 5,212 new dwelling units. The same study estimates that available land within TPS as well as the new residential units that would be made available as a result of conversions, windfall, redevelopment, scheme rationalisation, etc. would create a residential capacity for 23,398 units. One also has to consider the permanently vacant homes (4,786 units at the 1995 Census) which have the potential to increase future housing supply.

2.4.2 Allowing minor changes to rationalise the scheme boundary is sometimes necessary to avoid

anomalies and ensure a general consistency in dealing with the issue of scheme boundaries across all local plans. The incremental approach to development outside the designated boundaries during the last two decades has led to problems of urban sprawl, particularly on the urban fringes and the Local Plan seeks to contain such sprawl through the formulation of appropriate policies which discourage such growth in the plan area.

- 2.4.3 Some areas, zoned as green areas are also being proposed to be excluded from the scheme boundary particularly because of their agricultural function or to protect and the coastal stretches of Xghajra and Marsascala. The boundaries have been drawn with the intention of minimizing the amount of new land which will become available for housing. The changes to the boundaries are recommendations for the Structure Plan review as required by Structure Plan policy SET 8. In proposing revisions to the scheme boundaries, MEPA has taken into account the submissions made by the public in the light of the criteria set out in this policy.

## **SMSE 02**

### **Development in the absence of specific policies**

**MEPA will determine the acceptability of development permission applications on land which is not covered by policies in the Local Plan in accordance with:**

- i. The zoning conditions and building alignments as indicated in the Temporary Provisions Schemes (1988) or such revised schemes as provided in this Plan. Furthermore, consideration shall be given to the existing building typologies on site and any other self-imposed building characteristics;**
- ii. The DC2005;**
- iii. Other relevant approved policies and design guidance;**
- iv. Structure Plan policies; and**
- v. Any other relevant material planning considerations relating to the site and to its context.**

**In the determination of development planning applications, MEPA will also take into full account all relevant constraints affecting the site.**

- 2.4.4 The Local Plan has attempted to indicate a complete range of acceptable land uses and development control criteria in the Plan area. However there may be exceptions where certain planning applications cannot be directly assessed in relation to Local Plan policies. To give guidance on how to assess such planning applications therefore, unless otherwise specified, it can be assumed that proposals which are compatible with the TPS (1988), with the DC2005, and all the relevant policy and design guidance and the Structure Plan will be acceptable. MEPA may also have regard to pre-1988 schemes where these give guidance (particularly on building alignments) and to other material considerations relevant to the site and to the type and form of development proposed.

## **SMSE 03**

### **Building Heights**

**Applications for development involving the construction of buildings within the urban settlements and proposed urban extensions, should comply with the building height limitations indicated in the relevant Building Heights Maps. MEPA will not favourably consider applications for development, which infringe the established building heights.**

**Within all Urban Conservation Areas (UCAs), as proposed in this Plan, building heights will**

generally be retained at 2 floors without semi-basement, unless otherwise indicated in the respective Building Heights Maps. In specific cases, building heights will be limited to 1 floor, if this is necessary to maintain the character of such areas, as indicated in the relevant Building Heights Maps or as may be proposed following the Street Classification exercise.

Within those street frontages in UCAs where the predominant building height of buildings along the same frontage is more than 2 floors, only an additional floor may be permitted to the adjacent buildings having 2 floors.

Changes to building height limitations are proposed in Marsascala and in areas outside the UCA and Design Priority areas where building heights are three floors with semi-basement, unless otherwise indicated in the respective Building Heights maps.

MEPA will also consider an additional floor to a school building where it is not possible for this facility to expand laterally provided that:

- a) the building is not scheduled or of historic/architectural importance, and
- b) the additional floor will not create a negative visual impact.

MEPA will consider allowing additional floors, up to a maximum of three floors, on Government buildings located Outside Development Zone, provided that the proposed development will not create an adverse visual impact on the immediate surrounding area, as well as the wider surrounding area (1 km radius).

In line with the tall buildings policy, MEPA will consider the medium rise buildings ONLY in the localities of Marsascala, Fgura and the area designated as a Mixed Use Area in Paola (Policy Map PA 1 and PA 2). Tall buildings may be considered in the MIA Master Plan Area and Air Malta Master Plan Area Site B, in line with policies SMLU 07 and SMLU 08 respectively, subject to clearance from DCA.

2.4.5 Most of the localities in the plan area retain the urban qualities of the traditional villages and towns and these are features that are to be protected and conserved. Thus to retain the townscape features building heights in general will not be changed from the current limitations. Limited changes in building heights are being proposed. The height relaxation policy has resulted in creating a streetscape with differing heights, particularly through the allowance of semi-basements, thus breaking the harmony and character of particular streets. In other cases building heights have been blatantly infringed and this has been taken into consideration when proposing amendments to current building heights, provided that such changes would not result in any adverse impact. In view of the penthouse allowed over the third floor, as specified in para 2.1 of the Policy and Design Guidance DC 2005, building heights outside the UCA boundary have been generally increased to three floors and semi-basement. Most villages retain a traditional urban skyline and this is being protected. The building heights in Marsascala have also been reviewed recognizing the tourism role of this locality, particularly for domestic tourism and to reflect developments that have been approved in the area. Building height changes, not exceeding one floor, will be permitted in specific cases where it is not possible for schools to expand horizontally due to site limitations. The tall/medium rise buildings policy identifies specific localities where these can be considered and this policy is designating such areas/sites.

**MEPA will encourage the provision of additional public urban open spaces (e.g. communal open space and children's play area) within urban areas through major urban developments (as defined in Appendix A) where the developer will be required to provide such facilities on site as part of the proposed development. Where planning constraints preclude this approach, the developer will be required to make up for an equivalent provision elsewhere in the locality as will be indicated by MEPA.**

**At sites zoned as public urban open spaces, as indicated in the relevant Policy Maps, MEPA encourages the development or upgrading, as may be the case, of these sites for public recreational facilities in the form of children play areas or landscaped seating areas for use by the general public. Only at specific sites, as indicated in the respective Area Policies, underground development may be considered in such areas, provided that at ground level the site is developed into a public urban open space. The open nature of these sites is to be retained. Within green areas only low key environmental improvements (e.g. upgrading of roundabouts or traffic islands, landscaping or seating area) will be allowed. Where green areas are private gardens or part of private gardens no development of any part of the site is permitted.**

**In those cases where buildings are present on sites designated as public urban open spaces or green areas, MEPA will consider the upgrading and improvement of such buildings, particularly, for uses compatible with the recreational provision of such sites, unless otherwise indicated in this Plan, provided that there is no increase in the built up footprint and the overall height is retained, unless otherwise indicated in the relevant Building Heights Maps. Demolition of such buildings will only be considered provided that following an assessment of the building by MEPA it is ascertained that it has no cultural or heritage value. In case of demolition the new development will have to give regard to the treatment of side and back elevations to avoid creating blank party walls.**

**MEPA will also encourage the provision of underground reservoirs within such sites primarily when these are located within flood prone areas.**

**MEPA will also encourage the upgrading and embellishment of squares (pjazzas) through the provision of seating facilities, landscaping, pedestrianisation and traffic calming measures, particularly within the Urban Conservation Areas, to facilitate movement and improve facilities for pedestrians. Other soft areas, landscaped areas and open spaces within residential estates, particularly Government Housing Estates, are to be retained and no development will be permitted in such areas, except where this involves the improvement and upgrading of these areas.**

2.4.6 The urban settlements in the plan area are generally highly urbanized with very little pockets left for public open space (e.g. gardens, piazzas and playgrounds). Approximately 5% of the urban zone in the plan area is taken up by open spaces. This highly urbanized character of certain localities (e.g. Fgura, Tarxien) decreases the quality of the urban environment of these areas and reduces the quality of living for the residents.

2.4.7 The Local Plan strategy is to generally retain the existing level of public urban open space provision and to enhance the level of such provision in appropriate cases for use by the general public. It includes the provision of informal open spaces having seating provision, playing fields, picnic areas and public gardens. The green areas as indicated in the Temporary Provision Schemes, 1988, have no specific definition. The Scottish Executive Research Unit has defined amenity green spaces as areas which provide visual amenity or separates different buildings or land uses for environmental, visual and safety reasons. In housing areas amenity green spaces are the main setting for informal children's play areas. Green areas, in this Local Plan, comprise those

sites zoned as such within the Temporary Provisions Schemes, 1988, and are either still not available for public use or are simply traffic islands/roundabouts. Some of these are relatively large sites whose retention and improvement for public use is important to enhance the amenity of the urban area whilst providing potential for recreational facilities in the form of children's play area or public gardens. To encourage the development of sites which are identified as public urban open spaces but not yet amenable for public use, the possibility of underground development will be considered along the criteria stipulated in the relevant area policies.

## SMSE 05

## Classification of ODZ Settlements

The following sites located Outside the Limits to Development boundary in close proximity to the main urban area but separated by an undeveloped gap of local significance are to be designated as Category 1 Rural Settlements and to which policy SMSE 06 will apply:

Category 1:	Triq il-Kunsill ta' L-Ewropa	Luqa	Map LU 1, RS 1
	Triq id-Dahla ta' San Tumas	Marsascala	Map MS 2, RS 1
	Triq Valletta	Mqabba	Map MA 1, RS 1
	Triq San Mattew	Qrendi	Map QR 1, RS 1
	Triq Dun Manwel Zammit	Siggiewi	Map SI 1, RS 2
	Triq Has-Sajjed (Tal-Plier)	Zabbar	Map ZA 1, RS 2
	Triq San Guzepp (Ta' Ciantar)	Zabbar	Map ZA 1, RS 2
	Triq Gianni Cilia (Wied Qirda)	Zebbug	Map ZG 2, RS 2
	Triq Salvu Pulis (Tal-Hawlija)	Zabbar	Map ZA 1, ZA 2, RS 3
	Triq il-Labour	Zejtun	Map ZN 1, RS 3
	Dawret Hal-Ghaxaq	Ghaxaq	Map GH 1, RS 3
	Triq il-Kappucini	Zabbar	Map ZA 1, RS 3

The following are designated as Category 2 Large Rural Settlements within a wider rural area which should be conserved, consolidated and rehabilitated while protecting their rural character and to which policy SMSE 07 will apply:-

Category 2:	Triq ta' Telleritu	Ghaxaq	RS 4
	Triq il-Pluvieri (Tat-Tajjara)	Gudja	RS 4
	Triq San Nikola (Il-Hofra)	Qrendi	RS 5
	Blata l-Bajda	Xghajra	RS 5
	Sqaq San Lawrenz	Xghajra	RS 5
	L-Imwieghel	Zabbar	RS 5
	Trejqet San Frangisk	Zabbar	RS 6
	Hal Tmiem	Zejtun	RS 6

The following are designated as Category 3 Small Rural Settlements within a wider rural area which should be conserved and rehabilitated and their rural character protected and to which policy SMSE 08 will apply:-

Category 3:	Tad-Dawl	Marsascala	RS 7
	Tal-Krawla	Marsascala	RS 7
	Torri Mamo	Marsascala	RS 7
	Tax-Xantin	Mqabba	RS 7
	Has-Sajd	Zabbar	RS 8
	Il-Bakkari	Zurrieq	RS 8

**If conflicts arise between policies SMSE 6, 7 and 8 and other policy guidance notes in relation to development outside urban areas prepared outside the Local Plan process, the policies in the Local Plan should take precedence.**

- 2.4.8 Rural settlements can be very different from one another. The pattern of the development can vary from rows of terraced houses to a cluster of traditional farm houses. Spaces/gaps between buildings vary greatly, thus affecting the density and the perceived visual compactness of the settlement. Some rural settlements have substantial visual impact on the surrounding countryside because of the location, size and nature of development – others are visually well-integrated with the surrounding countryside, for instance, by tree cover purposely planted along their edges.
- 2.4.9 These different characteristics need to be acknowledged in any policy intended to guide their conservation, rehabilitation and consolidation. These clusters of buildings have emerged for various reasons ranging from their exclusion from the TPS when these were being drawn up in 1988 even though they were located close to a main urban area, to a number of planning decisions which permitted their establishment and growth, to their existence as an inhabited area for a long period of time.
- 2.4.10 The following set of criteria was developed to determine the character of each settlement:
- i. the number and compactness of residential units/clusters;
  - ii. the land area of the settlement, including all land between the buildings on the extreme built edges of the cluster but excluding gap sites wider than 14.0m;
  - iii. the density expressed in dwellings per hectare (obtained by dividing the number of inhabited residential units by the settlement area), however a minimum of 8 units was required to qualify as a rural settlement;
  - iv. the distance in metres between the extreme built edges of the cluster;
  - v. the design of the buildings – predominantly modern or predominantly traditional;
  - vi. the land-use patterns;
  - vii. form of the settlement in relation to the Limits to Development Boundary;
- 2.4.11 Criteria (i) and (ii) gave an indication of the scale of the settlement and the figure obtained for the density could then be compared with other density figures for small villages in Malta and Gozo. Criterion (iv) was indicative of the settlement pattern i.e. whether the settlement was compact or dispersed or linear. Criterion (v) indicated whether the built cluster was of recent origins or had been an established built up area for a considerable time and its conservation was more important. The land-uses and activities in a settlement are a major contributor to its character and are also indicative of the type of new uses, which could be permitted. The form of the settlement, particularly those in proximity to the urban settlement, in relation to the Limits to Development Boundary is considered important to ensure that designations do not create additional pressures for development on adjacent land.
- 2.4.12 The application of these criteria resulted, generally, in the emergence of three groups –
- i. large, high density (generally more than 19 dwellings per hectare), modern residential clusters with few abandoned buildings in close proximity to the main urban area (within 100m);
  - ii. large, high density (more than 19 dwellings per hectare), predominantly modern, linear/dispersed residential clusters with few abandoned buildings but distant from the main urban areas;
  - iii. small, low density (less than 19 dwellings per hectare), predominantly traditional, with a

mix of compact and dispersed residential clusters with substantial amounts of abandoned buildings and distant from the main urban areas.

- 2.4.13 Group (i) was classified as Category 1 Rural Settlements , group (ii) was classified as Category 2 Rural Settlements and termed “Large Rural Settlements”, while group (iii) was classified as Category 3 Rural Settlements and termed “Small Rural Settlements”.

## **SMSE 06**

## **Category 1 Settlements ODZ**

**In sites designated as Category 1 Rural Settlements in Policy SMSE 05, as identified in the relevant Policy Maps and Inset RS 1 – RS 5, which are in close proximity to the main urban area but separated by an undeveloped gap of local significance, due attention must be given to the design of new buildings within the established boundary, especially those along the edge of the boundary of the settlement, to ensure that there are no adverse impacts, especially through the creation of new party walls. A side garden of at least 3 metres, with an elevation fronting upon it, will be required for sites on the boundary’s edge. Priority will be given to the rehabilitation of buildings of historical or architectural interest within these rural settlements. Land uses which fall within those identified by Policy SMHO 02 for Residential Areas will be permitted within this group of Category 1 settlements**

**Building heights within Category 1 Rural Settlements will be limited to two floors with basement and the built plot depth is not to exceed 25 m.**

**New end of terrace developments closing off blank party walls are to provide a side garden of not less than 3 metres.**

**No development in the form of extending the built up footprint of the existing building or a completely new development will be permitted in the back gardens forming part of buildings falling within the Category 1 Rural Settlements.**

**These designations are to be considered at the next Structure Plan Review.**

- 2.4.14 A number of building permits issued in the past have resulted in the creation of settlements outside the Limits to Development boundary. The Rural Stratgy Topic Paper, approved by MEPA Board in 2003, identified rural settlements within 100 metres of the Limits to Development.
- 2.4.15 The boundary around Category 1 Rural Settlements also seeks to contain any further expansion of such settlements and no development will be allowed in the undeveloped land that exists between such sites and the Limits to Development boundary. However, their urban nature necessitates that they be treated as such and through the designation of a boundary to define the extent of such sites further building that would encroach on rural land will be checked whilst allowing the development of infill plots as well as the redevelopment of existing properties for residential use. This policy seeks to contain any further growth but also to provide for the possibility of a degree of enhancement. The development boundaries have been formulated to provide space for mitigating the impact resulting from blank party walls. The use of appropriate materials and landscaping in the construction of these “rounding off” residential units will enhance the appearance of the clusters and therefore reduce their visual impact on the countryside.



In the areas classified as Category 2 Large Rural Settlements by Policy SMSE 05, as identified in Inset RS 6 – RS 7, rehabilitation, development and re-development for the following land uses will be permitted:

Dwelling units (new units on uncommitted land, redevelopment of existing buildings, extensions to existing buildings for residential use, and rehabilitation of existing buildings for residential use) provided the units satisfy all the following conditions:

- i. do not create a building with more than 150m<sup>2</sup> footprint measured externally at ground floor including any internal courtyards;
- ii. have not less than 120m<sup>2</sup> and not more than 200m<sup>2</sup> total floorspace measured externally;
- iii. have an independent access from any other residential unit and its own car access;
- iv. do not create a building which is higher than two floors above road level at any point along the street frontage provided that it would not have a detrimental affect on the character of the settlement and the surrounding rural landscape;
- v. structures at roof level do not have a floorspace of more than 20m<sup>2</sup> measured externally, do not exceed an overall height of 12 courses (3.4 metres) measured externally from the lowest roof level, and are located to minimise their visual impact;
- vi. have a high quality design aimed at retaining and enhancing the existing character of the settlement and which demonstrates that due attention has been given to the impact of the new building on the rural character of the settlement and which complies with any eventual Settlement Design Statement prepared by MEPA;
- vii. parking provision is to be provided on site for not more than two car-spaces.

In addition, when the new dwelling unit is being proposed as complete re-development of an existing building:

- a. the existing building is not worthy of retention due to its historical and/or architectural merit and/or the contribution it makes to the character of the settlement;
- b. the new building, if allowable under (a) above, occupies the same position on the land in relation to the street as the existing building.

For the purpose of this policy an existing building includes only any building with an external footprint of not less than 50 m<sup>2</sup> which is covered by a valid development permission or else has been existing prior to 1968 and can be identified in the MEPA 1967 aerial photographs. An existing building does not include greenhouses, agricultural buildings which are essential for the operation of an agricultural holding, abandoned and dilapidated structures which are isolated from the main settlement.

For the purposes of this policy uncommitted land includes only:

1. infill sites with a street frontage of not more than 14 m which abut blank party walls one storey high, or more, on both sides;
2. corner sites defined by two public roads with a site area of not more than 300 m<sup>2</sup> which abut blank party walls one storey high, or more, on both sides;
3. sites which have a road frontage of not more than 10 m which abut blank party walls one storey high, or more, on one side and which form the end of a terrace of at least 3

dwelling provided a strip of land of at least 3 m in width adjacent to the side elevation of the new dwelling is landscaped. No structures will be permitted below this 3 m strip.

No development in the form of extending the built up footprint of the existing building or a completely new development will be permitted in the back gardens forming part of buildings falling within the Category 2 Rural Settlements.

Boundary walls of gardens, yards, swimming pool areas and any other open space surrounding an adjacent land-use cannot be considered as a party wall in relation to this policy. Sites, including gardens, which contain mature trees, which contribute to the character of the settlement, do not constitute uncommitted land even if they fall within the definition stated above. For the purposes of this policy an existing building does not include greenhouses, agricultural buildings which are essential for the operation of an agricultural holding, abandoned and dilapidated structures which are isolated from the main settlement and any building with an external footprint of less than 40 m<sup>2</sup>.

- B. Farmhouses for livestock farmers, arable farmers and other growers provided the criteria stated under “(A)” above are complied with.
- C. Agricultural buildings for livestock farming and for arable farming provided they comply with the criteria set out in *Policy & Design Guidance on Agriculture, Farm Diversification and Stables (2005)* and do not create adverse impacts on the surrounding residences. The rural settlement is to be considered as an inhabited area for the purposes of the *Policy & Design Guidance on Agriculture, Farm Diversification and Stables (2005)*.
  - i. Retail outlets provided that the shops
  - ii. are located at ground floor level only of an existing building or of a proposed new building on uncommitted land as defined by this policy;
  - iii. sell convenience goods only; and
  - iv. do not have a floor area of more than 50m<sup>2</sup>.
  - v. Farm Retail Outlets provided they comply with the criteria set out in *Policy & Design Guidance on Agriculture, Farm Diversification and Stables (2005)*.

Proposals for rural tourist accommodation will be considered favourably provided they involve the conversion of (i) individual, existing vacant buildings of architectural or historic merit or (ii) a traditional group of buildings whose form and design represent a feature worthy of conservation.

The Settlement Design Statements (SDS) referred to in criterion A (vi) above, to be prepared by MEPA, should:

- i. Identify precisely the uncommitted land within these settlements which can be released for development following Structure Plan Review;
- ii. Investigate the need to draw settlement boundaries around these settlements;
- iii. Make recommendations for possible settlement boundaries should a need for them be identified through the further studies carried out under (ii) above;
- iv. Provide additional guidance on the design of new buildings or extensions to existing buildings within these settlements;
- v. Identify additional measures to protect and enhance the character of these settlements.

The absence of an SDS for a particular settlement should not prejudice the implementation of the other provisions of this policy.

**These designations are to be considered at the next Structure Plan Review.**

- 2.4.16 This policy seeks to reach a balance by allowing the consolidation of these settlements through sustainable rural development and protecting their rural character by preventing development, which may adversely affect those intrinsic features of the settlement (historical buildings, considerable gap sites between buildings, landscaping), and their setting.
- 2.4.17 The acceptable land uses in these settlements are aimed at insuring the genuine needs of agriculture are met, the remnants of agricultural activity are retained and allowing for rural diversification. These settlements can also absorb some development, which might be necessary for diversification of the rural economy but could have an adverse impact if located in the open countryside, such as new tourist accommodation.
- 2.4.18 Restrictions on site planning, footprints, building heights, and car-parking provision are being introduced to ensure that all new development will not create unacceptable environmental impacts. Settlement Design Statements will be prepared by MEPA for these settlements and these Design Statements would describe the distinctive character of the settlement and its immediate surrounding countryside; show how the character of the settlement can be identified by its landscape setting, its shape and the nature of the buildings themselves; and draw up design principles based on the particular distinctive character of the designated settlement. Most importantly it would identify the specific locations where opportunities exist for new development to take place and investigate the need for settlement boundaries around these settlements, and make recommendations where appropriate. Strict criteria for the identification of “existing buildings” and “uncommitted land” are also identified by the policy to ensure that the minimum amount of fresh land is taken up by development, following confirmation by the Structure Plan Review, in line with the overall strategy of consolidation and conservation. The elimination of blank party walls, leading to the visual enhancement of the settlement, was the main objective of this definition.

**SMSE 08 Small Rural Settlements – (Category 3 Settlements ODZ)**

**In the areas classified as Category 3 Rural Settlements by policy SMSE 05, as identified in Inset RS 8 – RS 9, only rehabilitation and re-development for the land-uses identified in policy SMSE 07 (A) to (E) and tourist accommodation will be permitted, provided the criteria stipulated in policy SMSE 07 for each land-use are complied with.**

**New development, which takes up fresh land, notwithstanding the location of the site in relation to existing buildings, will not be permitted. The definition of uncommitted land, which is available for development in Category 2 Large Rural Settlements, is not applicable to Category 3 Small Rural Settlements.**

- 2.4.19 The third category of settlements are □ppropriately by low densities and can only be considered as small clusters of buildings. This is their most significant feature and this policy seeks to protect it by seriously curtailing the taking up of fresh land for buildings or the creation of new dwelling units, which increase densities and activity in the settlement. Thus restrictions on site planning, floor spaces, building heights, and car-parking provision are being introduced to ensure that all new development for residential purposes will not create unacceptable environmental impacts. The thrust of new development in these settlements should be towards rehabilitation and regeneration of the existing stock of buildings.

**MEPA in conjunction with the Urban and Rural Landscaping Unit of the Agriculture Department and Local Councils will encourage a programme of enhancement and landscaping within the urban settlements, particularly through the provision, as appropriate, of seating facilities, pedestrian facilities and the planting of appropriate species of trees and shrubs, as recommended by MEPA's 'Guidance on Trees, Shrubs and Plants for Planting and Landscaping in the Maltese Islands', February 2002 and as amended:**

- i. In squares, traffic junctions, public urban open spaces and sports/recreational areas;**
- ii. Along main transport corridors and main pedestrian routes;**
- iii. In town centres and housing estates;**
- iv. To screen visually unattractive areas and particularly those in industrial areas;**
- v. Along the edge of settlements and particularly where strategic open gaps are proposed along the urban fringe.**

**The removal of protected trees will not be allowed.**

**MEPA may impose planning obligations on major developments in order to implement such landscaping works.**

2.4.20 Most localities in the plan area are densely built and therefore the provision of greenery is important to improve the amenity of the area creating pleasing urban landscapes as well as providing shading in public areas and enhancing the amenity of specific building clusters (e.g. housing estates). The promotion of public and private initiatives for soft landscaping needs to be encouraged through suitable programmes during the Local Plan period. Removal of protected trees will not be allowed.

## **3. Transport**

### **3.1 Introduction**

- 3.1.1 There are major concentrations of employment within and close to the South Malta Local Plan area, and these include the Bulebel, Kordin, Marsa and Hal Far industrial estates, the Malta Freeport and Malta International Airport. This, together with high population concentrations, particularly in the Inner Harbour Area, result in high traffic flows along various key routes. Consequently, congestion is common at a number of junctions, for example the Addolorata traffic signals, and Kordin roundabout, and levels of through traffic are high, for example, along Zabbar Road/Hompesch Road and through Paola Square. Marsascala also attracts high levels of recreational traffic during the summer weekends.
- 3.1.2 Car ownership in the South Malta Local Plan area is slightly higher than the national average. 42% of the residents in the SMLP area own at least one car as against the national average of 40%. Paola, Fgura and Tarxien enjoy good levels of public transport accessibility and close proximity to some of the main areas of employment. However, there are towns and villages which are modestly served by public transport, with some villages being served by a single bus route e.g. Mqabba, Qrendi and Gudja. On the other hand one must keep in mind that should more buses be employed to increase services this would come at an additional cost to Government.
- 3.1.3 The concentration of quarries in the area results in a high generation of traffic by lorries, trucks and other vehicles transporting construction material. These cause noise, pollution and other disturbances.
- 3.1.4 In many areas, pedestrians and other vulnerable road users enjoy poor comfort and safety, as a consequence of inadequate facilities (e.g. very narrow footways), and the lack of measures to slow traffic and discourage through movements.
- 3.1.5 Finally, car parking is another problem being faced by most of the localities in the SMLP area. Important shopping centres at Paola and the secondary centres at Fgura, Zurrieq, Zabbar and Zejtun are all dependent on on-street parking, often situated along busy arterial and distributor roads and in the residential areas.

### **3.2 Strategic Background**

- 3.2.1 The Structure Plan identified a wide range of measures necessary to improve public transport, including rationalisation of ownership and regulation (PTR1), purchase of new buses (PTR2), improved cleanliness and maintenance (PTR11), modern ticketing (PTR6), and better waiting facilities and information (PTR9). Progress has been made with regard to the introduction of bus ticketing machines, the operation of 130 new low floor buses, improved bus shelters, etc. However, bus services tend to be perceived as not being a convenient means of transport to those who have access to a car and generally unpopular with those that have no alternative means of transport. There is still, however, more to be achieved with regard to the operation of such services to encourage increased patronage.
- 3.2.2 The Structure Plan (RDS4) identifies as a high priority the upgrading of parts of the arterial and

distributor network in the South East sector. The supporting Key Diagram shows three major projects:

- i. The South Harbours Link Road.
  - ii. The improvement of the arterial road (Route 1) around the north side of the Airport, and towards Birzebbugia.
  - iii. A new road link at Luqa from Garibaldi Road / Council of Europe Road roundabout to the Airport
- 3.2.3 The South Harbours Link Road aims to improve the accessibility to the Three Cities and the Kalkara/Ricasoli Industrial Estate area in order to aid the re-generation of these areas. It would also act as a by-pass for Fgura, thereby potentially alleviating the existing environmental problems along Zabbar Road / Hompesch Road.
- 3.2.4 The upgrading of Hal Far Road from the Airport towards Hal Far and Birzebbugia has commenced and when completed will improve movements, particularly by industrial traffic, along this strategically important route.
- 3.2.5 The construction of the new link road at Luqa is associated with the development of a major business park, south of Council of Europe Road. This project is no longer being pursued. The road is only needed to provide access to this site, and as such is not otherwise required.
- 3.2.6 Policy RDS2 states that land needed for new and improved road links, and major junction improvements will be safeguarded, with compensation being paid where land acquisition is necessary, and remedial works being undertaken to ameliorate environmental impact (RDS6).
- 3.2.7 Local Plans are identified as the vehicle for extending pedestrian priority and access only restrictions in UCA's, shopping areas, and other areas suffering the environmental impact of traffic (RDS7; TEM9 & UCO14). A public attitude survey conducted throughout the country in 1999, indicated significant support for more pedestrianised areas in town centres and village cores.
- 3.2.8 Policy PTR3 sets out the need for demand studies to consider the viability of a possible circular bus route, one of which affects the South, namely: Zejtun – Zabbar – Cospicua – Paola. The Valletta – St. Thomas Bay route was modified and is now serving Tarxien and Paola as well as Zejtun. An increase in such services would come at a cost.
- 3.2.9 The Commuted Parking Payments Scheme (CPPS), which was adopted by the MEPA in 1994, currently applies to various parts of mainland Malta. Under the scheme a payment is accepted in lieu of providing parking for a development when it is either physically impossible or environmentally undesirable to comply with Structure Plan standards (TRA4). Currently none of the commercial centres within the local plan area are covered by the CPPS, although a scheme for Marsascala will be introduced when a suitable car park site has been identified as well as a scheme for Paola.
- 3.2.10 Policy AVN1 established that a primary development area for aircraft maintenance and other airport related facilities would be situated to the south west of the main runway, near Kirkop.
- 3.2.11 Policy ANV2 states that a comprehensive, long term, land use plan for the Airport will be produced. In February 2000, Malta International Airport plc published a report (“Occupancy of Land, Buildings and Shelters at Luqa Airport”) which identified lands, within and / adjacent to the airport, needed in the future for aviation-related activities.

### 3.3 Strategy

- 3.3.1 The transport strategy aims to ensure that vehicle traffic flows within the plan area do not produce serious environmental, economic, and social problems, encourage and facilitate the increased use of public transport, introduction of bus priority measures, manage car parking requirements, improve traffic flow at key junctions and promote actions to ease pedestrian flows, particularly in the town centres.

## Policies

### SMTR 01

### Strategic Bus Corridors

**MEPA, in conjunction with the Malta Transport Authority, Government and Local Councils, will seek the implementation of comprehensive measures to increase the convenience and attractiveness of bus services along two major bus corridors (see Map 9), namely:**

- i. **Fgura/Zabbar Corridor – (Hompesch Road – Zabbar Road – Triq il-Mina ta’ Hompesch – Triq il-Labour)**
- ii. **Paola/Tarxien Corridor – (Tal Barrani Road – Triq il-Palma – Tarxien (centre) – Triq Paola – Triq Hal-Tarxien – Vjal Sir Paul Boffa – It-Telgha ta’ Rahal Gdid – Triq il-Belt Valletta – Paola (centre) – Triq Bormla – Ghajn Dwieli Street).**

**Such measures may include:**

- a) **The introduction of bus priority measures, as may be applicable;**
- b) **The improvement of facilities for passengers, for example bus shelters, timetables, and eventually real-time information;**
- c) **Improvements to make services more comfortable, frequent, and reliable;**
- d) **High residential and/or employment densities within Primary Town Centres and other sites within the corridors, with designs that facilitate good access for bus passengers;**
- e) **Where possible, a greater concentration of bus routes along these corridors; and,**
- f) **Restrained numbers of parking places, particularly for commuters.**

**Developers of major sites located close to these corridors, or within these localities, will also be required to contribute to the introduction of such measures or other measures that may be necessary to improve traffic management within these areas.**

- 3.4.1 The two corridors identified are the Primary bus routes in the plan area. There are a number of serious deficiencies in the provision of bus services across Malta, for example, the poor state of most of the bus fleet, and the absence of marketing (e.g. attractive season tickets and proper timetables), although there have been some recent improvements in this regard. These are outside the scope of land use planning, nevertheless there are significant and valuable measures that can be promoted within the local plan that can stimulate greater use of buses.

- 3.4.2 In addition to road-based schemes, such as bus priorities, which improve journey times and reliability, and facilities, which increase passenger convenience (shelters and timetables), land use policies can promote greater bus usage. By allowing higher than normal development

densities, by providing good accessibility to bus users, and by restraining parking provision at appropriate sites within these corridors, greater levels of public transport patronage can be encouraged.

- 3.4.3 Higher density developments with lower levels of car parking provision will only be considered where all material planning considerations are met, for example retail and office uses will primarily be permitted in town centres.

## **SMTR 02**

## **Controlled Car Parking**

**In town centres, major employment zones, and similar areas (e.g. entertainment areas, tourist zones) of high parking demand, MEPA will encourage and support initiatives by the Malta Transport Authority and Local Councils for the introduction of controlled car parking measures to ensure that available on-street and off-street parking is used most efficiently and effectively.**

**In areas close to the strategic bus corridors specified in SMTR 01 where public transport provision is good, the number of parking spaces will be controlled in order to restrain commuter parking.**

**In tandem with the car parking standards set out in the Structure Plan, the appropriate level of parking for a development will be determined having due regard to level of public transport provision and the environmental conditions in the locality.**

**Parking areas within UCAs will be retained and MEPA encourages measures and initiatives by appropriate authorities, particularly local councils, for their improvement and where possible the provision of additional parking spaces.**

- 3.4.4 The control of car parking is an essential element of transport strategy. It is required not only to achieve broad objectives, like the greater use of public transport and better environmental conditions, but also to make more effective use of available resources and permit specific improvements, like bus lanes, cycle-ways, pedestrian facilities and environmental enhancements.

- 3.4.5 Parking in town centres and similar areas (e.g. entertainment and tourist zones) is often difficult because commuters as well as shop owners and staff occupy the prime spaces for much of the day. This is inefficient and undermines the attractiveness of these areas. Short stay controls, which overcome such problems, can be introduced in a number of ways, both with and without payment. These include, limited-waiting regulations, parking discs, vouchers, and “pay and display”. In some areas, residential streets will need to be protected from existing extraneous parking, or future over-spill parking, by the introduction of Residents’ Parking Zones (RPZ’s). By safeguarding spaces for residents and their visitors the quality of life in these areas could be improved.

- 3.4.6 Where public transport services are frequent, the above measures should be used to restrain commuter parking, so as to increase bus usage, thereby reducing congestion and improving environmental amenity in UCA’s and other sensitive areas. This should apply to development parking and, if necessary and possible, to on-street parking. This approach will also be applied to new developments situated close to the main bus corridors. High densities and/or low parking standards may be applied in such cases in order to achieve more sustainable development.

- 3.4.7 The Local Plan includes a number of area policies relating to controlled parking zones (CPZs)



and the respective policy maps indicate the areas likely to be covered by these zones. The precise boundary of the zones will be determined after detailed studies by the relevant authorities.

- 3.4.8 The issue of maximum parking standards for most land uses is to be examined as part of the work related to the Structure Plan Review. These should be related to public transport availability, levels of traffic congestion, existing levels of available parking. In environmentally sensitive locations, like UCA's, parking provision will also be influenced by the impact extra parking would have on the character of the area.

## **SMTR 03**

### **Traffic Calming and Road Safety**

**Working with the local councils and the Malta Transport Authority, MEPA will seek the implementation of traffic calming and other traffic management measures to improve road safety, particularly for vulnerable road users, and discourage inappropriate through traffic, notably in residential areas, UCAs and areas with high pedestrian activity.**

**Within such zones, where appropriate and suitable, pedestrianisation and pedestrian friendly measures will be encouraged, including widening of pavements, as well as the introduction of environmental improvements (e.g. landscaping, seating facilities).**

**New developments should be designed in such a way as to inherently discourage non-access traffic and restrain vehicle speeds, so as to produce a safe, pleasant environment and give priority to sustainable modes of transport.**

- 3.4.9 Through traffic should be concentrated on the main road network (arterial and distributor roads) and therefore it is appropriate to use traffic management measures to prevent or discourage the use of other unsuitable routes. Traffic calming measures, if well designed and comprehensively introduced on local and access roads can significantly improve road safety and create good conditions for walking and cycling.
- 3.4.10 The layout and design of roads within new developments and schemed areas should create a safe and attractive environment. The general alignment of roads within scheme is already established, however the carriageway widths and junction designs should restrain vehicle speeds, and footway widths should be adequate. Where appropriate, specific measures to improve access and segregate movements by pedestrians and cyclists should be provided.
- 3.4.11 The local plan includes a number of area policies for specific areas relating to traffic calming, traffic management, and environmental improvements (embellishments) mainly in and around UCA's. These policies broadly define the objectives for individual traffic calming schemes and the policy maps indicate the main areas for treatment. The local plan doesn't seek to prescribe the details of such schemes, as this will be for local councils to determine, within the established framework.

## **SMTR 04**

### **Junction Improvements and Accident Remedial Measures**

**MEPA will encourage appropriate government agencies to improve congested junctions on the main road network, particularly where buses, pedestrians, and other road users are experiencing delays.**

**The Transport Policy Maps and the relevant Policy Maps indicate such junctions and identify other locations where road improvements will be required either to improve general conditions, or as a consequence of future development. No development permits will be issued which might adversely affect the satisfactory improvement of these sites.**

**Where major developments will produce a material adverse impact at junctions, in terms of safety and/or congestion, the MEPA will require the developer to undertake improvements or mitigating measures.**

**The MEPA will support initiatives to reduce accidents on the road network. This would be most effectively achieved by the introduction of an accident investigation and remedial works programme.**

- 3.4.12 There is a need to have a good road system in the local plan area, especially where routes have a wider strategic importance. Junction improvements, and in some cases new road links, are necessary to improve the efficiency of the road network, however, the primary purposes of any improvements must be consistent with overall transport policy, and therefore they should result in benefits for public transport and vulnerable road users. Highway improvements will only be justifiable where they form part of the sustainable, integrated transport strategy. It is not appropriate or feasible for schemes to be designed on a basis of “predict and provide”. Such an approach, which seeks to satisfy the demands of traffic growth, will not tackle underlying problems, in fact, it is likely to stimulate further growth.
- 3.4.13 As Government does not publish a medium/long term programme of transport related expenditure it is not possible to determine when in the 10-year local plan period, the recommended improvements are likely to be undertaken. In terms of achieving the local plan transport objectives, it is recommended that highest priority should be given to implementing improvements along the Strategic Bus Corridors, as these are intended to help reverse the decline in public transport patronage.
- 3.4.14 In the case of road improvements required to mitigate the impact of a development, it will not be sufficient to simply increase highway capacity. Improvements should also aim to increase the use of public transport and other sustainable modes.
- 3.4.15 The number of road accidents is a particular cause of concern. In addition to the paramount need to improve the general standard of driving, significant benefits would stem from in-depth accident investigation and a programme of accident remedial measures. Realistically, this will not effectively be instituted until specialist staff are trained and a modern accident recording and analysis system is available.

## 4. Housing

### 4.1 Introduction

- 4.1.1 Most of the localities within the plan area have a predominant residential function and therefore the provision of housing and the protection and enhancement of the residential amenity within the plan area is important. Housing densities are above the national average in the Local Plan area. Fgura has the highest (125 persons per ha) in relation to the national average of 65 persons per ha. The 1995 Census suggests that there are approximately 4000 permanently vacant properties in the plan area which represents some 12.1 % of the total vacant housing stock.
- 4.1.2 The Housing Topic Study of the emerging Structure Plan review states that almost 800 ha were available for Housing in the 1988 Temporary Provision Schemes in the whole of the Maltese Islands. By 2000 an area of 456.78<sup>1</sup> ha were still available for housing development with 130.50 ha of these being in the Local Plan area. The residential capacity of undeveloped land and other schemes in the Plan area as estimated in the Housing Topic Study is given in the Table below. The figures below are a conservative estimate and do not include the 1750 units (3500 units by 2020) estimated in the Urban Capacity Study<sup>2</sup> which could potentially be developed.

**Table 1 – Number of potential residential units**

Type of development potential	No. of units – 2020
Vacant land	19740
Redevelopment	840
Windfall	800
Scheme rationalisation	200
Development in the countryside	80
Units lost through conversions	220
<b>TOTAL</b>	<b>21440</b>

Source: Housing Topic Study, MEPA

- 4.1.3 Housing requirement figures are largely based on past demographic trends. The estimates given in the Housing Topic Study indicate that by 2020 approximately 10,420 dwellings will be required in the Plan area. Therefore, supply is sufficient to meet future demand in this regard, at least prior to the next review of this plan as required by Clause 28 (1) of the Development Planning Act, 1992. The current supply exceeds potential estimated demand by a considerable margin. The analysis is also conservative in that it does not include vacant dwellings and any relaxation of building heights proposed in the area policies of this Local Plan. Therefore, as there is an adequate supply of land for residential development no significant release of land for residential purposes is being proposed.
- 4.1.4 The residential amenity and quality of life of residents has been adversely affected by the introduction of incompatible uses particularly small scale industries and warehousing (e.g. Hal Farrug, Tarxien), the development of quarries and related activities (Mqabba, Qrendi, Siggiewi), and scrapyards (e.g. Fgura). The growth of residential areas around existing farms has now

<sup>1</sup> Housing Topic Study, Table 4.16, MEPA, 2002

<sup>2</sup> The estimates in the Urban Capacity Study include new dwelling units that can be potentially developed over buildings which are below the height limitation allowed and on land within the TPS but has no zoning (e.g. internal spaces).

created a situation where the farms are adversely affecting these residences (e.g. Tarxien). On the other hand the improvement of existing housing estates with regard to recreational facilities and further embellishment of such areas needs to be given more attention.

- 4.1.5 Social housing is directed towards the needs of those households that are unable to purchase property on the market and usually provided in the form of Government built housing on a rental basis. The Housing Department waiting list (2002) for the plan area identifies 658 applicant households. In the past, in some cases, the provision of social housing has encouraged the segregation of groups that cannot afford to buy their own properties. It would therefore be preferable if the SMLP dispersed the locations for rental accommodation rather than simply utilise land which happens to be in government ownership. However, this may be difficult, considering the limited land available.

## **4.2 Strategic Background**

- 4.2.1 Planning policies can encourage an improved urban environment but such policies alone will not encourage the re-occupation of vacant buildings in the village cores. Thus fiscal incentives are encouraged to subsidise rehabilitation and renewal (SET 3 and SET 4). New government built housing shall be optimally located within existing or designated areas. Uses which are to result in bad neighbourliness are not to be allowed within residential areas (BEN 1)

## **4.3 Strategy**

- 4.3.1 The strategy for Housing in the Local Plan area is:
1. to protect the residential function by allowing appropriate uses within residential areas;
  2. to enhance the amenity of residential areas through the improvement of the existing and the provision of additional open spaces;
  3. to safeguard vacant land primarily for housing development, including social housing and related uses, particularly community facilities.

## **4.4 Policies**

### **SMHO 01 Residential Amenity Improvement Action Areas**

**The Local Plan designates Residential Amenity Improvement Action Areas (RAIAA) within the following urban settlements, as indicated in the relevant Policy Maps;**

**Fgura, Paola, Siggiewi, Tarxien, Zabbar and Zejtun**

**Within the RAIAAs, the MEPA will give importance to:**

- i. The rehabilitation of older and, particularly, vacant dwellings;**
- ii. the conversion into housing of suitable buildings currently used for other purposes;**
- iii. the retention of any private gardens which enhance the amenity of such areas, even though these may have a frontage on a road;**
- iv. the introduction of traffic management and pedestrian friendly schemes and measures; and**
- v. the provision of landscaped areas and public urban open spaces, where appropriate.**

**The MEPA will accept proposals for the redevelopment of properties, which have no architectural or historic value, within the RAIAs provided that:-**

- a) a better standard of residential accommodation is provided;
- b) the proposed development does not impact negatively on the residential amenity of the area and respects in terms of design, building heights and massing the character of adjacent buildings and streetscape;
- c) the proposal will NOT increase the stock of residential accommodation;
- d) evidence is produced by the developer that efforts were made to save the original structure; and
- e) innovative forms of housing design and layout are adopted as a means of creating more acceptable residential layouts.

**Permitted uses within such areas should be guided by policy SMHO 02 for residential areas.**

**MEPA may encourage Government or the appropriate agency to introduce incentives and other schemes that encourage residents and owners to upgrade their properties within the RAIAs.**

**MEPA will also encourage initiatives by the Local Councils with regard to the improvement of the environmental quality of these areas in terms of pedestrianisation measures, embellishment and any other similar improvements.**

4.4.1 Specific housing areas within settlements are in need of upgrading to improve the quality of the environment within these residential areas and provide a pleasant setting to live in. The designation of Residential Amenity Improvement Action Areas identifies such areas where opportunities exist for public sector intervention, investment and assistance ( e.g. special grants, soft loans schemes, tax rebates) with the aim of introducing improvements with regard to traffic management, embellishment schemes, recreational areas as well as rehabilitation schemes. Some of these areas include the traditional parts of certain towns and villages as well as housing estates. This policy is designed to draw attention to these areas and, subject to acceptance by Government, seek a range of fiscal as well as planning measures to ensure that their improvement is put in hand. Measures could include: tax rebates or exemption on specified repair works; direct grants for certain repairs; ‘soft loans’ for adaptation or improvement works. In addition to such measures Local Councils are encouraged to develop initiatives towards the improvement of such areas.

## **SMHO 02**

## **Residential Areas and Residential Priority Areas**

**The Local Plan designates Residential Areas (RAs) and/or Residential Priority Areas (RPAs) as shown on the relevant Policy Maps.**

**The following is a list of acceptable land-uses (new uses, extensions to existing uses, and change of uses) within all frontages located within the RAs.**

- i. A mix of Class 1 (Use Classes Order, 1994) terraced residential development as detailed in the DC 2005, Part 3, and in accordance with the specific zoning conditions indicated in the same guidance, unless otherwise stated by a policy in this Local Plan;
- ii. Class 2 (Use Classes Order, 1994) residential institutions, provided that:
  - they are of a small scale and do not create adverse impacts on the residential amenity of the area;

- Class 2 (a) institutions are located in close proximity to a town or local centre; and,
  - Class 2 (b) nursing homes and clinics are easily accessible from the arterial and distributor road network.
- iii. Class 3 (Use Classes Order, 1994) hostels provided that these uses are in accordance with all other relevant Local Plan policies.
- iv. Class 4 (Use Classes Order, 1994) small shops provided that:
- the small shops (of any nature) are not to exceed a total floor area of 50 m<sup>2</sup> each, and convenience shops are not to exceed a total floor area of 75 m<sup>2</sup> each;
  - they comply with all the provisions of paras. 1.4.16 to 1.4.18 of the Interim Retail Planning Guidelines (2003); and
  - they comply with any relevant section of the DC2005 (design, access, amenity, etc.).
- v. Supermarkets provided that they comply with all the provisions of Policy SMCM 07.
- vi. Class 5 (Use Classes Order, 1994) offices provided that:
- the floorspace does not exceed 75 m<sup>2</sup>;
  - they do not unacceptably exacerbate parking problems in a residential street that already has an acute under provision of parking spaces for residents; and,
  - they comply with any relevant section of the DC 2005 (design, access, amenity, etc.).
- vii. Classes 7 and 9 (Use Classes Order, 1994) non-residential institutions, swimming bath or pool, skating rink, health club, sauna, sports hall, other indoor or outdoor land based sports or recreation uses not involving motorised vehicles or firearms, and interpretation centres, provided the facility:
- is of a small scale and does not create adverse impacts on the residential amenity of the area;
  - is located on land already occupied by buildings and will replace these buildings provided they are not worthy of retention due to their historic/architectural merit and/or their contribution to the character of the area, unless land is specifically allocated for the facility by this Local Plan; and,
  - the immediate surroundings of the site are already of a mixed use character.
- viii. Class 8 (Use Classes Order, 1994) educational facilities, provided that access and the character of the area are taken into account and are deemed adequate by MEPA to allow the safe and neighbour compatible use of such facilities.
- ix. Class 11 (Use Classes Order, 1994) business and light industry provided that:
- The gross floor area of the premises does not exceed 50 m<sup>2</sup> (including storage of materials and/or finished products);
  - The activity conducted within the premises does not use heavy duty and/or noisy electrical/mechanical (including pneumatic) equipment, and equipment which requires a 3 phase electricity supply;
  - The activity conducted within the premises does not entail extensive and/or prolonged use of percussion hand tools (eg. Hammers, mallets etc);
  - The activity employs less than 5 people; and
  - The activity conducted within the premises does not inherently entail the generation of combustion, chemical or particulate by products.

Examples of acceptable uses considered by MEPA include tailor, cobbler, lace making and computer and electronic repair. Moreover, examples of unacceptable uses include carpentry, panel beating, mechanic, mechanical plant servicing, spray painting and bakery.

Proposals to convert from existing Class 12 (Use Classes Order, 1994) general industry to Class 11 (Use Classes Order, 1994) business and light industry within designated Residential Areas shall only be considered acceptable by MEPA if all the

conditions listed above are adhered to, and provided that it can be proven that the Class 12 Use (general industry) operation is a permitted one and the Class 11 Use (business and light industry) operation is actually more neighbourhood compatible than the Class 12 Use operation it intends to replace.

- x. **Taxi Business or for the hire of motor vehicles as per para. 6.15 of DC 2005.**

**Land-uses falling outside those mentioned above will not be considered favourably within the designated RAs, unless there are overriding reasons to locate such uses within these areas.**

**The acceptable land-uses (new uses, extensions to existing uses and change of uses) within all frontages located within the RPAs are:**

- i. **A mix of Class 1 (Use Classes Order, 1994) terrace houses, maisonettes and flats on sites zoned in the relative Area Policy Maps for these specific forms of residential development. This development is to be in accordance with the relevant conditions as detailed in the DC2005, Part 3, unless otherwise stated by a policy in this Local Plan.**
- ii. **A mix of Class 1 (Use Classes Order, 1994) detached and semi-detached dwellings on sites zoned in the relative Area Policy Maps for these specific forms of residential development. This development is to be in accordance with the relevant conditions as detailed in the DC 2005, Part 3, unless otherwise stated by a policy in this Local Plan.**
- iii. **Class 5 (Use Classes Order, 1994) offices provided that all the provisions in point vi above with regard to Residential Areas are adhered to.**

**In the Residential Areas of Kirkop, including Residential Priority Areas and Xghajra no dwelling unit will be permitted having a net floor area less than 120 m<sup>2</sup>. However, where proposals will result in the creation of more than two units on the same footprint, smaller units may be permitted provided that the difference between the built footprint and the 120 m<sup>2</sup> is left as open space in addition to the statutory side cartilage or back/front garden as the case may be. The additional open space shall be secured by a planning obligation.**

4.4.2 This policy seeks to safeguard the residential amenity within the localities in the plan area, whilst offering an opportunity for specific developments which would enhance and complement the residential use without creating adverse impacts. The range of activities at ground floor level tends to be a mix of uses and includes shops and offices, mostly of a local scale and serving local needs. The policy specifically excludes land-uses that are deemed to be incompatible with Residential Areas due to their nature and scale of activity, such as bad neighbour industrial uses. In this regard, acceptable light industrial uses in residential areas shall only include very low impact industrial activities such as electronic repair, servicing and maintenance as well as handcrafts that do not inherently require the use of electrical machinery, especially those related to textiles. Activities which require the extensive use of manual percussive tools (eg. Hammers, mallets etc) are not deemed compatible with residential areas..

4.4.3 Residential Priority Areas (RPAs) refer to specific residential areas which are characterised by distinct building types (e.g. villa and bungalow development) or a quality urban area which is distinct from the rest of the urban area within the locality particularly with respect to building design (semi-detached/detached dwellings), lower densities (villa areas) or clusters of buildings exhibiting special characteristics. These specific characteristics enhance the residential function of these areas and this policy seeks to protect this quality aspect by not permitting uses which may significantly affect the residential nature of such areas.

**In those sites designated for social housing/community facilities, within the Limits to Development boundary, as indicated on the relevant Policy Maps, MEPA will encourage mixed use development in such sites which would include the provision of social and community facilities (e.g. day care centre, Local Council offices) as well as the provision of public urban open spaces in line with policy SMSE 04 as may be required in the locality as well as some local retail provision in line with policy SMHO 02.**

**The MEPA will also consider relaxing development conditions through the permitting of an additional floor for those developments that will provide community facilities at ground floor level.**

4.4.4 Specific sites have been designated for social housing and community facilities. This policy seeks to safeguard such sites currently within the limits to development boundary for possible use for social housing purposes and community facilities. These sites are generally Joint Office owned and in fact a number of applications have been submitted at Outline Stage by the Housing Authority for such purpose. Notwithstanding the social desirability of dispersed locations for housing, the limited choice of sites available poses a constraint in this regard. The policy also encourages private sector developments to allocate to the Housing Authority one unit per ten units constructed to provide an opportunity for the spread of government housing units in various localities. This will be done in consultation with the Housing Authority. This policy aims to extend the residential function of such sites to make them more 'livable' areas with a range of facilities that complement the residential provision.



## **5. Commerce and Industry**

### **5.1 Introduction**

- 5.1.1 Industrial and commercial activity are probably the main economic activities in the plan area, apart from quarrying, considering that tourism and fisheries are limited. The plan area contains two important and major industrial estates – Bulebel Industrial Estate and Marsa Industrial Estate as well as the Hal Farrug l/o Luqa Industrial Estate and the innumerable small garage industries which have sprouted in most of the localities, some of which within residential areas. The expansion of industrial activity in the vicinity of residential areas has created problems in terms of traffic generation, parking, noise and air pollution. Another important activity which is generating demand for appropriate sites is warehousing and open air storage for construction vehicles, heavy vehicles and buses/coaches. There are currently 53 enforcement notices related to the parking of heavy machinery and vehicles, trailers and boat storage facilities with 17 of these being in the plan area. Other forms of industrial activity scrapyards, batching plants, building contractors' yards and quarries. The latter are dealt with in a separate chapter.
- 5.1.2 The Retail Topic Study designates Paola as a Primary Town centre, Fgura, Zabbar, Zejtun and Zurrieq as Secondary Town Centres, and Ghaxaq, Siggiewi, Luqa and Safi as Tertiary Town Centres. Neighbourhood centres are being designated as part of the Local Plan preparation.
- 5.1.3 The retail floorspace in the plan area compares quite well with other Local Plan areas and accounts for 20.9% of the total retail space on the Island, and a floorspace per capita of 0.46 m<sup>2</sup>. There are a number of street markets which mainly cater for local needs (e.g. Paola, Siggiewi, Zurrieq, Zejtun). An application by the Malta International Airport which envisaged to include 22,000 m<sup>2</sup> of retail space has been approved in July 1997. However, due to the recent negotiations on the privatisation of the Malta International Airport, this project has not yet materialised. The Retail Topic Study forecasts that in the plan area additional sales area required by 2010 would total 1439 m<sup>2</sup> for convenience goods and 8723 m<sup>2</sup> for comparison goods. Zebbug alone accounts for 6% of the total floorspace taken up by showrooms on the Island.
- 5.1.4 Micro-enterprises (i.e. enterprises employing less than 10 employees) make a significant contribution to the economic growth of the Maltese Islands. The Draft Micro-enterprises Study which has been commissioned by IPSE in collaboration with the MDC and MEPA, identifies that 28.8% (991) of micro-enterprises are located in the SMLP area. The main localities in this regard are Fgura (103), Paola (134), Zabbar (130) and Zejtun (130). In the plan area other industries operate in the various sectors e.g. furniture and fibre glass factories in Gudja, and various small garage industries, particularly in Ghaxaq, Zebbug, Tarxien, Gudja and Fgura.
- 5.1.6 The development of offices in the plan area has been very limited. Between 1993 – 2000, 69 applications specifically for offices were received and 50 of them were granted. Nonetheless, a number of important organizations have their headquarters in this area e.g. Air Malta, Malta International Airport, Civil Aviation, Civil Protection Department and Water Services Corporation.

### **5.2 Strategic Background**

- 5.2.1 The Structure Plan proposes a Business Park at Luqa Airport on the Marsa side of the new passenger terminal (COM 3 and COM 6). The uses allocated to this area are –major offices,

superstore based shopping, a business hotel with conference facilities and other compatible commercial uses. However, the thrust of the Retail Planning Guidelines (RPG) is to preclude major provision of retail developments outside town centres with the exception of retail parks and supermarkets which undermines the proposals referred to above, in the Structure Plan.

- 5.2.2 Advice contained in the RPG seek to promote the role of town centres through encouraging and channelling investment and focusing on measures to secure an improvement through the introduction of traffic calming measures and pedestrianisation, rationalized service delivery and customer parking provision, access for the disabled and townscape design. Some of these measures have already been implemented particularly in the locality of Fgura through the upgrading of Zabbar road and traffic management measures in Luqa, Marsascala, Zejtun and Tarxien. On the other hand, the implementation of such measures is awaited in the other localities.
- 5.2.3 To maximise industrial land high density industrial development is encouraged through building upwards thereby economising on the use of land (IND 4). Existing service industry activities which create unacceptable environmental impact to surrounding areas or adjacent uses are to be directed to □ppropriately identified SME sites and disused quarries (IND 7 and IND 9). Few applications have been approved for industrial workshops within quarries. Warehousing facilities are to be provided through the conversion and rehabilitation of existing warehouse premises (IND 11) and through development in industrial estates (IND 12). A few developments received planning consent to include warehouses next to or as part of residential units, particularly in Zebbug. IND 13 does not permit the development of showrooms exceeding 500 m<sup>2</sup> in customer floorspace and retail warehouses on sites other than those in or adjacent to storage warehouse areas.

## 5.3 Strategy

- 5.3.1 The strategy with regard to Commerce and Industry seeks to:
- reinforce the role of the town centres as identified in the Retail Planning Guidelines;
  - identify Neighbourhood Centres where required to provide an opportunity for the development of local shops;
  - direct open storage facilities and parking of heavy vehicles and construction plant to industrial areas and appropriate quarries and derelict sites;
  - contain existing industrial estates as well as other industrial and commercial operations.

## 5.4 Policies

### SMCM 01

### Town Centres

**MEPA designates the following town centres within the local plan area:**

**Primary:** *Paola*

**Secondary:** *Fgura, Zabbar, Zurrieq, Zejtun*

**The boundaries of the town centres are indicated on the relevant Policy Maps. The acceptable land uses within (new uses, extensions to existing uses, and change of uses) within all frontages located within the these designated town centres are as follows;**

- i. Class 1 (Use Classes Order, 1994), or the relevant reference in subsequently amended versions) dwelling units on upper floors only. Proposals for residential development at ground level will only be considered by MEPA provided that the proposed development scheme includes one dwelling unit only. Conversions from existing commercial uses at ground floor level to new residential units will not be permitted by MEPA.
- ii. Class 2 (Use Classes Order, 1994), or the relevant reference in subsequently amended versions) residential institutions on upper floors only.
- iii. Class 3 (Use Classes Order, 1994), or the relevant reference in subsequently amended versions) hostels and hotels provided that these uses are in accordance with all other relevant Local Plan policies.
- iv. Class 4, (Use Classes Order, 1994,) or the relevant reference in subsequently amended versions) retail uses including supermarkets, shopping malls and speciality shopping, but excluding showrooms, provided they comply with the provisions of MEPA's Interim Retail Planning Guidelines (2003) and as amended.
- v. Supermarkets provided that they comply with all the provisions of Policy SMCM 07.
- vi. Class 5 (Use Classes Order, 1994), or the relevant reference in subsequently amended versions) offices.
- vii. Class 6 (Use Classes Order, 1994), or the relevant reference in subsequently amended versions) Food and Drink, including hot food take-away. However take-aways are not to be allowed above ground level.
- viii. Class 7 (Use Classes Order, 1994), or the relevant reference in subsequently amended versions) non-residential institutions including interpretation centres. However public halls are to have a floor area that does not exceed 150 m<sup>2</sup>.
- ix. Class 8 (Use Classes Order, 1994), or the relevant reference in subsequently amended versions) educational facilities.
- x. Class 9 (Use Classes Order, 1994), or the relevant reference in subsequently amended versions) assembly and leisure.
- xi. Class 11 (Use Classes Order, 1994), or the relevant reference in subsequently amended versions) business and light industry provided that:
  - The gross floor area of the premises does not exceed 50 m<sup>2</sup> (including storage of materials and/or finished products);
  - The activity conducted within the premises does not use heavy duty and/or noisy electrical/mechanical (including pneumatic) equipment, and equipment which requires a 3 phase electricity supply;
  - The activity conducted within the premises does not entail extensive and/or prolonged use of percussion hand tools (eg. Hammers, mallets etc);
  - The activity employs less than 5 people; and
  - The activity conducted within the premises does not inherently entail the generation of combustion, chemical or particulate by products.

Examples of acceptable uses considered by MEPA include tailor, cobbler and computer repair. Moreover, examples of unacceptable uses include carpentry, panel beating, mechanic, mechanical plant servicing, and spray painting and bakery.

Proposals to convert from existing Class 12 (Use Classes Order, 1994), or the relevant reference in subsequently amended versions) general industry to Class 11 (Use Classes Order, 1994), as amended) business and light industry within designated Residential Areas Town Centres shall only be considered acceptable by MEPA if all the conditions listed above are adhered to, and provided that it can be proven that the Class 12 Use

(general industry) operation is a permitted one and the Class 11 Use (business and light industry) operation is actually more neighbourhood compatible than the Class 12 Use operation it intends to replace.

- xii. Class 17 (Use Classes Order, 1994), as amended) storage facilities only provided that the gross floor area does not exceed 75 m<sup>2</sup>.
- xiii. Taxi Business or for the hire of motor vehicles.
- xiv. Band club, and social club.
- xv. Cleaning of clothes in venues where articles are brought by the public, provided that the gross floor area does not exceed 75 m<sup>2</sup>.
- xvi. Conference Centre.
- xvii. Indoor shooting range provided that all the conditions of the Guidance on Shooting Ranges are fully adhered to.
- xviii. Bakery and Confectionery with provision for outside catering.

**MEPA will support initiatives from public agencies and the private sector that contribute to the enhancement of the external environment of town centres and add to their attraction as a community and retail hub. Proposals for appropriate pedestrianisation schemes, landscaping schemes and traffic management will also be considered favourably. MEPA will strongly encourage the establishment of town centre management initiatives in the primary town centres.**

5.4.1 The town centre is the focus for a range of commercial and community activities, resulting in a mix of, often interdependent, land uses, which provide a focus for identity, social interaction and business opportunities. It includes a combination of natural features: historic buildings, cultural, civic and governmental buildings, as well as public open spaces. This physical form and mix of functions, which have evolved over a considerable period of time, makes a town centre different from a shopping centre and provides much of its character which can be further enhanced by introducing appropriate new uses into historic buildings. It also has a high level of accessibility to employment, services, and facilities for all the community. Shopping provision is a key component of town centres, and makes a major contribution to their vitality and viability. It is important therefore that they retain retailing as a core function.

5.4.2 Although retailing is a dominant activity in a town centre the attraction of each centre for the location of other businesses and social and community facilities were taken into account in identifying the range and mix of uses indicated in the (i) to (vii) and (a) to (c) above, acceptable within town centres. The vitality and viability of town centres depends on a varied mix of uses and activities, which encourage people to visit the centre whilst ensuring that they remain an attractive place to live in. Restrictions to floorspace have been applied to those parts of the town centres which fall within the Urban Conservation Areas (UCA), particularly since intensification of specific uses may deter the quality of the UCA.

## **SMCM 02**

## **Local Centres**

**MEPA designates local centres within the following areas in the local plan area, as indicated in the relevant Policy Maps :**

*Fgura, Ghaxaq, Mqabba, Qrendi, Zebbug, Gudja, Kirkop, Xghajra, Safi, Sta. Lucija, Kirkop, Luqa (Hal Farrug), Siggiewi, Luqa, Marsascala, Tarxien and Zabbar*

**The acceptable land uses (new uses, extensions to existing uses, and change of uses) within all frontages located within these designated local centres are as follows;**

- i. **Class 1 (Use Classes Order, 1994), or the relevant reference in subsequently amended versions) dwelling units on upper floors only. Proposals for residential development at ground level will only be considered by MEPA provided that the proposed development scheme includes one dwelling unit only. Conversions from existing Commercial Uses at ground Floor level to new Residential units will not be permitted by MEPA.**
- ii. **Class 2 (a) (Use Classes Order, 1994), or the relevant reference in subsequently amended versions) residential accommodation and care to people in need of care on upper floors only.**
- iii. **Class 4, (Use Classes Order, 1994), or the relevant reference in subsequently amended versions) retail uses including speciality shopping but excluding showrooms, provided:**
  - **that the gross floor area does not exceed 250 m<sup>2</sup>; and**
  - **that supermarkets comply with all the provisions of the General Policy SMCM 07; and**
  - **they comply with the provisions of MEPA's Interim Retail Planning Guidelines (2003) and as amended.**
- iv. **Supermarkets provided that they comply with all the provisions of Policy SMCM 07.**
- v. **Class 5 (Use Classes Order, 1994) offices provided that the gross floor area does not exceed 100 sqm.**
- vi. **Class 6 (Use Classes Order, 1994), or the relevant reference in subsequently amended versions) Food and Drink including hot food take-away. However take-aways are not to be allowed above ground level.**
- vii. **Class 7 (Use Classes Order, 1994), or the relevant reference in subsequently amended versions) non-residential institutions including interpretation centres. However public halls are to have a floor area that does not exceed 150 m<sup>2</sup>.**
- viii. **Class 8 (Use Classes Order, 1994), or the relevant reference in subsequently amended versions) educational facilities provided that the gross floor area does not exceed 75 m<sup>2</sup>.**
- ix. **Class 9 (Use Classes Order, 1994), or the relevant reference in subsequently amended versions) assembly and leisure provided that the gross floor area does not exceed 75 m<sup>2</sup>.**
- x. **Class 11 (Use Classes Order, 1994), or the relevant reference in subsequently amended versions) business and light industry provided that:**
  - **The gross floor area of the premises does not exceed 50 m<sup>2</sup> (including storage of materials and/or finished products);**
  - **The activity conducted within the premises does not use heavy duty and/or noisy electrical/mechanical (including pneumatic) equipment, and equipment which requires a 3 phase electricity supply;**
  - **The activity conducted within the premises does not entail extensive and/or prolonged use of percussion hand tools (eg. hammers, mallets etc);**
  - **The activity employs less than 5 people; and**
  - **The activity conducted within the premises does not inherently entail the generation of combustion, chemical or particulate by products.**

**Examples of acceptable uses considered by MEPA include tailor, cobbler and computer repair. Moreover, examples of unacceptable uses include carpentry, panel beating, mechanic, mechanical plant servicing and, spray painting and bakery.**

**Proposals to convert from existing Class 12 (Use Classes Order, 1994), or the relevant reference in subsequently amended versions) general industry to Class 11 (Use Classes Order, 1994), as amended) business and light industry within designated Residential Areas Local Centres shall only be considered acceptable by MEPA if all the conditions listed above are adhered to, and provided that it can be proven that the Class 12 Use (general industry) operation is a permitted one and the Class 11 Use (business and light industry) operation is actually more neighbourhood compatible than the Class 12 Use operation it intends to replace.**

- xi. Class 17 (Use Classes Order, 1994), or the relevant reference in subsequently amended versions) storage facilities only provided that the gross floor area does not exceed 75 m<sup>2</sup>.**
- xii. Taxi Business of for the hire of motor vehicles.**
- xiii. Band club and social club.**
- xiv. Cleaning of clothes in venues where articles are brought by the public, provided that the gross floor area does not exceed 50 m<sup>2</sup>.**
- xv. Bakery and Confectionery with provision for outside catering.**

5.4.3 Local Centres have a concentration of convenience shopping facilities serving the surrounding residential area. A local centre is identified as a cluster of shops primarily selling convenience goods or providing retail services (e.g. hairdresser, dry cleaners, video hire), together with other social and community services for the immediate locality. It is also easily accessible on foot from surrounding residential areas, and located close to the geographical centre of the locality that it serves. Access and servicing arrangements together with goods storage should not adversely impact neighbouring residents, businesses, or other users.

## **SMCM 03**

## **Location of SMEs (Micro-enterprise Parks)**

**The SME's (Micro enterprises) Site Selection Exercise identified sites, as indicated in the relevant Policy Maps, as SMEs (Micro-enterprise Parks). The designation and subsequent development of these sites into SMEs (Micro-Enterprise Parks), would be subject to the conditions, mitigation measures and provisions attached to such sites, as specified in the approved SME's (Micro enterprises) Site Selection Exercise of 2004.**

5.4.4 Micro-enterprises refer to businesses which employ ten employees or less and have a floorspace not exceeding 200 m<sup>2</sup>. These are important for the economy since in total they generate a substantial number of jobs. The Micro-enterprise study identifies a total of 3,446 units in Malta and Gozo with 991 units located in the plan area. A number of these units are located within residential areas, and some of these have not turned out to be good neighbours. Although with improved operations and mitigation measures some of the impacts may be significantly reduced, nonetheless the Local Plan provides for the need to relocate some of these businesses into the designated Micro-enterprise Parks. Micro-enterprise Parks have been identified in strategic locations, as part of the SME (Micro-Enterprises) Site Selection Exercise, since it is not always possible to have such Parks in each locality. Sites selected through this process are however subject to a number of conditions and to enter into a contract with Government. In addition to these sites, the Local Plan has also given consideration to existing areas which have been granted development permits and have been operating as small enterprise units.

## **SMCM 04 Sites for the provision of Parking/Open Storage of heavy vehicles and plant machinery**

Proposals for the Parking of and Open Storage for heavy construction vehicles and plant machinery will generally be directed towards designated industrial areas in line with Structure Plan Policy IND 12 on warehousing and to quarry areas. However, MEPA will also consider proposals for such uses within the Plan area provided the proposed sites satisfy the locational criteria as identified in Section 7 of the approved Policy Guidance on Areas for Open Storage (February 2005). MEPA will also comprehensively review such operations in order to confirm any existing and identify additional sites which merit designation as Parking/Open Storage sites.

Proposals in this respect will be subject to the following conditions:

- i. a development application for the comprehensive development of the site is submitted to MEPA, unless site is already fully covered by a development permit;
- ii. the use within these sites is restricted ONLY to the storage of heavy vehicles, plant machinery and boats and their maintenance and no change of use for other types of development or activities will be permitted should the activity cease to function;
- iii. Should the activity cease to operate, or be relocated to an alternative site, the existing site shall be restored back to agricultural land and any boundary walls removed and replaced by traditional field walls;
- iv. Visual and other mitigation measures, particularly relating to any impact on the skyline, as required by the Policy Guidance on Areas for Open Storage and identified during the assessment process of particular planning applications, shall be imposed;
- v. Adequate bank guarantees will be required as a condition of planning permission especially in relation to archaeological field evaluation works and visual mitigation measures ; and
- vi. MEPA may request the applicant to provide some planning gain/contribution in the form of reasonable financial or other material contributions for a specific project aimed towards environmental enhancement of specific areas.

**In considering such sites due regard will be given to MEPA's aerial photography archive.**

- 5.4.5 The lack of appropriate guidance with regard to the provision of facilities for parking and storage facilities for heavy machinery and vehicles related to the construction industry, hard standing facilities, public buses and coaches as well as trailers, has resulted in a number of these facilities operating from within residential areas, to the detriment of the residential amenity of the area (e.g. Zejtun). It is estimated that about 30% of companies that require such storage facilities operate in the plan area.
- 5.4.6 Since 1996, 47 applications have been made to MEPA for these types of facilities. To date 22 have been approved whilst 16 have been refused at various stages of the planning process, 6 are still pending a decision and 5 have been withdrawn. From an analysis of the enforcement database it has been discerned that there are at least 30 enforcement notices relating to such facilities (open air storage of vehicles) and most of these are located in Ghaxaq, Mqabba, Siggiewi, Zebug and Zejtun. This policy aims to provide specific criteria to assist in any site selection exercise for such facilities or in considering proposals for such development.
- 5.4.7 The development should be designed/built and managed as a single facility with landscaping around the perimeter of the site to ensure compatibility with its surroundings and reducing visual intrusion of the facilities within the site. There should also be landscaping within the site

itself. The development will have floorspace dedicated to ancillary offices and support services facilities.

## **SMCM 05 Areas of Containment (Industrial and Commercial)**

MEPA designates the following Areas of Containment within which permitted development will be carried out strictly within the designated boundaries as indicated in the relevant Inset Maps.

Tal-Bandieri, Triq il-Belt Valletta	Luqa	Map AC 1
Triq l-Industrija	Kirkop	Map AC 1
Triq Valletta	Mqabba	Map AC 1
Triq Valletta	Zurrieq	Map AC 1
Mdina Road	Zebbug	Map AC 2
Triq Hal Farrug	Siggiewi	Map AC 2
Triq is-Siggiewi	Qrendi	Map AC 3
Mdina Road (Ta' Srina)	Zebbug	Map AC 3
Triq il-Mina ta' Hompesch	Zabbar	Map AC 3
Notabile Road	Zebbug	Map AC 3
Triq ic-Cimiterju	Ghaxaq	Map AC 4
Tal-Barrani Road	Ghaxaq	Map AC 4
Triq Tal-Barrani	Zejtun/Ghaxaq	Map AC 4
Triq Birzebbuga	Ghaxaq	Map AC 4
Triq San Leonardo	Zabbar	Map AC 5

Following the approval of this plan MEPA will on a case by case basis review industrial and commercial operations within such areas of containment, identifying acceptable operations within such areas together with required road layouts. Mitigation measures are to be implemented on the selected sites to reduce negative impacts in the form of comprehensive schemes to upgrade the visual elements of these areas, which would include landscaping and other embellishment measures, as well as the provision of adequate common parking areas.

Pending the finalization of this review MEPA will only consider the change of use and/or minor alterations to existing buildings within the designated Areas of Containment provided that all the following conditions are adhered to;

1. The use of the proposed development will be similar to any use already existing and permitted within the Area of Containment. However, if the proposed use is not considered to be desirable, then MEPA will consider a more acceptable alternative use;
2. Compliance with any required mitigation measures that may be identified during the assessment process of the proposed development;
3. In cases of redevelopment or new development in sites fronting arterial roads or approaches to settlements a buffer of at least 8 metres from the road alignment is to be provided.
3. It is demonstrated to the satisfaction of MEPA that no deleterious impacts will result from the proposed development on existing uses in the vicinity of the site; and
4. Particular attention will be given to the design of the proposed development so as to ensure that no adverse visual impacts are created.



- 5.4.8 Various industrial/commercial operations, having the required development permits, have sprouted in the countryside mainly in the form of batching plants and warehousing and other industrial activity as well as showrooms. Whilst the general strategy is to direct such activity to appropriate areas, nonetheless, these areas have been granted development permits in the past that cover the use of the site for industrial and commercial related activity. Nonetheless, during subsequent years additional works have been carried out on site which might not be covered by a permit and are subject to enforcement action or development application which are still being processed. It would not be ideal for the local plan to designate such areas, however, the designation of boundaries for committed areas/uses are to be determined after a careful review of each site.

## **SMCM 06**

## **Commercial Areas and Retail Parks**

**MEPA will permit the development of commercial land uses within the designated Commercial Areas and Retail Parks as indicated in the relevant Area Policy Maps. The following is a list of acceptable land-uses (new uses, extensions to existing uses, and change of uses) within all frontages located within the designated Commercial Areas and Retail Parks.**

- i. **Class 1 (Use Classes Order, 1994, or the relevant reference in subsequently amended versions) dwelling units on upper floors.**
- ii. **Class 4, (Use Classes Order, 1994, or the relevant reference in subsequently amended versions) small shops only provided that:**
  - **The small shops (of any nature) are not to exceed a total floor area of 50 m<sup>2</sup> each, and convenience shops are not to exceed a total floor area of 75 m<sup>2</sup> each;**
  - **They comply with all the provisions of paras. 1.4.16 to 1.4.18 of the Interim Retail Planning Guidelines (2003) or the relevant reference in subsequently amended versions; and**
  - **They comply with any relevant section of the DC 2005 (design, access, amenity, etc.)**
- iii. **Class 4, (Use Classes Order, 1994, or the relevant reference in subsequently amended versions) supermarkets, provided that they comply with all the relevant provisions of the relevant General Policy SMCM 07.**
- iv. **Class 4, (Use Classes Order, 1994, or the relevant reference in subsequently amended versions), showrooms provided that they comply with the relevant provisions of MEPA's Interim Retail Planning Guidelines (2003) and as amended.**
- v. **Class 5 (Use Classes Order, 1994, or the relevant reference in subsequently amended versions) offices on upper floors only.**
- vi. **Class 6 (a) (Use Classes Order, 1994, or the relevant reference in subsequently amended versions). Sale of hot and cold food and drink for consumption on or off the premises.**
- vii. **Class 11 (Use Classes Order, 1994), or the relevant reference in subsequently amended versions) business and light industry provided that:**
  - **The gross floor area of the premises does not exceed 50 m<sup>2</sup> (including storage of materials and/or finished products);**
  - **The activity conducted within the premises does not use heavy duty and/or noisy electrical/mechanical (including pneumatic) equipment, and equipment which requires a 3 phase electricity supply;**

- The activity conducted within the premises does not entail extensive and/or prolonged use of percussion hand tools (eg. hammers, mallets etc);
- The activity employs less than 5 people; and
- The activity conducted within the premises does not inherently entail the generation of combustion, chemical or particulate by products.

Examples of acceptable uses considered by MEPA include tailor, cobbler, lace making and computer and electronic repair. Moreover, examples of unacceptable uses include carpentry, panel beating, mechanic, mechanical plant servicing, spray painting and bakery.

Proposals to convert from existing Class 12 (Use Classes Order, 1994, or the relevant reference in subsequently amended versions) general industry to Class 11 (Use Classes Order, 1994, or the relevant reference in subsequently amended versions) business and light industry within designated Commercial Areas shall only be considered acceptable by MEPA if all the conditions listed above are adhered to, and provided that it can be proven that the Class 12 Use (general industry) operation is a permitted one and the Class 11 Use (business and light industry) operation is actually more neighbourhood compatible than the Class 12 Use operation it intends to replace.

- viii. Class 17 (Use Classes Order, 1994, as amended) storage facilities only provided that the gross floor area does not exceed 75 m<sup>2</sup>.
- ix. Taxi Business or for the hire of motor vehicles.
- x. The sale or display of motor vehicles.
- xi. The sale of fuel for motor vehicles.
- xii. The cleaning of clothes in venues where articles are brought by the public.

In granting permission for the above-listed uses, MEPA is to be satisfied that the design of the commercial developments shall be complimentary with, and shall enhance the existing streetscape. Particular regard will also be given to the provision of advertising space in order to ensure that this will not be too conspicuous;

5.4.9 Showrooms are defined as premises primarily used to display goods for sale where little direct (over the counter) retail sale is intended. Showrooms normally display a specialist range of bulky, non-food goods, such as: white goods; furniture; motor vehicles; household items, hardware and bathroom fittings. There are various showrooms selling white goods, motor vehicles, and electrical and household goods in localities like Paola, Zabbar, Luqa, Zebbug and this type of retailing is expanding rapidly. In fact showrooms are rapidly developing along certain arterial routes in the plan area, and these can create an undesirable form of urbanisation if not strictly controlled. Consequently, so as to minimise the negative effects of showroom and other commercial uses whilst ensuring that the plan's objectives towards sustainable transport patterns is not compromised, the plan designates specific and limited commercial areas and retail parks in various localities. Office development on the upper floors of showrooms is considered to be a compatible use and is therefore normally permitted by MEPA.

## SMCM 07

## Supermarkets

Large supermarkets (greater than 500 m<sup>2</sup>) should preferably be located within or on the edge of town centres, provided that higher standards of parking provision and on-site

loading/unloading facilities are fully catered for to the satisfaction of MEPA. Where it is not possible to bring forward sites which are in or on the edge of a town centre because of the site size requirements of large supermarkets, residential amenity, environmental constraints in Urban Conservation Areas, or because the road network does not have the capacity to cater for the additional traffic and service vehicles, then sites within the designated locations listed in the following order of sequence will be considered for the development of large supermarkets:

- i. Local Centres;
- ii. Commercial Areas;
- iii. Mixed Use Areas;
- iv. Tourism Areas; and
- v. Entertainment Priority Areas.

There shall be a presumption against the development of supermarkets within designated Residential Areas unless there is a strong planning justification for departing from the sequential approach stipulated above. Supermarkets will not be permitted within Residential Priority Areas. The development of supermarkets is also to follow the relevant criteria stipulated in the Interim Retail Planning Guidelines (2003) or the relevant reference in subsequently amended versions.

5.4.10 Supermarkets are an accepted component of the retail hierarchy since they serve mainly the large weekly convenience goods shopping requirements of families. Their preferred location is within or on the edge of town centres where public transport provision can be made available for shoppers who do not have the use of the car. However, since supermarkets generally require large clear areas of floorspace together with adjacent car parking facilities, it may not always be possible for developers to find sites of an appropriate size and location within town centres. Consequently the policy sets out a sequential approach in establishing the preferred locations for supermarkets. The aim of this sequential approach is to accommodate modern facilities in all urban areas whilst safeguarding the amenity of Residential Areas and Residential Priority Areas.

## SMCM 08

## Industrial Areas

MEPA designates Industrial Areas within the following settlements as indicated in the relative Area Policy Maps:

Type of Industrial Estate	Locality	Area Policy Map	Relevant Area Policies
MIP Industrial Park	Zejtun - Bulebel	ZN 3	SMZN 02
	Marsa	MR 1	SMMR 01
	Kirkop	KI 1	SMKI 03
	Luqa	LU 2	SMLU 10
	Birzebbuga - Hal Far	HF 1	SMHF 01
SME Sites	Ghaxaq	GH 1	SMCM 03
	Zabbar	ZA 1	SMCM 03

Subject to the provisions of the relative Area Policies, the following is a list of acceptable land-uses (new uses, extensions to existing uses, and change of uses) within all frontages located within the designated Industrial Areas.

- i. **Class 6 (a) (Use Classes Order, 1994, or the relevant reference in subsequently amended versions) Sale of food for consumption on or off the premises.**
- ii. **Class 8 (a) (Use Classes Order, 1994, or the relevant reference in subsequently amended versions) kindergartens, crèches, day nurseries or day centres provided that they comply with the relevant provisions of the approved Policy document entitled “Child Day Care Facilities” or the relevant reference in subsequently amended versions.**
- iii. **Classes 11 to 16 (Use Classes Order, 1994, or the relevant reference in subsequently amended versions) Industrial uses. However the scale of the operation will determine whether the development may be located within a designated SME site or whether it is to be located within a designated MIP Industrial Park. In addition the proposed industrial development may be subject to an Environmental Impact Assessment (EIA).**
- iv. **Classes 17 (Use Classes Order, 1994, or the relevant reference in subsequently amended versions) Storage and Distribution.**
- v. **Classes 19 (Use Classes Order, 1994, or the relevant reference in subsequently amended versions) Boatyards.**
- vi. **Classes 20 (Use Classes Order, 1994, or the relevant reference in subsequently amended versions) Aquaculture to be located within designated MIP Industrial Park only.**
- vii. **Taxi Business of for the hire of motor vehicles to be located within designated SME sites only.**
- viii. **Aqualung Filler to be located within designated SME sites only.**
- ix. **Scrap Yard or a Yard for the breaking of Motor Vehicles to be located within designated SME sites only.**
- x. **The manufacturing, processing, keeping or storing of a dangerous substance provided that it is considered to be acceptable and safe to locate the operation within the Industrial Area.**
- xi. **The cleaning of clothes.**
- xii. **Supermarkets provided that they comply with all the provisions of Policy SMCM 07. However Supermarkets are not allowed within designated MIP Industrial Parks.**
- xiii. **The manufacturing or processing of concrete products. However the scale of the operation will determine whether the development may be located within a designated SME site or whether it is to be located within a designated MIP Industrial Park.**
- xiv. **Bakery and Confectionery with provision for outside catering.**

5.4.11 Certain neighbour compatible small scale business uses can usually operate in residential areas without causing a nuisance. Expansion is however usually difficult as there may be create problems to neighbours because of the scale of activities carried out. Where the industrial use has intensified and serious problems are being created for neighbouring uses the provision for relocation becomes necessary. This policy distinguishes between Industrial Estates and other sites designated for industrial development. In accordance with Structure Plan policies, storage and distribution facilities can be accommodated within designated industrial areas. Other compatible and supporting facilities that are allowed within industrial areas include child day care centres for those children whose parents work within the Industrial estate, boatyards, fishfarms, scrapyards and other uses as specified in this policy.

## **6. Agriculture, Fisheries and Aquaculture**

### **6.1 Introduction**

- 6.1.1 Although Agriculture is still the largest single land use in the Maltese Islands (35%) and a major contributor to the rural landscapes, yet together with Fisheries it contributes only 2.8% (NSO 2002) to the Gross Domestic Product. However, it is important to appreciate that the contribution which agriculture makes in creating the environmental character and quality of the rural landscape, which in turn affects tourism, is out of all proportion to its small contribution to the GNP.
- 6.1.2 The National Statistics Office carried out a census of agricultural land in 2000 and provisionally established that the total agricultural area in the Maltese Islands totalled 10,783 hectares. Malta and the plan area account for 83.4% and 30% of the total agricultural land, respectively. 10% of the agricultural land in the plan area constitutes irrigated land with the majority located in Zabbar.
- 6.1.3 Agricultural production faces several constraints including loss of agricultural land due to the construction of buildings and associated hard surfaces arising from the growth of the urban areas, the lack of water resources and the decrease in full time farmers as well as quarrying activity. Agricultural land has decreased in the Maltese Islands from 15,200 ha in 1971 to 10,738 ha according to provisional figures released in 2001. In the plan area 13.3 hectares of agricultural land is affected by quarry development (Rural Topic Paper, MEPA, 2003). Although published statistics for employment in Agriculture are not available for the individual localities, these statistics indicate that full-time and part-time employment in the South East of the Island, which includes most localities in the plan area, is 168 and 2990, respectively. These employment levels constitute 17.2% and 28.6% of total employment in these categories, respectively.
- 6.1.4 Livestock farms, particularly those in residential areas create problems with regard to odours and other inconveniences, now that residential development has grown around these farms. Other problems result from improper storage and disposal of animal waste. Waste water is allowed to run off into adjoining land, or may seep down to the aquifer, polluting the watercourse, land and fresh water supplies. In 2000 there were 174 pig farms and 260 cattle farms on the Maltese Islands. In 2002, 73 pig farms and 114 cattle farms were located in the plan area. Between 1994 and 2000, 14 animal farms were approved in the plan area totaling 3.6 hectares or 45% of total land approved for animal farms. As part of the diversification, there are increasing demands particularly extending the coverage of vineyards onto agricultural land along with demands to accommodate other uses.
- 6.1.5 With regard to fishing, the lack of adequate berthing facilities for fishing boats is a major problem to full time and part-time fishermen. In June 2001 there were 634 employed in the Fisheries sector throughout the Maltese Islands. The all weather harbour of Marsaxlokk located to the south east of the plan area is the main berthing facility on the island providing an all year round protection. However, this is now overcrowded. Hard standing facilities are also limited. Furthermore, an increasing number of berths are being taken over by yachts and leisure craft. The plan area has a very limited coastline and the full time fishing industry is very limited. However, part-time inshore fishing is very popular and additional berthing space and stores are required. This is particularly so in Marsascala Bay which is very overcrowded.

- 6.1.6 No aquaculture projects have been set up in the plan area. Possibly because of the vicinity to the sewage outfall. However, projects have been set up in the nearby localities of M'xlokk and Birzebbuga (an off shore production unit at Munxar Point). Once the sewage outfall issue has been resolved the coastal stretch between Xghajra and Marsascala might face pressure for such developments. The negative impacts from such farms resulting particularly from the discharge of waste feeds could adversely affect the local recreation and tourism activity in the plan area e.g. diving.

## **6.2 Strategic Background**

- 6.2.1 The Structure Plan encourages improvements in agriculture, horticulture, aquaculture and soil conservation. Buildings and structures essential to the needs of agriculture may be permitted in the countryside, subject to strict criteria that they blend with the rural landscape (AHF 5). Conversion of existing farmhouses for rural recreation will also be permitted. Encouragement will be given to the relocation of livestock units which are unsuitable and are the cause of bad neighbourliness in urban areas (AHF 9). The Structure Plan proposes an agricultural products depot for exports and imports at Luqa Airport (AHF 11).
- 6.2.2 Specific policies encourage the development of marine based aquaculture units to make the best use of sea resources, and land-based units to be restricted to industrial estates or disused quarries (AHF 15, AHF 16).
- 6.2.3 The Regional Socio-Economic Development Plan for the South of Malta addressed aspects of agriculture and made recommendations for their implementation. Amongst the recommendations made is the need to capitalise on the potential offered by rural tourism and the maintenance of Afforestation sites in order to protect arable land, screening of buildings and a source of hardy fruit growing. The Plan recommended the relocation of animal farms from within residential areas. The plan noted the increased equine interests for sport and leisure and the opportunities to develop the setting up of riding stables along countryside paths and parkways which may be used to offer specific identified rides. The Policy and Design Guidance on Agriculture, Agro-tourism and Stables provides policy reference in this regard.

## **6.3 Strategy**

- 6.3.1 The strategy for Agriculture and Fisheries in the plan area is:
- to prevent the depletion of existing and encourage reinstatement of degraded and disturbed agricultural land (e.g. increasing irrigation facilities);
  - to encourage appropriate development and reuse of agricultural buildings to ensure that agricultural activity and farms remain viable and therefore sustainable;
  - encourage relocation of animal farms from within urban settlements;
  - contain the expansion of aquaculture developments.

## 6.4 Policies

### SMAG 01

### Protection of Agricultural Land

MEPA will continue to protect agricultural land from all types of inappropriate development. Within Agricultural Areas, as indicated on the relevant Environmental Constraints Maps, only buildings, structures and uses essential to the needs of agriculture will be permitted and then only if it can be demonstrated to the satisfaction of MEPA that they will not adversely affect water supplies, soil and landscape, and accord with all other policies within this Local Plan. Applications for development permission for agricultural related developments which will result in the subdivision of land holdings, will not be permitted.

This will also apply to other land being cultivated for agricultural use and which in the opinion of MEPA (after consultation with the Department of Agriculture) has a realistic potential to be upgraded and sustainably improve its productivity. (This policy will not apply to such land where it is designated for other purposes in the Local Plan).

Improvements to existing agricultural land and buildings aimed at increased productivity will be favourably considered by MEPA providing they are well designed, efficient and contribute to rather than detract from the quality of the local and surrounding environment.

6.4.1 The agricultural land indicated in the relevant Environmental Constraints Maps is based on information supplied by the Department of Agriculture and reflect the importance of soil quality and access to irrigation water, but not only, for successful farming in the plan area. It is estimated that agricultural land constitutes approximately 67% of all non urban land in the plan area. Limited development related to the continuation of the agricultural activity will be permitted.

### SMAG 02

### Animal Breeding Farms within urban settlements

Existing Animal Breeding Farms within urban settlements which are causing an adverse impact on the residential amenity of the area, particularly as a result of odour emissions, will be requested to undertake a rehabilitation and upgrading programme according to a timetable to be devised by MEPA in consultation with the Department of Agriculture. No expansion of such farms will be permitted.

The MEPA will encourage the relocation of Animal Breeding Farms within urban settlements as well as the development of new Animal Breeding Farms, towards sites that lie within the Intensive Agricultural Zones as indicated on the respective Policy Maps (where applicable), and in compliance with Supplementary Planning Guidance *Policy & Design Guidance on Agriculture, Farm Diversification and Stables (Draft 2004)* published by the MEPA. The location and nature of the development within these areas shall also be subject to conditions imposed by the Department of Agriculture and the Department of Veterinary Services. Proposals to extend the relocated farms will not be permitted unless MEPA has obtained approval from the relevant authorities and are satisfied that the proposals incorporate measures to mitigate impact on the environment.

6.4.2 A number of farms, particularly animal husbandry and breeding farms are located within urban settlements and, despite being there before, are now causing inconveniences to adjacent residents. Whilst favouring relocation to appropriate areas which have been identified and designated as Intensive Agriculture Zones, MEPA recognizes that this may not always be

possible. However, in collaboration with the Department of Agriculture, MEPA proposes to seek improvements and upgrading of the operation of existing farms in order to secure a reduction of the level of nuisance being created by such operations. Intensive Agriculture Zones lend themselves to visual mitigation because they are totally (or significantly) surrounded by built development, or lie on areas whose visual footprint is relatively restricted and where animal breeding has been the predominant use.

## **SMAG 03**

### **Management Plans for Intensive Agricultural Zones**

**MEPA will permit agricultural activity including animal breeding farms within areas identified as Intensive Agricultural Zones. MEPA encourages the preparation of a series of Management Plans for the identified Intensive Agricultural Zones. In the preparation of such plans the current situation is to be assessed to ensure that agricultural operations in the area are not impacting negatively on the surrounding area and to introduce appropriate measures to reduce any adverse impacts. The Plans should assess the cumulative impact of animal farms in the area to ensure a sustainable level of agricultural activity.**

6.4.3 A number of areas have seen the concentration of animal farms with the resulting negative impacts associated with such development in terms of waste management, water pollution, land contamination, envisaged upgrading of farms, impact on the landscape, impact of farms on nearby rural settlements/urban settlements and the environment in general and areas that have become degraded due to the concentration of farms. Such concentrations are found particularly in Zabbar and Qrendi. MEPA encourages the relevant authorities to prepare management plans or action plans for such areas to ensure that the activity grows in a sustainable manner and ensure that existing problems are mitigated for the benefit of the nearby urban settlements part. At present, the EIA process does not cover the cumulative effect of concentration of farms in particular areas. After having examined the issues within the Intensive Agricultural Zones, the Strategic Environmental Assessment (SEA) process could be used in order to examine the suitability of having more farms permitted within these zones together with their likely environmental and social impacts. Obviously, mitigation measures, permit conditions and planning obligations should feature as key tools to mitigate/eliminate the cumulative effect of these designated areas and improve the surrounding environment.

## **SMAG 04**

### **Production units for marine cages**

**Any aquaculture development proposals in the plan area are to comply with and conform to the provisions set out in the National Aquaculture Policy.**

6.4.4 The accessible coastline of the plan area is important for tourism and recreation purposes. Locating additional fish farm units in the area may result in a cumulative detrimental effect on water quality and the marine environment in general, and thus be in conflict with the existing coastal uses. The National Aquaculture Policy will guide any future development in this regard.



## **7. Social and Community Facilities**

### **7.1 Introduction**

- 7.1.1 The provision of social and community facilities (Education, Health and Care for the Elderly and Disabled) within the plan area is a particularly important issue in view of the high residential densities in most localities and the ever increasing senior population. In 1995 the over 61 accounted for 12.5% of the total population in the plan area. It is estimated that this will increase to over 20% by 2010. Social and community facilities add an important dimension to the social development of a society and forges closer relationships and understanding between the residents.
- 7.1.2 Health facilities in the plan area include the Health Centre at Paola with the Health Centres at Floriana and Qormi servicing some localities within the plan area. However, the current distribution of health centres serve better the large urbanized areas within the Outer Harbour area (e.g. Paola, Tarxien, Zabbar) than the towns and villages south of the airport (e.g. Mqabba, Kirkop, Siggiewi, Zurrieq). For example the localities of Zurrieq, Safi, Luqa, Mqabba, Qrendi and Kirkop are served by the Floriana Health Centre. The Department of Primary Health Care have indicated that they are considering a new Health Centre and would preferably consider an area between Zejtun and Ghaxaq. In addition there exist Government District Dispensaries (*bereg*) in all localities within the plan area with the exception of Paola, Marsascala and Xghajra. These provide basic medical and nursing services at the local level. In addition to these facilities a private hospital is located in Zabbar and two private clinics, one in Paola and the second in Zebbug.
- 7.1.3 The Plan area is generally considered to be well served by a reasonable distribution of primary and secondary schools. However, some of the public schools have either exceeded their student capacity or are located on sites where children's educational and recreational facilities cannot be adequately catered for. The Zebbug Secondary school has structural problems and is being considered for demolition. A new school is currently under construction at Kirkop.
- 7.1.4 The elderly residential home of St. Vincent de Paule, Luqa, has a national catchment. In addition there is the Zejtun home for the elderly. The likely growth of the elderly population in the plan area and in specific localities like, Zejtun, Zabbar, Siggiewi and Luqa will create a demand for facilities for the elderly. An additional church home for the elderly is located in Zebbug.
- 7.1.5 The issue of disability is also of concern as evidence indicates that the plan area contains (28%) the highest concentration of people nationally with activity limitations. This has led to a growing demand for increased integration of the services to serve the needs of the disabled.
- 7.1.6 Church and state cemeteries in the plan area account for 39% and 25%, respectively, of the total cemeteries. The Addolorata cemetery at Paola caters for a national catchment. The Social Facilities and Community Care Topic Paper identifies the plan area as having 20,650 graves in 2001 or 78% of total graves on the island. In certain localities (e.g. Zabbar, Zebbug and Zejtun) residences have been developed in close proximity to existing cemeteries infringing the legal distance of 183 metres that should be retained between a cemetery and a residential area (Article 132 of the Code of Police Laws).

## **7.2 Strategic Background**

- 7.2.1 Policy SOC 10 recommends safeguarding sites for Education facilities and Policies SOC 13 and SOC 14 encourage efficient use of existing premises. With regard to Health Policy SOC 8 seeks the provision of health centres at sites which are centrally located and served by public transport access and has potential for expansion.
- 7.2.2 Policy SOC 18 entrusts the Local Plans with the identification of new sites and buildings suitable for conversion to accommodate day care centres, sheltered homes and other required facilities whilst Policy SOC 12 requires the identification of a site for a new central library in Luqa. Policy SOC 25 states that provision will be made for an adequate range of community facilities in new housing areas.
- 7.2.3 Moreover, evidence from the Social Facilities and Community Care Topic Paper, (MEPA 2003), indicates that there is a need to increase both the range and amount of all forms of socio-communal facilities. This finding is also supported by local councils' concerns on the provision of these facilities.

## **7.3 Strategy**

- 7.3.1 The strategy with regard to Social and Community Facilities is:
- to encourage the optimal use of educational facilities through upgrading of and extensions to existing facilities (e.g. reserving adjacent sites or relaxing height limitations, wherever possible);
  - to facilitate the 'Ageing in Place' concept by the provision of adequate services within the localities and improved accessibility to these services;
  - to provide opportunities for the provision of a mix of social and community facilities (e.g. parish halls, pastoral centres, day centres) within and in proximity of town centres;
  - to provide for additional and upgrading of Health facilities.

## **7.4 Policies**

### **SMSO 01**

### **Health Facilities**

**MEPA will favourably consider proposals for the relocation of the Paola Health Centre to Pace Grasso site as part of the comprehensive development of this site as indicated in Policy SMPA 08.**

**MEPA will also encourage the provision of health related facilities, particularly District Dipensaries, within the Town Centres as indicated in the relevant policy maps.**

**MEPA will also consider proposals for a new Health Centre in the vicinity of Zejtun/Ghaxaq, provided that the location of such new facilities should adhere to the following criteria:**

- i. the site is located within the Limits to Development boundary and in a central location (preferably Town Centre) and is conveniently accessible by public transport;**
- ii. the scale and operational requirements of the facility will not create any significant**

- iii. **negative impacts on the surrounding area;**
- iii. **suitable access for all is provided into and within the site; and,**
- iv. **any specific infrastructure or servicing requirements can be met.**

7.4.1 The population growth in the plan area and the distribution amongst the various settlements has generated a need for Health Centre services in closer proximity to the residential areas. Residents of Zurrieq and Qrendi make use of the Floriana Health Centre whilst residents of Marsascala have to go to the Paola Health Centre. This creates major inconvenience to residents apart from the increased travel to reach these Health Centres. MEPA encourages the provision of such facilities to adequately service these localities in appropriately selected sites. Discussions with the Department of Primary Health Care indicated that they have been considering a second Health Centre in the plan area to serve the areas which include Zabbar, Marsascala, Gudja, Ghaxaq and Fgura.

## **SMSO 02**

### **Extension to Existing Cemeteries**

**Applications for the extension of existing cemeteries will only be considered if it can be demonstrated that all of the following factors are satisfied:**

- i. **the existing cemetery facilities cannot accommodate more burials within the existing plots;**
- ii. **the option to utilise the land more intensively has been fully considered;**
- iii. **proposed expansion does not encroach within the minimum distance permitted by Public Health Authorities;**
- iv. **the extension does not encroach into a scheduled area or an area which qualifies for such scheduling.**

**In all such cases, the proposal would need to be accompanied by a landscaping plan which includes landscaping along the exterior perimeter of the cemetery as well as within its interior..**

7.4.2 There are about 13 church and 3 state cemeteries (including 2 private cemeteries) within the South Local Plan area. In general, cemeteries tend to be located outside development zone (e.g. as in Siggiewi, Mqabba, Kirkop, Zurrieq and Luqa) although certain localities have cemeteries surrounded by development inside TPS boundaries (e.g. Zebbug and Zabbar). The Social Facilities and Community Care Topic Paper indicates that theoretically there are enough burial places to satisfy the projected deaths for the next 20 years and therefore for the next 10 years which is the plan period. However, a number of factors exist which reduce this potential supply particularly that the general public is keen to possess private graves in their home town (e.g. In 2001 there were 156 applications for private graves in Zebbug and 1876 at Addolorata) The same topic paper also suggests that certain localities with large densities still might need new cemeteries to accommodate their needs. Although as emerges from the Topic Paper it is difficult to conclude whether the existing supply is available to meet demand, it is felt that a policy is needed to guide any future development in this regard.

## **SMSO 03**

### **Education Facilities**

**The Local Plan identifies and safeguards land for new schools, and extensions to existing schools, where such a facility is required and which is adequate for the provision of a range of educational and sports facilities, provides good access and does not have an unacceptable adverse impact on the**

amenity of neighbouring property.

**In those cases where new schools are required to replace existing schools, sites outside the Limits to Development may be considered subject to the site satisfying ALL the following conditions:**

- i. the site is located along the perimeter of the Limits to Development boundary;**
- ii. the site is not located on a scheduled, designated or protected area including Areas of Ecological Importance, Sites of Scientific Importance, Areas or Sites of Archaeological Importance, Areas of High Landscape Value and Nature Reserves or constitutes high quality agricultural land;**
- iii. The siting has no significant adverse impact on adjacent protected areas, ground water vulnerability, or nearby settlements;**
- iv. Site is easily accessed from an arterial road and entrance to and exit out of the site does not cause a traffic flow hazard;**
- v. The development of the site would not result in the coalescence of urban settlements.**

7.4.3 The Local Plan recognises the distinction that sites for state schools are better located within a settlement in order to serve local students. Private schools which serve a wider catchment area, may be more appropriately located at or close to the periphery of a settlement.

7.4.4 In addition, specific sites adjoining specific schools are protected for possible future expansion, not only for educational purposes, but possibly for community use. The opportunity exists in some locations for dual use of school facilities by the public. This arrangement provides for a more economic use of land and also enables schools to generate additional funds for improving facilities.

## **SMSO 04**

## **Community Facilities**

**Proposals for the development, extension of, and the change of use into community facilities will be encouraged within the urban settlements provided the proposal is well related to the local need and does not have an adverse impact on the amenity of the area. Specific sites, as indicated in the relevant Policy Maps, have been designated for such uses, whilst MEPA also encourages the provision of such facilities as part of major developments as indicated in specific Area Policies.**

**In the eventuality that buildings currently occupied by schools become vacant, MEPA will favourably consider the conversion of such buildings, even their total redevelopment in cases where the building is not of historical, cultural or architectural value/interest, for the provision of community facilities.**

7.4.5 MEPA will support the Local Councils and appropriate government agencies in the provision of community facilities, such as clinics, day care centres, child minding facilities, residential homes, pastoral facilities, cultural centres including drama, dance, music and art classes, libraries and village halls, particularly in the main settlements and larger villages. Community facilities can enhance the identity of a settlement and promote a greater sense of belonging. The Local Plan, as far as practical, encourages and safeguards both the retention and improvement of existing facilities, and has identified possible sites in areas which already function to some degree as the focus of the community life of a settlement or village. The Local Plan also encourages the provision of such facilities as part of major developments on specific sites as indicated in the relevant Area Policies.

## **8. Urban and Rural Conservation**

### **8.1 Introduction**

- 8.1.1 Most of the towns and villages in the plan area retain characteristics of the traditional village morphology particularly the winding narrow streets, the one and two storey traditional town houses, garden enclaves and walls, and the church piazza as the focal point of the village. These characteristics are particularly evident in the localities of Safi, Siggiewi, Zurrieq, Kirkop, Ghaxaq and Qrendi. These elements are often under threat by new development particularly as a result of redevelopment of traditional properties or by new development along the fringe of the various localities which transform the skyline of these towns and villages and impair strategic views.
- 8.1.2 The South Malta Local Plan area comprises a substantial extent of non-urban land. 66% of the entire plan area consists of rural areas. Agriculture is the main land use with mineral extraction activities and other obnoxious industries concentrated in particular areas e.g. Tal-Hlas (Zebbug), Wid Qirda (Siggiewi) as well as quarrying in Mqabba and Kirkop. The natural (e.g. valleys, cliffs, etc) and historical-cultural resources (e.g. Torri Mamo, Batterija tal-Grazzja) present give the Plan area a particular character both in terms of conservation value as well as potential for public enjoyment, particularly with respect to landscape. In addition to the above other activities which are degrading the quality of the rural landscape include hunting and trapping, proliferation of boathouses (St. Thomas Bay), garage workshops and horse training tracks (in Siggiewi and Zebbug), buildings alien to the rural context, scrapyards and micro industry.
- 8.1.3 The pressure to develop new land ODZ has now eased through the implementation of the Structure Plan policies. 5 planning applications for residential schemes ODZ had been submitted between 1994 – 2000, in the plan area, with a total footprint of 11,560 m<sup>2</sup> of which 2,212 m<sup>2</sup> was approved (Rural Strategy Topic Study). These were mainly HOSs (e.g. in Sta. Lucia and Zebbug). With regard to new dwelling units for the same period a total of 56 applications or 43% of applications received were approved creating 82 new dwelling units. Santa Lucia and Zebbug were the localities in the plan area with a significant amount of dwellings approved ODZ with 18 and 13 units respectively. 70 applications were approved with regard to industrial and commercial developments ODZ (Rural Strategy Topic Paper).
- 8.1.4 The ecological survey conducted in the Plan area identifies relatively small but concentrated areas of ecological and scientific value, particularly within valley systems and along the coast. Development has encroached on a number of sensitive areas, particularly in valley systems where quarrying activity and illegal dumping have scarred the landscape (e.g. Wied il-Kbir, Wied Moqbol). In addition to these illegal developments and animal farms have and are contributing to the scarring of valley systems (e.g. Wied il-Baqqiegħa and Wied Qirda). The geological and hydrological surveys for the plan area indicate a significant presence of valley systems in the plan area, which merits protection especially with regard to water resource management. Illegal dumping is another major problem in the plan area and the main areas under threat are the same valley systems and coastal areas. The valleys surrounding Siggiewi, Zebbug and Qormi have been under pressure from indiscriminate dumping of construction waste and other forms of tipping.

## **8.2 Strategic Background**

- 8.2.1 The Structure Plan requires Local Plans to define the precise boundaries of the UCAs (UCO 2) as well as important views from UCAs and views of the traditional urban skyline (UCO 10). Other guidance on developments within UCAs is contained within Policy and Design Guidance 'Development Control within Urban Conservation Areas' issued by the MEPA in July 1995 as well as the Policy and Design Guidance 2005 (April 2005).
- 8.2.2 It is the purpose of Local Plans to identify Areas of Ecological Importance and Sites of Scientific Importance and Areas of High Landscape Value (Policies RCO 3, RCO 10 and RCO 12) and Areas and Sites of Archaeological Importance (ARC 1 and ARC 2). The Local Plan area has pockets of afforested areas that are considered worthy of protection through the Tree Preservation Orders (Policies RCO 30 and 33). Policy MCO 1 proposes the area between St. Thomas Bay and Delimara Point as a Marine Conservation Area (MCA), which seeks to safeguard specific uses as well as the natural and cultural resources located there.

## **8.3 Strategy**

- 8.3.1 The strategy with regard to urban and rural conservation is:
- to identify the boundaries of the Urban Conservation Areas and encourage the channelling of appropriate development through rehabilitation and environmental upgrading of these areas;
  - to identify, protect, rehabilitate and encourage the management of Areas of Ecological Importance and Sites of Scientific Importance;
  - to ensure the conservation and protection of ecological, geological and hydrological resources and promote the enhancement and management of these features, with particular attention to the valley systems, the coast and afforested pockets.

## **8.4 Policies**

### **SMCO 01 Urban Conservation Areas and Design Priority Areas**

**MEPA designates Urban Conservation Areas (UCAs) in the following localities as indicated in the respective Policy Maps: Gudja, Ghaxaq, Kirkop, Luqa, Mqabba, Marsasala, Qrendi, Safi, Siggiewi, Xghajra, Zabbar, Zebbug, Zejtun and Zurrieq. Within these localities, MEPA will promote the rehabilitation of vernacular buildings and features that will enhance the character and appearance of the UCAs to secure their conservation.**

**MEPA also designates Design Priority areas at Triq il-Madonna tal-Hniena in Zejtun and Triq Bubaqra in Zurrieq. In areas immediately contiguous to such UCAs, and particularly in those areas designated as Design Priority Areas in the relevant policy maps, MEPA will ensure that development proposals respect the existing street alignment of the adjacent UCA and adjacent frontages. Although these areas lie outside the UCA, the design, colours, materials, and textures employed on the facades of buildings, should introduce and reflect architectural elements which are found in the adjacent UCA. Within such areas building heights will be three floors, but no semi-basement will be permitted, as indicated in the relevant Building Heights Maps. Development**

**proposals within UCAs and Design Priority areas are to be referred to the Heritage Advisory Committee (HAC), as deemed necessary.**

**MEPA will also ensure the statutory protection of buildings of historical, cultural and architectural value within or outside the designated UCA boundary.**

**MEPA will ensure that no development, within the confines of the Local Council boundaries of the localities comprising this Plan, is permitted that will compromise important views within the UCAs as indicated in the relevant Environmental Constraints Maps.**

**Apart from the above, to respect the roofline and aspects of street character in identified areas outside UCAs and Design Priority Areas, Building Heights within such areas are indicated as three floors. No semi-basements would be allowed in these areas.**

8.4.1 Within the plan area an UCA has been designated and approved by MEPA for Paola and Tarxien. The plan proposes to afford the same protection to the other localities in order to ensure that the physical attributes and the quality of the living environment in these areas are maintained and enhanced. The plan area encompasses examples of urban characteristics which reflect urban development through the ages, especially in the old cores. The traditional Maltese village structure is still very much present in areas like Safi, Ghaxaq, Gudja, Luqa, Tarxien and Zejtun. The fabric should be conserved in its entirety and interventions allowed should be sensitive. Any development within the UCAs will be guided by the Policy and Design Guidance 'Development Control within Urban Conservation Areas' (July 1995). Design Priority Areas refer to areas adjacent and contiguous to the UCA boundary. These areas generally include the approach roads into the UCA, which, whilst not meriting inclusion in the UCA still present some characteristics and features found within adjacent UCAs. Although these areas are not part of the UCA, these are transition zones between the UCA boundary and the newly developed areas and it is therefore important that due regard is given to the design of development proposals made particularly in terms of building styles, proportions and streetscape features (wooden balconies, windows, etc.). The policy, in line with Structure Plan Policy UCO 10, also identifies a number of important views which need to be protected from any form of development that may jeopardise such views. These include views to landmark buildings e.g. churches or where the UCA boundary aligns or is close to the Limits to Development boundary e.g. Mqabba, Ghaxaq, Zurrieq.

## **SMCO 02**

### **Classification of Streets in Urban Conservation Areas**

**Following the approval of this plan MEPA shall carry out and complete a rigorous character appraisal of all the streets in UCAs in the Local Plan area taking into account the overall quality of the architecture, streetscapes and open spaces within the various sub-areas. The hierarchy shall be as follows:**

**Category A: There shall be a strong presumption against any changes to the facades of (including changes in apertures) the built fabric and ancillary open spaces, street alignment and the addition of accretions in these areas. Structural interventions should be limited to the replacement of deteriorated components (which shall be carried out in materials and structures identical to the original) and the removal of incompatible accretions from the facades. No additional floors or significant structures will be allowed over the existing Category A properties.**

**Category B plus (B+):** There shall be a presumption against any changes to the facades of the built fabric, street alignment and the addition of accretions in these areas. Structural interventions shall be limited to repair, upkeep and minor compatible interventions unless these are envisaged to restore the original façade. Additional floors over the existing Category B plus properties may be considered by MEPA provided that the design of the additional floors is of exceptionally high standard, that they do not detract from the architectural homogeneity of the existing vernacular building, and that such extension reflects the scale, floor heights, proportions, fenestration, architectural characteristics, materials, colours, textures and detailing of the existing building. In certain circumstances, sensitive signage, decorative and illumination fixtures may be considered, provided that these are deemed by MEPA to be compatible with the overall street context.

**Category B:** Minor alterations to the facades (e.g. changes to apertures), over and above those allowable in Grade B+ may be allowed, provided that traditional proportions, fenestration, architectural characteristics, materials, colours, detailing and textures are used. Complete replacement of facades is not allowed. Additional floors over the existing Category B properties may be considered by MEPA provided that the design of the additional floors does not detract from the architectural homogeneity of the existing vernacular building, and that such extension reflects the scale, floor heights, proportions, fenestration, architectural characteristics, materials, colours, textures and detailing of the existing building.

**Category C:** Significant alterations or even demolition of the façades, and/or the construction of additional floors may be allowed provided that the replacement building respects the surrounding context in terms of scale, floor heights, proportions, fenestration, materials, colours, and textures.

In all cases, if a building or feature is listed under the provisions of Structure Plan Policy UCO 7 and this listing has more onerous restrictions than those of the above-mentioned Street Categorization, then the more restrictive provisions shall prevail.

In all cases should a building or group of buildings which are incongruous\* in character with the rest of the Categorization of a streetscape be proposed for total re-development, the replacement of such buildings which emulates the character indicated by the rest of the streetscapes shall be sought by MEPA. Massing, design, overall height, alignment of the façade as well as choice of materials, colours and detailing shall play a determinant role on whether the request for development permission for such replacement buildings is acceded to or otherwise.

In the case of vacant sites within a designated UCA and which is as yet un-built and not otherwise protected, or designated for another use, a new building may be allowed. The design of the façade, scale, massing, floor to ceiling height, the number of floors and the finishes used in the new building should reflect the predominant streetscape character.

*\*incongruous refers to a building or group of buildings whose architecture and/or design elements clearly stand out as not belonging to the same era (e.g. new buildings built after the 1960's) and/or being clearly so ill-designed that a well designed compatible replacement building would constitute a rehabilitation of the streetscape. Vernacular and/or traditional buildings shall not be considered to constitute incongruous buildings.*

In the interim period, development proposals within designated UCAs indicated in the relevant Policy Maps will be required to preserve and enhance the character and appearance of the UCAs and shall comply with the Policy and Design Guidance: DC within Urban Conservation Areas (1995), as amended from time to time, unless specific policies in this Local Plan indicate otherwise, and the relevant policies in the Structure Plan.



- 8.4.2 UCAs consist of important historic, architectural and townscape elements which are fundamental to their character and which must be conserved. To this end MEPA considers it a priority to conduct a comprehensive exercise whereby UCA boundaries will be reviewed, and all the streets within the UCAs are classified according to their conservation importance. This identification process would enable MEPA to identify those urban areas that are extremely important to the heritage of the locality and therefore highly sensitive to interventions, and other parts that can absorb some development without undue negative impacts. In this respect the process will seek to reverse the trend in declining urban areas that are experiencing problems of out-migration, an ageing population, vacant and substandard housing, overcrowding and poor environmental conditions, such as in the case of Hamrun, by actively promoting sustainable regeneration projects. Once this classification is approved and adopted, all development planning applications within UCAs will be determined taking into full account the provisions of this classification and the associated policy framework. The classification exercise should be completed within a year from the approval of the plan.
- 8.4.3 Designation of UCAs is only the first step towards the conservation and upgrading of these important urban areas. UCAs need to be holistically managed in order to achieve a space that enhances the quality of life and attracts activity, amenity and vitality into the area. An integrated heritage management approach is therefore essential to ensure the protection of the important elements of a UCA, whilst allowing for sufficient intervention to attract compatible activities to the area, to identify measures aimed at mitigating existing negative visual impacts, and to actively enhance the character and appearance of UCAs. Planning on its own is not sufficient to achieve the desired results. Education, economic instruments, and legal instruments also play an important role in the conservation and rehabilitation of UCAs.

## **SMCO 03**

## **Protection of AEIs and SSIs**

**The following areas, as indicated in the relevant Environmental Constraints Maps, are recommended to be proposed for scheduling, as Areas of Ecological Importance (AEIs) and Sites of Scientific Importance (SSIs), in accordance with Section 46 of the Development Planning Act, 1992:**

### **Areas of Ecological Importance/Sites of Scientific Importance**

- i. **Wied Xkora, Wied Musa, Wied Sillani, Wied ta' Kandja valley system (Siggiewi)**
- ii. **Wied Hesri, Wied Tal-Baqquiegha valley system (Siggiewi/Zebbug)**
- iii. **Wied il-Kbir (Luqa)**
- iv. **Wied Has-Saptan (Ghaxaq)**
- v. **Wied il-Qoton (Ghaxaq/Zurrieq)**
- vi. **Head of Wied Dalam (Ghaxaq)**
- vii. **Wied il-Kbir (Zurrieq)**
- viii. **Wied il-Ghajn (Marsascala)**
- ix. **Wied ta' Hal Saflieni (Luqa)**
- x. **Wied Ta' Mazza (Zabbar/Zejtun)**
- xi. **Wied iz-Ziju (Zejtun)**
- xii. **Wied ta' San Martin (Zebbug)**
- xiii. **Wied Incita (Zebbug)**
- xiv. **Ta' Wied is-Sewda (Zebbug)**
- xv. **Reservoir at Tal-Ghazz l/o Kirkop**
- xvi. **Maritime garigue communities along the coast from Tan-Nisa to Blata l-Bajda (Xghajra)**

- xvii. Coastal cliffs at Ghassa tal-Munxar (Marsascala)
- xviii. Rocky coast from Xifer ic-Cerna to Il-Ponta tal-Mignuna (Marsascala)
- xix. L-Ilsien to Ghar ix-Xama (Marsascala)
- xx. Coastal stretch between Xghajra, Zabbar and Zonqor Point (Marsascala)
- xxi. In-Nwadar (Zabbar)
- xxii. Ix-Xghara tal-Garda (Ghaxaq)
- xxiii. Ta' Haxum (Ghaxaq)
- xxiv. Reservoir at Tal-Ghazz (Kirkop)
- xxv. Beach and hinterland areas of Il-Bajja ta' San Tumas (Marsascala)
- xxvi. Quarry at Tal-Giebja (Kirkop)

**In these protected areas/sites there will be a general presumption against development that would create negative impacts on these areas/ sites and the MEPA will endeavour to safeguard and protect AEIs and SSIs listed within this Local Plan.**

8.4.4 AEIs and SSIs are scheduled areas/sites that require protection from development because of their ecological and scientific value in that they contain special habitats that merit protection. Such protected areas/sites include also Garrigue and Maquis designations containing indigenous and archaeophytic species which contribute to the typical Mediterranean setting and are of considerable ecological value.

8.4.5 These sites have been identified in the Survey of Ecological Resources for the South Malta Local Plan area (August 2000) because of their importance as valley systems both in terms of ecological habitats as well as landscape characteristics. These listed areas/sites also include buffer zones to further regulate developments near and adjacent to AEIs and SSIs. Any development proposed in such areas/sites is to adhere to the criteria as established for each level of scheduling as specified in the Structure Plan Explanatory Memorandum (December 1990).

## **SMCO 04**

## **Areas and Sites of Archaeological Importance**

**Areas and Sites of Archaeological Importance are listed as Class A, B, C, D and E as indicated on the Sites of Archaeological Importance Map 4, the respective Policy Maps or Environmental Constraints Maps and in Appendix D. The MEPA will endeavour to safeguard and protect all archaeological features listed within this Local Plan in accordance with Section 46 of the Development Planning Act, 1992.**

**No development will be allowed which is likely to adversely affect archaeological areas and sites listed as Class A and B or their natural settings. Every effort must be made to preserve these sites in their original state. On Class C, D and E sites, prior to any development occurring, the developer must enter into a planning obligation that secures proper investigation and documentation of these sites, following a monitored programme of archaeological excavation and recording by a competent archaeologist. Development may be allowed on these types of sites subject to modifications as required and as directed by MEPA in consultation with the Museums Department or relevant Government agency, based on an assessment of the archaeological significance of the findings.**

**In considering applications for development permission, MEPA in collaboration with the Museum's Department or relevant Government agency will identify and advise on the level of protection appropriate to the specific area or site in question and it will reserve the right to re-classify areas and sites listed as Class E following further investigations.**

Furthermore, the following buffer zones for Archaeological protection classes A-E are established as follows:

- i. a minimum of 100m for Class A archaeological features in which no development is allowed;
  - ii. a minimum of 50m for Class B-E features.
- 8.4.6 The SMLP area contains about 170 areas/sites of archaeological importance as identified in the Archaeological Survey Report for the plan area. This policy aims to afford the appropriate protection to these sites from potential development pressures. Where development is likely to have an effect on the site of archaeological interest, the developer will be required to finance the necessary work programme of investigation. The primary objective will always be the preservation in situ of the archaeological remains. However, if after negotiations there still remains no overriding case for preservation, development will only be permitted after alternative layouts have been fully examined which endeavour to avoid the site/monument. Before a permit is issued agreement must be reached to cover provision for detailed ground and structural surveys excavation in advance of development and on the carrying out of a monitoring programme as the development proceeds.
- 8.4.7 In the classification of Archaeological Classes, Class E sites are sites known to have existed and referred to in written documents, prints, maps, paintings and photographs but are at present no longer visible.

## **SMCO 05**

### **Promote and safeguard public access along the coast**

**MEPA will safeguard public access and encourage initiatives to rehabilitate the coastal stretch, in accordance with the characteristics of the areas, between Xghajra and Marsascala, along St. Thomas Bay and the coastal cliffs from il-Borg ta' Fulija to ta' Melha to Ghar Hasan as indicated in the relevant Policy Maps. Development that prohibits or restricts public use of the coast will not be permitted.**

- 8.4.8 The primary objective is to safeguard and promote the coast as a public open space. Most of the low-lying coastline to the northeast (between Xghajra and Marsascala) will have a larger attraction potential for bathing once measures for sewage treatment are in place. Access to the southern coast (Zurrieq) is somewhat prohibited due to the presence of the hardstone quarry. Any restoration schemes considered for this quarry will have to ensure that public access is restored. The rehabilitation of the coastal stretch from illegal dumping is another immediate task necessary to restore this pristine coastline.
- 8.4.9 Due to the limited bathing areas in the plan area, it is important that the few areas available are retained for such use. Any developments along the coast which propose a reduction in the public use of the coast and jeopardise the sensitivity of such areas will not be allowed.

## **SMCO 06**

### **Areas of High Landscape Value**

**MEPA designates the areas identified on the respective Policy Maps as Areas of High Landscape Value (AHLV) as per Section 46 of the Development Planning Act, 1992 and Structure Plan policy RCO 3. There shall be a strong presumption against the creation of new built structures (including cultivation and animal husbandry related structures) in AHLVs. The guidance provided in the**

**Explanatory Memorandum to the Structure Plan clauses 15.34 to 15.40 shall also apply. MEPA will ensure that any developments falling within such areas will not result in the creation of light pollution.**

**MEPA will favour proposals for compatible and sensitive positive interventions and activities (particularly informal recreational activities in the form of walking or cycling footpaths as well as educational initiatives) intended to upgrade and rehabilitate Areas of High Landscape Value. In sites which have been degraded by development activities, a rehabilitation and monitoring program needs to be established by the developer and agreed with MEPA to ensure that the proposed interventions are in line with other policies related to conservation as well as protection and management of the natural and cultural resources. The priority areas in this respect are:**

- i. **Wied tal-Baqquiegha (Zebbug) and Wied Hesri (Siggiewi);**
- ii. **the slopes flanking Wied Ta' Kandja (Siggiewi);**
- iii. **Wied Qirda (Zebbug/Siggiewi);**
- iv. **Ghar Hanzir and Wied Sillani (Siggiewi);**
- v. **Wied il-Kbir (Siggiewi/Luqa);**
- vi. **Wied ta' Has Saptan (Ghaxaq);**
- vii. **Wied Ta' Hal Saffieni (Luqa) ;**
- viii. **Wied il-Qoton (Ghaxaq);**
- ix. **the rocky steppe at Ta' Haxum (Ghaxaq);**
- x. **the promontory of Ghassa tal-Munxar (Marsascala);**
- xi. **the afforested sites along Is-Swar Tal-Kottonera (Zabbar, Fgura); and**
- xii. **between Zonqor Point (Marsascala) and Blata l-Bajda (Xghajra).**

8.4.10 The rural and coastal landscapes in the plan area have a number of characteristic features which depict cultural and natural attributes that impart a traditional identity and render these areas highly attractive to locals and visitors. Unfortunately, some of these areas are plagued by littering, insensitive interventions and dereliction. These areas are essential as local recreational venues for the local populations as well as distinctive local open space lungs which help to impart a feeling of remoteness from the urban atmosphere which is so prevalent in the south of Malta. This policy also encourages interventions that promote the enhancement of the positive qualities of these areas and the removal of unsightly features in order to restore the attractive qualities of these areas. The list in this policy is not exhaustive but identifies priority sites which need to be afforded further protection to ensure that any negative activities in these areas do not expand and where possible reduced. Within such areas any permitted development or activity needs to ensure that no pollution from lighting sources occurs.

## **SMCO 07**

## **Valleys**

**Valley Protection Zones and valley watercourses are indicated on the Environmental Constraints Maps for the relevant localities. In line with the provisions of Policy RCO 29, there will be a presumption against any development within these areas that will adversely affect the function of the valley as an important water catchment area.**

**The MEPA in collaboration with relevant authorities and agencies will formulate rehabilitation and management plans to guide the reinstatement of valleys which have been degraded as a result of illegal dumping or specific development activities, particularly quarrying. Priority will be given to the valleys listed in policy SMCO 09 and particularly to the Wied Xkora (Siggiewi) area as indicated in the Siggiewi Policy Map SG 1.**

- 8.4.11 The plan area is endowed with a number of valleys which adorn the landscape of this area. Unfortunately due to lack of management and adequate protection status most of these areas have been degraded as a result of illegal dumping. Other areas have been extensively degraded as a result of quarrying activity. This policy is aimed to identify these valley areas which merit protection and a careful approach to development whilst indicating specific areas which require the formulation of management plans to guide the rehabilitation and management of such areas. The reinstatement of these valley systems is important to ensure that they function as watercourses and in the process replenish the groundwater.

## **SMCO 08**

## **Groundwater Resources Protection and Water Quality**

**Development will only be permitted in accordance with the Level of Protection Zones as set out below:**

### **Well Head Protection**

**No development or activity shall be permitted within 10 metres of borehole rooms or the discharge point of springs. New borehole rooms (approved by Water Services Corporation) shall be constructed in natural materials with raised working platforms to ensure that no surface water run-off can enter the water discharge point.**

### **Inner Protection Zone**

**Development will only be permitted within 500 metres of public boreholes, underground gallery systems of springs and pumping stations, or dry valleys and dolines that contribute to the natural recharge of aquifers that are tapped for drinking water purposes (Inner Protection Zone) subject to the following criteria:-**

- i. prior approval of the Water Services Corporation and the Water Directorate of the Malta Resource Authority;**
- ii. the development can be connected to the public sewer system. Cess pools or septic tanks will be prohibited;**
- iii. provision for the collection of run-off water from all new roads, particularly in the immediate vicinity of water discharge points;**
- iv. the provision of adequate collection areas for waste material;**
- v. the preservation of a sufficient rock layer above the ground water table, and**
- vi. the submission of a satisfactory Environmental Planning Statement.**

**The following development or activity will not be permitted within the Inner Protection Zone:-**

- a) live stock breeding or rearing;**
- b) proposed new or extensions to existing mineral workings;**
- c) industrial uses; and**
- d) landfill (except where this consists of an engineered landfill for inert waste only) or waste collection centres, refuse dumps, scrapyards, petrol stations, fuel installations and communal cesspools.**

### **Water Protection Zone**

**Development permitted within the Water Protection Zone, as indicated on Map 5, subject to the following criteria:-**

1. the connection to a public sewer system or sealed cesspool. Septic tanks will be prohibited;
  2. where the development involves or includes a road, adequate provision shall be made for the collection and storage of run-off water, particularly in the immediate vicinity of water discharge points;
  3. the provision of adequate collection areas for waste material;
  4. the preservation of a sufficient rock layer above the ground water table;
  5. industrial development will not be permitted in the vicinity of public boreholes, underground gallery systems of springs and pumping dolines which contribute to the natural recharge of aquifers which are tapped for drinking water purposes;
  6. the prohibition of disposal of harmful effluents into the sewer system;
  7. at agricultural establishments, the provision of a proper collection system, adequate storage, containment of manure and animal slurry;
  8. livestock breeding and rearing will not be permitted in doline areas or in quarries; and
  9. the provision of storage facilities for inorganic fertilisers on farming and agriculture developments.
- 8.4.12 Well Head Protection – In this area, no activities should be permitted, which are not related to water abstraction itself. The well head should be totally enclosed in order that access to the head of each source is protected, and no surface run off can enter these rooms. Extra measures such as culverts may be required where roads are passing next to water discharge points. With regard to private wells and springs, a minimum level of protection should be offered by a surrounding wall around each water point.
- 8.4.13 Inner Protection Zone - A second level of protection to the Well Head is the Inner Protection Zone which is applied to an area of land of 500 metres in radius around public bore holes, gallery systems of springs and pumping station. Development within the inner protection zone is necessarily restrictive in order to protect threats to water resources. This can best be controlled through the specific requirement for an environmental impact assessment, which includes the impact on the fresh water resources.
- 8.4.14 Aquifer Protection Zone - A third level of protection (Aquifer Protection Zone) is required to cover all public water extraction points. It is important to consider the special degree of vulnerability of the aquifer systems in the local plan area due to the dense sequence of faults in the northern part of the island.

## **SMCO 09**

## **Environment Management Plans**

**MEPA will support the early formulation of Environmental Management Plans (EMPs) to be drafted in consultation with the Department of Agriculture, Works Division, Local Councils and other relevant agencies for the following areas:**

- i. **Wied Xkora/Wied Musa (Siggiewi)**
- ii. **Wied Ta' Kandja (Siggiewi)**
- iii. **Wied Sillani (Luqa)**
- iv. **Wied Incita (Zebbug)**
- v. **Wied is-Sewda (Zebbug)**
- vi. **Wied Moqbol (Zurrieq)**

**These plans will examine in detail and include recommendations for action with regard to planning and management requirements for the areas afore mentioned. These management plans are to include a statement for any habitat engineering work required following an objective of minor intervention. All habitat engineering and site promotion works will be under the supervision of qualified persons to the satisfaction of MEPA and other relevant agencies.**

**The EMPs will be required to:**

- a) **resolve existing conflicts between land users in the rural areas through conflict resolution mechanisms and mediation processes;**
- b) **produce very detailed management plans with site specific proposals for the proposed rehabilitation of abandoned and degraded environmentally sensitive areas, habitats and landscapes whilst defining allowable uses;**
- c) **initiate implementation of rural rehabilitation processes through site specific agreements with involved key players reached following consultation;**
- d) **examine the provision of incentives for the relocation to appropriate urban or industrial areas of structures and activities which are identified to be incompatible with the rural environment;**
- e) **introduce where appropriate informal recreational activities in the countryside; and**
- f) **promote the educational use of environmental areas.**

**MEPA reserves the right to require other EMPs, apart from those identified in the above mentioned priority list, if it deems it necessary, with regard to other areas.**

8.4.15 A number of areas/sites which may require environmental management plans include Wied Xkora/Wied Musa (Siggiewi), Wied il-Kbir and Wied Sillani (Luqa) and other valleys and areas as may be identified by MEPA. Wied Xkora/Wied Musa area has been severely scarred with quarrying activity. MEPA, following recommendations made in the Environmental Resource Surveys supports the introduction of a supervision warden service in the future for the monitoring of the environmentally sensitive areas and the use of existing resources related to natural or cultural heritage for education.

8.4.16 Experience has shown that within the rural environment, although sites of importance are designated for their environmental importance, implementation of management plans is either a long term process or in many cases never takes off. In this respect, EMPs are required to be prepared by MEPA similar in format to Action Plans/Development Briefs for urban areas. These EMPs would serve as a management and implementation tool for future rural rehabilitation. It is also encouraged to seek funding for such plans from those who have exploited such areas and caused their degradation. This would promote the polluter pays principle.

## **SMCO 10**

## **Protection of Strategic Open Space Gaps**

**Urban Development will not be permitted in all Strategic Open Space Gaps and particularly those between the following settlements: Ghaxaq and Gudja; Fgura and Zabbar; Ghaxaq and Zejtun; Safi and Zurrieq; as illustrated on the respective Policy Maps.**

**MEPA will exercise strict control on development within these gap sites and may refuse any uses outside the development zone if they lead to urban sprawl. Where suitable informal recreational areas will be encouraged within such areas in the form of play areas/picnic areas.**

**No further expansion and intensification of existing permitted development will be allowed and only change of use within the same use classes, or to other use classes which result in a significant reduction in adverse impacts from the existing operations, will be allowed.**

**The boundaries of the strategic open space gaps as indicated on the relevant Area Policy maps are subject to change by the Rationalisation of Development Boundaries exercise.**

8.4.17 The urban area comprises approximately 15 km<sup>2</sup> representing 33% of the total plan area. In comparison with other local plan areas, most settlements in the SMLP area have above average residential densities. In this respect the strategic open gaps are priority areas requiring substantial protection. These locations are visually important being the first step outside urban areas offering a brief respite from the monotone visuals of heavily urbanized landscapes. It is important that settlements retain their distinctive identity with countryside around them. However, in various cases development has been permitted within such areas. This policy aims to contain such permitted development and discourage any expansion or further intensification that may compromise the quality of this strategic open space.

8.4.18 With regard to the settlement pattern of the plan area, strategic open gaps are protected for the following purposes:

- i. to check unrestricted urban sprawl and coalescence;
- ii. to safeguard the countryside from urban encroachments;
- iii. to preserve the setting, townscape identity and character of towns and villages and prevent them from merging into one another.



## **9. Recreation and Tourism**

### **9.1 Introduction**

- 9.1.1 Recreation and tourism are important activities in the plan area. Whilst the recreational activity is concentrated primarily in the areas of Marsascala and the rural areas around Gudja, Ghaxaq, Siggiewi, Zurrieq and Qrendi, the tourist areas are mainly centred (including the main accommodation establishments) in the Marsascala area. Marsascala is also very important for domestic tourism activity. The resident population in Marsascala and Xghajra increase substantially during the summer months.
- 9.1.2 Recreation concerns a wide range of activities from informal recreation (e.g. walking, picnicking, cycling, etc) to other formal recreation activities (e.g. sports, entertainment, visiting heritage sites, etc). The ratio of sports facilities per inhabitant in m<sup>2</sup> in the SMLP area stands at 1.9 m<sup>2</sup> and is the lowest when compared to other Local Plan areas. Most of the sports facilities are located within the public schools, however, the use of such facilities is not generally available to the local residents and the general public. The Leisure and Recreation Topic Paper amplifies this point and suggests that the extent of such facilities (59,000 m<sup>2</sup>) is enormous and currently public access to such facilities is not facilitated. The new regional sports facilities in Cottonera and the one proposed at Ta' Karwija, Kirkop will adequately meet demand for specific sports in the plan area, however localities like Marsascala and Zurrieq do not have a local football pitch, which considering the importance of this sport is a facility each locality should have available. In Marsascala a five aside pitch has been approved at Zonqor Point.
- 9.1.3 Research shows that there is a high level of participation in informal recreation activity amongst the residents in the SMLP area particularly with regard to walking, swimming, BBQs, etc. The Community Tourism and Recreation Survey undertaken by the MEPA in 1997 reports that 57.4% of the respondents living in the plan area are not satisfied with the existing recreation facilities. The Public Attitude Survey carried out by MEPA in 1999 states that in Ghaxaq, Fgura and Marsascala, 96%, 91% and 94% of respondents, respectively, agreed that there is a need for open air recreational facilities in their locality. Sports grounds need improvements and more recreational open areas are required particularly public gardens, countryside paths, piazzas and playing fields, particularly within specific localities like Fgura and Marsascala. Cultural facilities in the form of theatres are lacking apart from facilities in parish halls and schools.
- 9.1.4 With regard to tourism the plan area attracts more domestic tourism activity than international tourism. It has the potential to capitalise on its strengths in view of its abundance of natural and cultural attractions which exist in the various towns and villages. Tourist accommodation is located primarily in Marsascala with just over 1000 beds, with 652 beds located in the Jerma Palace hotel. Xghajra also experiences a huge influx of domestic tourists for the summer period. With regard to domestic tourism, accommodation includes second homes, renting of apartments and the use of boathouses in St. Thomas Bay, Marsascala.

### **9.2 Strategic Background**

- 9.2.1 The current Structure Plan identifies Marsascala as one of the main tourist areas for the development of tourism accommodation (TOU 4). Tourism development is also encouraged

within Urban Conservation Areas in the form of conversion, extension and refurbishment of existing buildings and facilities (TOU 9). Policy TOU 15 encourages the preparation of a comprehensive policy for the coastal zone.

9.2.2 Policy REC 4 requires Local Plans to identify sites for district level recreation centres. Policy REC 5 designates an area north of Marsascala for the provision of international standard sports facilities. This has now been superseded with the Government's decision to locate three sports complexes in Cottonera, Kirkop and St. Paul's Bay. The Cottonera one is more likely to serve the needs of residents, particularly, in Fgura, Zabbar and Marsascala. Policy REC 6 recommends the relocation of the Pembroke Firing range to a site below Fort St. Leonard, north of Marsascala, but at a meeting with the Armed Forces of Malta (AFM) it was ascertained that the Pembroke site will not be relinquished since the site has the ideal characteristics for the type of shooting practice undertaken at Pembroke.

9.2.3 Policy REC 9 states that all unsightly structures on coastlines or adjacent areas, without building permits, will have to be removed, whilst low cost holiday home villages or other similar development will not be permitted along the coast (REC 10). REC 12 requires that owners of illegal structures on Government land should remove such structures and restore the site.

### 9.3 Strategy

9.3.1 The strategy for tourism and recreation is:

- to direct further tourism development within the tourist zone of Marsascala and within UCAs and in rural areas through the rehabilitation of vacant buildings;
- to encourage the provision of camping and caravan facilities;
- to encourage the upgrading and multi-use of existing sports and recreational facilities;
- to encourage the provision of walking routes, cycling routes and heritage trails.

### 9.4 Policies

#### **SMTO 01**

#### **New Tourism Accommodation developments**

**New tourism accommodation development will ONLY be considered within designated Entertainment Priority Areas and areas designated as Resort Zones and in the form of conversion, extension and refurbishment of existing vacant buildings and facilities within the Urban Conservation Areas of all localities, in line with Structure Plan Policy TOU 9, unless otherwise stated in any other policy within this plan as well as the sensitive conversion of vacant rural buildings, in line with Structure Plan Policy AHF 5 and RCO 2, provided the following criteria are met:**

- i. The prior approval of the Malta Tourism Authority is obtained;**
- ii. The scale of the development proposed is consistent with the character of the area and does not create significant adverse impacts on the local amenity;**
- iii. High quality design in terms of height, volume, bulk, materials and finishes, and landscaping, is achieved as well as the use of sustainable energy saving and water conservation concepts;**
- iv. The development shall not cause a detrimental impact on the local community as a**

- v. **result of unacceptable levels of increased traffic, noise and bad neighbourliness;**
- v. **Where appropriate, development proposals within the urban settlements are to comply with established standards for access and off street parking provision, coach parking facilities and alighting points;**
- vi. **Tourist accommodation development in UCAs should not exceed 25 beds, however, MEPA may consider proposals that exceed this limit by no more than 5 beds provided that the resulting development would not create any negative impacts on the UCA and are to conform with the ‘Development control within UCAs Design Guidance’ (1995), as amended; and,**
- vii. **With regard to tourism development in rural areas the proposal involves the conversion of vacant listed buildings requiring restoration and rehabilitation or existing vacant buildings of architectural or historic merit, with architectural features and/or a degree of antiquity which warrants their retention; or which comprise part of a traditional group of buildings whose form and design represent a feature worthy of retention. No extensions to the existing buildings will be permitted and the building must not be located within an Area of Ecological Importance or Site of Scientific Importance or within an Intensive Agricultural Area.**

9.4.1 The policy encourages additional tourist accommodation within designated Entertainment Priority Areas (e.g. Marsascalea) to ensure that such development does not spread into the residential areas. It also offers scope for innovative and appropriate development within the UCAs and rural areas, identifying specific criteria to ensure that the development allowed is in harmony with the surrounding area and will not result in significant adverse impacts. Tourism accommodation developments are subject to prior approval by MTA.

## **SMTO 02**

## **Development of visitor attractions**

The MEPA will give favourable consideration to the development of visitor attractions within the settlement boundaries and rural areas which would enhance the visitor experience of the individual localities and their heritage resources, in all localities, subject to the following criteria;

- i. **The prior approval of the Malta Tourism Authority is obtained;**
- ii. **High design quality in terms of height, volume, bulk, materials and finishes, and landscaping, is achieved**
- iii. **The scale and quality of design of the development proposed is consistent with the character of the area and does not create significant adverse impacts on the local amenity as a result of over development;**
- iv. **The existing infrastructure is not adversely affected by the proposed project, and can meet the demands of the project without significant intervention;**
- v. **The proposed development would not exacerbate existing problems of traffic congestion, potential street/highway danger and vehicular and pedestrian conflict and appropriate off street parking is provided;**
- vi. **Access to the foreshore, public pathways and enjoyment of the countryside and scenic views are not restricted or limited by the proposed development;**
- vii. **For the reuse of scheduled buildings and structures of architectural or historical interest policies in this Plan, existing policies and guidelines related to developments in Urban Conservation Areas and on scheduled buildings also apply;**
- viii. **Developments in rural areas must ONLY make use of vacant and/or derelict buildings unless the development proposed is recommended in a management plan which has been approved by MEPA;**
- ix. **The development shall not cause a detrimental impact on the local community as a result of unacceptable levels of increased traffic, noise and bad neighbourliness; and,**

- x. **The proposal complies with established standards for access and off street parking provision, coach parking facilities and alighting points.**
- 9.4.2 The towns and villages in the plan area offer an authentic heritage experience of local village traditional architecture and morphology to both foreign and local visitors. These aspects should be enhanced to upgrade and diversify the tourist product of the islands. However, proposals should respect the character of these localities without creating significant negative pressures or adverse amenity impacts that would degrade the socio-environmental quality of these localities. The rural environment also offers a potential to improve visitor facilities at specific attraction areas, provided these complement and are in harmony with the heritage value and environmental sensitivity of the site. Such facilities may include visitor/interpretation centres and other interpretation provisions and visitor facilities.

### **SMTO 03**

### **Camping and Touring Caravan sites**

**MEPA will consider proposals for the provision of camping and touring caravan facilities along the eastern coastal stretch of the Local Plan area at Zonqor Point (Marsascala) and in the St. Thomas Bay area (Marsascala), subject to the following criteria:**

- i. **Applications comply with Guidelines for designated Camping Sites as approved by the MEPA and the Guidelines for caravan sites upgrading in Malta, copies of which are included in Appendices C1 and C2;**
  - ii. **The site is not located on a scheduled, designated or protected area including Areas of Ecological Importance, Sites of Scientific Importance, Areas or Sites of Archaeological Importance, Areas of High Landscape Value and Nature Reserves;**
  - iii. **The location, scale and layout is consistent with protecting the landscape character of the area;**
  - iv. **The siting has no significant adverse impact on adjacent protected areas, ground water vulnerability, or nearby settlements and will result in an overall improvement of the surrounding environment;**
  - v. **Access to the site does not cause a traffic hazard and adequate off-road parking can be provided;**
  - vi. **No buildings/structures other than toilets and communal facilities will be permitted to be erected. Details on water supply, washing and toilet facilities, drainage and sewage disposal arrangements, refuse disposal and fire prevention will be provided as part of the development application;**
  - vii. **No static permanently stationed caravans will be permitted;**
  - viii. **The use of concrete paving and walling, canopies, and fixed tables and benches is not permitted;**
  - ix. **The development proposed will in no way restrict coastal public access to any part of the coastal area;**
  - x. **No change of use from recreational to residential or other built use will be allowed and should the development be discontinued the site should be reinstated to its natural state; and,**
  - xi. **A landscaping scheme is to be submitted and approved with any permit application, which shall be implemented in its entirety within the first planting season and thereafter maintained.**
- 9.4.3 The Structure Plan does not identify any areas for camping and touring caravan facilities in the plan area. There is, however, a growing demand for such facilities in the plan area but no official facilities to cater for this demand are available. The Tourism and Recreation Community Survey undertaken by the MEPA in 1997 indicates that 4.6 % of the population in the plan area

own a tent or caravan and this percentage is likely to increase in future once official sites are available. On the other hand abusive camping/caravanning activity creates adverse impacts on the environment and landscape unless appropriate sites are identified, properly planned, designed and managed. Care is needed in the choice of location in order to avoid an adverse impact on the environment.

## **SMRE 01 Provision and Retention of Recreational and Sports facilities**

**The MEPA will encourage the development of new and the improvement and upgrading, as well as extension, of existing recreational/sports facilities within the urban settlements, provided this will not create any significant adverse impacts to the locality, as well as the multi use of existing facilities whilst ensuring their retention. Any redevelopment proposals should include adequate landscaping measures.**

**The provision of appropriately located picnic areas in the countryside is encouraged provided that it is ensured that the facilities provided will not create negative impacts on the surrounding environment and can be properly managed.**

**The MEPA will not allow any development that results in the loss of existing urban and rural public recreational/sports facilities including existing or designated public gardens and amenity open spaces unless otherwise stated in other policies in this plan.**

**Proposals for new or extensions to and upgrading of existing sports facilities in the rural areas should adhere to the following criteria:**

- i. a study has to be undertaken to justify the need for the new facility or the upgrading/extension of the existing facility (this study shall be based on demographic projections and realistic assumptions which demonstrate the requirement for additional facilities);**
- ii. the proposed development will not result in the loss of good quality agricultural land;**
- iii. the proposed development is not located on a scheduled, designated, protected or garrigue area or land which qualifies to be scheduled and with regard to a new facility is the result of a thorough site selection exercise;**
- iv. any proposed structures are to be limited to a building height of one floor, unless it can be demonstrated that an additional floor is necessary and will not result in an adverse visual impact;**
- v. the site proposed requires substantial environmental improvement;**
- vi. the location, scale and layout is consistent with protecting the landscape character of the area;**
- vii. the development will not create significant adverse impacts on adjacent protected areas, ground water vulnerability, or nearby settlements and their communities;**
- viii. access to the site does not cause a traffic hazard and adequate off-road parking can be provided within the curtilage of the site, where possible;**
- ix. no change of use from recreational to residential will be allowed and should the development be discontinued the site should be reinstated to its natural state in line with rural conservation area policies;**
- x. a landscaping scheme is to be submitted and approved with any permit application, which shall be implemented in its entirety within the first planning season and thereafter maintained; and,**
- xi. development of major impact sports are to be directed towards appropriate disused**

### **quarries and areas requiring substantial environment improvements.**

- 9.4.4 This policy aims to protect existing recreational/sports facilities and encourage the provision of additional facilities through new developments or upgrading of existing facilities. Due to the scarcity of land the duplication of facilities is not considered appropriate and therefore the multi use and improvement of existing facilities is encouraged and the relevant authorities are to put into place appropriate mechanisms to encourage such initiatives.
- 9.4.5 Sports facilities proposed ODZ will need to be carefully examined and a site selection exercise will have to be undertaken by the developer which would include the shortlisting of sites amenable for the development being proposed whilst adhering to the conditions identified in this policy. The use of disused quarry sites encouraging the rehabilitation of such areas and a complete upgrading of the site should be considered. The Plan recognises that some sports facilities, by their nature, are not acceptable within urban areas (e.g. shooting ranges, motor sports) and would have to be located outside the development zone boundary.

## **SMRE 02 Walking & Cycle routes and heritage trails in urban and rural areas**

**The MEPA will encourage Local Councils, NGOs as well as other public and private agencies to promote the development of and the maintenance of walking and cycle routes and heritage trails in all urban settlements and in the following rural areas, although this list is not exhaustive:**

- i. Tas-Silg, Il-Munxar, Il-Bidni and Latnija (Marsascala)**
- ii. Ix-Xaghra, Bur Maghlab, Ta Haxum, Wied Saptan and Tal-Garda (Ghaxaq)**
- iii. Wied Xkora, Wied Musa, Wied Hesri, Wied Qirda, Wied il-Kbir and Hax-Xluq (Siggiewi)**
- iv. Tal-Gawhar, Il-Qortin, Ta' Taht it-Torri, In-Nadur, Wied Babu and Iz-Ziju (Zurrieq)**
- v. Coastal stretch between Xghajra, Zabbar and Marsascala**
- vi. Wied Garnaw (Sta. Lucija) and Gudja**
- vii. Hal Millieri and Ta' L-Isqof (Mqabba)**
- viii. Lawrenti, San Blas, Tal-Plieri, Girgenti towards Buskett and Rabat (Siggiewi)**

**Where appropriate walking routes and heritage trails will incorporate tree planting schemes and picnic areas as well as the provision of appropriate interpretive facilities. A management programme that clearly indicates responsibilities and accountabilities, phasing of projects, implementation and maintenance programmes are to be submitted with any proposals or development applications.**

- 9.4.6 The provision of well planned and managed walking routes and heritage trails with ancillary interpretive facilities encourages increased awareness of the urban and rural heritage and thus encourages their protection. The MEPA will offer agencies, particularly local councils, any assistance in planning and setting up such routes and trails. Local Councils and other agencies are encouraged to plan and manage such initiatives within all urban settlements which would highlight the various heritage resources present in all localities comprising the plan area.

## **10. Minerals Extraction and Waste Management**

### **10.1 Introduction**

- 10.1.1 The Local Plan area is characterised by large complexes of soft stone quarries and a few hardstone quarries. There are four hardstone quarries and 51 softstone quarries in the plan area. It is not envisaged that new quarries will open during the plan period but the optimal use of the existing ones will be encouraged together with the gradual restoration programme for after use. Mineral extraction exerts significant pressure on the surrounding environment, in terms of noise, dust emissions and degradation of the surrounding environment. The restoration of disused quarries is important to reduce the visual impacts created on the landscape by such developments and to make appropriate use of the site once mineral extraction activity has been exhausted. Current examples of restoration practice relate mainly to softstone quarries, some of which have been converted into agricultural land and orchards, using inert waste to raise the quarry floor. Restoration of hardstone quarries has been negligible.
- 10.1.2 Illegal dumping proliferates in the plan area, especially in a number of valleys including Wied il-Kbir, Wied Hanzir, Wied Qirda, Wied il-Baqqajja and Wied il-Hesri, and scrapyards (e.g. Bir id-Deheb and Wied Zembaq) are present in the vicinity of residential units. The Sant'Antnin sewage and solid waste treatment plant is an important national facility located in Marsascala. It is very likely that this facility will be upgraded. Currently it is used for the treatment of waste water and the recycling of solid waste. The plan area is already burdened with some obnoxious infrastructural facilities within and in areas adjacent to its boundaries and therefore should not be burdened with new landfills for waste disposal or scrapyards. As part of the strategy to reduce illegal dumping Waste Serv and MEPA have been collaborating with regard to identifying Civic Amenity Sites. It has been indicated that two may be required in the plan area.

### **10.2 Strategic Background**

- 10.2.1 Structure Plan Policy MIN 1 safeguards mineral resources from development to prevent their sterilization. Non mineral development will not normally be permitted in areas of known or suspected mineral reserves. There will be a presumption against mineral extraction in or near areas of acknowledged interest for ecology, archaeology, and in areas of high quality agricultural land. The scheduling over the last years has ensured that sensitive areas have been safeguarded from the expansion of quarries.
- 10.2.2 Policy MIN 6 encourages the full use of the existing site and merging of adjacent sites rather than new mineral extraction sites. Very few new quarries have been allowed to expand in the plan area and the majority of site developments have been quarry extensions. Policy MIN 12 concerns the submission of working methods, landscaping and reclamation proposals with any application for mineral extraction. Policy MIN 13 encourages the re-use of quarried areas with priority being given to uses which are difficult to locate elsewhere because of their visual or other undesirable impacts. The main thrust of the Minerals Subject Study is to use to the full existing mineral resources and there is a presumption against the granting of new quarries until the review of the Plan. The MSP requires operators of existing sites, in submitting applications to extend quarries, to provide comprehensive proposals for restoration for both the existing and the extension area.

## 10.3 Strategy

10.3.1 The strategy for Minerals and Waste Management is:

- to encourage the gradual restoration of disused quarries primarily back to agricultural use and identify acceptable afteruses following restoration; and,
- to identify strategically located Civic Amenity sites for the disposal of solid waste

## 10.4 Policies

### **SMMW 01 Quarrying and Buffer areas between Quarrying sites, Protected Areas and Residential Areas**

In line with policies DC 10 – DC 20 in the Minerals Subject Study, MEPA will not allow the further extension of quarrying activity within the 100 metre buffer zone from residential areas, particularly Siggiewi, Qrendi and Mqabba, as shown on Policy Maps SI 1, QR 1 and MA 1, around the airport perimeter, as well as into scheduled areas or areas meriting scheduling or other protected areas, as indicated in the relevant Environmental Constraints Maps. Those sections of disused quarries falling within these buffer zones will be restored and rehabilitated back to agricultural use or as appropriate. The rehabilitation and restoration of disused quarries falling outside these buffer zones will be directed by Policy SMIA 09, the respective Area Policies, where applicable, and policies in the Minerals Subject Plan (2002) particularly policies RES 9, RES 10, RES 11 and RES 12. Quarrying operations will be regulated by the *Code of Practice for Quarry Working and Restoration* (Annex 3 of the Supplementary Guidance of the Minerals Subject Plan 2003)

10.4.1 Quarrying activity has extended in close proximity to residential areas causing significant inconvenience in terms of dust and noise pollution. This is evident particularly in Mqabba. Thus a 100 metre buffer zone from residential areas is recommended to ensure a sufficient safeguard. The vicinity of quarrying activity to the airport also creates problems particularly through dust emissions which affect the flight path. Here too a 100 metre buffer zone around the perimeter of the airport is recommended. Should any quarrying operations within these buffer zones stop such areas are to be restored back to agriculture. The minerals Subject Plan approved by MEPA in 2002 is the main guidance with regard to quarrying activity. The restoration and potential development of disused quarries outside the buffer zones will be directed by the the policies in the Subject Plan and in this Plan. The policy also seeks to ensure the protection of environmentally sensitive areas from such developments.

### **SMMW 02**

### **Civic Amenity Sites**

MEPA, in conjunction with the relevant government agencies, will encourage Local Councils within the Local Plan area to identify land for Civic Amenity Sites at appropriate strategic locations, subject to the following criteria:-

- i. the site is situated on degraded land and preferably land zoned for industrial use;
- ii. site is at least 300 metres from a residential settlement;
- iii. the site has adequately positioned and designed pedestrian and vehicular access to accommodate the anticipated level of movements it will generate;
- iv. provides access and suitably hard-surfaced and drained off-road parking and turning



- v. space for vehicles using or servicing the site;
- v. the site is not within an area which has been scheduled or which qualifies for scheduling or has the potential to be designated as an Area of Ecological Importance, Site of Scientific Importance, Area or Site of Archaeological Importance, Area of High Landscape Value, Special Area of Conservation and Nature Reserve or within a Valley Protection Zone or an Area of High Agricultural Value;
- vi. the site is located, designed and operated having due regard to the need to minimise its impact on the amenities of residential areas, protected areas, areas used for quiet recreational uses or similar sensitive locations, particularly with regard to potential problems of noise, pollution and visual intrusion;
- vii. a landscaping scheme shall be submitted and approved with any permit application, which shall be implemented in its entirety within the first planting season and thereafter maintained; and
- viii. the submission and approval of a satisfactory Environmental Impact Assessment.

**Additionally, in accordance with the Waste Management Subject Plan, Local Councils will identify locations for small drop off centres known as “bring-in sites”. Preferred locations would be:**

- a) sites along the periphery of urban settlements;
- b) sites within or in the vicinity of public urban open spaces, including car parks or public gardens, provided that these will not create adverse impacts to residences in the vicinity;
- c) sites which do not create traffic hazards;
- d) within industrial areas or areas zoned for industrial use.

**Where a site is not managed and problems associated with smell, vermin and litter cause complaint, measures will be taken to close the site and revoke its licence, unless the necessary management procedures are put in place and effectively implemented.**

10.4.2 In order to accord with the strategy of this plan of reducing tipping in the countryside, a number of strategically located Civic Amenity Sites are required. These sites would provide skips for the disposal of outsize household objects. However, sites need to be well managed in order to prevent vandalism occurring and sites taking on a very untidy appearance. These sites need to be provided where outsized household objects can be collected and separated, recyclable waste sorted into specific skips, and hazardous waste safely stored for disposal elsewhere. Civic Amenity Sites should be of a scale, which is not visually intrusive. Sites should be fenced, with controlled access, netted to restrict litter blow, landscaped with screening and designed to make optimum use of space with room for numerous skips and turning room adequate for collection and return.

10.4.3 The Waste Management Subject Plan supports the promotion of small drop off centres known as "bring centres" by Local Councils which will help not only to reduce the amount of waste requiring final disposal but will also help raise peoples awareness to waste management issues. By providing such sites, recycling will be made more financially viable and will reduce the amount of waste which has to be landfilled. The advantages of this type of scheme are that they collect a relatively pure waste product, which can be sent for recycling with little or no treatment. MEPA will encourage local councils and/or private operators to manage sites by providing assistance and guidance on siting and training required for managing sites. Councils could financially benefit from this arrangement by sharing in profits gained from selling of materials for recycling. MEPA in conjunction with Wasteserve have recently carried out a series of site visits in order to discuss the issue of land allocation for Civic Amenity Sites, and various suggestions were put forward particularly a site in Kirkop (Il-Bur ta' Dingli).

# 11. Public Utilities

## 11.1 Introduction

- 11.1.1 The plan area includes a concentration of industrial installations and other commercial establishments which all place demands on an adequate provision of public utilities. The term Public Utilities covers Electricity, Water Resources and Telecommunications.
- 11.1.2 The Report of Survey identified the need for the siting of new substations and distribution centres, as well as the upgrading of the existing electricity network, existing Distribution Centres, a new underground tunnel linking and reinforcing the existing electricity grid between Marsa and Delimara Power Stations.
- 11.1.3 The Plan also needs to address the issue of reuse and recycling of surface water runoff. It has been indicated by a number of Local Councils (e.g. Tarxien and Zurrieq) that flooding occurs in specific areas of the locality. This implies improving water catchment management through the siting of water storage facilities such as reservoirs and retention basins. All localities in the plan area are supplied by the Lapsi Reverse Osmosis Plant which feeds a number of water retention sites namely Qrendi, Ghaxaq and Schinas (Luqa) reservoirs.
- 11.1.4 Discussions with Maltacom indicate that during the plan period no major changes are envisaged in the telecommunications sector which would require significant new land take up. Any expansion envisaged is minor and could be accommodated within the residential areas.
- 11.1.5 The following Military/Security facilities are located in the plan area - Armed Forces of Malta offices and barracks at Luqa (adjacent to the old airport terminal), Tar-Robba (l/o Kirkop), Ta' B'Xejn (Hal Far l/o Zurrieq) and property managed by the Malta Police Force at Ta' Kandja (l/o Siggiewi).

## 11.2 Strategic Background

- 11.2.1 Structure Plan Policies PUT 3 and PUT 8 encourage efficient recycling and reuse of water whilst policy PUT 7 encourages the development of water storage and retention basins in order to reduce water losses and collection of water runoff.
- 11.2.2 With regard to Sewerage, Structure Plan Policies PUT 10 and PUT 12 provide guidance for the establishment of new sewage treatment plants.

## 11.3 Strategy

- 11.3.1 The strategy with regard to public utilities is:
- To encourage the provision of facilities to store storm water run off and alleviate flooding problems.
  - To encourage upgrading of existing electrical supply facilities and channel new facilities to areas within the Limits to Development as far as possible.

## 11.4 Policies

### **SMPU 01 Water runoff Management and Identification of Flood Prone Areas**

MEPA will cooperate with and support proposals and measures for sustainable drainage systems by entities responsible for the provision of infrastructural services to control surface water run-off, as close to its origin as possible, in the Local Plan Area and particularly in the following Flood Prone Areas, as indicated on the respective Policy Maps, and surrounding areas, particularly with regard to improvements in storm water runoff management, including measures aimed to secure control, management and more efficient collection of surface water run-off:

- i. The upper and lower parts of Triq Wied il-Ghajj (Zabbar/Marsascala);
- ii. Triq it-Tempesta, Triq Fulija and Triq Warda (Qrendi);
- iii. Parts of Triq il-Konvoj ta' Santa Marija and environs and part of Triq il-Madonna tal-Gilju (Mqabba);
- iv. Triq is-Sur (Fgura);
- v. Triq Dun Karm Psajla and part of Triq l-Innu Malti (Zebbug);
- vi. Junction intersection between Triq Lapsi and Triq Mons. M. Azzopardi (Siggiewi);
- vii. Triq il-Lampuka and Triq Sir Paul Boffa (Paola);
- viii. Triq Valletta (Zurrieq);
- ix. Triq T. Zahra (Zejtun); and
- x. Triq Karlu Maretta and Triq Anglu Mangion (Tarxien).

In assessing developments within such areas MEPA will consult with the relevant entities. MEPA will also require that proposals for development or redevelopment within flood prone areas are carefully assessed with regard to their impact on increasing flooding and where major developments are concerned (as specified in Appendix A), MEPA may require a detailed Flood Risk Assessment Report to be prepared in accordance with the Terms of Reference prepared by MEPA and undertaken by a competent person approved by MEPA. The Assessment Report is to be carried out at the expense of developers and would be expected to highlight the detailed impact of the proposed development on these flood prone areas and support possible mitigation measures to overcome the problems emanating from the development. In the event that the Assessment Report concludes to the satisfaction of MEPA that development could be permitted, development will be allowed subject to any related conditions, restrictions and flood mitigation, including flood defence, measures, that may be required.

11.4.1 Flooding occurs in a number of streets within the settlements of the plan area e.g Tarxien, Zurrieq, Qrendi. This natural condition occurs because of the particular topographic setup of the settlement pattern and that additional development has been allowed without the provision of supporting storm water management measures in these areas. In the plan area, a general and preliminary study on flooding, particularly in rural areas, has been carried out as part of the Hydrological and Geological Resources Environmental Survey. Sites prone to flooding primarily within the urban settlements have been indicated by the respective Local Councils. The policy seeks to ensure that any proposed development within the flood prone areas is backed up by appropriate studies and the findings of such studies are given due attention in the process of determining such proposals. With regard to major developments it may be necessary to request the developer to commission a Flood Risk Assessment Report to ascertain the such impacts.

11.4.2 A wide range of sustainable drainage options is available, as indicated below:

- i. preventive measures -- eg rain-water recycling, good-practice design and maintenance;

- ii. filter strips and swales vegetated landscape features with smooth surfaces and a gentle downhill gradient to drain water evenly off impermeable surfaces, mimicking natural drainage patterns;
- iii. filter drains and permeable and porous pavements permeable surfaces to allow rainwater and run-off to infiltrate into permeable material placed below ground to store water prior to discharge;
- iv. infiltration devices -- below-ground or surface structures to drain water directly into the ground (soakaways, infiltration trenches, swales with infiltration and infiltration basins), which may be used at source or the run-off may be conveyed to the infiltration area in a pipe or swale; and
- v. basins and ponds structures designed to hold water when it rains; basins are free from water in dry weather, ponds contain water at all times and are designed to hold more when it rains; examples include detention basins, balancing/attenuation ponds and, flood storage reservoirs.

## **12. Inter Area Policies**

### **12.1 Introduction**

12.1.1 This Section includes policies that are applicable to specific localities within the SMLP. They are different from General Policies in that they are not applicable to all localities and do not deal specifically with one particular area and therefore, does not form part of the Area Policies. In this respect the need has arisen for the formulation of Inter-Area Policies to be grouped within this Chapter.

### **12.2 Transport**

#### **SMIA 01**

#### **Deletion of South Harbours Link Road**

**It is recommended that the Structure Plan Review should delete proposals for the section of the South Harbours Link Road, between Ghajn Dwieli and Labour Road, Zabbar.**

12.1.1 The Structure Plan (policies RDS1 and RDS4) proposes the construction of a new arterial road to improve the accessibility of the Three Cities and nearby areas. The Grand Harbour Local Plan (refer to policy GT01) again highlighted the need for this road, and indicated the general alignment for the road (refer to Figure 6). However, virtually all of the road would be within the area covered by the SMLP, and therefore the impact of this road has been considered in more depth during the preparation of this Plan.

12.2.2 The proposed arterial road would have to pass through Wied Blandun, which is a scheduled valley area. Apart from its aesthetic and ecological value, the valley is of geo-environmental significance and is the only natural open space in this densely populated area.

12.2.3 Furthermore, the road would have to pass very close to, and possibly under, the fortifications of the Three Cities. It would seriously detract from the setting of this Grade 1 scheduled site, which is on the tentative list of World Heritage Sites. Construction works could also potentially damage the stability of the bastions and ancillary works.

#### **SMIA 02**

#### **Highway Improvements for the South Harbours Area**

**In accordance with Structure Plan policies RDS1 and RDS4, and in light of SMIA 01, MEPA will permit and encourage the Malta Transport Authority to construct various new road links and undertake related highway and traffic management measures as indicated on Map 10. These will include the following.**

- i. Comprehensive and high quality traffic calming and embellishment along Vjal it-28 Ta' April (Paola) / Triq Haz-Zabbar (Fgura) / Triq Hompesch (Fgura), and Triq il-Kunsill ta' L-Ewropa (Zabbar).**

- ii. The realignment of existing roads to effectively connect the western end of Triq Bieb Is-Sultan (Zabbar) to Triq Tal-Labour (Zabbar).
- iii. Comprehensive up-grading of Route 26 from Triq Tal Barrani to the Hompesch Arch roundabout.
- iv. The construction of a new single carriageway link road (referred to as the Zabbar - Bulebel Link Road) and necessary junctions between Triq San Anard (Tarxien) and Triq Villabate (Zabbar) partly using existing schemed roads.
- v. Improvement of Triq Tal-Barrani at the Tarxien traffic signals to increase junction capacity.
- vi. Improvement of the Kordin Roundabout and the upgrading of Triq Ghajn Dwieli. In addition appropriate vehicular control measures need to be taken in Triq L-Isqof Buhagiar to direct trailer or heavy vehicles traffic exiting from Kordin to make use of the road between MCAST and the Kordin Industrial estate.
- vii. Traffic management measures to discourage the use of Polverista Gate by traffic leaving the Three Cities (also see policy SMFG 01)

All new major highway works will take into account the following requirements and objectives:

- i. Land affected by construction, but not forming part of the road links should be restored.
- ii. Avoid affecting old rural structures that merit retention.
- iii. Stone from any dismantled rubble walls should be re-used for the maintenance of other rubble walls in the area.
- iv. Any mitigating measures arising from the EIA and TPS will be implemented.
- v. All legal requirements relating to rubble walls and protected trees shall be complied with.
- vi. Lighting provision along rural roads should be so designed as not to create light pollution
- vii. Design should take into account storm water runoff measures and in the case of rural roads allow for the passage of wildlife.
- viii. Any landscaping along such roads should make use of appropriate vegetation/trees as specified the Guidelines on Trees, Shrubs and Plants for Planting & Landscaping in the Maltese Islands (2002).

Buildings, structures, features and/or sites of historical, architectural, cultural and/or archaeological significance should not be adversely affected by the proposed development, unless the Authority is satisfied that adequate mitigation measures are adopted to minimise or cancel such adverse effects.

Any enclosed rural spaces created by the new roads are to be safeguarded from any development and designated as Strategic Open Gaps subject to policy SMCO 10.

No development or redevelopment, along this route, as indicated in Map 10, will be permitted if it would compromise any element of this highway strategy.

In addition to the above, MEPA, together with the Malta Transport Authority, will study a suitable route to connect the Ricasoli Industrial Estate to the Hompesch Arch roundabout, as much as

**possible utilising existing roads. The connection needs to be designed properly so as to minimise the land take of agricultural land, but also to reduce the visual impact that this may have on the Cottonera Lines bastions.**

- 12.2.4 If the South Harbours Link Road is not constructed, an alternative strategy is required to remove ‘through’ traffic from Fgura, particularly Triq Haz-Zabbar / Triq Hompesch, and to improve access into the Three Cities. A wide range of measures and improvements will be required over a large area. It will be necessary to discourage and restrain the use of routes through Fgura, whilst providing attractive and convenient alternatives.
- 12.2.5 The restraint element of the package would include extensive traffic calming and embellishment along Triq Haz Zabbar / Triq Hompesch and surrounding streets (see SMFG 01). To divert traffic away from the centre of Fgura, the existing route (No. 26) through Bulebel will need to be upgraded in terms of both its condition and traffic management arrangements. To encourage traffic from Marsascala and the southern part of Zabbar, to naturally transfer to route No 26, the Tarxien – Bulebel - Zabbar Link Road would be constructed. This will be a single carriageway distributor road with a design speed of 50 kph.
- 12.2.6 To accommodate the additional traffic flows at the Tarxien traffic signals this junction will require improvements. Policy SMIA 03 details other improvements along the Triq Tal Barrani corridor. This strategy is also intended to reduce traffic flows in the centre of Zabbar. This will be achieved both by the construction of the Tarxien – Bulebel - Zabbar Link Road and by the creation of a local relief route in the northern part of Zabbar. The latter would be formed by existing schemed roads (Triq Alessio Erardi and Triq Bieb is-Sultan) and minor improvement of the road network near the Zabbar Gate.
- 12.2.7 Particular care will be required when designing the sections of road that are ODZ and pass through pleasant open countryside, to ensure that the roads blend as best as possible into the landscape and adverse environmental impacts are minimized and mitigated. Road design should take into account stormwater runoff measures as well as allow in rural areas for the passage of wildlife. Removing traffic from the centre of Fgura will reduce traffic flows at the Kordin Roundabout. This, together with improvement of the junction layout will improve movements to and from the Three Cities. The condition of Triq Ghajn Dwieli also needs to be improved to increase the attractiveness of this route in and out of the Cottonera. Three Cities traffic should be encouraged to use Ghajn Dwieli and to a lesser degree the Zabbar Gate, and be discouraged from using the Polverista Gate, so as to minimize movements through Fgura. In view of the proposed developments at Ricasoli Industrial Estate, MEPA together with the relevant authorities will study a potential route linking Zabbar with Kalkara.

## **SMIA 03**

## **Improvements along Tal-Barrani Arterial Corridor**

**In order to improve road safety and the free flow of traffic, MEPA will support and encourage the Malta Transport Authority and other bodies to undertake works and measures to regulate and improve movements along this arterial corridor, as indicated on the Paola Transport Policy Map PA 5 and Tarxien Policy Map TA 1.**

**These will include:**

- i. Improvement of the Palma Street and Vjal Santa Lucija (Paola) junction.**
- ii. Improving the layout of parts of the Tarxien roundabout, and closure of the Santa Lucia entry arm.**

- iii. **Increasing the capacity and efficiency of the linked traffic signals at Tarxien and the construction of a single lane flyover and widening of Triq Tal Barrani as specified in policy SMIA 02.**
- iv. **Improving the layout and rationalising movements at the Zejtun Street junction (Bir Id-Deheb).**
- v. **The provision of landscaping along this arterial road in line with the Guidelines on Trees, Shrubs and Plants for Planting & Landscaping in the Maltese Islands (2002).**

**No developments will be approved that prejudice the achievement of the above improvements. Furthermore, major developments that would materially affect conditions at these locations will be expected to contribute towards the cost of the measures.**

**MEPA will take the necessary action to close all illegal openings and access points along this corridor.**

- 12.2.8 Major traffic flows should be concentrated on the main road network. To ensure that this takes place safely and efficiently it will be increasingly necessary to manage and control the use of arterial corridors, like Tal-Barrani Road.
- 12.2.9 The right turn movements into and out of the Palma Street junction from Vjal Santa Lucija are particularly hazardous and therefore it would be appropriate to improve road safety at this junction through appropriate measures to be determined by the Traffic Management Directorate of the Malta Transport Authority. The scheme should include prohibition of the right turn into Palma Street. As few vehicles undertake this turn, this ban will not be problematic.
- 12.2.10 Parts of the Tarxien roundabout operate near to capacity at peak periods, and only relatively small improvements are possible within the existing boundaries of the junction. Nevertheless, works to increase the flare on the Tal-Barrani Road South arm and the exit geometry on the Tal-Barrani Road North arm would be worthwhile. Additionally, the safety and capacity of the junction could be improved by closing the entry from Santa Lucia. To provide an alternative exit from the housing estate, the junction of Triq Hal Luqa / Dawret It-Torri would be improved.
- 12.2.11 The traffic signals on Triq Tal-Barrani operate relatively well, however, capacity could be increased if longer left turn lanes are constructed and more flexible/efficient signal timing is introduced. Such modest improvements would help accommodate any traffic growth along the corridor. Along the length of this corridor there are a number of unauthorized openings and access points, which prejudice road safety. The MEPA, with the assistance of other bodies, will take the necessary action to ensure that these are closed.
- 12.2.12 The Zejtun junction at Bir Id-Deheb suffers some congestion at peak times, mainly due the confusion caused by traffic turning to and from the side roads. It is feasible and desirable to ban various turns and 'divert' them to the Ghaxaq Bypass Roundabout. This will simplify movements, and improve the flow along the arterial road. Only a relatively small number of vehicles will be diverted, but the resultant improvement should be marked. Guide islands will be constructed to enforce the banned movements, and to provide a 'ghost island' for traffic turning right into Triq Ghadam.

## **SMIA 04**

## **Creation of Boulevards**

**MEPA will support efforts by the Malta Transport Authority to convert a number of excessively wide roads, particularly the ones listed below and shown on the respective Policy Maps, into**



**attractive tree lined boulevards:**

- i. **Vjal Kottoner, Fgura.**
- ii. **Dawret Hal-Ghaxaq, Ghaxaq.**
- iii. **Dawret Il-Gudja, Gudja.**
- iv. **Triq Vjal It-Torri, Gudja.**
- v. **Triq Bir Miftuh, Gudja.**
- vi. **Triq Il-Lewziet / Triq Iz-Zebbiegh, Kirkop.**
- vii. **Triq Il-Konvoj Ta' Santa Marija, Mqabba.**
- viii. **Triq It-Telgha Ta' Rahal Gdid / Triq Il-Belt Valletta, Paola.**
- ix. **Triq It-Tempesta, Qrendi.**
- x. **Triq Mons. Mikiel Azzopardi, Siggiewi.**
- xi. **Triq Tal-Labour, Zabbar.**
- xii. **Vjal Il-Helsien, Zebbug.**
- xiii. **Triq Il-President Anton Buttigieg, Zejtun.**
- xiv. **Triq Is-Suq / Triq A. S. Zammit, Zejtun.**
- xv. **Vjal Il-Blue Grotto, Zurrieq.**

**The necessary works will include reducing the width of carriageways, the provision or widening of pavements, construction of parking bays and bus laybys, extensive tree planting and other forms of landscaping, in line with the Guidelines on Trees, Shrubs and Plants for Planting & Landscaping in the Maltese Islands (2002).**

**Where the roads are designated as local access roads, then traffic calming measures may also be appropriate.**

12.2.13 A number of village and town bypasses and relief roads have been built excessively wide, and without such basic needs as pavements. This has resulted in excessive traffic speed, hazards for pedestrians, and where development has subsequently taken place outside the bypass, in severance of communities. Many of these roads are visually monotonous and generally unattractive. There is a particular concentration of such roads in the plan area, and this policy aims to achieve improvements in these areas. The measures proposed in the above policy if implemented should not only improve road safety but also general traffic conditions. Extensive tree planting, along these roads will create attractive boulevards, thereby greatly improving visual amenity along these important thoroughfares.

12.2.14 If such schemes are undertaken as part of road reconstruction or general maintenance works, then the real cost of the improvements will be reduced. In fact, reducing the area of carriageway and using space more effectively will achieve savings in construction and future maintenance costs. Some of the roads in question are designated as local access roads (refer to Map 9) and therefore it may be appropriate in these cases for traffic calming measures to be included as part of the improvement scheme. The proposed road hierarchy classifies roads i, iv, v, viii, xi, xii, xiii, and xiv as local access or access only roads.

## **SMIA 05**

## **Safe Routes to Schools**

**There is a particularly high concentration of schools in Paola and Tarxien. MEPA will therefore encourage the Malta Transport Authority, the local councils, the Ministry for Education and the schools, to pursue a programme of establishing safe routes to schools in order to encourage the use of sustainable means of travel for the journey to and from school.**

**MEPA will also seek that major projects within these localities, and others as may be the case, contribute to the implementation of such measures.**

- 12.2.15 A significant number of schools are situated in Paola and Tarxien. The former has 11 schools of all types, accommodating some 4,200 students, whilst the latter has 6 schools, serving 1,500 students. Whilst many of the children will use public transport, the “school run” by parents contributes significantly to the problems of vehicular congestion, particularly, morning peak hours.
- 12.2.16 Initiatives to create safe routes to schools can help encourage more sustainable ways for children to travel to school, and assist those that already walk, cycle, or use buses (of all kinds). Such schemes, which often arise out of the preparation of School Travel Plans (STPs), are tailored to meet the individual needs of schools, following a study of travel patterns. These can be prepared by the ADT in collaboration with MEPA.
- 12.2.17 The preparation of STPs relating to both pupils and teachers can raise environmental awareness at an early age. They can help promote more healthy and independent life styles in young people.
- 12.2.18 Journeys to schools, and conditions around them, can be made safer by a wide range of traffic management measures, including better crossing facilities, wider pavements around schools and on the main approach routes, better control of parking, and general traffic calming. Although policy makes a specific reference to the Paola/Tarxien area, this policy may be applied to other areas where such problems may be identified, and major projects will be asked to contribute to a fund which would assist in the implementation of such initiatives.

## **SMIA 06**

## **Lorry Route Network**

**MEPA will support and promote the introduction of a lorry route network, as shown on the Map 9 in order to:**

- i. Ensure that quarry related traffic uses the most suitable routes;**
- ii. Minimize the impact on country lanes and neighbouring towns and villages;**
- iii. Limit damage to the road network (e.g. road subsidence).**

**To ensure that the network is effective, traffic management measures and regulations will be required. This could include lorry prohibitions and possibly width restrictions to ensure that unsuitable routes are not used. In addition the following measures need to be implemented:**

- a) Introduction of a one way gyratory system at Siggiewi and the completion of the schemed road at Triq Patri Guze' Delia.**
- b) A new access road to the north of Mqabba (Map 9 and Map MA 1).**
- c) The complete upgrading of parts of Triq ta' Hal-Farrug and Triq tas-Sejba (Map 9, Map MA 1 and Map SI 2).**

**MEPA will require all development applications for new industrial development within quarries, new quarries or extensions of existing ones, and landfilling to appropriately contribute towards the cost of introducing and maintaining the lorry route network.**

**MEPA will encourage the Malta Transport Authority to undertake and give priority to the required road construction and maintenance along the lorry route network, provided that works are designed and constructed in a manner sympathetic to the surrounding areas.**

12.2.19 The plan area contains most of Malta's soft stone quarries and a few hard stone quarries. Some of these soft stone quarries house industrial processes and others are increasingly being used for the dumping of inert waste. Such activities attract lorry movements that can be intense. The passage of lorries often leads to the rapid deterioration of roads and damages third party property, such as houses and rubble walls, and also causes a severe reduction in the amenity of residential areas.

12.2.20 The primary objective of this policy is to seek to minimise the impact caused by quarry related traffic, keeping it away, where possible, from villages and built up areas and by having heavy goods vehicles (HGVs) use the lorry route network at all times. Measures and regulations will be needed to effectively enforce use of the proposed network. By definition arterial and distributor roads are expected to cater for lorry movements, and therefore, based on the proposed road hierarchy, these roads form the backbone of the network. This policy therefore aims to direct such traffic along such roads. The remainder of the proposed lorry route network consists of the access routes to and from the quarry areas (i.e. the links between the quarries and the arterial and distributor roads). This policy does not advocate major new road construction given the environmental damage and costs associated with such schemes. However, there are particular instances, where improvements and other measures are needed to ensure that routes are suitable and adequate for the level of quarry related traffic.

## **SMIA 07**

### **Area Reserved For Airport Taxiway Route**

**MEPA safeguards land, as indicated in the Luqa Airport Environs Policy Map LU 4, for the future provision of a taxi-way as required by the Malta International Airport. However, MEPA will expect any future application for a taxiway to be supported by relevant studies (including an analysis of options for its siting, development feasibility and an EIA of the proposals) and proposals for amelioration of any adverse effects emanating from its provision.**

**There is a presumption that no form of development will be permitted in the areas indicated, that will prejudice the planning and development of the taxi-way.**

**Regarding airport operations MEPA will encourage any measures to reduce the negative impacts emanating from the airport (e.g. noise pollution) as well as increasing the safety of airport operations.**

12.2.21 The Malta International Airport has indicated that the airport cannot function properly without a proper taxi-way, particularly during peak periods when because of the lack of this taxi-way delays are very frequent. The lack of the taxi-way requires that aircraft drive along the runway prior to taking off thus no aircraft can land during this time since the runway is occupied. The same difficulty arises when aircraft land. The provision of a taxi-way will increase the capacity of the runway to accommodate additional aircraft movements. Two potential areas have been indicated following discussions with MIA and these areas are being reserved. However, any future proposals for a taxi-way will require carrying out the necessary studies, including a cost/benefit analysis, to identify the various options possible and an assessment of these options to determine the best option both from a functional and operational aspect as well as from an environmental and planning perspective.

## **SMIA 08**

### **A Transport Strategy for Fgura, Paola and Tarxien area**

**MEPA will support and collaborate with the Malta Transport Authority, the relevant local councils and any relevant agencies, in preparing a Transport strategy for the areas of Fgura, Paola and Tarxien. This strategy should address amongst others, the following priority issues:**

- i. a reduction in through traffic within such localities;**
- ii. the improvement of strategic junctions;**
- iii. introduction of traffic calming measures and controlled parking schemes;**
- iv. facilitate pedestrian movement and safety within and between these localities;**
- v. management of vehicular movements within and between these localities;**
- vi. encourage the use of alternative means of transport (e.g. cycling) within and between these localities;**
- vii. reduction of negative environmental impacts resulting from vehicular movement.**

12.2.22 The localities of Fgura, Paola and Tarxien have developed in such a way that there is no well defined boundary separating them and the localities simply merge into one another. This creates various traffic problems particularly since residents within these localities drive through one or more of these three localities to get to their place of residence. On the other hand these localities also receive through traffic going primarily towards Cottonera, Zabbar and Luqa. A Transport Strategy is important in that it seeks to address this important issue within these localities to achieve a better organisation of vehicular movements and ensure improved and safe pedestrian movement whilst reducing the negative environmental impacts for the local residents. It is therefore important that the transport strategy is carried out holistically for this region within the SMLP.

## **SMIA 09**

### **Sites for bus termini**

**In identifying suitable sites for the location of bus termini, MEPA will give regard to the following locational criteria:**

- i. Site should preferably be located within the Urban Settlement, however, where this is not possible appropriate sites outside the Urban Settlement may be considered provided that such sites are located along the urban fringe, constitute derelict or degraded land and will not adversely affect scheduled or designated areas;**
- ii. Site should be in a location which is within close walking distance from within most of the urban settlement;**
- iii. Site should be adequate to allow the development of limited structures (e.g. ticketing booth, toilets) ancillary to the bus terminus.**

12.2.23 Due to the increase in the importance of various localities, and hence the increase in the use and frequency of public transport services, the need arose for the identification of appropriate sites for the location of bus termini or their relocation. Some of these localities include Qrendi, Marsascala and Zurrieq. However, there may be other localities which during the plan period may need to identify more appropriate sites. The plan does not identify such sites but through this policy seeks to provide a basis to assist in the identification of potential sites and the selection of the most appropriate in consultation with the relevant authorities.

## **12.3 Urban Environment**

### **SMIA 10 Protection of Private Gardens and Open Space Enclaves in UCAs**

**In the private gardens and open space enclaves ,as indicated on the relevant Policy Maps, MEPA will not consider any new development or redevelopment proposals that create independent residential/non-residential units, including garages for the parking of vehicles.**

**In the identified private gardens and open space enclaves, development proposals will be considered if they:**

- i. Constitute an extension to an existing building aimed at increasing the amenity and enjoyment of the property; or**
- ii. Form part of a conversion scheme aimed at bringing a disused or dilapidated building back into use, even if such a scheme will create new residential/non-residential units; or**
- iii. Involve solely the construction or enlargement of a swimming pool together with its ancillary reservoir, pump room and paving or hard surfacing around the pool or such development if linked to (i) and (ii) above.**

**In addition, the development proposals listed above will be considered provided that ALL the following conditions are abided to:**

- a. the extensions under (i) and (ii) are physically attached with the existing main building and form an integral part of the main building;**
- b. a plot depth of 25 m from the street frontage is allowed;**
- c. the scale, bulk and design of the extensions under (i) and (ii), do not compromise the openness of the enclave and the architectural integrity of the existing building;**
- d. the design, materials and colours of the swimming pool and paving are compatible with the character of the enclave;**
- e. the take up of soil or planted areas, irrespective of the existing condition of such areas, for the development permitted under (i), (ii) and (iii) above, should be minimal and in no case exceed 15% of the total soil and planted areas (but still within the 25 m plot depth);**
- f. they do not adversely affect existing features which are worthy of retention, including tall/mature trees (such as oaks, conifers or palms), but consideration may be given in exceptional cases to the relocation of such features within the same open space provided the existing location is not an intrinsic part of the character of the open space and the relocation will not result in the destruction or serious alterations of the same feature.**

**Development proposals in private gardens or those parts of the open space enclaves, which are scheduled or are part of a scheduled building, will be controlled by the Legal Notice giving statutory standing to such scheduling, together with all other policies relevant to such scheduling.**

**Within those private gardens, indicated in the relevant Policy Maps as Private Gardens Meriting Protection, which either form part of buildings of cultural, historical or architectural value or which merit scheduling, and which have been zoned for terraced house development in the Temporary Provision Schemes 1988, MEPA will consider development proposals ONLY after an assessment of the garden is carried out to the satisfaction of MEPA, to determine the importance and value of the garden and its features and whether development may be permitted. Should some level of development be permitted MEPA will prepare development planning and design**

**parameters to guide the development of the site in question, primarily in terms of site coverage, massing, landscaping, building heights, building design elements, etc.**

**The provisions of Part B paras 2 and 3 of the Development Control Within UCAs Design Guidance of 1995 are being replaced by this policy for the identified private gardens and open space enclaves.**

- 12.3.1 Open spaces, both private and public, perform essential functions of separating land uses in high density areas, protects amenity by supporting trees and vegetation, define the form of the urban settlement, and are an important element in local architecture and traditional urban character. Conservation policies in the 1990 Structure Plan and the 1995 supplementary planning guidelines on UCAs provide the current policy framework for controlling development in such spaces. As part of the Local Plan process, concern, based on experience in implementing the Structure Plan policies, was raised on the adequacy of the supplementary guidelines, to protect private open spaces in UCAs.
- 12.3.2 A detailed review of the guidelines in relation to private open space in UCAs revealed that through its generic statements, the policy document created loopholes, which have given rise to development opportunities in open spaces, which were not intended by the Structure Plan and would harm the UCAs themselves. The distinction in the guidelines between the core and the periphery of UCAs is confusing and the criteria for assessing development have shortcomings which needed to be addressed.
- 12.3.3 This policy prohibits any new development proposals in open space enclaves which will create new residential units, or any other type of new uses, as these will increase densities in UCAs, which will in turn have a direct negative impact on their character, especially due to additional traffic generation and parking requirements. The policy then identifies those development proposals, which can be accepted because they will not seriously harm the value of the enclaves with the condition that certain constraints are applied. The conditions ensure that, while not hindering the enjoyment of private property or undermining the objective of revitalising deteriorating urban cores, physical development will not prejudice the intrinsic features and character of the open space.
- 12.3.4 This policy reflects an analysis, from maps and aerial photographs, of the internal private open spaces (those enclosed by existing buildings) in the UCAs in the Plan area. This analysis was generally based on the following guiding principles, developed to select those open spaces worthy of more protection. The open spaces identified for protection needed to:
- i. on average, be more than 30m wide at the shortest distance from one side of the enclave to the other; and/or
  - ii. have substantial tree cover; and/or
  - iii. have a substantial number of dwelling units overlooking the enclave; and/or
  - iv. have an unfragmented configuration.

The list of characteristics above was formulated to ensure that only those enclaves with significant group value were identified. Criterion (i) was required to establish a physical baseline around which to start the identification of the enclaves while criteria (ii), (iii) and (iv) establish the amenity value of each open space as it is being enjoyed by a substantial number of residents and contains good tree cover which gives them their intrinsic value. Criterion (iv) also ensures that enclaves which have already been compromised by significant development within them are not included. Small rooms, buildings or structures were not considered as leading to the fragmentation of the enclave.

- 12.3.5 In drawing up the boundaries of the enclaves indicated on the relevant Policy Maps, a flexible approach was taken to the 30m dimension if it resulted that a specific enclave achieved a considerably high conservation value when considering the other three criteria. Where an enclave was not completely surrounded by buildings and had a gap site with a frontage along an existing street, the inclusion of this gap site within the enclave was decided on an assessment of whether development of the specific site would significantly affect the overall value of enclave.
- 12.3.6 The villages and towns indicated in the policy still retain relatively large private gardens and open spaces which are characteristic of a number of town houses and small palaces within these localities. This protective policy is fundamental to conserve these features which no longer exist in other localities. The development of these strategic spaces would lessen the quality of the amenity of the traditional urban morphology within the Urban Conservation Areas. A number of these private gardens which are now being proposed to be included in the proposed UCA boundary have been zoned for terraced house development in the 1988 TPS. This policy seeks to protect such gardens and will only consider their development following a careful assessment of the heritage and architectural value of the garden and its features.
- 12.3.7 These sites also provide a visual differentiation between older residential areas and the newer modern development characterizing the periphery of localities. Development has taken place in some of these areas to the extent that future conservation efforts are determined by the existing commitments currently without any specific zoning. The trust of this policy is to protect such enclaves and private gardens, whilst allowing for limited development, particularly where this would result in the better utilization of an otherwise vacant property.

## **12.4 Minerals and Quarrying**

### **SMIA 11 Softstone Quarries in Mqabba, Siggiewi, Qrendi and Kirkop**

**MEPA will favourably consider the rehabilitation of quarries in Mqabba, Siggiewi and Kirkop as identified on the respective Policy Maps MA 1, SI 1 and KI 1, once these become in disuse. A detailed rehabilitation scheme, in accordance with the Minerals Subject Plan, for the entire site is to be submitted, provided all the conditions of the current permit for the site are satisfied. The submission is to include:**

- i. an Environmental Impact Assessment, addressing also issues relating to oil contamination from machinery/vehicles, to the satisfaction of MEPA and a feasibility study which includes a planning, financial and market appraisal of the proposed after use, where this is not to reinstate site back to agricultural use;**
- ii. the intended after-use, subject to prior clearance from all the relevant airport authorities, where applicable, in line with land uses proposed in this policy ensuring that the proposed use does not deter the amenity of or is in conflict with adjacent land uses;**
- iii. the sequence and phasing of restoration including the demolition and removal from the site of all buildings, structures and plant machinery;**
- iv. the final levels of the restored land;**
- v. a landscaping scheme to the satisfaction of MEPA, including appropriate mitigation measures**

- vi. a timetable for the completion of all works to restore the site

The following after-uses are to be actively considered by an eventual reclamation strategy in the following order of priority:

- a) for all the sites: in consultation with the Department of Agriculture, site is to be reverted back to agriculture purposes, including orchards, vineyards and greenhouses. Where suitable provision of reservoirs will be encouraged;
- b) for sites situated less than 250m from a designated residential area or the Malta International Airport boundary: local-scale formal and informal recreational facilities, including local sports facilities (e.g playing pitches, abseiling) provided that depending on the facility being proposed and the land required, a percentage of the site is to be restored back to agricultural use. Sports structures are not to exceed 1 floor above the street level and ancillary facilities, preferably, are to be located below ground level. It is recommended that development proposals include the construction of an underground reservoir for maintenance and irrigation purposes;
- c) for sites at least 250m away from a designated residential area and from the Malta International Airport boundary: sports facilities as indicated in (b) above including major impact sports (e.g. off-roading), uses falling under Use Classes Order 1994 (as amended) Class 12 and Class 17, subject to the relocation of inappropriate or inadequately mitigated Class 17 development. Depending on the development proposed a percentage of the site is to be restored back to agriculture. The roof level of any buildings, including any ancillary or common facilities, is not to exceed the existing street level.

In accordance with the Minerals Subject Plan Policy RES 9, MEPA will prepare a reclamation strategy for the existing quarries within Mqabba as identified on the Mqabba Area Policy Map MA 1.

The MEPA, in consultation with relevant authorities, will also prepare Action Plans for the areas known as Wied Xkora and Ta' Wied Costa, as indicated on the Siggiewi (Rural) Policy Map SI 2. These Action Plans will primarily address the following issues:

- 1. restoration and afteruse of the quarries;
- 2. management measures for the area;
- 3. protection of the ecological habitats and other environmental resources;
- 4. development design guidelines; and,
- 5. traffic management issues.

**Disused quarries or quarries currently in operation and which become disused during the plan period will be assessed on the basis of the requirements of this policy, unless otherwise stated in the Area Policies. MEPA will not consider any development which will compromise the smooth-running of the airport operations.**

12.4.1 In line with the local plan's strategy to divert inappropriate or inadequately mitigated uses from residential areas, such as warehousing or open storage, this policy aims to promote the use of disused quarries to relocate Class 17 uses to appropriate areas. Thus, rather than taking up new fresh land outside the development zone, this policy, subject to the other policies of this plan and the recommendations of the Minerals Subject Plan, actively considers the use of disused quarries for such purposes. In order to encourage businesses to relocate to such sites, it is necessary to encourage Government to act as a mediator between land owner/s and business



concerns wishing to relocate and promote incentives such as long term leases, option to purchase, free rent for initial periods and grants or loans to assist in the new construction and relocation to new premises. It must be stressed that relocation will not be achievable solely through planning legislation, but also by effective estate management.

- 12.4.2 The Structure Plan recognises the strong demand for appropriate premises for such uses and advocates the designation of sites, in addition to those already allocated in the Temporary Provision Schemes (IND6).
- 12.4.3 A total of 24 and 21 disused quarries are found within Mqabba and Siggiewi Local Council areas, respectively. Appendix E presents critical data regarding each of these disused quarries together with a preliminary suggested general use as well as the 21 operational quarries in Mqabba
- 12.4.4 The cluster of operational and disused quarries at Wied Xkora, Siggiewi, is second largest in the Maltese Islands, in terms of land area, after those found at Mqabba. The extent of this complex of quarries necessitates a holistic approach to the restoration and reuse of the quarries. In this sense an Action Plan is being recommended for the area. A significant area occupied by Wied Xkora qualifies for scheduling in terms of ecology, scientific features, hydrology, scenery, geology and agriculture since it forms part of a large valley system of tributary valleys draining downstream in Wied il-Kbir.
- 12.4.5 The local plan has thus identified a number of existing quarries in Mqabba and Siggiew where an area-based approach to reclamation would be the most appropriate strategy. This approach is inline with the Minerals Subject Plan. Reclamation strategies will need to have regard to the following considerations:
- i. Land ownership and leasing arrangements for the site area;
  - ii. The provisions of existing Police Licences and development permits;
  - iii. Any emerging or adopted development plan policies;
  - iv. The extent of remaining reserves within the sites;
  - v. The land use constraints applicable to these areas;
  - vi. Provide the framework to accommodate proposals which help secure the maintenance and enhancement of the open countryside, landscape and ecological features of the area;
  - vii. Access, traffic and other amenity considerations.

## **12.5 Recreation**

### **SMIA 12**

### **District Park along the Cottonera Lines**

**MEPA designates the area in Fgura and Zabbar bounded by Wied Blandun and the Cottonera Lines, as indicated on the Fgura and Zabbar Policy Maps FG 1, ZA 1 and ZA 2 for the setting up of a District Park which would primarily cater for informal recreational activities which would include children play areas, picnic areas and seating facilities as well as jogging trails, cycling tracks and similar low key sports facilities, and expansion of existing facilities, if appropriate, provided that such development does not in any way compromise the historic and architectural character of the Cottonera fortifications and Wied Blandun.**

**An Environmental Management Plan, incorporating details of a landscaping scheme and mechanisms to be used for the monitoring of the Plan, in line with the provisions in SMCO 09, is to be submitted for the entire area specifying the facilities to be provided as well as an interpretive**

**plan to enhance the awareness towards conserving and understanding the Cottonera fortifications and Wied Blandun. A pedestrian path is to be provided along the entire length of the fortifications.**

**Any development proposed, shall:**

- i. make use of existing derelict buildings;**
- ii. not encroach upon or adversely affect protected areas or sites of archaeological, ecological, scientific and historic importance, and appropriate mitigation measures as required by the MEPA and other relevant agencies will have to be implemented; and,**
- iii. not exceed the height of 4.75 m (one floor)**

**MEPA will support and encourage cooperation and liaison between Government departments, Zabbar and Fgura Local Councils and private agencies, including NGOs, interested in the implementation of this project.**

12.5.1 This is the main green lung between Fgura, Zabbar and the Cottonera lines and through improvements will provide a much needed semi-natural recreational space to compensate for the lack of recreational space within the locality of Fgura. This should also enhance the protection of the fortifications. The existing sports facilities need upgrading (to include dressing rooms and proper parking facilities), particularly the one in Fgura. The District Park would provide increased recreational space to residents of Fgura, Zabbar and the Three Cities. Fgura currently has only about 5000 m<sup>2</sup> of space for informal recreation (playing grounds, seating areas) giving a density of 0.1 m<sup>2</sup> of recreational space within urban areas per resident. Zabbar too has a low recreational provision per person (only 0.4 m<sup>2</sup>). The average for the whole SMLP area is 2.1 m<sup>2</sup>.

12.5.2 For the purposes of this policy The District Park will extend from Wied Blandun (which is scheduled a Level 4 AEI and Level 1 SSI) towards the afforested land, popularly known as “Il-Foss”, in front of is-Sur ta’ San Klement (limits of the Fgura) up to the agricultural land facing Triq Santa Liberata (on the opposite side of Capuchins convent). The existing afforested area presently consists of olive groves and other trees covering an area of around 80,000 sq.m. and is divided into three areas namely, Tal-Hawlija Public garden, Notre Dame Walkways and St.Clement Picnic Area.

12.5.3 The establishment of a District Park (approximate size 290,000 m<sup>2</sup>) would also secure a permanent strategic settlement gap between Cottonera fortifications and Zabbar and Fgura without the need to modify the development boundary to attain this objective. Besides, the lack of a District Park in the South, which would have a similar function as Ta’ Qali in the Central/North part of the Island has long been felt particularly in this region characterized by high-density settlements of Fgura, Tarxien and Zabbar all of which act as suburbs to the heavily industrialized Cottonera area.

## **SMIA 13**

## **National parks**

**This local plan designates the area known as L-Ghassa tal-Munxar (Marsascala) and the coastal stretch between Il-Ponta taz-Zonqor (Marsascala) and Blata l-Bajda (Xghajra), as indicated in Policy Maps MS1, MS2, XA1 and ZA1, as National Parks primarily for informal recreation (e.g. walking, cycling) and the appreciation of the ecological, geological, archaeological as well as cultural-historical features of these areas. Within these parks priority will be given to the conservation, protection and improvement of the natural and cultural-historical heritage. Positive provision will also be made for recreational uses consistent with this objective. Limited commercial development related to the needs of the visitors will be considered as will be identified by the Management Plan to be prepared for each of the areas and which would include the following:**

- a. A land-use survey of the areas;**
- b. Identification of permitted uses;**
- c. Visitor management facilities, including interpretation provisions;**
- d. Any environmental improvements required**

12.5.4 These two stretches of coast are important ecological, geological and cultural areas due to the variety of features and elements present in these areas ranging from salt pans to fortifications to a number of important ecological habitats. This policy seeks to maximize the recreational use of the site whilst protecting and providing for the appreciation of the rich heritage of these areas. The Management Plan for each area is important since it will provide the basis for the setting up of the national parks and identifies the permitted activities and developments. A number of features require immediate attention e.g. Ducluseaux Battery

# **AREA POLICIES**

## 13. Fgura Area Policies

### 13.1 Area Description

Urban Area: 873,190 m<sup>2</sup>

Rural Area: 269,520 m<sup>2</sup>

Population as per 1995 census: 11042

Population 2005 Census: 11276

- 13.1.1 Fgura was mostly established in the sixties and has been expanding since. Fgura is flanked by the Cottonera Lines and Wied Blandun as well as the localities of Paola, Zabbar, and Tarxien. Population growth between 1985 and 1995 increased by 34%. MEPA's forecasts suggest that the population of this locality is likely to increase by 3% between 2002 and 2010. Data at MEPA indicates around 40,000 m<sup>2</sup> of vacant land is available for development which will adequately such demand. The population density currently stands at around 10,000 persons per km<sup>2</sup>, one of the highest in the plan area. Any major further increases in the population will compound the pressures in this locality.
- 13.1.2 Until the late 50s and early 60s, Fgura was nothing more than fields, however, the lack of available land for development in the areas of Paola and Zabbar as well as the area's proximity to the Grand Harbour and the Drydocks, contributed to the development of this area into a new town. The urban development of Fgura is different from that in most of the other localities in the plan area since it did not develop along the traditional village urban morphology around a main square or around a church, but was the result of the expansion of the surrounding villages. Thus although Fgura is a recent locality it can be said that it is made up of the peripheries of the main surrounding towns - Paola, Zabbar and Tarxien.
- 13.1.3 Unfortunately, the development of this locality has not given adequate attention to the provision of facilities to complement the residential development in terms of public urban open spaces, children's playgrounds, adequate sports facilities and social and community facilities (e.g. day care centre). At 0.1 m<sup>2</sup> recreational space per resident Fgura has the lowest ratio of all localities. Residents therefore seek recreation facilities in other localities. Existing public urban open spaces need to be retained and new ones identified.
- 13.1.4 Pollution, resulting primarily from traffic (mainly through traffic) along Zabbar Road is a perennial problem. Studies carried out by both the Local Council and Government confirm that Fgura is one of seven localities which do not measure up to the air quality standards of the European Union because of high airborne lead content. Zabbar Road and Hompesch Road have split Fgura in two, thus negatively affecting the urban integration of the locality. A survey carried out by the Fgura Local Council in November 2000 which researched social aspects within this locality identified that more than 61% of the residents were ready to move out of this locality primarily because of pollution related problems. Fgura retains a strong residential character, even though commercial and entertainment developments have increased in the area. Fgura has been identified as a Secondary Town Centre in the Retail Topic Study.

## 13.2 Summary of Planning Issues

- Traffic management measures
- Provision of additional public urban open spaces
- Upgrading of sports facilities

## 13.3 Strategy

- 13.3.1 The strategy for Fgura envisages reinforcing its residential role through the provision of social and community facilities and improving the environmental quality of the locality, primarily by discouraging through traffic from the area and improving open space provision.

## 13.4 Area Policies

### SMFG 01

### Traffic Calming

**In conformity with policies SMIA 02 and SMIA 08, MEPA in collaboration with the Traffic Management Directorate (Malta Transport Authority) will encourage and support schemes to introduce traffic calming measures in residential streets throughout Fgura, and particularly the introduction of comprehensive traffic calming/environmental improvements along the whole length of Zabbar Road/Hompesch Road. These schemes should be designed to a standard that will enhance the streetscape, improve road safety, and discourage “through” traffic from using inappropriate routes, whilst greatly improving conditions in these roads, which are the focus for commercial and communal activity. The works should improve conditions for public transport, and effectively discourage usage by all, except motorists requiring local access.**

- 13.4.1 Fgura is a densely urbanised area, and consequently traffic conditions in many streets are poor. A number of side streets are used as rat runs, by motorists seeking to avoid congestion along Zabbar Road / Hompesch Road which attracts a volume of 1500 vph at peak periods. Excessive speeds are not uncommon and generally road safety conditions need improving. Traffic calming measures over a wide area, particularly Zabbar Road/Hompesch Road, are necessary to address these problems and bring about real improvements through traffic calming measures (wider pavements) that will reduce traffic speeds, whilst improving operating conditions for bus services and creating a pleasant safe environment for pedestrians and residents in terms of decreasing air pollution emanating from car emissions. This policy should be addressed in conjunction with the Transport Strategy referred to in policy SMIA 08 and the Highway Improvements for the South Harbours Area referred to in policy SMIA 02.

### SMFG 02

### Removal of scrapyards at Triq id-Dejma

**MEPA will encourage the removal of the licensed scrapyards in Triq id-Dejma as indicated in Fgura Policy Map FG 1. Development of this site will include recreational facilities in the form of public urban open spaces, social and community facilities as well as residential and commercial/retail development. Development proposals will include the provision of a road linking Triq id-Dejma**

and Triq in-Nigem. MEPA would consider proposals for development following the submission of a Project Description Statement based on parameters which are to be provided to the developer by MEPA.

On submission and approval by MEPA of the Project Description Statement developer will submit an Outline Development Application. As part of the Outline Development Application for this site the developer is to submit a report outlining the actions to be taken to decontaminate the site. This is to be approved by MEPA.

During the development of the site should any archaeological remains be found in the area these are to be reported immediately to MEPA.

As the land is currently located Outside Development Zone, the designation of this area for residential use as specified above shall be subject to the Structure Plan Review Process in accordance with Policy SET 8.

13.4.2 The scrapyard (19360 m<sup>2</sup>) close to the residential area is a nuisance and an eyesore. Its removal would significantly improve the area. Despite the area being outside the development zone some incentive to encourage the removal of the operation is considered appropriate. The main uses have been indicated as being residential, commercial and retail use, together with the provision of underground parking facilities, with sufficient public urban open space which would include sports and recreational facilities which are severely lacking in this locality. MEPA will provide the developer with Terms of Reference for the preparation of a Project Description Statement which once approved will direct the submission of designs as part of the Outline Development Application. Provision also has to be made for the introduction of a road linking Triq id-Dejma with Triq in-Nigem. The area is significantly degraded and through such development the site will be significantly enhanced.

### **SMFG 03**

### **Rezoning of site at Triq Mater Boni Consigli**

The site in Triq Mater Boni Consigli, as indicated in the Fgura Policy Map FG 1 and Inset Map FG A1, which was zoned as a green area in the Temporary Provision Schemes, 1988, is being rezoned for residential development in line with Policy SMHO 02. Since this is an end plot a side curtilage is to be provided. MEPA may request an appropriate planning gain from the developer in consultation with the Fgura Local Council.

13.4.3 This plot is the end plot of a row of residential buildings and the development of this plot will abut a blank party wall. The provision of a side curtilage will provide a more pleasing edge to this residential area and avoid having a blank party wall negatively affecting the visual amenity of the area.

### **SMFG 04**

### **Improvement and Expansion of sports facilities**

In line with policy SMRE 01, the MEPA will consider proposals to improve the existing sports facilities at the existing football pitch in Triq A.M. Valperga and provide additional sports facilities, as indicated in the Fgura Policy Map FG 1, in line with the following conditions:

- i. The football pitch is to be detached from the bastion wall and a public passage of not less than 3 metres is to be allowed between the shifted football pitch and the bastion

- walls;
- ii. The redevelopment of existing ancillary facilities (e.g. dressing rooms) provided that any extension proposed is limited to no more than 25% of the current built up footprint and buildings are to be kept to one storey. Provision of underground facilities would also be considered;
- iii. The perimeter of the site should be adequately landscaped in line with the *Guidelines on Trees, Shrubs and Plants for Planting & Landscaping in the Maltese Islands, 2002*.
- iv. Adequate parking is to be provided on site provided that this is located on derelict land and does not take up any additional agricultural land

13.4.4 The existing football pitch is located at the foot of the St. John Bastion along the Cottonera lines. This diminishes the appreciation of the fortifications, whilst it does not respect the historical context of the bastion walls. This policy encourages the shifting of the football pitch away from the bastion wall allowing public access between the bastion and the pitch as well as the improvement of existing facilities with limited extension. The improvement of such facilities in Fgura are considered important since recreational facilities in this locality are rather scarce. Through appropriate landscaping any adverse visual impacts would be mitigated.

## **SMFG 05**

### **Mixed development at Dahlet in–Nicca l-Antika**

MEPA will consider proposals for the development of the site at Triq Dahlet in-Nicca l-Antika, as indicated in the Fgura Policy Map FG 1, for residential development in line with policy SMHO 02, subject to the following conditions:

- i. A master plan for the comprehensive development of the area to include various development options which take account of the scheduled farmhouse and its possible incorporation in the overall project scheme;
- ii. Acceptable uses for the farmhouse are Class 1 (dwellings), Class 4 (shops), Class 5 (offices) and Class 6 food and drink) of the Use Classes Order, 1994, as amended;
- iii. Dahlet in-Nicca is to be retained and accessible to the public;
- iv. The building height for new development is to be retained at 3 floors and semi-basement and adequate underground parking is to be provided on site;
- v. MEPA will favourably consider applying the Floor Area Ratio (FAR) subject to the parameters set out in policy 2.10 of the Development Control Policy and Design Guidance 2005, should the farmhouse be retained and provided that this would not result in the creation of blank party walls, subject to the building height not exceeding 6 floors (excluding penthouse) and development includes the creation of a public urban open space; and,
- vi. A buffer of at least 3 metres, which would include a pedestrian pathway and an element of landscaping, is to be allowed between the farmhouse, if this is retained, and any proposed development. Provisions for landscaping are to be in line with the *Guidelines on Trees, Shrubs and Plants for Planting & Landscaping in the Maltese Islands, 2002*.



- 13.4.5 The entire site, measuring approximately 2380 m<sup>2</sup>, currently consists of a scheduled Grade 3 farmhouse (GN 722/95) and degraded land. This policy provides for the submission of development options, possibly retaining the farmhouse and incorporated in the overall development designs for the site. Considering the lack of open spaces in Fgura, MEPA will consider the application of the FAR. Dahlet in-Nicca is to be retained for public access. Designs are to ensure that farmhouse building can be adequately appreciated and that is why a buffer is to be allowed between this building and any development proposals.

## 14. Ghaxaq Area Policies

### 14.1 Area Description

Urban Area: 532,719 m<sup>2</sup>  
Rural Area: 3,079,281 m<sup>2</sup>  
Population as per 1995 census: 4,126  
Population Census 2005: 4,388

- 14.1.1 Ghaxaq is a quiet and compact village with some of its historic buildings dating back to 300 years. Most of these houses are found in the alleys behind the parish church. The village core still retains interesting and attractive aspects of the traditional village urban morphology with narrow winding streets. The skyline of this locality has not been adversely affected by new development and the church still dominates. Between 1995 and 2002 population grew by 7%. It is not envisaged that this locality would experience a significant growth in its population during the plan period.
- 14.1.2 Ghaxaq primarily has a residential function although a number of small garage industries are operating within the residential areas. In addition, various commercial and industrial activities have sprouted along its outskirts in the form of batching plants, lime kilns and warehousing facilities. Such facilities need to be contained and improved, particularly since most are located along the approaches to the village.
- 14.1.3 Dawret Hal-Ghaxaq separates the village in two with the latter functioning as a by-pass for traffic coming from the South and going towards Gudja and the airport. This road poses various dangers. Ghaxaq still retains a number of urban green spaces which enhances the recreational amenity of the locality. Sports facilities are lacking and the existing ones need improvement. Within scheme there still exist a number of vacant plots awaiting development (around 51,000 m<sup>2</sup>).
- 14.1.4 Servicing of retail establishments in Santa Maria Street leads to traffic through the village core impacting negatively on the amenity of this area. The Local Council stated that the proximity to the airport results in substantial noise pollution. Discussions with Enemalta indicated the possibility of expanding its facilities at Has-Saptan as part of the relocation of facilities from Birzebbuga. This is a sensitive area since it is part of the Wied Saptan valley and therefore any expansion must be done with caution.
- 14.1.5 Ghaxaq is surrounded primarily by agricultural fields although the urban growth in the last decades has resulted in the coalescence of Ghaxaq with the nearby localities of Gudja and Zejtun. In fact Triq Guzeppi Vella separates Ghaxaq from Gudja and Triq Tal-Barrani separates this locality from Zejtun.
- 14.1.6 Two church schools indicated that they were looking for a site in the South to relocate from their current areas since these were no longer adequate to meet today's educational requirements. The schools also indicated that they would like to relocate to the South since this area is not well served by private church schools, particularly with regard to Secondary schools, as indicated in the Social Facilities and Community Care Topic Paper. A site selection exercise carried out by the two schools identified a site in Ghaxaq, known as Tal-Wilga, as being the most acceptable. The MEPA also arrived at this conclusion.

## 14.2 Summary of Planning Issues

- **Improve existing sports, recreational and community facilities**
- **Traffic calming measures in Triq Dawret Hal-Ghaxaq**
- **Contain industrial development ODZ**
- **Reserve site for construction of two Church schools**
- **Expansion of Has-Saptan facility**

## 14.3 Strategy

14.3.1 The overall strategy for Ghaxaq is to retain and improve the traditional character of the locality and the quality of the urban environment whilst seeking to secure the consolidation and containment of industrial operations outside the Limits to Development boundary and the rehabilitation of degraded rural areas for recreational use.

## 14.4 Area Policies

### **SMGH 01 Sports and Community Facilities and Rezoning of Green Area at Triq il-Barbazzal**

The site in Triq il-Barbazzal in the vicinity of the Ghaxaq parish church, as indicated on the Ghaxaq Policy Map GH 1 and Inset Map GH A4, which has been designated as a green area in the Temporary Provision Schemes, 1988, and is currently partly occupied by the parish hall, is being designated for the provision and improvement of sports and community facilities subject to the following conditions:

- i. the proposed development is to retain the football pitch and upgrade this facility;**
- ii. appropriate landscaping along the perimeter of the site and the upgrading of the adjacent public urban open space for the provision of seating facilities;**
- iii. underground facilities (shower and changing rooms, facilities ancillary to pastoral purposes) which do not affect the current level of the football pitch will be considered;**
- iv. the height of the proposed buildings should not exceed two floors.**

A site within the same road, opposite the above mentioned site, as indicated in the Inset Map GH A4, is being rezoned from a green area to social and community facilities for the development of facilities related to the functions of the parish (e.g. pastoral centre and ancillary facilities). Buildings on this site should not exceed two floors.

**The whole development should be carried out in a holistic manner.**

14.4.1 This area (about 3200 m<sup>2</sup>), in proximity of the church and the centre of Ghaxaq, is currently a football pitch and is designated as a green area in the Temporary Provisions Scheme, 1988. Although the football pitch facility is to be retained and rationalized, expansion of the parish

facilities adjacent to this green area is being encouraged provided that the football pitch facility and surrounding area is embellished and improved as a public urban open space. Provision of social and community facilities below ground level will be considered provided this will not affect the existing level of the football pitch. The expansion of the existing parish hall is encouraged and the site (approximately 600 m<sup>2</sup>) opposite the football pitch, despite being zoned as a green area in the Temporary Provision Schemes, 1988 is considered as not adequate to be developed into a public open area since the configuration of the site with the surrounding buildings restricts the recreational potential of this site. This site is just behind the parish office and the provision of related social and community facilities e.g. the provision of an elderly day care centre on this site would be considered favourably. The upgrading of a public urban open space (about 400 m<sup>2</sup>) adjacent to the football pitch will make up for the take up of the site. It is important that the development of these sites is carried out in a holistic manner.

## **SMGH 02**

### **Rezoning of Green area in Triq il-Barbazzal**

**Part of the site zoned as a green area in the Temporary Provision Schemes, 1988, is being rezoned for residential development, as indicated in the Inset Map GH A3, in line with policy SMHO 02. Developers will be required to upgrade the remaining section of the green area into a public seating area.**

14.4.2 The site measures approximately 760 m<sup>2</sup>. The site has been zoned as a green area in the TPS, 1988, but was zoned for terraced development before 1988. Site was subject to a development permit (PB 4257/80) granted in 1984 and although building had commenced on site this was never completed. Permit had expired and the area zoned as a green area. The change in zoning is not considered to effect negatively the amenity in this area and through this policy the remaining green area will be upgraded to provide a landscaped seating area. The location of the green area limits its use as a recreational area, but although part of the green area is being rezoned, the openness of area will still be retained.

## **SMGH 03**

### **Recreational sites at Ta' Haxum and Has Saptan**

**MEPA will support plans to upgrade the areas at Ta' Haxum and Has Saptan, as indicated in the Ghaxaq Policy Map GH 1, for informal recreation subject to the following conditions:**

- i. the olive grove as well as the natural characteristics of these two sites are to be retained and protected;**
- ii. no built structures will be allowed except for the provision of seating facilities and children's play equipment in appropriate areas;**
- iii. facilities encouraging cycling and walking are to be provided;**
- iv. measures to restrict car parking in the vicinity of these recreational areas are to be introduced;**
- v. No lighting should be installed in the Has-Saptan site;**
- vi. picnic areas and facilities should be adequately sited;**
- vii. introduction of interpretive provision to enhance the visitors' knowledge about the environmental significance of the site.**

14.4.3 Rural recreational areas within Ghaxaq are lacking and the extensive rural area around this locality favours the consideration of such provision with the aim of protecting and enhancing the experience of such rural areas. Two sites at Ta' Haxum and Has-Saptan (measuring

approximately 23,200 m<sup>2</sup> and 70,400 m<sup>2</sup> respectively) have been identified for the provision of informal recreation. These sites both include an olive grove. Work on the cleaning of the Ta' Haxum site has commenced. The Ghaxaq Local Council is keen to see these sites utilized for informal recreation for locals, particularly, and other visitors from nearby towns and villages. Additional facilities like picnic areas, children's play areas, seating as well as interpretation provisions are also encouraged. The natural characteristics of the sites are to be retained and facilities provided are to be well integrated within the olive grove without requiring the removal of these trees. The Has- Saptan site requires special attention since this is a Bird Sanctuary and an important site for bird species.

## **SMGH 04**

### **Improving pedestrian safety along Dawret Hal-Ghaxaq**

**MEPA will encourage measures by the Malta Transport Authority to improve pedestrian safety along Dawret Hal-Ghaxaq to ease the crossing of this road by pedestrian, particularly along the stretch between Triq il-Hareb and Triq Tal-Millieri, as indicated in the Ghaxaq Policy Map GH 1.**

- 14.4.4 Dawret Hal-Ghaxaq divides the locality of Ghaxaq and crossing this road by pedestrians for social, recreation or shopping reasons is a risk due to the high speed with which vehicles drive along this road. This policy identifies this issue and promotes initiatives to render crossing this road safer than it is, particularly along the stretch between the two built up sections of Hal-Ghaxaq.
- 14.4.5 A careful study of this area should precede the introduction of any measures to ensure that these are appropriate and suitable for the area in question.

## **SMGH 05**

### **Rezoning of area at Tal-Qattus**

**MEPA zones the area at Tal-Qattus, as indicated on the Ghaxaq Policy Map GH 1, previously zoned as a white area and part green area in the Temporary Provision Schemes, 1988, for residential purposes, in line with Policy SMHO 02 and subject to the following conditions:**

- i. a service road along the north section of the site, along Dawret Hal-Ghaxaq, is to be provided as indicated in Inset Map GH A4;**
- ii. Trejget ir-Rummien is to be retained as a pedestrianised road;**
- iii. MEPA would encourage a range of different sized dwellings;**
- iv. The site or parts of the site should not be developed as individual plots but development proposals are to provide for the comprehensive development of the site or parts of the site;**
- v. Adequate parking is to be provided on site;**
- vi. Sites which in 1988 TPS were partly zoned as green areas, as indicated on Inset Map GH A 4, are to provide an element of open space, possibly fronting Trejget ir-Rummien, in relation to the size of the site being developed but not less than 10% of the site being developed, excluding the service road; and,**
- vii. the height limitation for this site will be three floors and a semi-basement and a front garden is to be provided along Triq il-Bwar.**

**Since the site is under multi-ownership, should the development of the site or parts of the site be made in phases, MEPA will seek to achieve a harmonious, holistic and aggregate design in the development of the site.**

- 14.4.6 This is a relatively large site (approximately 8000 m<sup>2</sup>) which is currently partly occupied by a farm. The area is a white area and partly a green area in the Temporary Provision Schemes, 1988. There is an opportunity to have a comprehensive development of this area and the policy seeks to provide a framework for the development of the site or individual parts of the site in phases but ensuring a final development of the entire site which results in harmonious and holistic development. The green area as designated in the Temporary Provision Schemes, 1988, restricts appropriate recreational provision since it is a green strip along part of the perimeter of the site. The policy seeks to direct the design of the various developments on this site to create a functional open space enhancing the quality of the development of the site.
- 14.4.7 Therefore the whole design of the area would ensure the provision of adequate and useable open space. In view of the difficulties for the comprehensive development of the entire site, yet the policy still seeks to ensure that the final overall development will result in a harmonious and holistic design and layout.

## **SMGH 06 Land safeguarded for the development of Educational Facilities**

**The site along Triq Dawret Hal-Ghaxaq and Triq il-Hareb, as indicated in the Ghaxaq Policy Map GH 1, is being safeguarded for the development of educational facilities in the form of two schools and related sports, recreational and other community facilities. This development will be subject to the following conditions:**

- i. a suitable green buffer zone is to be included between the proposed schools and Dawret Hal-Ghaxaq and Triq il-Hareb;**
- ii. classrooms to be located furthest distance possible away from the roads adjacent to the site;**
- iii. buildings preferably should be located along the Dawret Hal-Ghaxaq section of the site with the possibility of creating a public urban open space along the upper section of the site at Triq il-Hareb;**
- iv. adequate level of car parking for staff and other facilities will be provided within the site, including areas for the pick up and drop off of students;**
- v. common facilities e.g. parking, recreational areas will be shared;**
- vi. recreational, sports and community facilities are to be made available to local residents after school hours;**
- vii. areas of high agricultural value are to be retained;**
- viii. a landscaping plan is to be submitted indicating such provision both within the precincts as well as along the perimeter of the schools;**
- ix. building heights should not exceed two floors and the provision of underground facilities will be encouraged.**

**As the land is currently located Outside Development Zone, the designation of this area for educational facilities as specified above shall be subject to the Structure Plan Review Process in accordance with Policy SET 8.**

- 14.4.8 The two schools which are seeking relocation are St. Albert's college which is currently located in Valletta and the Daughters of the Sacred Heart of 'Christ the King' school in Marsa (Teresa Nuzzo school). Both schools lack appropriate facilities for the growing school population and the location of such schools within the plan area will fill a gap considering that non-state primary and secondary schools are limited in the plan area (three primary schools at Gudja, Tarxien and Paola). Following a site selection exercise in which a number of sites including

those within the urban areas were evaluated, this site in Ghaxaq still emerged as the preferred site in terms of planning issues and merited further consideration, even though ODZ.

- 14.4.9 Since no suitable land is available within scheme boundaries, an ODZ site is being indicated for further assessment as a possible location for the proposed schools. An EIA and a TIS are to be carried out and prior to such studies an assessment of the agricultural potential and quality of this area needs to be carried out proposing measures to minimise the potential impact of the development on the agricultural land. The policy also includes conditions to ensure that the proposed development does not impinge negatively on the nearby residential area, whilst providing multi-use facilities for the enjoyment of the local residents and others within the plan area.

## **SMGH 07**

## **Has-Saptan Fuel Storage Facility**

**This Local Plan confirms the committed use of the Has-Saptan Fuel Storage Facility site for the storage of fuel. No further intensification or expansion of existing uses will be permitted on this site. MEPA will, however, favourably consider the relocation of such facilities to a more appropriate location in future. Should this occur a plan is to be submitted by the operator of this facility indicating details of the dismantling operations as well as of the rehabilitation and re-use of the site for informal recreation, provided safety can be assured.**

- 14.4.10 The Has-Saptan Facility in Ghaxaq (located in the north eastern flank of Luqa airport runway) is considered to be one of the largest underground fuel storage facilities in the Maltese Islands. This facility was extensively used by British forces during World War Two and is presently operated by Enemalta. Due to the environmental sensitiveness of the surrounding area, being part of the Has-Saptan valley as well as a prominent recreational area and a Bird Sanctuary, the intensification and expansion of existing facilities are not permitted. The policy also provides a general guideline should this facility cease to operate in future and encourages the preparation of a plan which would address the rehabilitation of the entire site, primarily for recreational use.

## 15. Gudja Area Policies

### 15.1 Area Description

Urban Area: 370,000 m<sup>2</sup>  
Rural Area: 1,880,000 m<sup>2</sup>  
Population as per 1995 Census: 2,882  
Population Census 2005: 2,901

- 15.1.1 The quiet village of Gudja, formerly known as Bir Miftuh, is one of the oldest villages in the Maltese Islands. The population of Gudja has increased by only 20 persons between 1995 and 2005. It is noted that the rate of population growth has been in gradual decline in recent years with a higher percentage of the population now expected to be moving into old age during the plan period..
- 15.1.2 The village now includes new neighbourhoods, the most important of which is Ta'Xlejli HOS. The latter is physically separated from the locality by an uncompleted and very wide bypass.
- 15.1.3 Gudja is essentially a village of medieval origins characterised by a number of old buildings arranged along winding streets which have largely survived the various pressures for change. The village proper has developed mainly along Triq il-Kbira and Triq Raymond Caruana with the parish church (built between 1656 and 1709) acting as a landmark focal point. Interesting historic landmarks (e.g. St. Catherine and Our Lady of Loreto chapels) dot the rural areas surrounding this village which managed to retain the rural architectural style and features so common before the effects of urban sprawl began to be felt in various areas. Over the years, modern development at the periphery, has resulted in the village's coalescence with nearby Ghaxaq, particularly along Triq Hal Ghaxaq. The housing estates are not properly integrated with Gudja in view of Triq Hal-Ghaxaq and Vjal it-Torri and require the provision of ancillary facilities, particularly social and community facilities, retail and sports facilities to sustain the residential community. The lack of appropriate traffic calming measures along Vjal it-Torri and the current state of the junctions along Dawret il-Gudja are a hazard to pedestrians. The proximity of this locality to the airport results in significant noise pollution. Gudja still has a number of vacant plots (around 40,000 m<sup>2</sup>) within scheme as well as green open spaces such as the spacious Raymond Caruana public garden.
- 15.1.4 Commercial workshops and showrooms are now established outside the development zone along Triq Hal-Tarxien (area known as Ta' l-Imsaqqa).

### 15.2 Summary of Planning Issues

- Need to control the movement of vehicular traffic along Vjal it-Torri and within the village core
- Need to contain the development of small scale industry ODZ



## 15.3 Strategy

- 15.3.1 The strategy is to enhance the residential function of Gudja by protecting its residential amenity and providing for appropriate social/community and recreational facilities and traffic management measures and encouraging the conservation of its cultural, historical and architectural assets.

## 15.4 Area Policies

### SMGU 01 Traffic Management Within the Urban Conservation Area

**MEPA will support initiatives by the Malta Transport Authority and Gudja Local Council with regard to the introduction of appropriate traffic calming measures (including enhanced landscaping, establishment of pedestrian-priority or pedestrian-only landscaping) particularly along streets within the Gudja UCA, to reduce the speed and usage of these primarily residential streets by through traffic as specified in SMTR 03.**

- 15.4.1 The Gudja UCA together with its streets and alleys characterize the picturesque identity of this small, yet historical, morphologically, and visually rich village.
- 15.4.2 Currently, only a number of alleys have been recently pedestrianized. It is the intention of this policy to encourage the partial or full pedestrianization of most parts of the village core. Gudja has the potential of having a circular peripheral circular route if opened in line with provisions contained in other Area Policies for this locality. Thus, conservation of the village core also depends upon the completion of Vjal it-Torri (southern part) and a link between this route and Triq Hal-Resqun which defines the western edge of this settlement.
- 15.4.3 This policy may also be applicable to a short stretch of Triq San Mark which includes an old scheduled farmhouse. Presently, this street has a local access function and two-way traffic flow which can be directed towards Triq San Pawl or Triq Hal-Resqun.

### SMGU 02

### Upgrading of Vjal It-Torri

**MEPA encourages the upgrading of Vjal it-Torri, as indicated in the Gudja Policy Map GU 1, as a local access road, which would require the implementation of the following measures:**

- i. Re-design of street width to reflect its future role and function as an alternative route to Triq R.Carwana;**
  - ii. Additional soft landscaping measures in order to integrate the newer area at Ta'Xlejli with the older parts of this village;**
  - iii. Introduce further traffic calming measures along entire stretch of Vjal it-Torri in order to minimize over-speeding and discourage heavy vehicles from using this route; and**
  - iv. Provision of additional street furniture in order to increase the informal recreational potential of this route.**
- 15.4.4 Vjal it-Torri 'bypasses' the eastern section of this unique small village located in the geographic centre of the Plan area. Notwithstanding this, it is envisaged that upgrading of this street would

provide an opportunity whereby the peripheral HOS area at Ta'Xlejli would be physically integrated with the rest of Gudja in a way that other objectives expressed in policies SMGU 03 and SMGU 04 would not be compromised. These measures will also ensure a safer environment for students attending the school located in the vicinity of this area.

### **SMGU 03 Mixed Use Area at Triq Hal Tarxien (Ta' L-Imsaqqfa)**

**The MEPA designates the area along Triq Hal Tarxien (Ta' L-Imsaqqfa), as indicated in the Gudja Policy Map GU 1, as an Area of Mixed Uses. In this area MEPA will favourably consider development proposals (new development, extensions and changes of use) provided that:**

- i. Any new development, redevelopment or extensions to existing developments are not to extend beyond the boundary of the site;**
- ii. Building heights should not exceed two floors (max 10.5 metres) whilst a basement is permitted;**
- iii. Acceptable land uses will be those falling primarily under Class 11, Class 12 and Class 17 of the Use Classes Order, 1994, as amended, as well as showrooms (only fronting Triq Hal Tarxien) and ancillary offices;**
- iv. Appropriate parking facilities are provided;**
- v. No retail or residential uses will be allowed whilst uses falling under Class 6 (a) of the Use Classes Order, 1994, as amended, will be allowed, provided these do not exceed three in number and are not restaurants or bars; and,**
- vi. Where possible MEPA will seek, through the development process to encourage developers to provide landscaping around their site or contribute to such a provision.**

**As the land is currently located Outside Development Zone, the designation of this area for industrial related uses as specified above shall be subject to the Structure Plan Review Process in accordance with Policy SET 8.**

15.4.5 The area measuring approximately 21,610 m<sup>2</sup>, has been committed through approved developments primarily for industrial and warehousing uses. However, in addition to such uses other uses have been granted permits in the area, particularly showroom development. Showroom development will be considered along the stretch fronting Triq Hal Tarxien. A limited amount of food and drink outlets will be allowed to service the industrial units in this area. Any new developments or redevelopments should provide adequate parking as well as be requested to provide some element of landscaping. The site needs substantial upgrading to ameliorate the working environment of this area and through the development control process there is an opportunity to encourage such upgrading.

### **SMGU 04 Residential Priority Area at Triq Dun Pietru Farrugia**

**The following parameters will guide development proposals within the Residential Priority Area as indicated in Map GU1:**

- i. no internal development will be permitted;**
- ii. development of semi-detached/detached villas will conform to the provisions contained in policy 3.5 of the Development Control Policy and Design Guidance 2005;**
- iii. the site coverage as specified in Development Control Policy and Design Guidance 2005 is adhered to;**

- iv. **building heights for this area will be two floors and semi-basement, as specified in the Gudja Building Heights Map GU 2;**
- v. **MEPA will encourage the introduction of sidewalks/kerbs complemented by a strip of landscaping of a minimum of 1.5 metres along residential streets 10 metres wide.**

15.4.6 The parameters in this policy are being specified to ensure that any development in this area retains the quality of the villa area for which the area has been designated. In specific cases this quality has been compromised by permitted development. The policy cautions against proposals constituting over development and the introduction of appropriate landscaping to complement the villa development and improve the environmental streetscape of the area.

## 16. Kirkop Area Policies

### 16.1 Area Description

Urban Area: 273,159 m<sup>2</sup>  
Rural Area: 867,641 m<sup>2</sup>  
Population as per 1995 census: 1,957  
Population Census 2005: 2,183

- 16.1.1 Kirkop is located just behind the Malta International Airport with the main access to this locality being through the tunnel beneath the main runway. Kirkop is an important employment destination area since companies like ST Microelectronics and Multi Gas are located in this locality. The growth of Kirkop resulted through the development of a number of properties along the cross-roads that linked neighbouring villages such as Mqabba, Luqa, Zurrieq and Qrendi. Kirkop is a small village which has retained its unique characteristics with most of the buildings being 2 storeys high. However, recent developments along the periphery, particularly Government Housing projects with buildings consisting of three and four floors have changed the character of this locality.
- 16.1.2 The population in Kirkop has grown from 1559 in 1985 to 2183 in 2005. However, recent figures show a slow population increase and this is likely to stabilize towards the end of the plan period. Kirkop has a residential density in persons per ha of 78, slightly above the national average, whilst the residential density in units per ha stands at 25. Around 16% of the urban area is available for development. This is one of the highest in the plan area.
- 16.1.3 Kirkop village has a number of interesting archaeological remains dating from the punic times, particularly tombs, a menhir and Christian catacombs. These merit protection and upgrading to bring them to the attention of the public thus creating greater awareness towards the local cultural heritage.
- 16.1.4 The industrial and quarrying activity as well as the traffic generated through these operations impinge negatively on the quality of the environment of the locality. The Kirkop Industrial area needs to be defined and its visual amenity improved to reduce any impacts on the nearby community. A number of quarries in the vicinity have come in disuse and these need to be rehabilitated. Other impacts emanate from airport related activity and operations in terms of noise pollution.
- 16.1.5 The village of Kirkop does not have any adequate facilities where residents can meet as a group or organize social functions. The Local Council is also seeking a site for a new premises in the form of a Civic centre to discharge their functions as well as housing other social and community facilities. In addition the recreational provision needs to increase since Kirkop is limited in the provision of public urban open spaces. The Leisure and Recreation Topic Paper indicates a provision of 0.2 m<sup>2</sup> of urban recreational space per person, well below the average for the Local Plan area (2.1m<sup>2</sup>). A number of housing estates have been developed but no provision was made to increase the level of recreational facilities.

## 16.2 Summary of Planning Issues

- **Introduction of traffic management measures to enhance residential amenity**
- **Provision of appropriate public urban open spaces, recreational and sports facilities**
- **Contain the spread of Industrial activities**
- **Rehabilitation and restoration of quarries**

## 16.3 Strategy

16.3.1 The strategy for Kirkop envisages the enhancement of its residential function and the containment of industrial activity. The provision of recreational and community facilities will be given priority.

## 16.4 Area Policies

### **SMKI 01 Traffic Calming and Environmental Improvements.**

**MEPA will support measures by the Malta Transport Authority and the Kirkop Local Council for further embellishment schemes in and around the Kirkop UCA to improve traffic and environmental conditions. The design of the schemes should enhance the townscape, provide informal recreation space, reduce the impact of parking, and improve pedestrian safety and comfort. The introduction of measures to enhance pedestrian activity in front of the parish church will be encouraged. Measures to reduce traffic speeds and improve conditions for pedestrians (e.g. widening of pavements) would be encouraged particularly in St. Benedict's Street, including the improvement of the Triq L-Imdina / Triq San Anard junction.**

16.4.1 Some environmental works have already been undertaken in the UCA, and the quality of the design and materials has been good. Further works, particularly in the vicinity of the parish church would be very worthwhile. Achieving an appropriate balance between parking needs and creating extra pedestrian space can be difficult, however, in this case, the proposal (schemed alignment for Triq Iz-Zerniq) to construct a new square nearby allows some parking to be shifted to this new area.

16.4.2 In order to improve road safety in the vicinity of the existing primary school, and to produce a safe route for students who will be attending the new secondary school at Karwija, it is proposed that traffic calming measures should be introduced along St. Benedict's Street. This should include works to reduce the size of the Triq L-Imdina/Triq San Anard junction including semi-pedestrianisation, thereby making it both safer and more attractive.

### **SMKI 02 Urban open space at Misrah iz-Zerniq**

**The site at Misrah iz-Zerniq, as indicated on Kirkop Policy Map KI 1 and Inset Map KI A2, which is partly identified as unopened streets in the Temporary Provision Schemes, 1988, is being zoned**

as a public urban open space. The public urban open space may accommodate the provision of seating facilities, landscaping and the possibility of a children's play area. The development of kiosks and catering facilities will not be allowed. Road access around the perimeter of the site is to be retained, as indicated in the Inset Map KI A2. In line with policy SMSE 04, appropriate underground development may be considered in this site provided that this will not impact negatively on the public urban open space and the surrounding residences. Leisure related uses as well as underground parking may be considered.

16.4.3 Public recreational spaces are almost non-existent in Kirkop. A site which was designated as a green area in the Temporary Provision Schemes, 1988, was developed for housing. The site in Misrah iz-Zerniq, measuring approximately 1843 m<sup>2</sup>, is strategically located in the vicinity of the church and this space can be put to more efficient use as a public urban open space. This space is utilized during the local feast when the land fire works are mounted at this site and therefore lends itself for the development of the proposed use without hindering the current traffic flow through the area. Road access around the site is to be retained due to the existing and future residences.

### **SMKI 03**

### **Kirkop Industrial Area**

The area along Triq l-Industrija as indicated on the Kirkop Policy Map KI 1 is designated as an industrial area. No further expansion of industrial developments will be allowed outside this area, however, further industrial expansion within the boundary will be encouraged, provided this does not result in the creation of significant adverse impacts on the nearby population. MEPA will encourage the introduction of mitigation measures to reduce any potential negative impacts (noise and other emissions, visual impacts) that may result from the operations of these industries on the nearby residential community. MEPA will also encourage any proposals to landscape the site and improve the visual amenity of this industrial area.

As the land is currently located Outside Development Zone, the designation of this area for industrial related uses as specified above shall be subject to the Structure Plan Review Process in accordance with Policy SET 8.

16.4.4 The area is currently occupied by industrial developments particularly the ST Microelectronics and the newly built Multigas installation. Most of this site falls within the responsibility of Malta Industrial Parks (MIP). Within the boundary there exists the potential for redevelopment to create additional industrial facilities provided these do not create any further impacts/hazards to the nearby population in terms of noise and air pollution. The zone is to be contained and embellished and any impacts from these developments on the residential community are to be mitigated. Any development applications concerning this area should take account of the introduction of specific measures to mitigate adverse impacts particularly provision of parking areas and landscaping.

### **SMKI 04**

### **Recreational area at Triq il-Belt Valletta**

MEPA will support proposals for the improvement of a site at Triq il-Belt Valletta, designated as an AEI in policy SMC0 03, as indicated on the Kirkop Policy Map KI 1, into a recreational area subject to the following conditions:

- i. the provision of seating facilities and a children's play area as well as the inclusion of

- a water feature;**
- ii. the site shall not be turned into a formal public garden but the natural characteristics of the site shall be enhanced although some soft landscaping of the site and any safety measures should be included as part of the proposal; and,**
- iii. the development should include the introduction of a footway between the site and the urban settlement, along Triq il-Belt Valletta.**

16.4.5 The site, which measures approximately 6,700 m<sup>2</sup>, is a disused quarry which has been filled with water to provide a 'lake' like feature. The site is designated as being of ecological importance. The area should provide for informal recreation and picnic areas for locals as well as others visiting the locality. The site offers the potential to capitalize on this water feature as it will offer a different recreational facility to what is available in the urban part of the village. However, appropriate safety measures should be introduced prior to its opening as a public facility.

16.4.6 Policy RES 10 of the Minerals Subject Plan with regard to restoration of disused quarries in urban or urban fringe areas encourages the development of such sites to agriculture or informal recreation/tourist facilities. The informal recreation aspect of the site should be enhanced to compensate for the lack of adequate recreational facilities within the urban area of Kirkop.

## **SMKI 05**

### **Quarries at Tas-Sienja, Tal-Bolla and Bonu z-Zghir**

**In line with Policy RES 11, in the Minerals Subject Plan, once mineral operations have been exhausted, MEPA will consider the development of local sports facilities (e.g. playing pitches, gym) and informal recreational facilities (e.g. seating facilities and picnic areas) at these quarries, as indicated in the Kirkop Policy map KI 1, subject to the following conditions:**

- i. 75% of the site is restored to agricultural land or afforested;**
- ii. any buildings and parking areas should not take up more than 10% of the site;**
- iii. any retail/catering operations should be ancillary to the sports facilities;**
- iv. built structures should not exceed one floor in height and underground development will be considered;**
- v. shared facilities (e.g. parking) will be encouraged; and**
- vi. a variety of sports and recreational facilities should be provided.**

**Any proposed development would have to include a restoration plan of the quarry.**

16.4.7 These three quarries are located in a rural area but in close proximity to the Kirkop residential area. One quarry is still in operation whilst the other two are currently disused. The continuation and extension of such works will add to the current impacts, particularly noise and dust generation. Once such quarries become inoperative, restoration is important and the policy provides an indication of the uses which would be acceptable when submitting a restoration plan for these quarries. The lack of adequate sports and recreational facilities (only 0.2 m<sup>2</sup> per person) in Kirkop makes it necessary to grab every opportunity to create such spaces. Consultation with the Kirkop Local Council should be considered when planning such facilities to provide facilities which are in demand by the local population. This policy aims to achieve a level of restoration whilst allowing for the development of the much needed recreational facilities.

## 17. Luqa Area Policies

### 17.1 Area Description

Urban Area: 480,000 m<sup>2</sup>  
Rural Area: 6,250,000 m<sup>2</sup>  
Population as per 1995 Census: 6,150  
Population Census 2005: 6028

- 17.1.1 Luqa is bounded to the north by the Marsa Industrial Estate, to the east by Paola, Santa Lucija, Gudja and Ghaxaq; to the south by Safi, Kirkop and Mqabba; and to the west by Siggiewi and Qormi. The population of Luqa has decreased by around 122 persons between 1995 and 2005.
- 17.1.2 Luqa, along with the nearby airport area and the expanding sub-locality of Hal-Farrug, constitutes the major inland area of the Local Plan. The locality still retains a traditional historical core characterized by an organic street pattern with the 17<sup>th</sup> century parish church dominating the main square of this core. This urbanized village has very limited urban green open spaces perhaps due to the settlement's shape which is organized in concentric circular streets away from the parish church piazza.
- 17.1.3 The village's proximity to the airport results in a situation whereby the locality experiences a substantially-high amount of 'through' traffic coming from localities south of the airport to proceed towards central and northern parts of mainland Malta. The airport has also generated pressures for the development of commercial entities which are concentrated along the western fringes of this settlement, at Triq San Tumas, and these developments are compromising the residential identity of this locality.
- 17.1.4 Evidence from a recent survey of Vacant Land completed in 2002 for Luqa indicates that slightly more than 48,300m<sup>2</sup> of land (or 10% of the total land area within scheme boundaries) remains undeveloped.
- 17.1.5 The countryside area of Luqa has a very varied landscape. The long stretches of fields to the east of the village (i.e. facing Santa Lucija and Gudja) present a marked contrast to other ODZ areas taken up by the elongated airport runways, the passenger terminal building, MIA office blocks and other related administrative buildings and spaces. Development restrictions in this area are likely to be re-enforced given the need to identify a Public Safety Zone around the airport's perimeter and a new taxi-route proposed as part of the airport's future requirements. The Malta International Airport (MIA) area has been identified for commercial and recreational development. An Outline Development permit was issued in 1997 (PA 5681/96). A decision by the MEPA Board (then the Planning Authority) in 1997 designated the MIA site as a Primary Development Area in Luqa in lieu of the area that had been designated under Structure Plan Policy SET 10.
- 17.1.6 The rapidly expanding Hal-Farrug area with its residential, commercial and industrial sections forms the 'rural' area northwest of the village. Hal-Farrug, originally a medieval village, which had a church that was demolished to make way for parts of the airport as it was deemed a hazard to aircraft, has now grown substantially in recent years. It is characterized by residential apartment blocks overlooking Wied Qirda and Wied il-Kbir, originally constructed by the British in order to house airport officers and their families. Architecturally, these apartment blocks contrast sharply with rows of residences constructed along Triq Hal-Qormi as part of the



Home Ownership Scheme. This residential area lack adequate sports, social and community facilities to support the increasing population. Hal-Farrug is also associated with a large number of micro-enterprises which occupy ODZ land adjacent to the above-mentioned residential zones and larger commercial establishments further down the road to Qormi which have substantial storage land servicing them. The SME area has expanded and needs to be contained avoid that this results in further adverse impacts to the nearby residential area.

- 17.1.7 A number of important Government agencies and services are located at Luqa (e.g. St.Vincent De Paule Elderly Residence, Water Services Corporation, The Government Experimental Farm at Ghammieri, College of Agriculture).

## **17.2 Summary of Planning Issues**

- **Provision of community and sports facilities, particularly at Hal Farrug.**
- **Facilitating the expansion and consolidation of airport related operations.**
- **Deletion of Primary Development Area identified in Structure Plan Policy SET 10**
- **Contain industrial development.**

## **17.3 Strategy**

- 17.3.1 The strategy seeks to enhance the role of Luqa (including Hal Farrug) in terms of employment-generating activities whilst safeguarding its residential identity from nearby urban areas. The strategy also seeks to promote the identity of this area through the provision of sports, leisure and recreational facilities and protect the rural areas around Luqa from development pressures.
- 17.3.2 The strategy seeks to facilitate the expansion of the Malta International Airport to enable it to operate as a Regional hub and consolidate various directly airport related functions within the footprint of the area under MIAs control.

## **17.4 Area Policies**

### **SMLU 01 Rezoning of site at Triq il-Gdida and Triq Mikelang Sapiano**

**MEPA rezones the road situated between Triq il-Gdida and Triq Mikelang Sapiano, as indicated in the Luqa Policy Map LU 1 and Inset Map LU A1, to residential development as part of the comprehensive development of the entire site. Development is to include recreational facilities in addition to the residential development provided the proposal clearly demonstrates that:**

- i. It does not lead to bad neighbour impacts including unacceptable noise and light pollution;**
- ii. 5% of the site is to be landscaped, in line with provisions in the Guidelines on Trees, Shrubs and Plants for Planting and Landscaping in the Maltese Islands, 2002;**
- iii. 70% of the site is to be developed for residential development;**

- iv. **25% of the site will be designated for recreational facilities including sports facilities as appropriate;**
  - v. **A water reservoir of suitable size for full site irrigation purposes will be provided on site;**
  - vi. **The height limitation for this site will be three floors; and**
  - vii. **The development will include a suitable children's play area.**
- 17.4.1 Following consultation with the Local Council, and as stated in the Report of Survey and the Recreation Topic Paper, urban population density in Luqa is high. In contrast, provision of recreational facilities has not matched up this demographic growth with the locality experiencing under-provision even when compared to other localities within the SMLP area. Although the Leisure and Recreation Topic Study indicates that Luqa has an urban recreational provision of 2.4 m<sup>2</sup> per person, which is above the average figure for the plan area, most of this provision is in Hal-Farrug, although in the form of wooded areas, which is quite distant from the main settlement of Luqa.
- 17.4.2 This site, which is still undeveloped and owned by the Joint Office, measures approximately 4000 m<sup>2</sup>. This proposal effectively encourages the introduction of additional sports and recreational facilities in order to reduce this deficiency. In fact, Luqa residents usually have to cross the busy Vjal L-Avjazzjoni and Triq San Tumas in order to utilise the sport grounds administered by the Armed Forces near the old airport terminal. The frequent use of such facilities depends on prior permission sought by the Local Council, on behalf of residents, with AFM. This policy seeks to provide for the much needed recreational facilities in conjunction with the residential development. A schemed street which cuts the site is considered unnecessary and therefore the area will now be allocated for recreational/sports facilities. The development conditions adequately make up for the land taken up for sports facilities.

## SMLU 02

## Deletion Of Primary Development Area

**It is recommended that the Structure Plan Review should delete proposals for a "Primary Development Area" at Luqa (SET10) containing a business park and superstore (COM3), together with the new road intended to serve the site.**

- 17.4.3 The 1990 Structure Plan identifies an area in the vicinity of the Airport as suitable for major development, accommodating a Business park, including major offices, superstore-based shopping, a business hotel with conference facilities and other compatible commercial uses (COM 3) located between Triq Il-Kunsill Ta' L-Ewropa and Vjal L-Avjazzjoni, outside the urban development boundary.
- 17.4.4 Notwithstanding this, the construction of a superstore at such a site would be contrary to the policy contained in the Retail Topic Paper, which was approved by the Planning Authority (now MEPA) in May 2001. The provision of such a facility would also be contrary to the Retail Planning Guidelines approved by MEPA Board in May 2003. Emerging employment policy also indicates that offices and similar uses should be situated in existing town centres, consequently a business park would no longer be appropriate at this site.
- 17.4.5 The Structure Plan Key Diagram indicates the construction of a new road from the Triq Il-Kunsill Ta' L-Ewropa / Triq G. Garibaldi roundabout to Vjal L-Avjazzjoni. As this road is only required to serve the primary development area, it should also be deleted as part of the Structure Plan Review process. A MEPA Board decision in 1997 designated the Malta International Airport site as the Primary Development Area in lieu of the area indicated in Structure Plan

### **SMLU 03**

### **Mixed Development at Triq Tal-Vitorja, Hal Farrug**

**MEPA encourages the comprehensive development of an undeveloped site at Triq il-Vitorja, Hal Farrug, as indicated in the Luqa (Hal Farrug) Policy Map LU 2, primarily for residential development subject to the following conditions:**

- i. At least 10% of the site is to be developed into a public urban open space in line with SMSE 05;**
- ii. Other permitted uses include a mix of small-scale retail development (local shops) in line with the requirements for retail development as specified in SMHO 02 as well as social and community facilities (e.g. day care centre);**
- iii. Adequate parking facilities to be provided as required by the entire proposed development;**
- iv. The building height of this site should not exceed 4 floors and semi-basement**
- v. A landscaped buffer of not less than 3 metres is to be provided along the northern edge of the site.**

17.4.6 The rapidly growing residential community at Hal-Farrug now totals at least 451 persons over 18 years (2001 Electoral Register data) thus creating a demand for rationalization of existing derelict land into recreational, retail and socio-community facilities. The retail function of Hal Farrug is still very limited and relies heavily on the relative location of this settlement between the central conurbation and outlying villages in the south. The retail function in Hal Farrug is largely limited to showrooms (for the display of furniture items, and for home improvement products) with very few (if any) convenience shops for local residents and workers.

17.4.7 The site (total area: 12,270m<sup>2</sup>), which with the designation of the Hal-Farrug scheme is now within the Limits to Development boundary, is currently degraded land and is situated on sloping ground and commands good views of Wied il-Kbir and Qormi. The strategic significance of this area is further highlighted in that it lies adjacent to a site which houses a Pastoral Centre and is indicated for the future provision of religious facilities including a church and related facilities. Hence, through this policy MEPA will ensure that the increase in the resident population is adequately supported with a provision of social and community as well as recreational facilities. The public open space will also act as a buffer between the residential quarters and the industrial zone.

### **SMLU 04**

### **New Church and Related Facilities at Hal Farrug**

**The site at Triq ir-Russett l-Abjad, as indicated in Luqa (Hal Farrug) Policy Map LU 2, is proposed for the construction of a new church serving the sub-parish district of Hal Farrug. Any proposal shall include provision for underground parking, open spaces for social gatherings and other ancillary offices and uses determined by Church Authorities, in accordance with community needs. The building height should not exceed three floors, however an extra floor relaxation may be allowed subject to the submission of a quality design.**

17.4.8 Considering the growth in the Hal Farrug Community in view of the recent and potential future expansion of the residential community, a site (approximately 1900 m<sup>2</sup>) is being designated for the development of a church as a replacement for the existing chapel to serve this expected increase in the population of Hal Farrug. In this regard, the Structure Plan (para.9.19) refers to

the need to provide local community facilities in new housing areas. Currently, the designated site is partly occupied by a one-storey chapel encircled by an asphalted piece of land which is informally utilised for parking.

## **SMLU 05**

### **Mixed Development at Hal Farrug**

**MEPA encourages the relocation of the open storage facility along Triq Hal-Farrug, as indicated in the Luqa (Hal Farrug) Policy Map LU 2, to more appropriate sites and designates this site for comprehensive/mixed development which would include a mix of residential, commercial and leisure-related facilities. Landscaping of the site edge will be required for better treatment of the interface between the recommended uses and their immediate surroundings. Parameters to guide the development of this site will be given by MEPA.**

17.4.9 The site (19,000 m<sup>2</sup>) is currently occupied by a container depot, having a development permit dating back to 1989. Hal Farrug has now grown into a full blown settlement and is still to grow in view of the Housing Authority's projects in the area. The container depot operation is incompatible within a residential area and therefore this policy aims to give a zoning to the site should the facility be relocated or cease operation in the future. The site offers potential for a mix of uses which include residential development as well as some commercial and leisure related facilities. Parameters to guide the submission of development proposals will be formulated by MEPA in the eventuality that the site is considered for development in future.

## **SMLU 06**

### **Local Park and Sports Facilities at Hal Farrug**

**MEPA reserves the two sites along Triq Hal-Farrug, as indicated in Luqa (Hal Farrug) Policy Map LU 2, for a Local Park which would include sports facilities, subject to the following conditions:**

- i. The natural setting of this site is to be retained and only the provision of seating facilities, picnic areas, public footpaths/jogging and cycling track and children's play facilities will be allowed;**
- ii. Sports facilities in the form of playing pitches are to be provided on the lower site adjacent to the current container depot;**
- iii. Further intensification of this afforested area, by means of low vegetation cover in accordance with the Guidelines for Trees and Shrubs, is to be encouraged;**
- iv. The development of an underground reservoir will be allowed;**
- v. No kiosks will be permitted.**

**This designation may entail a clearer delineation of the edges of this Park by means of entry/exit gates and appropriate fencing of the site.**

17.4.10 This policy seeks to retain the open and semi-natural character of the area through the designation of a local park as defined in the Leisure and Recreation Topic Study. Residential development in the vicinity is characterised by multi-storey flatted Government blocks which include a number of residences each having minimal private open space within their respective properties. On a broader context, public recreational space in the highly urbanized South is also limited and MEPA therefore supports further increases in recreational space and facilities. This site will also serve the main locality of Luqa where such provision is also lacking. Minimal interventions are allowed primarily to facilitate public use of the site. The two sites cover an area of 8,943 sq.m. and 4,350 sq.m., respectively. These sites screen the housing estate from

## **SMLU 07**

### **Malta International Airport Master Plan Area**

**For the area designated as the Malta International Airport Master Plan Area, as indicated in the Luqa Airport and Environs Policy Map LU 3, a Master Plan is to be submitted to MEPA by the Malta International Airport indicating the various developments and uses proposed for this area which may include facilities relating to the airport operations, retail and commercial facilities, entertainment facilities, parking, as well as an element of tourist accommodation.**

17.4.11 The Malta International Airport have in the past submitted its plans to develop this area (155,000 m<sup>2</sup>) for commercial, retail and leisure related uses as well as facilities related to the airport operations namely, flight catering facilities, etc. An outline application was submitted in 1996 (PA5861/96) which was subsequently approved in 1997. Since then MIA has been privatised, however, there is still an interest to make the best possible use of this site. Therefore, a Master Plan is to be prepared for the area indicating the various uses and developments proposed for subsequent discussion with MEPA.

## **SMLU 08**

### **Air Malta Development Brief Areas**

**Any development proposals in the Air Malta Sites, as indicated in the Luqa Policy Maps LU 1 and LU 4, which are currently occupied by Air Malta operations, will be subject to the submission of a Development Brief for the areas, to be approved by MEPA. Acceptable uses to be considered within these areas will be commercial/retail, food and drink, sports facilities, as well as tourist accommodation, and the provision of adequate public urban open spaces, whilst not excluding aviation related facilities.**

17.4.12 These two sites are currently occupied by Air Malta related operations. Although both sites are actually located ODZ yet they have been committed by a level of development. One site measures approximately 18,000 m<sup>2</sup>, and is located between the old airport terminal and Triq San Tumas. This area is currently a parking area with a number of landscaped areas and includes an area used as a football pitch. Site B measures approximately 68,000 m<sup>2</sup>, and houses the Air Malta offices as well as a substantial amount of open space and landscaped areas. The policy gives a general direction of acceptable uses, however a Development Brief is to be submitted. Adequate public urban open space should be provided.

## **SMLU 09**

### **Luqa Industrial Estate**

**MEPA would only permit additional industrial units along the northern edge of the Luqa Industrial Estate, as designated in the Luqa Policy Map LU2, once an adequate landscaped buffer zone is provided along this edge of the estate, particularly along Triq il-Bughadam Griz and Triq l-Egret Isfar. Industrial uses along this section of the estate should be of a type that do not create any significant adverse impacts to the nearby residences in terms of emissions, vibrations and noise.**

17.4.13 This section of the estate is closest to the residential area and to safeguard the quality of the residential amenity an appropriate buffer zone is to be erected to screen the industrial development from the residential part of Hal Farrug. The type of industrial uses to be allowed

along this section of the estate should not be of the obnoxious type that would negatively affect the nearby residences.

## **SMLU 10                      Carnival Float and Scenography Production Park and Agro-Industry**

**MEPA designates the site along Triq Hal-Luqa, as indicated in Luqa Policy Map (Hal Farrug/Ghammieri) LU 2 for the development of a Carnival Float and Scenography Production Park and Agro-Industry along guidelines approved by MEPA.**

17.4.14 This area currently occupied by agricultural operations as well as storage facilities for WSC is being designated for the relocation of the carnival workshops which are spread in various localities particularly in Valletta and Floriana. MEPA prepared and approved specific guidelines for the development of this site part of which will also be dedicated to agro-industry operations.

## 18. Marsascala Area Policies

### 18.1 Area Description

Urban Area: 1,332,483 m<sup>2</sup>  
Rural Area: 4,043,707 m<sup>2</sup>  
Population as per 1995 census: 4,770  
Population Census 2005: 9,298

- 18.1.1 The town of Marsascala has grown very rapidly over the last three decades. The growth of this town was planned since the early 60s as a result of the designation of the schemes and development of this locality grew steadily during the 70s and 80s and very sharply in the 90s, particularly as people set up residence in this locality. In addition to this Marsascala was also a summer resort for residents living in localities in the South of the Island, particularly Fgura, Zabbar and Zejtun. Between 1985 and 1995 the population increased from 1936 to 4770. The population density during this ten-year period increased from 344 to 887 persons per km<sup>2</sup>. By 2005 the population almost doubled to reach 9298 and it is likely that the population increases to over 11,000 during the plan period, considering the properties that are in construction stage and the amount of vacant land available for development within the Limits to Development boundary (166,322 m<sup>2</sup> – Technical Report about the condition of vacant land within urban areas prepared by MEPA in 2002).
- 18.1.2 The increase in population, normally, brings about an increased demand for the provision of adequate public urban open space and sports facilities (e.g. playing pitches) as well as social/community and educational facilities. Although some facilities in this regard have been provided during recent years, the expected increase in population necessitates safeguarding land for such provision. Most of the community facilities, e.g. church and school, are located in the vicinity of the village core and away from the ‘newly established’ residential areas at In-Nadur. One pressing factor relates to the existing primary school which needs to extend its capacity. In the replanning exercise aimed to zone white areas within the TPS, 1988, which was carried out in 1992, few areas were designated for community facilities considering the increase in population envisaged.
- 18.1.3 The urban morphology of Marsascala has generally grown along the coast and the promontory between Marsascala Bay and St. Thomas Bay. The urban open spaces in Marsascala are concentrated along the promenade. Such spaces are non-existent within the residential areas. The built environment of Marsascala consists of a range of building forms - villas, terraced houses, maisonettes and apartments. It is important to protect the residential quality of all residential areas particularly the villa and bungalow areas.
- 18.1.4 The boathouse development at St. Thomas Bay (approximately 140 – 150 units) used as summer residences needs to be better planned and managed to embellish the area, contain further sprawl and protect the coast. The rural area of Marsascala is predominantly agricultural interspersed with areas of ecological (e.g. Il-Maghluq and il-Munxar) and archaeological importance (e.g. salt pans). The coast of Marsascala is the main coastal stretch in the whole plan area. Most of this coastal stretch is designated as an area of ecological importance and is also used for recreational purposes. Marsascala Bay offers the right coastal morphology for a potential yacht marina. Marsascala is the main tourist locality in the plan area in terms of tourist accommodation, as well as catering outlets. The main entertainment facilities e.g. cinemas and

discos are located in this town. Nonetheless, there are still residential pockets which have not been safeguarded from commercial related, particularly tourism and entertainment, development e.g along Triq id-Dugh, Triq Tal-Buttar and Triq il-Mahsel.

- 18.1.5 In various areas of this locality height limitations have been infringed particularly by the addition of a penthouse above the third floor. Currently there are around 29 pending enforcement cases on this issue. Another issue relates to front gardens, particularly those fronting catering establishments, where most of these were built without the required permit

## **18.2 Summary of Planning Issues**

- **Height limitation infringements**
- **Provision of urban open space, sports and community facilities**
- **Management of Boat house area at St. Thomas Bay**
- **Definition of the Marsascala tourist zone**
- **Regularise front gardens in entertainment areas**

## **18.3 Strategy**

- 18.3.1 The strategy for Marsascala is to retain this locality as the main tourism and entertainment locality, but ensuring that this role does not adversely affect the residential amenity of the locality. The strategy also seeks to safeguard the amenity of residential areas through restricting growth and proliferation of tourism and entertainment facilities in specific defined zones and to provide adequate provision of social/community and recreational facilities to support the growing population of this area.

## **18.4 Area Policies**

### **SMMS 01**

### **Tourist Area and Entertainment Priority Area**

**In line with Structure Plan Policy TOU 4, the urban settlement of Marsascala is designated as a tourist area. The following land-uses (new uses, extensions to existing uses, and change of uses) will ONLY be permitted within all frontages located within the designated Entertainment Priority Area as defined in the Marsascala Policy Maps MS 1 and MS 2, unless otherwise stated in another policy in this plan:**

- i. Class 1 (Use Classes Order, 1994) dwelling units.**
- ii. Class 3 (Use Classes Order, 1994) hostels and hotels, including other tourist accommodation, provided that these uses are in accordance with all other relevant Local Plan policies.**
- iii. Class 4 (Use Classes Order, 1994) small shops provided that:**
  - a. the small shops (of any nature) are not to exceed a total floor area of 50 m<sup>2</sup> each, and convenience shops are not to exceed a total floor area of 75 m<sup>2</sup> each;**



- b. they comply with all the provisions of paragraphs. 1.4.16 to 1.4.18 of the Interim Retail Planning Guidelines (2003); and
- c. they comply with all the relevant sections of the DC2005 (design, access, amenity, etc.),
- iv. Supermarkets provided that they comply with all the provisions of Policy SMCM 07.
- v. Class 5 (Use Classes Order, 1994) offices provided that the gross floor area does not exceed 100 m<sup>2</sup>.
- vi. Class 6 (Use Classes Order, 1994) food and drink, including hot food take-aways. However the sale of food and drink for consumption on or off the premises is to be at ground floor level only.
- vii. Class 7 (Use Classes Order, 1994) non-residential institutions including interpretation centres.
- viii. Class 8 (a) (Use Classes Order, 1994) small-scale educational facilities only.
- ix. Class 9 (Use Classes Order, 1994) assembly and leisure, including clubs, dance halls and discos provided these do not cause nuisance to neighbours particularly safeguarded through restrictions on opening hours and proper noise abatement measures;.
- x. Class 10 (b) (Use Classes Order, 1994) marine leisure – diving, sailing or windsurfing school or other marine based sports or recreation.
- xi. Taxi Business or for the hire of motor vehicles.
- xii. Amusement Arcade or centre, or a funfair.
- xiii. Band club, social club, dance hall, wedding hall and discotheque.
- xiv. Cleaning of clothes in venues where articles are brought by the public, provided that the gross floor area does not exceed 50 m<sup>2</sup>.
- xv. Cinema.
- xvi. Bakery and Confectionery with provision for outside catering.

**Development proposals within such zone must make a positive contribution towards the upgrading of the tourism product through innovative approaches to urban design – site layouts, mix of uses, landscaping, building heights and mass, design of facades - that respect the character of the locality and ensure that all necessary infrastructure is in place to accommodate the needs of and the activity generated by the proposed developments.**

**Within such zones MEPA will support schemes from public and private agencies which enhance the external environment and the public realm. It will also seek planning gain from major developments to assist in the implementation of this objective and will seek to participate in initiatives for the proper comprehensive management of tourism zones.**

18.4.1 The designation of the tourist area and entertainment priority area in Marsascala recognizes the importance of this locality for both domestic and international tourism and it also reflects the approach advocated in Structure Plan policy TOU 4. This designation encourages the development of tourism infrastructure and related entertainment facilities (tourist accommodation, restaurants, attractions) and ensures that the amenity in other areas, are safeguarded from such developments particularly by not permitting tourism development within the residential areas but directing such development to the appropriate zone. This policy will also ensure that developments allowed complement the tourism product for this area and ensure an overall integration of development of facilities to enhance the quality of the area

18.4.2 The main role of Marsascala as a focus for entertainment uses is recognized by the Local Plan. Proposals for hotels, bars, restaurants and a wider range of entertainments uses will therefore be encouraged within this area. The provision of retail and office facilities in the areas delineated as Entertainment Priority Areas is to be limited to small scale developments only in line with the stance of directing the development of larger scale commercial facilities to Town and Local Centres. The designation of such zones has taken into consideration the concentration of leisure



- on site car parking at ground level;
- v. appropriate attention should be given to the design of the new development/redevelopment to minimize the visual impact of the proposed building;
- vi. MEPA would encourage the retention of the swimming pool and its improvement or redevelopment of a new pool;
- vii. proposals should also include a landscaping plan around the site. Landscaping is to cover 5% of the site.

18.4.4 The site occupied by the ex-National Waterpolo pitch (approximately 10,000 m<sup>2</sup>), currently used as a swimming pool facility during summer, is underutilized and there is potential for expansion of sports facilities and the upgrading of the existing facilities, possibly through the redevelopment of the site, particularly since sports facilities are lacking in Marsascala. The current site is underutilized just as a swimming pool and has potential to develop a multi use sports complex which would serve the local population and nearby localities. The footprint of the existing building covers a site area of 4000 m<sup>2</sup>. The additional facilities would increase the built up footprint to 7000 m<sup>2</sup>. The current level of parking provision should still be provided, partly through the provision parking both at underground and ground level, particularly for coaches. Any additional parking requirements resulting from the proposed additional facilities is to be provided. Adequate public urban open space will be provided for better use of this area. The development will also have to consider submitting a landscaping plan.

## **SMMS 04**

## **Yacht marina site**

**MEPA would consider proposals for the development of a yacht marina in the Marsascala Bay area, as indicated in the Marsascala Policy Map MS 1, subject to the following conditions:**

- i. the scale and form and suitability of the proposed use is confirmed by the appropriate studies which will have to include an underwater archaeological survey;
- ii. the financial feasibility of the project proposal is confirmed;
- iii. an Environmental Impact Assessment will have to be carried out by the developer.

**Within this area maritime-related shore based facilities will be considered acceptable, provided they complement the development of the yacht marina and will not result in adverse impacts of the nearby residences.**

**MEPA will also consider allowing residential and commercial development as part of the redevelopment of the ex-National Swimming Pool pitch site, as indicated in policy SMMS 03, provided:**

- i. the redevelopment of this site is part of a master plan for the development of the yacht marina in Marsascala Bay;
- ii. residential and commercial development should take up between 50% - 60% of the entire site area, whilst 20% - 30% of the entire site area is to be developed for sports and recreational facilities. Underground facilities will be encouraged;
- iii. Not less than 10% of the site area should be retained as a public urban open space;
- iv. An additional fourth floor may be allowed subject to the submission of a quality design that would not create adverse visual impacts within this area of Marsascala; and,
- v. Conditions iv, v, vi and vii in policy SMMS 03 will still apply.

18.4.5 Marsascala Bay has the coastal characteristics that lends itself to the development of a marina,

despite being indicated as an unlikely site in the Yachting Subject Study. However, the main reasons given were related to the exposure of this area to winds and seas from the east and severe reflective wave problems during onshore winds. However, no detailed studies had been carried out to determine the extent of such observations and whether they can be mitigated. The consultants had stated that it may not be attractive to international yachters. However, local demand is increasing and new berths being sought. In 1995 there were around 1119 berths available in the Maltese Islands, but none of these were in the plan area or its vicinity. Currently there are around 1500 berths available in Malta and Gozo. The plan area lacks such facilities despite the increasing boating activity in Marsascala and nearby Marsaxlokk. Recent years have seen an increase in the ownership of boats by locals placing a demand for berthing/mooring facilities. Detailed studies are needed to ensure the overall feasibility of the project and identify the main problems for a marina in this area and it should also suggest any mitigation measures which may need to be implemented to avoid any significant environmental impacts, that may be identified by the studies. The policy also provides for the integration of the ex-National Swimming Pool site should this site be available as part of the yacht marina development, providing guidance on the level of potential development that may be allowed, primarily to counter the significant infrastructural costs that a yacht marina would entail (e.g. the construction of a breakwater).

## **SMMS 05**

### **Deletion of Proposed Coast Road**

**It is proposed that the schemed coastal road linking Zonqor Point, Marsascala and Xghajra, as indicated in the Temporary Provisions Scheme, 1988, be deleted.**

18.4.6 The TPS shows the southern section of a new road adjacent to the coast, extending north-westwards from the development boundary at Zonqor Point, Marsacala towards Xghajra. There is no strategic need for such a road, and since it is ODZ it is not required for development. This coastal stretch is indicated as an Area of Ecological Importance and therefore the construction of the road would adversely affect this area whilst encouraging further pressures for development ODZ.

## **SMMS 06**

### **Pedestrian Link to Zonqor Estate**

**MEPA will permit works that improve conditions for people walking between the Zonqor Housing Estate and the centre of Marsascala. Specifically, this would include the upgrading of the footpath that links Triq Hurds Bank with Triq Ta' Monita, as indicated in the Marsacala Policy Map MS 1, and the provision and improvement of pavements along Triq F. Bianco. This link should take into account persons with special needs.**

**MEPA will also encourage the upgrading of the green area at Triq Dun Frans Bianco between the school and the church into a seating area with landscaping. MEPA may also consider the development of underground facilities within this site provided that these are in harmony with the adjacent uses, namely the church and the school.**

18.4.7 The Zonqor Housing Estate is relatively isolated, and it is not particularly easy or attractive to walk between this area and Marsascala where local facilities exist. There is an existing track, which has partially been concreted, but this would benefit from upgrading, including better surfacing, lighting, and measures to prevent vehicular use.

- 18.4.8 This pedestrian route involves the use of Triq F. Bianco, but this has either no pavement or only a narrow one. This deficiency needs to be addressed, particularly as the road also serves the parish church and the primary school. The green area (1600 m<sup>2</sup>) adjacent to the church should be upgraded into a proper seating area with landscaping for public use. This will improve the amenity of this area. Appropriate facilities could be developed underground provided that these are not in conflict with the educational and religious uses around this site.

## **SMMS 07**

### **Wied Il-Ghajn Road Alignment Changes**

**In order to protect the rural environment and the character of the UCA, modifications will be made to the scheme alignments, as shown on the Marsascalea Policy Map MS 1 and in the Inset Map MS A3. The design of development in this area will have to ensure that no vehicular access will be allowed from Triq l-Iskal, Sqaq il-Harruba and Triq il-Qrempuc.**

- 18.4.9 Because of the steepness of the valley side, sections of Sqaq Il-Harruba and Triq Il-Qrempuc will be constructed as pedestrian routes (staircases) only.
- 18.4.10 In order to safeguard the character of, and amenity within, the UCA, Triq F. Grech will only be extended as far as Triq L-Iskal, and also no vehicular access will be permitted from this street to the squares and alleys within the UCA.

## **SMMS 08**

### **St. Thomas Bay Coastal Recreation Area Action Plan**

**MEPA will prepare an Action Plan for the St. Thomas Bay Coastal Recreation Area, as indicated on the Marsascalea Policy Map MS 2. This area is designated primarily for coastal recreation and related facilities (e.g. beachrooms). In the interim period prior to the finalisation and approval of the Action Plan, no extensions to existing beachrooms or additional beachrooms will be permitted and change of use from holiday accommodation to permanent residential or commercial use will not be permitted.**

**The Action Plan for the St. Thomas Bay Coastal Recreation Area will provide guidelines with regard to the improvement of the area and existing beachrooms, designate appropriate sites for the provision of common facilities (e.g. car parking, children's play area), designate sites for camping and caravanning, recommend improvements of the promenade along the St. Thomas Bay coastal stretch, and identify measures to encourage a co-ordinated action to improve the management of the area and encourage landscaping to minimize the potential negative impacts. The Plan will also identify time frames for implementation, monitoring, maintenance and upgrading programmes.**

- 18.4.11 A number of beachrooms have been constructed around St. Thomas Bay. The Local Plan recognizes that such facilities have developed in the area, unfortunately in a haphazard manner.
- 18.4.12 The site covered by this policy has a site area of about 70,000 m<sup>2</sup>. It is estimated that there are approximately over 140 beachrooms. This policy seeks to contain the further expansion of such developments and advocates the preparation of an Action Plan to guide any development in and management of the area. The plan will recommend measures for the provision of additional facilities in appropriate areas and to improve the overall amenity of the area whilst ensuring that the coastal resources are protected and not degraded.

## **SMMS 09**

### **Site at Wied Sant' Antnin for informal recreation**

**A site in Wied Sant Antnin as indicated on the Marsascala Policy Map MS 1 is being safeguarded for informal recreation activity subject to the following criteria;**

- i. the area is to be cleared of the dumped rubble material;**
- ii. the design should maintain and improve the natural characteristics of the area and hard landscaping should be limited;**
- iii. buildings should be limited to the provision of toilet facilities/shower rooms, and building heights should not exceed 1 floor (4.75 metres);**
- iv. the nature of facilities to be provided would include seating, picnic areas, children's play areas and related informal facilities, as well as a football pitch provided this is appropriately located within the site;**
- v. An afforested buffer, not less than 10% of the site, is to be provided between the adjacent waste management facility and the recreational area;**
- vi. the provision of a parking area within the curtilage of the site which could also be used as a boat trailer parking area;**
- vii. access for disabled must be provided;**
- viii. a pedestrian footpath is to be provided to link the recreational area with the residential area.**

**Before the submission of a development application, a Project Description Statement should be submitted which would give a detailed description of the project based on the above criteria.**

18.4.13 This site is currently degraded and is used for illegal dumping and bird trapping activity and would therefore provide an opportunity for improvement and rehabilitation to encourage informal recreation activity where locals can go on a picnic, similar to the Kennedy Grove area. The site area is approximately 52,000 m<sup>2</sup>. It is important that the natural characteristics of the area be retained and this informal area should not be turned into a formal garden. The openness of the site is to be retained. Therefore, buildings and any hard landscaping interventions are to be minimal. The clearing of the area from the dumped rubble should allow the restoration of the area to its natural features. Parking facilities would be provided in the degraded quarry area with any proposed buildings sited in this area. This parking area can also serve a dual use as a boat trailer parking area since this would be required mainly during the summer months. This recreational area would also serve locals coming from Zabbar and Zejtun as well as from other areas. A football pitch is necessary since such a facility is non-existent in Marsascala.

## **SMMS 10**

### **Site reserved for extension of school facilities**

**The site abutting the Marsascala primary school, as indicated in the Marsascala Policy Map MS 1, is being reserved for the future expansion of the school facilities provided that the height of any proposed new building on this extension should not exceed two storeys.**

18.4.14 The ever increasing school population in Marsascala and the projected future increase in the population of this locality has and will place significant demands on school space. The current building has serious limitations in this regard, particularly due to the limited classrooms available to accommodate the increasing primary school population. An application has been approved for the construction of additional classrooms and facilities (PA 2960/01) to partly solve this problem, transforming existing spaces within the precincts of the school (e.g. yard and

terrace) into classrooms. The extension has been discussed with the Foundation for Tomorrow's Schools and it was indicated that this is sufficient to accommodate the kindergarten facilities. Due to the proximity of the Zonqor battery a height of two floors is to be retained.

## SMMS 11

## Traffic Management

**MEPA will collaborate and support the Malta Transport Authority and the Marsascala Local Council in the preparation of a comprehensive Traffic Management Study for Marsascala to manage better traffic flows into and out of as well as within Marsascala. Such measures would address issues relating to pedestrianisation possibilities as well as pedestrian safety issues (particularly along Triq il-Qaliet, to effectively reduce speeds and improve road safety along this main spine road and next to the school area), .The study will also consider the introduction of the CPPS, primarily within the entertainment priority areas and local centre in Marsascala.**

18.4.15 The locality of Marsascala has grown not only in terms of the number of residents but also the number of visitors coming into this area, primarily for recreation purposes. This has led to a considerable amount of traffic that at certain times creates congestion at critical bottlenecks. This policy proposes that a comprehensive study of traffic issues in this area is carried out keeping in view the commercial, recreational and residential functions of this locality. In particular, triq il-Qaliet acts as the local distributor road for a large part of M'Scala. Whilst it is primarily residential in character, a number of retail and entertainment uses are located along it and consequently it is the focus for noticeable traffic movement and pedestrian activity. The road's width and alignment encourage excessive speed. A speed limit of 40 kph has been introduced, but speed surveys indicate that the prevailing 85<sup>th</sup> percentile speed is 57 kph. The only realistic way to influence motorists' behaviour is to introduce traffic calming features at frequent intervals and measures to change the appearance of the road. Secondly, pedestrian or semi-pedestrian measures may be introduced in specific areas. The introduction of the CPPS in such a commercial and leisure area needs to be given serious consideration.

## SMMS 12

## Sant'Antnin Waste Management Facility

**This local plan confirms the committed use of the Sant' Antnin site for waste management facilities and MEPA will favourably consider proposals which will improve the operations of the plant and mitigate any resulting environmental impacts.**

18.4.16 The Sant'Antnin site at Marsascala has been in operation for a significant number of years. In the seventies a significant proportion of the site, which extends well beyond the current boundary, was used as a waste tip. This activity took place mostly on a pre-excavated hardstone quarry site. A site due SW of the Sant' Antnin plant is still used for hardstone extraction. In the eighties the liquid waste water treatment came into operation. In the nineties the solid waste processing facility came on line. The plant was erected a few metres from a major thoroughfare and a few hundred meters away from residences. Given the proximity of the two land-uses, it is imperative to examine in detail the proximity factor, to identify the main issues and challenges that may be addressed taking into account the synergy that may result from the two operations. Measures will be taken to upgrade the existing facilities with a view to promote an environmentally sound operation which has negligible effects on the environment and nearby road and residences.

## **SMMS 13**

### **Zonqor Battery & St. Thomas Tower**

**MEPA encourages the use of Zonqor Battery and St. Thomas Tower as a cultural heritage attraction. Ancillary visitor facilities including a catering operation may be permitted.**

18.4.17 Both sites are important heritage resources in Marsascala and underutilized. The potential of developing these sites as a cultural attraction will further promote this locality for a different form of tourism experience than that found in other tourist localities in the north of the island. A possible way forward is to devolve these properties to the Marsascala Local Council or an NGO for the implementation of a project in line with this policy.

## **SMMS 14      Development of sites between Triq il-Qrempuc and Triq l-Iskal**

**MEPA designates the two sites between Triq il-Qrempuc and Triq l-Iskal, as indicated in the Marsacala Policy Maps MS 1 and MS 2 and Inset Map MS A10, for residential development provided that 25 % of the entire site area of both sites is to be turned into a public urban open space. Underground development on both sites will be considered and no blank party walls are to be created . Building heights for these sites is three floors and semi-basement.**

18.4.18 These two sites measuring approximately 1249 m<sup>2</sup> and 1303 m<sup>2</sup>, are white areas within the 1988 TPS and have no specific zoning. These sites form part of a larger area which was expropriated by Lands in the 70s and developed for housing, however, these two sites remained undeveloped. Plans from the Housing Department indicate that the site at the edge was to be transformed into a green area whilst the infill site was partly to be developed for shops and the remainder os to be kept as an open space. A request was received stating that the sites are now in private ownership and development applications have also been submitted on these two sites. This policy aims to give direction regarding the development of these sites.

## **SMMS 15**

### **Development Brief for Jerma Palace Hotel site**

**Any development proposals on the Jerma Palace Hotel site will be subject to the submission of a Development Brief to be drawn up following Terms of Reference provided by MEPA. Whilst the development of the site should focus primarily on the provision of tourist accommodation, MEPA will consider other development options which would include residential and commercial development, provided these are part of a comprehensive development of the area and should include sufficient public urban open space whilst retaining access to the foreshore.**



18.4.19 The site currently occupied by the Jerma Palace Hotel site should be mainly used for tourist accommodation in view of the strategic location of the site for such purposes. However, a comprehensive development of the site, including residential and commercial uses, may be considered provided this forms part of a Development Brief for the area. MEPA will provide Terms of Reference which will include planning parameters e.g. site coverage, building heights, to guide the submission of development options. The Brief should consider providing for public urban open spaces as well as retain public access to the foreshore.

## 19. Mqabba Area Policies

### 19.1 Area Description

Urban Area: 400,000 m<sup>2</sup>  
Rural Area: 2,200,000 m<sup>2</sup>  
Population as per Census 1995: 2,613  
Population Census 2005: 3,021

- 19.1.1 Mqabba is one of the smallest local councils in the plan area with a population of just over 3,000. In the last 5 years the population growth of the area has been modest (about 200 persons) and this is also reflected by its rate of growth, 1.54%, compared to other areas like Marsascula with 2.36% rate of population growth.
- 19.1.2 In the post war period the locality experienced a rapid population growth associated with new housing constructed to the south of the older village core area and along Triq il-Konvoj ta' St. Marija. As a consequence of this growth, the few community facilities and local services that exist are limited to the centre of Mqabba, leaving new residential areas in the periphery with no local-scale commercial and social facilities. The recent residential development has also taken up vacant housing land which previously served as reservoir for rainwater, resulting in acute flooding problems in areas close to the Mqabba bypass - Triq il-Konvoj ta' St. Marija. The locality, on the other hand, has a significant number of vacant plots that are still available for construction, as well as vacant buildings, mostly old dwellings in the village core. This is a phenomenon occurring in other localities in the periphery of the plan area.
- 19.1.3 Mqabba retains the traditional village form with the parish church at the centre of the village. The village has various other historic landmarks like *Torri Vincenti*, other churches and public buildings. In fact, the urban area of Mqabba takes up only 15% of the whole local council area. The extensive rural area makes the Mqabba urban area easy to identify from nearby localities. Within Mqabba's urban area there are very few open spaces to complement the locality's richness in historical and traditional village features.
- 19.1.4 The rural gap between Mqabba and Qrendi is currently subject to intense pressures for development, particularly for the establishment of industrial plants. The northern edge of Qrendi is a few hundred metres away from the southern section of Mqabba and it is considered to be an important strategic gap separating Mqabba and Qrendi, since the development of this gap will result in the coalescence of these two settlements.
- 19.1.5 The rural area around Mqabba is characterized by the disposition of quarries and related activity, especially on the north-western side of the settlement very close to the old village core causing adverse impacts to residential areas. It has attracted for example, high levels of traffic movement. Quarrying is also the prime cause of destruction of flora and fauna and loss of high-grade agricultural land and it also tends to attract illegal disposal of industrial chemicals in the disused quarries which has an adverse effect on the water table. In the vicinity of the airport and Mqabba, quarries are almost touching one another with some residences in between. The local plan area has a total of 51 softstone quarries, 34 of these quarries or 67% of them are found within Mqabba. Notwithstanding the large percentage of quarries present in Mqabba and the adverse impacts such quarries bring with them, there still is significant pressure to extend existing quarries or to have new ones in the remaining rural areas of Mqabba.

## 19.2 Summary of Planning Issues

- Quarrying operations generate adverse impacts on the quality of the urban and rural environment
- Coalescence of the Mqabba and Qrendi settlements
- Development pressure to build outside the development zone, particularly industrial plants
- Flooding problems in areas close to the Mqabba bypass

## 19.3 Strategy

19.3.1 The overall strategy is to maintain and enhance the environmental quality of Mqabba as a residential area. In furtherance of this strategy, the Plan proposes to encourage the provision of local services, whilst the *ad hoc* location of *new* large/medium scale uses, detrimental to the amenity of the area, will not be permitted in Mqabba. The plan also seeks to retain the distinct identity of Mqabba through the prevention of the coalescence of this locality with Qrendi.

## 19.4 Area Policies

### SMMA 01 Mqabba Bypass/Valletta Road Junction Improvement

**MEPA will permit the Malta Transport Authority to implement appropriate measures to improve the Triq il-Konvoj ta' Santa Marija and Triq Valletta junction, so as to improve the safety and operation of this junction as indicated in the Mqabba Policy Map MA 1. Traffic management and pedestrian safety measures should also be extended along Triq il-Konvoj ta' Santa Marija between Triq Karmenu Grima and Triq Qrendi.**

19.4.1 The existing layout of this junction is substandard in a number of respects, and its design does not reflect the pattern of movements and status of the approach roads. Measures to improve this junction, possibly by the construction of a roundabout, are encouraged to address these deficiencies and reinforce the desirability of routing “through” traffic, particularly lorries, along the bypass. As part of the improvement it will be necessary to ensure that good levels of street lighting exist to ensure the conspicuity of the junction. Pedestrian safety measures are also necessary along the lower section of Triq il-Konvoj ta' Santa Marija to ease pedestrian movement between the two residential areas of Mqabba alongside this road.

### SMMA 02 Mixed Development at Quarry at Tal-Hagra

**In accordance with the Minerals Subject Plan (MSP) Policy RES 4, MEPA will favourably consider the development of a disused softstone quarry, as indicated in the Mqabba Policy Map MA 1, subject to the provisions listed below provided that:**

- the quarry permit is forfeited and ceases to be valid; and,**
- any permit conditions relating to any development on site are adhered to.**

Once the above conditions are met development proposals on this site will adhere to the following provisions:

- a) A restoration plan, to be approved by MEPA, is to be submitted for the entire quarried area, in accordance with procedures as set out in the Minerals Subject Plan, MEPA, in line with MSP Policy RES10;
- b) The entire site is to be developed in a comprehensive manner, with the first phase relating to the implementation of the restoration plan.
- c) Development proposals are to ensure that not less than 95% of the entire area is restored back to agricultural use (the northern part of the quarry);
- d) not more than 5% of the whole quarry area for residential development on 3 floors with basement (without penthouse) and including private open space (corner at *Triq il-Gilju* and *Triq tas-Sejba*);
- e) An additional 5% may be allowed for residential development provided that not less than 20% of the whole quarry area is designated for the provision of a public informal recreational area, constructed at the developer's expense
- f) the siting, main frontages and any access points of both the residential and recreational component should preferably be from *Triq il-Gilju* only;
- g) site should be developed in a comprehensive manner giving particular attention to the design of the development to ensure that it reflects traditional rural settlements' characteristics;
- h) a landscaping scheme to the satisfaction of MEPA is to be provided, primarily along the perimeter of the site fronting a road and between the residential development and the recreational provision;and
- i) No industrial development will be permitted

As the land is currently located Outside Development Zone, the designation of this area for residential use as specified above shall be subject to the Structure Plan Review Process in accordance with Policy SET 8.

19.4.2 This quarry is located along the western urban fringe of Mqabba and has a total site area of approximately 27,520 m<sup>2</sup>, creating disused quarry land which is a valuable resource. In view of its location, it is important that steps are taken to secure its early rehabilitation. To initiate this process the policy seeks initially the deposit of inert construction and demolition wastes to secure the quarry's rehabilitation, in line with the Minerals Subject Plan.

19.4.3 For this reason restoration to agricultural land through the raising of quarry floors is an ideal after-use for the major part of this site. Moreover, this quarry, being outside development scheme, is potentially suitable for informal recreation uses, such as parks and gardens. To ensure the success of this scheme and the rehabilitation of the quarry residential development will be allowed. The compatibility with surrounding land uses was an important consideration in determining the acceptability of alternative uses. As a result of urban expansion, many quarries, such as this one, are now in close proximity to residential areas and uses that would adversely affect the amenity of residents will not be permitted. The main objectives of the scheme are also to define a clear edge to the Mqabba urban area and limit road access routes into the eventual developable area and avoid any routes along the northern boundary of the residential component and/or routes that may add pressure for future development will not be accepted.

**The MEPA encourages the construction of a water reservoir at Triq Ganni Darmanin and storm water runoff management measures in Triq Xandru Farrugia, Triq Gianni Darmanin, Triq Mons. Alfons Caruana, Triq George Martin, Triq il-Franka, Triq il-Hajt tal-Matla, Triq in-Nazzarenu, Triq Filippu Venuti and Triq Dun Anglu Mallia, as indicated in the Mqabba Policy Map MA 1.**

- 19.4.4 This area is prone to flooding and following a survey of the area carried out by the Land Survey Unit of MEPA, to determine the road levels in the area, it was concluded that a reservoir would be necessary to receive storm water runoff which will accumulate at this point, once the roads have been formed, and which would otherwise flood the adjoining fields.

## 20. Paola Area Policies

### 20.1 Area Description

Urban Area<sup>3</sup>: 1,025,435 m<sup>2</sup>

Rural Area: 742,565 m<sup>2</sup>

Population as per 1995 Census: 9400

Population Census 2005: 8,856

- 20.1.1 Paola is predominantly a residential town. It is served by two arterial roads which link central to southern Malta and these situated on its periphery of such a town. Smaller towns and villages such as Tarxien and St. Lucija are located in close proximity to Paola.
- 20.1.2 Paola has an ageing and declining population, but no home for the elderly or a day centre where senior citizens can socialise. Between 1985 and 1995 the over 60 age group increased by 11.5%. The population growth of Paola has been relatively stable between 1957 and 1985 with only a 2.4% increase over this period. However between 1985 and 1995 the total population registered a decrease of 20% and a further 6% between 1995 and 2005.
- 20.1.3 The locality is characterised by a densely built environment (around 97.5% of the area within scheme has already been developed) and flooding in specific areas. The high residential density is reflected by the fact that measured in terms of both the number of residents (92) and the residential units per hectare (37), these represent a significantly higher density than the corresponding averages observed nationally (refer to South Malta Local Plan Report of Survey Volume 1, Table 4.1). Nevertheless, the locality's urban conservation area is well preserved with uniform streetscapes and traditional features.
- 20.1.4 Paola has also grown to be an important primary retail centre. Most of the retail activity is situated around the main square, next to the parish church, although the nearby Triq il-Foss gets particularly congested whenever there is the open air street market. The locality however suffers from traffic congestion ("through traffic" to neighbouring localities and other traffic generated specifically by Paola) and parking (including the absence of a public car park) problems that are degrading the overall quality of life around the main square.
- 20.1.5 Paola also enjoys a number of sports facilities, urban open spaces and public gardens to meet the needs of the local population. The MEPA's "Leisure and Recreation" Topic Paper indicates that the average recreational space per person within Paola's urban areas is 5.1m<sup>2</sup> (ie. more than double the national average of 2.4 m<sup>2</sup>), although such spaces are underutilised and not equitably distributed within the locality. Areas like Ghaddafi Gardens and the Pace Grasso site merit redevelopment/upgrading, whilst planning solutions are also needed for other vacant areas like the market site and the vacant site behind the Mosque.
- 20.1.6 The national burial site, Addolorata Cemetery, is also located within Paola's confines. A good portion of Paola's rural area is to be found in the surrounds of such a burial site.

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<sup>3</sup> this figures excludes the area around Corradino Industrial Estate (itself within Paola Local Council's boundary) that falls within the Grand Harbours Local Plan.

## 20.2 Summary of Planning Issues

- Upgrading of Ghaddafi Gardens
- Extension of Addolorata Cemetery
- Traffic management improvements linked to the redevelopment and semi-pedestrianisation of Paola square
- Relocation of the flea market from Triq il-Foss
- Redevelopment of the existing street market site
- Redevelopment of the Pace Grasso site
- Need for a residential home for the elderly and a day centre
- Protecting residential quarters in the historical core.
- Mitigating flooding problems around Triq il-Lampuka and part of Triq Sir Paul Boffa

## 20.3 Strategy

- 20.3.1 The strategy for this locality is to reverse Paola's population decrease over the past decades through the provision of a planning framework which encourages residents to stay within its environs on securing an improvement to the quality of its environment and an effective utilisation of its remaining land and vacant buildings.

## 20.4 Area Policies

### **SMPA 01 Environmental Upgrading of and Development at Paola Square**

In order to significantly improve the amenity and attractiveness of the town centre, MEPA will permit the development of Paola Square and adjacent area, as indicated in the Paola Policy Maps PA 1 and PA 2, provided that:

- i. all existing public urban open spaces above ground level are retained. MEPA will insist on the upgrading and extension of such spaces into a garden setting through adequate embellishments that include soft and hard landscaping. Particular emphasis should be placed on the integration of the three public urban open areas, in front of the Church, opposite the Health Clinic and the main square.**
- ii. the entire public open space is free from any built structures, apart from a small kiosk, above ground level.**
- iii. the design allows for the passage of route buses, besides permitting the servicing of shops and other premises (at specified times, if necessary) and consider the possibility of pedestrianisation or semi pedestrianisation and any changes with regard to traffic movements and traffic management measures (one-way streets, traffic calming, and**

- junction improvements, particularly at the intersection of Triq il-Belt Valletta with Triq Bormla as indicated in the Paola Transport Policy Map PA 4) that will be required around the town centre area.**
- iv. a reservoir is constructed underground.**
  - v. toilet facilities are provided at basement/semi-basement level, to displace those in Triq il-Belt Valletta that are recommended for demolition (refer also to Policy SMPA 04).**
  - vi. allow not more than 3800m<sup>2</sup> (equivalent to *circa* 50% of the total footprint area covered by Policy SMPA 01) of underground space for retail uses, including the provision of a food court.**
  - vii. a Traffic Impact Statement (TIS) for the development proposed is to be carried out and submitted by the developer to the satisfaction of MEPA, and that any resulting measures are implemented.**
  - viii. only uses falling under Classes 4 and 6 of the Use Classes Order, 1994, as amended will be permitted. All other land uses acceptable within primary town centres, as identified in Policy SMCM 01, will not be allowed.**

20.4.1 Paola Square, the hub of urban community activity, is a congested area due to a variety of land uses and activities that include retail, housing, religious activity, traffic generation, and the regional Health Centre (that also serves neighbouring localities). Potentially the area could be very pleasant and attractive, but currently the volume of traffic that passes through it prevents this possibility. At peak times around 1,000 vph pass through the Square. About half of this traffic is very localized, accentuating even further the need to undertake complementary traffic management measures on parallel streets to cater for the displaced traffic. The possibility of pedestrianisation or semi-pedestrianisation of this area would ensure to better manage traffic flows into the area, reduce traffic congestion and pollution whilst improving the amenity of this main node in Paola.

20.4.2 A considerable number of route buses pass through Paola Square, and it is vitally important that good public transport accessibility to the town centre is maintained. Consequently, the pedestrianisation scheme should continue to allow the movement of route buses in both directions. Good design will ensure that the presence of buses does not compromise the aim of improving public urban open spaces and the overall environment for pedestrians.

20.4.3 The area fronting the clinic is also a prominent public space in the town centre, but currently it is dominated and spoilt by car parking. The relocation of the Health Clinic to the Pace Grasso site (as part of the proposed redevelopment referred to in Policy SMPA 08) is appropriate since the existing clinic at Paola Square has its logistical constraints and would be best vacated for other land uses. The introduction of a CPZ and the construction of a CPPS car park (see Policies SMPA 02 and 08) will moreover allow valuable embellishments (hard and soft landscaping) to be undertaken around this part of Paola Square.

20.4.4 In order to improve the scheme's feasibility and increase the variety of facilities within the town centre, the MEPA will also consider the provision of retail outlets underground which would include a mix of shops and a food court. A MEPA Survey shows that there were 31 new shops and 21 vacant shops within Paola's town centre in the period 2000-2003. The utilization of part of this proposed underground space as a food court will be encouraged since Paola currently lacks the provision of quality catering outlets.



## **SMPA 02**

## **Area zoned for warehousing at Triq Il-Bacir**

The site being included within the Limits to Development Boundary at Triq il-Bacir in line with policy SMSE 01, as indicated in the Paola Policy Map PA 1 and Inset Map PA B1, is being designated for warehousing and storage as per Class 17 of the Use Classes Order 1994, as amended, subject to the following conditions:

- i. No industrial or retail development will be permitted;
- ii. a setback of not less than 3 metres is to be allowed between the development on this site and the back gardens of the residences along Triq Ghajn Dwieli and Triq l-Isqof Buhagiar;
- iii. development would have to include measures to reduce any impact on the adjoining residential areas, through the minimization of openings (doors, windows) on the boundary with the residential development and proper noise reduction in line with section 14.2 of the Policy and Design Guidance 2002, as amended;
- iv. Offices ancillary to the warehousing and storage will be permitted;
- v. Height limitation should not exceed three floors with semi-basement (i.e 14 metres maximum from the highest finished pavement level) ;
- vi. Adequate parking is to be provided on site.

As the land is currently located Outside Development Zone, the designation of this area for warehousing as specified above shall be subject to the Structure Plan Review Process in accordance with Policy SET 8.

20.4.5 This site measuring approximately 5,600 m<sup>2</sup> is located within a predominantly industrial area of Paola. The adjacent development along Triq il-Bacir, has been committed to warehousing and storage and considering that the frontage of this site is along this road further intensification of warehousing is considered acceptable on site. However, buildings are to be setback at least three metres from the boundary of the residential area.

## **SMPA 03**

## **Addolorata Junction**

To increase the short-term capacity of this strategically important junction, MEPA will permit the construction of an additional lane on the Vjal Santa Lucija approach to the traffic signals including the installation of modern control equipment at this junction.

MEPA will also encourage the Malta Transport Authority and/or local council to implement measures aimed at facilitating bus priority at peak periods on the Vjal Sir Paul Boffa approach to the traffic lights within this junction.

20.4.6 The Addolorata junction is very strategically located, effectively linking the South to most other parts of the island. Some 6000 vehicles pass through this junction at peak times, and congestion is commonplace. A long term, major junction improvement is safeguarded by policies in the Grand Harbour Local Plan, however, in the short term improvements can be achieved by constructing a fourth lane (which would entail the taking up of new land) on the Vjal Santa Lucija approach and by installing modern signal control equipment.

20.4.7 This will not only improve the efficiency of the signals by making them demand responsive, but it will allow the installation of linked signals at the Palma Street junction (refer to Policy SMTR 05). Moreover, Vjal Sir Paul Boffa is part of the strategic bus corridor network, and a

considerable number of buses use this road. In order to reduce delays at times of congestion, MEPA will encourage the relevant authorities to investigate the possibility of introducing bus priority measures.

## **SMPA 04**

## **Relocation Of Flea Market**

**MEPA will encourage the relocation of Paola's flea market to Paola Square once this square has been upgraded as indicated in policy SMPA 01. In the interim, a site adjacent to the Corradino Correctional Facility, as indicated on the Paola Policy Map PA 1, is designated to relocate the flea market temporarily. In order to facilitate pedestrian access to the flea market and the upgrading of the overall environment within this site, existing toilet facilities at Triq il-Belt Valletta will be demolished and this entire site will be free of any permanent structures. The entire area is to be pedestrianised.**

**Redevelopment of the existing flea market site between Triq il-Foss and Triq l-Arkata for recreational (public urban open space), social and community use (Classes 7 and 8 of the Use Classes Order) will be encouraged, provided that the height of the replacement buildings do not exceed the height of the existing buildings, and the area at street level is utilised entirely as a landscaped open space with a limited number of parking bays.**

20.4.8 Paola's flea market currently generates a number of adverse social and environmental impacts. The site between Triq il-Foss and Triq l-Arkata (1030 m<sup>2</sup>) is negatively impinging on the neighbourhood's quality of life in view of the proximity of residential units and the regular vending activity by hawkers (about three times a week), which is resulting in a shabby (noise, dirt and odours) environment.

20.4.9 This policy therefore encourages the relocation of such facilities to a more appropriate site (1300 m<sup>2</sup>) to the east of Corradino's Correctional Facilities, whilst seeking to upgrade the environment around the existing flea market site. Access to the new site currently from Ghaddafi Gardens or Sqaq Sant`Antin in Triq Bormla is much better than that at the current site. Clear access from Paola's main square is thus of paramount importance for the viability of the flea market. The existing toilet facilities at Triq il-Belt Valletta are to be demolished and such facilities be integrated into the Paola Square redevelopment (refer also to Policy SMPA 01). The demolition of toilet facilities will also improve access to the extensive Ghaddafi Gardens from Paola Square, which is the hub of social activity (refer also to Policy SMPA 07). The flea market can better operate at this new site and therefore relieve the residential area around the current site from the inconveniences caused by the market. The new site would be less of an inconvenience in this regard.

20.4.10 No additional permanent structures will be allowed on this site as a security measure due to the proximity of the Corradino Correctional Facilities. The area should moreover be fully pedestrianised, except for loading and unloading where and when appropriate. Use of the area by the local scouts group, which has its premises on site, will however be retained.

20.4.11 The site at Triq il-Foss will be redeveloped primarily as a public urban open space, whilst any re-development of existing structures should retain the same height as existing.

## **SMPA 05**

### **Site at Triq Brittanja for Recreational and Social and Community facilities**

**MEPA will allow the redevelopment of the site at Triq Brittanja corner with Triq is-Sultan, as indicated in the Paola Policy Maps PA 1 and PA 2, for recreational (public urban open space), social and community facilities (Classes 7 and 8 of the Use Classes Order). The MEPA will expect the developer to allocate not less than 30% of the site as a playing field area for use by the local community.**

20.4.12 The site at Triq Brittanja corner with Triq is-Sultan measures 625 m<sup>2</sup> and is owned by Lands Department and is currently an abandoned building. It is being proposed for recreational, social and community facilities, being Government owned. Such amenities are important since open spaces and community facilities (such as a library, day care centre and/or kindergarten) are generally lacking in this densely built western part of Paola.

20.4.13 The area is dominated by varying street levels and currently accommodates a vacant, derelict building that was previously used as a kindergarten, besides a small playing field/playground in need of upgrading at the southern end of the site. Any redevelopment should allocate not less than the existing footprint area of the playing field (ie. 30% of the site) for such a use.

## **SMPA 06**

### **Leisure Area at Triq Kordin**

**MEPA zones the site off Triq Kordin, as indicated in the Paola Policy Map PA 1, for the provision of sports (open air facilities e.g. playing pitches) and recreation related facilities provided that:**

- i. a minimum of 40% of the site is dedicated to recreational facilities in the form of a public urban open space.**
- ii. built structures are to be kept to the minimum required to accommodate changing rooms and toilet facilities. Building height limited to one floor.**
- iii. a buffer of not less than 4 metres between the proposed development and the surrounding established land uses such as housing is to be provided.**
- iv. adequate landscaping in line with the provisions stated in MEPA's 'Guidance on Trees, Shrubs and Plants for Planting and Landscaping in the Maltese Islands', February 2002 and as amended.**
- v. Proposals are to include appropriate vehicular/pedestrian access into and around the site.**

20.4.14 The opportunity exists to develop the vacant Government owned site behind the Mosque measuring 4700 m<sup>2</sup> for leisure facilities namely sports and recreational facilities. Such land uses are particularly appropriate since the site is well shielded from the arterial road network, and complements existing social/community, recreational facilities (the Mosque on the northern front, Ghaddafi Gardens, albeit not directly contiguous, on the west, the Rehabilitation Centre on the south) and residential development on the east. A permit for the construction of a bocci dome on site was issued in 1998. This in a way supports the designation of this site for leisure facilities.

20.4.15 Both Paola and Fgura are important landmarks within the plan area in view of their strategic importance as retail centres and the fact that they account for circa 19% of the plan area's population. Despite the proximity of the Kordin sports facilities which are more of a national catchment, these facilities will serve the local community of these areas.

20.4.16 Appropriate recreational spaces are much needed in both Paola and Fgura. The former's public

urban open spaces are hardly frequented by the local community due to the poor qualitative provision, relative inaccessibility and locational constraints. The MEPA's Leisure and Recreation Topic Paper moreover indicates that Fgura's average recreational space per person within urban areas is minimal at 0.1m<sup>2</sup>, as opposed to the national average of 2.4m<sup>2</sup>.

20.4.17 The entire site is currently a white area within the development boundaries and is accessed through a passageway contiguous to the Islamic Centre's boundary wall. Design proposals are to consider improvements regarding access in and out of the site.

## **SMPA 07**

## **Upgrading of Ghaddafi Gardens**

**MEPA will support proposals for the embellishment and upgrading of Ghaddafi Gardens, as indicated in the Paola Policy Map PA 1, provided that:**

- i. the soft landscaped areas and open spaces are retained.**
- ii. additional hard landscaped, formal and informal recreational facilities are included.**
- iii. a picnic area and a playing field for children is provided alongside the western perimeter of the Gardens.**
- iv. ancillary facilities such as toilets and changing rooms are accommodated, preferably, underground.**
- v. no commercial facilities are allowed on site, apart from a kiosk with some tables and chairs close to the Gardens' western flank.**
- vi. pedestrian accessibility into the gardens on the northern and southern flanks is improved.**
- vii. the service road running adjacent to the Corradino Correctional Facilities' northern boundary wall is retained and it is supported by appropriate embellishment to complement the overall garden setting.**

20.4.18 Ghaddafi Gardens, occupying an extensive site of 36,500 m<sup>2</sup>, are currently heavily underutilised by the general public. This policy therefore seeks to facilitate accessibility and the overall upgrading of the site, so as to increase the level of usage of these Gardens. The Gardens are currently dominated by a series of passageways in strategic locations and extensive soft landscaped areas with mature trees that are inaccessible to the general public. One of the main purposes of this policy is to facilitate increased access throughout the gardens but ensuring that the open character of the gardens is safeguarded. Embellishment initiatives (hard and soft landscaping) around the passageways will be supported.

20.4.19 A crucial aspect that needs to be tackled is accessibility. The Gardens are currently accessed from two points, namely the main service and pedestrian entrance just off it-Telgha ta` Rahal Gdid and a small pedestrian entrance at Sqaq Sant`Antnin off Triq Bormla. Both entrances have their limitations, the former being an unattractive entrance due to the steep change in levels and the latter being concealed and out of sight. An upgrading of the Gardens should seek to improve accessibility especially on the southern and northern flanks. The demolition of the existing toilets in Triq il-Belt Valletta (refer also to Policy SMPA 04) will allow pedestrian access to the Gardens from the hub of the town centre.

20.4.20 Pedestrian access from Triq Kordin needs to be improved. An additional entrance point would facilitate access for local inhabitants residing close to the Ghajn Dwieli junction, whilst enhanced visibility of the gardens from the arterial road network (through the lowering of the boundary wall) may instigate more people (even non-Paola residents) to make use of such a public facility.

20.4.21 The above initiatives should also be complemented by the provision of pockets of picnic areas

and play facilities for children, in order to improve the attractiveness of the Gardens for family-type informal recreational activity. A kiosk and multi-purpose sports facilities such as a 5-a-side football pitch and/or basketball/volleyball/tennis court can also be considered. The location of such facilities should not deter the open character and overall garden context. The westernmost area facing the housing estate near the Vjal Sir Paul Boffa/Triq Kordin junction is especially appropriate for these uses.

## **SMPA 08**

## **Redevelopment of the Pace Grasso Site**

**MEPA will consider proposals for the comprehensive redevelopment of the Pace Grasso site, as indicated in the Paola Policy Map PA 1, provided that the development is guided by the following criteria:**

- i. The existing full-sized football pitch, landscaped environment, bocci pitch and club house should be reinstated as part of the redevelopment.**
- ii. social and community facilities are provided on site.**
- iii. Housing and offices are acceptable provided that the carrying capacity of the site is not exceeded and that appropriate densities are safeguarded. A mix of commercial land uses (such as a restaurant, supermarket, local convenience shops and/or large showrooms) is also appropriate provided that their scale reflects the character and constraints of the site and its context. A Retail Impact Study is to be carried out by the developer.**
- iv. parking facilities, consistent with general Policy SMTR 02, are provided to cater for the proposed development. In addition, around 350 spaces will need to be provided by the developer for the public parking provision (excluding provision for the residential units). Surplus provision to provide extra off-street parking as part of the proposed CPPS scheme is also warranted.**
- v. a Traffic Impact Statement (TIS) study is to be carried out by the developer, and approved by MEPA.**
- vi. Developer must upgrade the public urban open space between Triq Guze d'Amato and Triq il-Knisja, as indicated in the Paola Policy Map PA 1, as a form of planning gain.**
- vii. the developer funds and carries out junction improvements at Zabbar Road / Triq is-Sorijiet and Zabbar Road / Schreiber Street as well as any other traffic related improvements that are identified as part of the Traffic Impact Study..**

20.4.22 The Pace Grasso site (19,390 m<sup>2</sup>), which is Government owned, currently consists of a garden, bocci pitch, club house and a full sized football pitch. The high walls that surround the site generate considerable adverse visual impacts. The use of the football ground for competitive matches has over the years waned, although the site is nowadays also used by schoolchildren in view of restricted playing pitches within the nearby schools' grounds.

20.4.23 The site is underutilised and the existing amenities will be extensively improved as a result of the comprehensive development and would provide for added facilities to be enjoyed by the local community. The dominant land use in this comprehensive redevelopment should be sports and recreational facilities and the reinstatement of the full-sized football pitch and improved access for usage by schoolchildren. The overall development should also integrate other displaced facilities (bocci pitch and club house, landscaped environment), whilst provide for the provision of indoor sports facilities (e.g. gymnasium or squash courts).

20.4.24 MEPA will also consider the development of other facilities to ensure the overall feasibility of the project. Small scale local convenience retail outlets, large showrooms, a restaurant, supermarket,



**jogging as well as appropriately located picnic facilities. In addition to such facilities MEPA will consider proposals for afforestation as well as the provision of a catering facility in an appropriate location.**

20.4.28 Paola is a highly urbanised locality with a limited rural setting. The area encompassing the Addolorata cemetery is the only rural part of Paola. This area consists of fields, some of which are cultivated, as well as a number of scattered farms. The District park would be reached by three localities – Paola, Sta. Lucija and Luqa. The policy identifies the preparation of a plan for the area which would outline the facilities to be provided as well as the improvement of this area to encourage informal recreation activities. The aim of this park would be to attract residents from the nearby settlements and should therefore not generate high levels of traffic but rather encourage people to come on foot. Regarding parking facilities the provision at the Addolorata cemetery is considered sufficient and therefore no specific parking facilities would be required.

## 21. Qrendi Area Policies

### 21.1 Area Description

Urban Area: 420,000 m<sup>2</sup>  
Rural Area: 1,200,000 m<sup>2</sup>  
Population as per 1995 Census: 2,344  
Population Census 2005: 2525

- 21.1.1 The area of Qrendi is bordered by Mqabba from the north, by Zurrieq from the east and by Siggiewi from the west. Qrendi's population has increased by only 181 persons between 1995 and 2005. Qrendi's population is not expected to increase substantially during the plan period.
- 21.1.2 The village core has an organic development pattern with the presence of a number of smaller squares at strategic points which has contributed to retain its historic charm and identity. A number of towers and historic residences and religious buildings are found in Qrendi (e.g. Windmill Tower, St.Catherine tat-Torba, Our Lady of Graces, St.Matthew, and Tas-Salvatur chapels and Bali Guarena Palace).The outer parts of Qrendi have witnessed more recent development, particularly along Triq it-Tempesta. Qrendi is well contained with a number of green open spaces and a good number of historic landmarks including some very interesting scheduled property with large private gardens.
- 21.1.3 Comparison retail shopping is usually made from Zurrieq since such facilities are lacking in Qrendi. Residents also go to Zurrieq with regard to other services e.g. social security, health and other government-related services. The parish priest has indicated the need of developing a pastoral centre to serve the local community. It has been indicated that currently there are hardly any facilities catering for the Qrendi youths.
- 21.1.4 The bus terminus is currently located at Triq R Buhagiar. The Local Council is in the process of introducing a number of measures to restrict heavy traffic movement within the village core and the retention of the bus terminus in the village core will compromise these measures. Thus a site needs to be identified for its relocation. This relocation will also result in better use of the main piazza in front of the parish church.
- 21.1.5 Although not significant as in nearby Mqabba, softstone quarrying activity, which is mainly confined along Triq is-Siggiewi, is nevertheless endangering the aquifer and reducing high quality agricultural land. Pressure to extend their existing footprint will conflict with a nearby cluster of livestock farming activities.

### 21.2 Summary of Planning Issues

- **Relocation of public transport terminus.**
- **Provision of community facilities (e.g. pastoral centre).**
- **Upgrade green areas, protect private gardens and encourage pedestrianisation within historic centre.**
- **The need to manage mineral extraction activity, within Tal-Warda/ Misrah is-Sinjura**



quarries, in a sustainable manner

## 21.3 Strategy

21.3.1 The overall strategy is to maintain and enhance Qrendi as a village and protect its residential amenity, whilst restricting the encroachment of quarries, and impacts related to such an activity, close to this locality, seeking the diversion of quarry-related traffic away from village centre.

## 21.4 Area Policies

### SMQR 01

### New Pastoral Centre

MEPA re-zones part of the site shown on Qrendi Policy Map QR 1 and Inset Map QR A2, currently designated as green area in the 1988 Temporary Provisions Schemes, 1988, for the development of social and community facilities related to a new Pastoral Centre, as long as the following conditions are adhered to:

- i. existing sports ground is retained at street level and is shifted to the south section of the site (adjacent to Triq G. Muscat);
- ii. built facilities above ground level, which may include, amongst other, a community hall, a small chapel, administrative rooms, and ancillary facilities to the Pastoral Centre, are to occupy no more than 25% of the site and should be located along the northern section of the site at Triq iz-Zurrieq;
- iii. building heights should not exceed two floors; and,
- iv. adequate embellishment of its new perimeter will include hard landscaping and a small seating area.

MEPA may consider relaxing car parking requirements, provided it is satisfied that the proposed development is primarily aimed for the local community.

The existing Qrendi Scouts Group building, shall be incorporated within the proposed development on this site.

21.4.1 The site (approximately 5,600 m<sup>2</sup>) covered by this policy is currently designated as a 'green' area in the 1988 TPS and is administered by the Church Authorities with two projected streets that are still unopened. Currently the area, is occupied by a football ground with no related facilities and a one-storey building used by the Scouts at the northern section of the site.

21.4.2 Whilst the green area, in general will be retained, the site is being rationalized to include a provision of social and community facilities in line with provisions outlined in policies SMSE 05, SMSO 01 and SMRE 01. The proposed facilities are primarily intended for local use and therefore parking requirements may be relaxed. In view of the improvement and upgrading of the site, only 25% of the site has been indicated for development whilst underground facilities will be encouraged.

## **SMQR 02 Rezoning of site between Triq Massabielle & Triq N Communet**

**The site between Triq Massabielle and Triq N. Communet designated for terraced house development in the TPS, 1988, is being rezoned as a public urban open space, as indicated in Qrendi Policy Map QR 1 and Inset Map QR A2.**

21.4.3 This site, measuring approximately 500 m<sup>2</sup>, has already been converted into a children's playing field. This policy simply is changing the previous zoning to conform with the current use of this area.

## **SMQR 03 New Scheme layout along Triq Sant' Anna**

**MEPA will prepare a revised scheme, including planing parameters, for the area along Triq Sant' Anna, as indicated in the Qrendi Policy Map QR 1 to ensure an appropriate transition between the alley and the new development and to ensure that the character of this alley in Triq Sant' Anna and its buildings is retained.**

21.4.4 This part of Qrendi is a continuation of the traditional urban streetscape along Triq Sant' Anna. New development in the area, although as yet limited, shows that the character of this quaint stretch can be threatened. This policy will seek to identify a new scheme for this area to ensure a harmonius transition between the old urban fabric and the new development. .

## 22. Safi Area Policies

### 22.1 Area Description

Urban Area: 310,000 m<sup>2</sup>  
Rural Area: 1,970,000 m<sup>2</sup>  
Population as per 1995 Census: 1,731  
Population Census 2005: 1,948

- 22.1.1 Safi is bordered by Kirkop and the airport runway to the north and by Zurrieq from the south and southeast. It is situated in the middle of a group of small villages clustered around the southern perimeter of the international airport. The village is characterized by a number of residences with a varied traditional architectural form and historical value. With a population of just over 1,900, Safi's population increased by 12% between 1995 and 2005. It is not envisaged that Safi experiences a high increase in its population during the Plan period.
- 22.1.2 Evidence from a study analyzing the existing vacant land carried out by MEPA reveals that about 70,000 m<sup>2</sup> of land is available for development. One of these sites at Ta' L-Amparell is rather large although it is constrained by the possibility of containing some archaeological remains. Infill plots or sites are mostly located to the north west along Triq in-Nassaba c/w Triq S.Cauchi and to the north east of the village in the area known as Ta' L-Amparell. Within the village core there are few green open spaces although the locality is still largely surrounded by large expanses of agricultural land in view of its location near the southern section of the airport's runway.
- 22.1.3 Considering the local population being mainly in the upper age brackets appropriate facilities to cater for their needs are lacking. Rural Safi is small and is characterized by highly productive agricultural fields and old agricultural buildings that constitute the remnants of a medieval hamlet known as Misrah Hlantun, and the presence of Roman tower in Ta' Gawhar area.
- 22.1.4 The peripheral roads at Safi have not yet been constructed and this results in considerable traffic, particularly traffic towards Zurrieq, passing through the centre of Safi.

### 22.2 Summary of Planning Issues

- **Traffic calming measures particularly with the UCA of Safi.**
- **Provision of community facilities, e.g. Residential Home.**
- **Mixed development at ta' L-Amparell**

### 22.3 Strategy

- 22.3.1 The overall strategy is to maintain and enhance the environmental quality of Safi as a rural residential area. The key elements of the strategy include the conservation of cultural, historical and architectural assets in this locality and the diversion of 'through' traffic away from the village centre.



**which is to include seating facilities and some landscaping.**

- 22.4.2 The site under review is mostly agricultural fields with an area of land of approximately 23,980 sq.m. located to the north east of the village's centre and overlooking pristine rural land. It is perhaps one of the largest sites still undeveloped within planning scheme boundaries of Safi. The site has been earmarked for Housing development by the Housing Authority as per Section 6 of Act X of 1988.
- 22.4.3 A substantial section of land is covered by a 100m buffer zone encircling a small hypogea known as *Ghar is-Semplici* (degree of protection: E).
- 22.4.4 Due to the large size of the site, it is important that this site is developed holistically to maximize its potential and also gain some community and recreational facilities, considering that the development will increase the residential provision of the area. However, due to the site not being in single ownership, the policy provides for the preparation of a master plan for the area which is to identify the building zones and any internal roads. Considering the possible existence of an archaeological site MEPA would require that adequate studies be carried out prior to any development being permitted. Concurrently, proactive urban design initiatives with regards to the proposed residential, recreational and retail development are being encouraged within the framework of a high-quality landscaping plan that gives regard to particular physical characteristics of the area covered by this policy. The development will also have to consider the design and improvement of the junction at Triq Ta' Gawhar, Triq Stiefnu Erardi, Triq Qerd in-Nahal and Triq l-Ajzar.

### **SMSA 03 Traffic management scheme at Triq Ta'Gawhar/ Triq S. Erardi Junction**

**MEPA encourages a traffic management scheme aimed to re-design Triq Ta'Gawhar/Triq S.Erardi junction, as indicated in the Safi Policy Map SA 1, primarily to reduce the width of the existing road, amend building alignment where necessary and reflect the junction improvement requirements proposed as part of policy SMSA 02. These improvements will include reducing the width of the carriageway in favour of pedestrian safety, traffic calming measures and landscaping, including a small public urban open space.**

- 22.4.5 This planned road within scheme is far too wide considering its location within a new residential area forming the south eastern section of this small village. Through traffic from nearby Zurrieq can already utilize the recently opened new street off Triq iz-Zurrieq which diverts incoming traffic to Triq il-Kuccard. Thus it is envisaged that this policy provides a great opportunity related to stemming of potential excessive speeds generated by the opening up of remaining stretch of Triq S.Erardi.
- 22.4.6 Eventually, the issue of traffic coming from/ to Zurrieq can be resolved through the opening up of the remaining stretch of Triq in-Nassaba and supported by the transport management provisions outlined in policy SMSA 01.

### **SMSA 04 Rezoning in Triq Salvu Cauchi**

**The site in Triq Salvu Cauchi, as indicated in Safi Policy Map SA 1 and Inset Map SA A1, zoned for terraced housing, including a road, in the Temporary Provision Schemes, 1988, is being zoned**

**as a green area**

- 22.4.7 Actually the site consists of two sites, measuring approximately 1430 m<sup>2</sup> and 480 m<sup>2</sup>. The former site in the previous zoning included a road which takes up approximately a third of the site. This has been zoned as a private enclave since it consists of back gardens forming part of the residences within the UCA along Triq San Pawl. The second site has been designated as a green area in order to protect the adjacent chapel and its context.

## **SMSA 05**

### **Rezoning of green area in Triq il-Biedja**

**The site in Triq il-Biedja, as indicated in Safi Policy Map SA 1 and Inset Map SA A2, zoned as a green area in the Temporary Provision Schemes, 1988, is being zoned for residential development. MEPA will request a planning contribution from the developer of this site which would go to the upgrading of an existing public urban open space or the creation of a new one**

- 22.4.8 The site, measuring approximately 350 m<sup>2</sup>, and was formerly zoned as a green area in the 1988 TPS. Considering the smallness of the site to provide a proper public urban the site is being rezoned for residential use subject that developer submits a planning contribution to provide a new public urban open space or upgrade an existing site.

## 23. Sta. Lucija Area Policies

### 23.1 Area Description

Urban Area: 299,650 m<sup>2</sup>  
Rural Area: 422,750 m<sup>2</sup>  
Population as per 1995 Census: 3605  
Population 2002: 3802

- 23.1.1 St Lucija is the first town since Valletta that has been planned and developed from scratch. The decision to develop a new town was taken in the mid-fifties due to the proximity of St Lucija to the dockyard area, one of the major employment centres in the Maltese Islands. St Lucija originally accommodated those families willing to move a few miles away from the congested harbour area around Cottonera.
- 23.1.2 The older part of the town merits conservation in its entirety, in view of the homogeneity of design of buildings, building heights, open areas and streetscapes which add to the character of this area and are considered to be of particular significance. Most residences within the town are also adorned with trees, shrubs and plants in view of the innovative policy in the planning years to include front gardens in many of St Lucija's residences.
- 23.1.3 The locality is shielded from the arterial (Triq Bir id-Deheb) and distributor ((Triq Hal-Luqa) roads along its periphery by public open spaces on the eastern and northern flanks respectively, whilst Wied Garnaw and the Girls' Junior Lyceum are landmarks on the southern and western sides respectively. Sports facilities consist mainly of an 11-a-side football ground and a bocci pitch located in proximity of the arterial road network. The locality is also generously provided with open spaces such as the one located at Dawret it-Torri around the local Church, which houses recreational uses such as a playing field, town square and a garden environment.
- 23.1.4 The distribution of open spaces enables easy access for residents to the centrally located facilities that include small pockets of retail outlets and minor social/community facilities. The Chinese Garden, jogging track (just off the arterial road network which connects southern Malta to the central part of the Island) and the rural area surrounding the lower lying, picturesque Wied Garnaw are also popular for recreational purposes and country walks (respectively) by local residents and others from nearby towns and villages.
- 23.1.5 St Lucija's population increased by 12.5% over the ten year period 1985-1995, passing from 3202 to 3605. The rate of increase has however decreased considerably in recent years, with the population reaching 3802 by 2002, representing a 5% increase over seven years. One of the major contributing factors to the slow growth in population is considered to be a general lack of available land within scheme, with many of the remaining open spaces either committed or targeted for recreational and leisure uses. A large site opposite Triq l-Istefanotis, which has partly been developed and partly still undeveloped, is still considered as outside the Limits to Development boundary in the Temporary Provision Schemes, 1988, despite this site being caught between two areas within the development boundary of Sta. Lucija.
- 23.1.6 The protection of St. Lucija's archaeological remains, the consolidation of the town's neighbourhood centre (in view of the several retail pockets around St. Lucija) and traffic management initiatives (road junction improvements and traffic calming measures to discourage the use of residential roads by drivers seeking to bypass the arterial road network) are other

issues which need to be addressed.

## **23.2 Summary of Planning Issues**

- **Protection of public open spaces and formal recreational spaces**
- **Safeguarding existing agricultural land uses at Wied Garnaw**
- **Upgrading of facilities around Dawret it-Torri**
- **Traffic management initiatives**
- **Protection and improvement of presentation of archaeological remains**
- **Development of land opposite Triq l-Istefanotis**

## **23.3 Strategy**

23.3.1 The strategy seeks to improve the overall environment of this locality through the protection and upgrading of the strategic open spaces, the existing formal/informal recreational facilities and the containment of housing development within the identified areas. Introduction of traffic management initiatives and affording protection to certain specific sites also comprise key elements of this strategy.

## **23.4 Area Policies**

### **SMSL 01**

### **Opportunity area opposite Triq l-Istefanotis**

**In line with the provisions of SMSE 01, the undeveloped site between Triq L-Istefanotis and Triq Katerina Vitale, as indicated in the Sta. Lucija Policy Map SL 1 and Inset Map SL B1, is being recommended for residential development subject to the following conditions:**

- i. the site is developed in a comprehensive manner in line with the requirements of Policy SMSL 06;**
- ii. the design of the development allows for the provision of a minimum of 20 % of the site area for recreational space for public use;**
- iii. a minimum front garden of 1.5 metres is provided along the entire perimeter of the site. The developer will also be encouraged to submit a design that allows for varying frontages.**
- iv. building height is three floors plus basement;**
- v. the development of this site incorporates the embellishment as a public open space of the stretch of land (which is partly owned by Lands Department) on the northern end linking Triq L-Istefanotis to Triq Katerina Vitale. The embellishment should be entirely funded and implemented by the developer as part of the comprehensive development, and should incorporate a pedestrian footpath linking the above mentioned streets. No vehicular access is to be allowed across this site.**

**Development of this site will only be formalized after the Structure Plan Review in line with Policy SET 8.**



- 23.4.1 The Temporary Provision Schemes of 1988 designate the above-mentioned areas as outside the development boundaries, notwithstanding the fact that they are now engulfed by land which is within scheme on the eastern and western flanks.
- 23.4.2 The site indicated for development measures approximately 2500 m<sup>2</sup>. It is felt that the additional development of residential units with front gardens would be appropriate in this area, to complement the coherent streetscape in its surrounds. Residential compatible uses are allowed as well as the provision of additional recreational areas.
- 23.4.3 Pedestrianisation on the northern end of the site linking Triq L-Istefanotis to Triq Katerina Vitale is deemed necessary since road visibility in the splay leading on to Triq Katerina Vitale is poor.

## **SMSL 02                      Improvement of Triq Hal Luqa / Dawret it-Torri Junction**

**MEPA will permit appropriate measures by the Malta Transport Authority for the improvement of the Triq Hal Luqa / Dawret it-Torri junction, as indicated in the Santa Lucija Policy Map SL 1, and the closure of the existing access to the Tarxien roundabout (Triq Tal Barrani). The widening of the northern section of Dawret it-Torri in order to allow two-way traffic is also recommended.**

- 23.4.4 The aim of this policy is to improve the safety and operation of the arterial road junction through the closure of the existing access to the Tarxien roundabout from Santa Lucija. Widening Dawret it-Torri and installing traffic lights at Triq Hal Luqa would permit an alternative route out of the estate.

## **SMSL 03                      Public Urban Open Space along Triq Hal Luqa & Triq Bir-id-Deheb**

**MEPA will support the protection of the open stretch of land shielding residences from the Hal-Luqa and Bir-id-Deheb arterial roads, as indicated in the Santa Lucija Policy Map SL 1. An extension of the Chinese Garden as a formal landscaped area will also be considered, provided that:**

- i. a minimum of 85% of the site is dedicated to public open spaces that are to include a public garden, landscaped areas, formal and informal recreational facilities that are compatible with the themed garden;**
  - ii. the built-up area of the extension does not occupy more than 15% of the site. Only low lying one storey buildings will be allowed, in accordance with Classes 6 and 7 of the Use Classes Order, 1994, as amended.**
  - iii. a reservoir is constructed underground.**
- 23.4.5 The residential units of Santa Lucija are strategically segregated from the busy arterial roads Triq Bir-id-Deheb and Triq Hal-Luqa by the existing open stretch of land, which spreads across the northern flank of the locality from west to east. Part of the site contiguous to Triq Hal Luqa is occupied by the Chinese Garden, whilst a popular recreational amenity in the form of a jogging track is located alongside Triq Bir-id-Deheb. The central and westernmost parts are as yet undeveloped. This policy seeks to protect such an open space due to its important role as a buffer area whilst allowing for an extension of the existing Chinese Garden on its eastern and western flanks.

## **SMSL 04**

### **Protection of Archaeological Remains at Triq il-Lellux**

**In consultation with the relevant authorities, MEPA will support initiatives to protect the abandoned archaeological remains at Triq Il-Lellux, as shown on the Sta. Lucija Policy Map SL 1. A small scale on-site visitor interpretation centre will also be considered, provided that this can be accommodated without creating any damage to the site.**

23.4.6 Although most of the town centre is built up, Santa Lucija can still boast of important archaeological remains that should be protected. The remains at Triq il-Lellux formed part of a Temple-period hypogeum that was discovered in 1972. They merit protection, yet could also be developed into an interesting historical feature in an otherwise predominantly residential area.

23.4.7 This policy seeks to protect such a site from insensitive development whilst allowing interventions that ameliorate the educational experience. Under the supervision of the relevant authorities, the MEPA will support initiatives such as the cleaning of weeds and materials around the archaeological remains, the introduction of appropriate interpretation panels and the development of a small, light structured visitor centre

## **SMSL 05**

### **Redevelopment Opportunity around Dawret it-Torri**

**MEPA zones the site located between Triq Ines Soler and Dawret it-Torri, as indicated in the Santa Lucija Policy Map SL 1, for recreational, social and community facilities, provided that:**

- i. the existing public open spaces making up 75% of the site should be retained and improved to include a public garden, landscaped areas, formal and informal recreational and sports facilities (in particular a children`s playing field);**
- ii. the footprint area currently occupied by the police station, that is 5% of the site, is retained for such a land use;**
- iii. building height should not exceed three floors and a 3 course basement;**
- iv. 20% of the site is reserved for social and community facilities that include a civic centre, new premises for the local council and a day care centre;**
- v. a reservoir is constructed underground; and,**
- vi. the design allows for the exploitation of the changing street levels. Developers are encouraged to take advantage of such changes in levels for the provision of buildings in order to retain the open character of the site.**

**The MEPA will consider a phased development of the site, provided that this will not compromise the development of the public open spaces as required by this policy.**

23.4.8 The opportunity exists to redevelop parts of this important open area around Dawret it-Torri. This open space (4450 m<sup>2</sup>) is an important node, being a strategic link between the western and eastern flanks of the town, and can be upgraded to accommodate additional facilities for the general public. Currently the site is underutilized and consists of a police station and a children`s playground.

23.4.9 The redevelopment should aim to increase provision of social and community facilities whilst retaining the site`s open character that serves as a strategic link between St Lucija`s two

residential flanks. Moreover, initiatives should seek to complement the established land uses just outside this opportunity area, namely housing, retail, religious, recreational and social and community facilities.

23.4.10 A phased development of this site in line with the requirements of the policy will be accepted, provided that this does not compromise the public urban space provision as directed by the policy.

## **SMSL 06**

### **Acceptable Land Uses in Residential Areas**

**Further to Policy SMHO 02, only development falling within Class 1 (dwelling units), Class 2 (residential institutions), Class 5b (offices), Class 7 (non-residential institutions), Class 8a (educational facilities) and Class 9d (assembly and leisure), of the Use Classes Order, 1994, as amended, will normally be permitted in St Lucija's Residential Areas as identified in the Santa Lucija Policy Map SL 1. The provisions of the Local Shops Policy will not apply.**

23.4.11 The Santa Lucija Policy Map amongst others delineates St Lucija's Residential Areas, Residential Priority Areas and Neighbourhood Centres. Further to Policy SMHO 02, retail, offices for financial and similar services, and light industry uses (Classes 4, 5a and c, and 11) are being excluded from the list of permissible land uses in Santa Lucija's Residential Areas, in order to safeguard the locality's unique characteristics, setting and conservation.

23.4.12 Following consultation with the local council, it is felt that the existing retail outlets located within the designated neighbourhood centre suffice to meet the day to day needs of the local community. Thus residential areas retain their character without accommodating additional uses that might adversely impinge on the existing residential function. Likewise, offices for financial and similar services, and light industrial uses are also being omitted to protect the residential amenity and to discourage additional traffic from outside the locality.

## **SMSL 07**

### **Mixed Use Area at Triq Hal-Tarxien**

**MEPA designates the site at Triq Hal-Tarxien, as indicated on the Santa Lucija Policy Map SL 1, as an Mixed Use Area. In this area MEPA will favourably consider development (new development, extensions and changes of use) provided that:**

- i. Any new development, redevelopment or extensions to existing developments are not to extend or expand beyond the boundary of the site;**
- ii. Redevelopment is encouraged provided the new development proposed retains the height of existing building whilst any new developments on vacant sites should not exceed a height of one floor as relating to the area;**
- iii. Acceptable land uses will be those falling under Class 11 and Class 17 of the Use Classes Order, 1994, as amended, as well as showrooms, a supermarket and administrative offices as ancillary facilities to the main use;**
- iv. No further expansion of the existing wedding halls or new similar uses in addition to the existing permitted development is to be allowed;**
- v. No retail or residential uses will be allowed;**

- vi. **Where possible, MEPA will seek, through the development process, to encourage developers to provide landscaping around their site or contribute to such provision;**

**As the land is currently located Outside Development Zone, the designation of this area for the uses identified above shall be subject to the Structure Plan Review Process in accordance with Policy SET 8.**

23.4.13 The area which measures approximately 20,000m<sup>2</sup>, includes a supermarket, 2 wedding halls, a printing-press, and a series of one/two storey industrial workshops. Access to the area is off the arterial road Tal-Barrani on the way to Gudja. This area has gone through significant transformations. A number of small industrial garages were present since the eighties and before. However, during the nineties the mix of uses in the area have change as a result of the introduction of wedding halls, a supermarket and a printing press. These commercial related uses together with the existing small scale industrial activity have created an area of mixed uses some of which may be in conflict with each other, particularly since industrial uses do not relate positively with most other uses.

23.4.14 This policy seeks to contain existing development on site and does not allow any expansion outside the designated boundary. It recognises the uses that have been approved through development applications and seeks to encourage a more managed activity in the area whilst seeking to upgrade the visual amenity of the area through embellishment, which would require the participation of existing users, as well as through redevelopment of existing buildings to provide better designed facilities that meet current and future needs. Although commercial uses will be allowed, the main use for the area should relate primarily to industrial activity and warehousing. Expansion of the wedding halls and related activity is considered to be in conflict with the main uses in the area, and considering the parking problems that exist, particularly during wedding parties, the expansion of such activities will exacerbate the problems. Building heights are to be kept to one floor, although most of the one floor consists of 25 courses and not the normal one floor which is characteristic of residential areas. Residential and retail uses in this area are considered as non compatible uses, the former for obvious reasons since the existing activity will cause bad neighbourliness to any residential development, whilst the latter will encourage additional traffic to the area.

## **SMSL 08**

## **Redevelopment of football pitch area**

**MEPA would consider proposals for the upgrading of the football pitch area designated for sports facilities in Santa Lucija Policy Map SL 1 as well as the provision of underground development primarily for sports and leisure related facilities. Proposals may include retail and catering uses, provided that these are ancillary to the leisure facilities. The reinstatement of the football pitch should retain its existing level and no structures/buildings will be allowed above ground except for facilities related to the football pitch in the form of changing rooms and a spectators' stand.**

23.4.15 This policy seeks to make better use of the area currently occupied by the football pitch. The site offers an opportunity for underground development related to the provision of leisure facilities. These facilities will serve a wider catchment area which includes primarily the localities of Paola, Tarxien, Luqa, Gudja and Ghaxaq. Every opportunity to increase the recreation provision in the South should be taken considering the low provision per capita.

## 24. Siggiewi Area Policies

### 24.1 Area Description

Urban Area: 940,000 m<sup>2</sup>  
Rural Area: 5,330,000 m<sup>2</sup>  
Population as per 1995 Census: 7,097  
Population Census 2005: 7,903

- 24.1.1 The area of Siggiewi, for the purposes of this local plan, includes the village proper and the countryside north and east of this settlement. The village lies on a ridge bounded to the north by the steeply-sloped Hesri valley, to the east by Wied ix-Xkora, including a conspicuous network of active soft-stone (globigerina limestone) quarries, and to the west by the gentle slopes preceding the Laferla ridge (popularly known as *is-Salib tal-Gholja*) and Ta'Zuta/Girgenti area.
- 24.1.2 The predominantly young to middle-aged population of Siggiewi has increased by 11% between 1995 and 2005. This significant population growth may be attributed largely to a continuous gentrification process (i.e. individuals with high-income earnings taking up residence in the historic core of the village) and movement of a number of families largely coming from Zebbug, other nearby localities and Cottonera families populating the newer housing estate at Tal-Hesri. Siggiewi is considered a high growth area in terms of population.
- 24.1.3 Siggiewi still retains its traditional village identity with a prevailing residential character consisting of a good number of large townhouses and their private gardens within the historic core area, and uninterrupted rows of terraced houses neatly arranged along wide schemed streets. The retention of these private gardens is important in conserving the character of Siggiewi. The retail area is situated primarily around the 17<sup>th</sup> century parish church and St.Nicholas 'piazza'. Most of the remaining vacant plots are located within streets south of the parish piazza in the area known as Ta' Blat il-Qamar. Siggiewi is very much short of urban green open spaces considering its physical size, although the main piazza in front of the church is a popular meeting place.
- 24.1.4 In the rural part of Siggiewi the main concern has been the proliferation of quarrying activity and construction related operations which has scarred the rural landscape and valleys (e.g. Wied Xkora-Wied Hanzir-Wied Sillani system and Wied Ta'Kandja). The rehabilitation of this landscape once quarrying activities cease is important. The possible reuse of restored quarries for specific uses compatible with the surrounding area and to satisfy specific demands also needs to be identified

### 24.2 Summary of Planning Issues

- **Provision of community facilities at tal-Hesri/Blat il-Qamar**
- **Protection of large private gardens/open space enclaves within UCAs**
- **Restoration and rehabilitation of disused quarries**
- **Provision of a multi-purpose Community Services Centre.**

- **Upgrading of sports facilities at Tal-Hesri**
- **Introduction of traffic management measures**

### **24.3 Strategy**

- 24.3.1 The overall strategy for Siggiewi is to further enhance the unique identity of this village through encouraging the provision of an appropriate range of social and community facilities commensurate with the anticipated increase in population. Within the urban area existing public open spaces will be retained, and where possible, upgraded.
- 24.3.2 The strategy also envisages protection of rural fringe areas like Wied Hesri, Wied Xkora and other valleys with their tributaries particularly to rehabilitate such areas and protect them from further development to avoid the problems of increased storm water run off and likely adverse impacts on the high landscape value of the countryside surrounding this locality.

### **24.4 Area Policies**

#### **SMSI 01**

#### **Comprehensive Traffic Management**

**MEPA shall, as outlined in SMTR 04 and in consultation with the Traffic Management Directorate (Malta Transport Authority) and Siggiewi Local Council, encourage proposals aimed to improve traffic flows in and out of this village. Any detailed plans should support the following objectives:**

- Discourage commercial/ industrial traffic, originating from quarried sites, from using Siggiewi Town Centre by diverting this traffic towards Triq Mons. M. Azzopardi through re-design of Lapsi/ Providenza street junction;**
- Encourage completion of link roads skirting the existing planning scheme, i.e. Triq Patri G.Delia and Triq Dun M. Zammit; and**
- Support future pedestrianization initiatives within the urban conservation area (including pedestrian only and pedestrian-priority zones) thus reinforcing further the already important identity of this locality in terms of the national tourism product and streetscape character.**

**In the remainder of the Urban Conservation Area, MEPA will support the introduction of traffic calming measures to reduce traffic speeds and generally improve pedestrian safety and comfort.**

- 24.4.1 Siggiewi has a relatively large UCA. Traffic calming measures would certainly ensure and encouraging a greater number to 'walk and cycle' activity by residents when these undertake short trips related to retail, recreation and entertainment activities. Traffic management strategy in Siggiewi should be focused on a re-direction of through traffic (particularly heavy commercial/industrial vehicles) to the periphery.
- 24.4.2 This policy supports the rationalization of existing on-street parking spaces in St.Nicholas Square, traffic calming measures in streets approaching this and other squares in this peripheral locality and re-design of existing road widths in order to make them safer for pedestrians.

## **SMSI 02      Multi-Purpose Community Facility and Social Housing at Triq Dr. N. Zammit**

**In accordance with Structure Plan policies SOC 23 and SOC 25, a site situated along Dr.N.Zammit c/w Mdina Street, as indicated on Siggiewi Policy Map SI 1, is being designated for social housing and social and community facilities which would include a mix of the following facilities:**

- i. facilities for the elderly, including sheltered housing as well as day care centres and/or child care facilities; and,**
- ii. social housing.**

**A satisfactory internal road scheme facilitating the implementation of the above-mentioned mix of facilities (including adequate space for off-street parking and internal landscaped areas should be clearly indicated within this site.**

**The height limitation will be three floors and semi-basement .**

24.4.3 The above-mentioned area measuring 4,026 m<sup>2</sup> is currently entirely under Joint Office administration. It consists of a terraced slope overlooking the central sections of Wied il-Hesri with Zebbug at the foreground. It is surrounded by residential development and faces onto a public open space in Triq Dr. N. Zammit. Current zoning is for terraced houses with a two floor height limitation (with basement) along Triq Dun M.Zammit and three floors (with basement) along Triq Dr. N. Zammit.

24.4.4 The size of this site allows a more efficient use of the site to include both residential, in the form of social housing, as well as social and community facilities which are lacking in this area. Thus a mix of the two is important. Detailed re-design of existing schemed block may incorporate residential development flanking existing blank party walls and adequate landscaping strip acting as a buffer between proposed development and back yards of existing dwellings facing Triq l-Imdina and Triq Dun M.Zammit in order to retain residential privacy.

24.4.5 In view of the uses designated for this site, development schemes should introduce well designed open spaces within the site to increase the amenity of this area as well as provide recreational areas.

## **SMSI 03      Upgrading Of Tal-Hesri Sports Facilities**

**In accordance with Structure Plan policies REC 1 and REC 4, MEPA will encourage an upgrading of existing facilities at the Tal-Hesri area, as illustrated in Siggiewi Policy Map SI 1.**

**Proposals for upgrading may include a rehabilitation of the existing basketball court and the provision of new tennis courts. Conversion of the existing one-storey changing rooms, currently serving the existing football pitch, will support the revamped sports complex.**

**All development recommended for the purposes of this policy is to conform to the following conditions:**

- i. Existing perimeter sections of this site will be satisfactorily landscaped;**
- ii. Proposed project has to include a water reservoir of suitable size for full site**

- irrigation purposes;
- iii. Any lighting provision should avoid creating light pollution, particularly with regard to the spill of light outside the boundaries of the site;
- iv. The site will have a safe and convenient pedestrian and vehicular access; and
- v. The site needs to cater for adequate parking provision within its curtilage.

The existing building serving as changing rooms and administrative office will have to be re-developed, preferably at a semi-basement level in order to minimize its visual intrusion over large distances. It is envisaged that such building would cater for administrative offices, toilets/changing/shower rooms and a bar. The built up footprint should not exceed 15% of the total site area and the proposed design should blend with the surrounding rural context.

- 24.4.6 The area under review reserved for this sports site covers some 20,330 m<sup>2</sup> is mostly located outside development zone. It is surrounded to the west from recent development in Binja Hesri Neighbourhood, and a farm and to the east by agricultural land sloping downwards to Hesri Valley.
- 24.4.7 There is a dynamic relationship between the changing population characteristics, desirability to live in a particular area and provision of sports pitches and facilities. Demand in Siggiewi is likely to continue mainly in view of the fact that the site is continuously used for local as well as national tournaments (e.g. league fixtures by M.A.F.A., pre-season friendlies and a number of summer tournaments organized by Siggiewi FC or M.F.A.). For this reason, the above-mentioned policy seeks to fulfill Structure Plan policy REC 4 which underlines, amongst other, that, *“in preparing Local Plans the Planning Authority will seek to identify sites for district level recreation centres where a range of facilities can be accumulated and managed effectively...”*.
- 24.4.8 On the other hand, caution should be exercised when any proposal is considered due to the particular location of the site. Infact, this local plan is proposing the area surrounding this site as an Area of High Landscape Value (refer to policy SMCO 04) as it overlooks Hesri Valley with Mdina and Rabat at the foreground. Fringe landscaping above-mentioned reinforces this important condition.

## SMSI 04

## Rezoning at Triq il-Muza

The stretch of road between Triq il-Muza and Triq Nicolo' Baldacchino, is being removed and rezoned for residential development, as indicated in the Siggiewi Policy Map SI 1 and Inset Map SI B3. Development of this stretch would have to include the development of the adjacent public urban open space for public use. This would entail the provision of seating facilities in a landscaped area. Underground development beneath the public urban open space will also be permitted.

- 24.4.9 The road which links Triq il-Muza with Triq Nicolo' Baldacchino is considered unnecessary since there is already a road which links these two roads. This development will also permit the provision of a public urban open space adjacent to the site and which is needed in this area, thus improving the residential amenity. The public urban open space would be in the form of a landscaped seated area..



## **SMSI 05**

### **Rezoning of Green Area at Triq Mons. Mikiel Azzopardi**

**MEPA recommends that the site at Triq Mons. Mikiel Azzopardi, as shown in the Siggiewi Policy Map SI 1 and Inset Map SI A1, is partly re-zoned from a green area to residential development and partly retained as a public urban open space. The residential development will be subject to the following criteria:**

- i. the developer will be required to upgrade at his expense the adjacent public urban open space in line with SMSE 05 and to maintain the site for at least five years;**
- ii. No underground development will be permitted in the public urban open space;**
- iii. building heights shall not exceed three floors plus semi-basement;**
- iv. the public urban open space will be landscaped in accordance to provisions contained in the Guidelines on Trees, Shrubs and Plants for Planting & Landscaping in the Maltese Islands (2002).**

24.4.10 The site (2100 m<sup>2</sup>) which is totally zoned as a green area in the Temporary Provision Schemes, 1988, is currently characterised by a private garden on a slightly sloping ground with a section being utilized for parking of commercial vehicles and other machinery. The designation of this site as a green area is rather odd considering that unlike most other green areas this site abuts adjacent buildings and seems to be more of an infill site between buildings. This policy whilst considering the development of part of the site (950 m<sup>2</sup>) is ensuring that the improvement of the retained green space (600 m<sup>2</sup>) is enjoyed by the local community within this area which lacks useable public urban open spaces.

## **SMSI 06**

### **Urban Open Space at Misrah il-Vittmi tal-Gwerra**

**MEPA will encourage and support the introduction of an innovative design scheme to upgrade, re-organise and embellish Misrah il-Vittmi tal-Gwerra, as shown on the Siggiewi Policy Map SI 1, subject to adhering to the following conditions:**

- i. At least 25% of the site to be allocated for soft and hard landscaping measures, and a seating area, in accordance with the Guidelines on Trees, Shrubs and Plants for Planting & Landscaping in the Maltese Islands, 2002;**
- ii. The provision of a parking area; and**
- iii. The design should retain access between Misrah San Nikola and Triq Mons. M. Azzopardi.**

24.4.11 Misrah il-Vittmi tal-Gwerra, also known as il-Qajjed (1,571m<sup>2</sup>) was up to the late 1950s mostly occupied by a large farmhouse surrounded by a network of alleys and large private gardens and connected to the main parish square through the narrow Triq il-Qajjed. Today, the site occupied by the farmhouse made way to a sterile tarmaced open space and Triq Ta' Saura thus connecting the area with Triq Mons. M. Azzopardi (Siggiewi bypass). The informal open space is seldom used except for haphazard parking along its fringes. During the annual feast of St. Nicholas this area is transformed into an 'extension' of the main festa activity being held in Pjazza San Nikola (due to the large presence of mobile commercial kiosks and catering facilities) all the way down to parts of the above-mentioned bypass. This square needs re-organisation to improve the visual amenity of this open space and to facilitate its use for informal recreation as well as to ensure an appropriate entrance from the bypass into the Siggiewi Urban Conservation Area. Modern requirements make it next to impossible to re-erect a replica of the old building, however, there



## 25. Tarxien Area Policies

### 25.1 Area Description

Urban Area: 877,177 m<sup>2</sup>

Rural Area: none

Population as per 1995 census: 7412

Population Census 2005: 7,608

- 25.1.1 Tarxien is the only locality in the plan area which is totally within the development zone boundary. It is a locality without any rural areas even though on the South side it is bordered by the rural areas of Paola and Sta Lucija. The population density is also high at 8612 persons per km<sup>2</sup>.
- 25.1.2 Tarxien still retains its traditional village characteristics with dwellings and buildings grouped around the parish church, even though the village core extends well beyond the parish church area towards Paola. New development has grown around this extended core.
- 25.1.3 Tarxien contains one of the most important archaeological sites on the Islands, the Tarxien Neolithic Temples. These are also one of the most visited attractions by tourists. There are a number of scheduled buildings within Tarxien including the parish church, the school in Triq l-Iskola and a number of dwellings along various streets and alleys.
- 25.1.4 Tarxien is mainly a residential area, however, retail development particularly within the Urban Conservation Area of Tarxien generates significant traffic within the historical core of the locality. Tarxien has an average urban recreational space of 1.5 m<sup>2</sup> per person (Leisure & Recreation Topic paper) which is one of the lowest in the plan area. The lack of opportunities for open space recreation in Tarxien necessitates the protection of existing and the creation of additional public open spaces. Apart from one large piece of land at the area known as Il-Qalgha, which is zoned for residential and community facilities in the Temporary Provision Schemes, 1988, most of Tarxien is already built up. It is therefore important to ensure that any development on such large sites includes a provision for recreational facilities. The locality also lacks appropriate social and community facilities in the form of a day care centre for the elderly
- 25.1.5 The proximity of the Bulebel Industrial Estate poses a particular problem for the residents of Tarxien as both commuters visiting the estate and workers tend to occupy the limited available on street parking spaces which accentuates the parking problem in this locality.
- 25.1.6 The football ground in Tarxien needs substantial upgrading and there is the possibility of providing additional sports facilities adjacent to the Sta Maria Goretti School.
- 25.1.7 Some streets are prone to flooding due to the gradient of certain streets and no provision for collecting rain water and measures to direct storm water runoff are in place. This is the case in Triq Karlu Maretta and Triq Anglu Mangion.

## 25.2 Summary of Planning Issues

- Traffic management measures
- Provision of public open spaces, children play areas and sports facilities
- Provision of social and community facilities
- Measures to address flooding

## 25.3 Strategy

25.3.1 The strategy for Tarxien is to protect the traditional characteristics of this town and enhance the quality of the urban environment, both in the Urban Conservation Area and the wider residential area. Particular attention is to be given to secure a reduction in through traffic in the UCA through the designation of pedestrian priority areas which should reduce the movement of through traffic.

## 25.4 Area Policies

### **SMTA 01 Provision of Sports facilities on site between Triq Cikku Saliba and Triq Kelinu Cachia**

In line with Structure Plan policies SOC 13 and SOC 14, MEPA will favourably consider the provision of outdoor sports facilities (e.g. running track, playing pitches) as part of the existing Santa Maria Goretti school in the area between Triq Cikku Saliba and Triq Kelinu Cachia, as indicated on the Tarxien Policy Map TA 1, subject to the following conditions:

- i. Adequate parking provision is provided;
- ii. The multiple use of such facilities is encouraged;
- iii. Buildings, which would include shower and changing rooms, toilets, ancillary office and other facilities ancillary to the sports facilities, are to be two storeys high and built up area should not exceed 10% of the site area; and
- iv. A landscaping plan should be submitted to be approved by MEPA which would include a 6m green buffer between the residential properties fronting Triq Spiru Spiteri and the sports facility.

**Vehicular access from the school to Triq Bir Id-Deheb should be closed as part of any future development within the precincts of the school.**

25.4.1 This site (5500 m<sup>2</sup>) is adjacent to the Santa Maria Goretti school, which currently houses a kindergarten and both a Primary and Secondary school, and has been designated in the Temporary Provision Schemes, 1988, for the future expansion of school related facilities including sports facilities. The sports facilities (e.g. running track, playing pitches) are lacking in this school and considering that it also houses the Kelinu Cachia and Dun Karm Sant Primary schools the provision of such facilities is becoming crucial. The existing yard is currently used for such sports as volleyball, basketball, netball and softball, but the space is limited. Indoor

sport facilities include a badminton court and a gymnasium. The existing recreational space includes 839m<sup>2</sup> for the Primary A school, 898m<sup>2</sup> for the Primary B school and 1681m<sup>2</sup>. Considering the high student population and the lack of recreation facilities, better use can be made of the current derelict site. The multiple use of facilities, outside school hours is encouraged and this can serve residents of Luqa, Ghaxaq, Gudja, Sta. Lucia, Paola and Fgura. Although some buildings would be needed to house facilities e.g. office, gym, etc., the openness of the site must be retained. Adequate parking facilities are to be provided. For safety reasons vehicular access from and to the arterial Triq Bir id-Deheb will be closed off.

## **SMTA 02**

## **Rezoning of White Area in Il-Qalgha**

**The land designated in the Temporary Provision Schemes, 1988 as a white area zoned for community facilities, in Il-Qalgha, as indicated in the Tarxien Policy Map TA 1, is zoned by the MEPA for the following land uses:**

- i. 65% of the site area is to be developed primarily for residential purposes (providing a range of different sized units), including internal roads and adequate landscaping, and is to include a mix of retail and commercial facilities (Class 4, Class 5 and Class 6 of the Use Classes Order 1994, as amended) as well as social and community facilities in accordance with Class 8 (a) of the Use Classes Order, 1994, as amended (e.g. kindergarten, youth and day care centre);**
- ii. 35% of the site area reserved for the provision of recreational open space in the form of an urban park and would include seating areas, playing pitches and a children's play area but exclude any internal roads required by the development.**

**The development will have to provide adequate parking provision to accommodate the development proposed.**

**The height of the buildings will not exceed three floors and semi-basement.**

**MEPA encourages the comprehensive development of this entire site, however, development applications may be submitted on parts of the site in phases, provided that these sites are not less than 3000 m<sup>2</sup> and that the conditions specified in i – ii above are adhered to. Should this be the case, MEPA will seek to achieve a harmonious, holistic and aggregate design in the development of the site. The development of the site or part of the site as individual plots is not encouraged, however, if this may be the case then MEPA will require the submission of an appropriate planning contribution to make up for the forfeited recreational space. This will go into a fund for the provision of additional recreational areas or for the upgrading of existing ones in consultation with the Tarxien Local Council.**

**MEPA may also consider applying the FAR on this site provided that the entire site is developed in a comprehensive manner.**

25.4.2 This is a large undeveloped site at Il-Qalgha in Tarxien under the ownership of the Joint Office. The site covers an area of approximate 28,000 m<sup>2</sup>. According to the Temporary provision Schemes, 1988, this site is a white area designated for community facilities. Considering the built up nature of Tarxien, the provision of adequate recreational areas is important and 35% of the site is reserved for such provision, seeking to create an urban park within a highly populated area. Although this site is almost at the periphery of Tarxien, nonetheless it is still accessible to most residents and therefore the provision of social and community facilities are encouraged. The policy encourages a mix of different sized dwellings to meet the needs of

different sized households. A minimum of 350 dwellings can be accommodated. Considering the size of the site, its development in a holistic manner is encouraged, and in such a case the application of the FAR would be considered acceptable. However, the policy also allows for the development of parts of the site in phases, provided that the site area is at least 3000 m<sup>2</sup>. This should allow a comprehensive approach to development of the site as against the development of the site as individual plots.

### **SMTA 03                      Social and Community facilities at Triq l-Alfier de Medran**

**MEPA designates an undeveloped site at Triq l-Alfier de Medran, as indicated in the Tarxien Policy Map TA 1, for the development of social and community facilities, particularly a youth and elderly centre as well as the Local Council offices.**

**Considering that this will be a local facility MEPA may consider waiving off any parking requirements subject to its satisfaction that the proposed development will not attract substantial traffic**

25.4.3 This site is owned by the Joint Office and considering the proximity to the centre of Tarxien it is accessible from most of the areas within this locality. The site is also close to the main recreational facilities in the area, particularly the football ground and the facility would be used by both the elderly during the mornings and the youngsters during the evenings. The design of the building should be given importance since this site is located within the UCA boundary and is adjacent two scheduled buildings, a Grade 1 and a Grade 2. Since the facility would attract primarily local residents and since the on street parking provision in this area does not seem to be heavily used, the MEPA would consider waiving off the parking requirements. However, this will depend on the proposed development.

### **SMTA 04                      Traffic Management and Environmental Improvements**

**MEPA will support measures by the Malta Transport Authority and the Local Council for the introduction of traffic management and environmental improvement measures in and around the center of Tarxien. These measures may include:**

- i. prohibiting through traffic from the central square;**
- ii. safeguarding the movement of buses;**
- iii. pedestrianising alleys in the heart of the UCA;**
- iv. widening pavements where possible;**
- v. undertaking general enhancements.**

**The narrowing of Triq Ta' Sardinja should also be considered.**

25.4.4 There generally appears to be a noticeable amount of through traffic in the center of Tarxien. This is generally undesirable, and with some alteration to the traffic management scheme, unnecessary even for most local movements. The center of Tarxien is part of a strategically important bus corridor and, therefore, measures designed to prevent through traffic must maintain good bus accessibility. This could be achieved by having bus gates (short sections of bus only streets) at key locations.

25.4.5 A number of alleys converge on Republic Square and High Street, some of which have been

pedestrianised and up-graded. Further similar works will be beneficial. In other parts of the UCA, pavement widening and general enhancements would be very worthwhile. High street is a particular case in point. The excessive width of Triq Ta' Sardinja (between 16 m and 18 m) is unnecessary since this would likely result in speeding along this stretch thus affecting pedestrian safety.

## **SMTA 05**

## **Rezoning at Triq iz-Zejtun**

**A site fronting Triq iz-Zejtun and Triq il-Kbira, zoned for villa development, as indicated in Tarxien Policy Map TA 1 and Inset Map TA A2, is being zoned as a private garden/open space enclave subject to policy SMIA 10.**

25.4.6 The greater part of this site is a garden which forms part of the scheduled Grade 1 building along Triq iz-Zurrieq. The other part is also a garden pertaining to an adjacent town house along Triq il-Kbira. The villa zoning given in the 1988 TPS compromises the setting of these buildings should the site be developed. This policy designates the site as an open space enclave which whilst protecting the garden allows limited development ancillary to the residential use of the adjacent properties. The property in Triq il-Kbira, although not scheduled forms part of a row of properties along this same street which have been scheduled. The gardens forming part of these buildings is an important characteristic of properties in this part of Tarxien.

## 26. Xghajra Area Policies

### 26.1 Area Description

Urban Area: 240,311 m<sup>2</sup>  
Rural Area: 725,254 m<sup>2</sup>  
Population as per 1995 census: 685  
Population Census 2005: 1.234

- 26.1.1 The small seaside village of Xghajra, which was once a part of Zabbar, has grown primarily as a summer resort area, but has increasingly developed a resident population. Between 1995 and 2005 the population increased by 80%. The topography is of a hilly or valley type, with the highest point lying in Triq San Leonardu. Although a relatively quiet locality, during the summer months the population of Xghajra almost triples with the influx of people from other localities, particularly from Zejtun, Zabbar and Cottonera. During this period traffic problems in terms of congestion and parking increase.
- 26.1.2 Access to Xghajra is currently through Zabbar, through Triq Orlando Zabbar towards Triq il-Fortizza tal-Grazzja. The Local Council has indicated that due to the high influx of domestic tourists during summer the road network is not able to adequately cope with the traffic generated. This sole access into Xghajra creates problems particularly when works are being carried out along this road. The Council has an outline approval for the development of recreational facilities in the vicinity of the football pitch and is discussing with Government improvements to the promenade.
- 26.1.3 The small population of Xghajra (and the vicinity of Zabbar) has acted as a deterrent in the development of local retail services e.g. food stores, stationeries, etc. Thus locals have to travel to nearby Zabbar for such shopping. However, the population is likely to increase in future considering that a number of developments have been given the green light thus creating additional residential units. This increase may also impact negatively on the infrastructure of the area.
- 26.1.4 Another problem which is affecting Xghajra, and which has been repeatedly stated by the Local Council, is the disposal of sewage from the operation of a large pig farm along Triq San Anard as well as impacts resulting from the nearby Ricasoli Industrial Estate in terms of emissions and air pollution. The introduction of the Wied Ghammieq sewage treatment plant is expected to increase the recreational potential of this locality, attracting additional visitors to Xghajra. Currently the locality is adversely affected by the sewage outfall making the bathing water unfit for swimming. An area off Xghajra has also been identified as a potential site for land reclamation in the Land reclamation Study report carried out on behalf of MEPA..

### 26.2 Summary of Planning Issues

- **Lack of local retail outlets**
- **Traffic management measures**
- **Upgrading of recreational areas and heritage resources**



## **26.3 Strategy**

- 26.3.1 The two pronged strategy for Xghajra includes an enhancement of the residential amenity of the area and the reinforcement of the domestic tourism role which the area fulfills in the plan area as a whole. It is equally important that industrial related operations as well as animal breeding farms which are adversely affecting the locality improve their operations to minimize their impacts on the locality's resident population.

## **26.4 Area Policies**

### **SMXA 01 Improved Pedestrian Access to Xghajra Primary School**

**MEPA will support measures by the Malta Transport Authority and the Xghajra Local Council to improve pedestrian access to the Xghajra Primary School, as indicated in the Xghajra policy Map XA 1. These measures may include:**

- i. Providing a pavement along the narrow road, off Triq l-Iskola, leading to the school, or introducing traffic calming measures so as to convert this access into a shared surface, with pedestrians having priority.**
- ii. Widening the pavement along the east side of Triq l-Iskola.**
- iii. Providing solid guide islands at the Triq Il-Fortizza Tal-Grazzja roundabout, so that pedestrians can cross in the road in more safety in this locality.**

**MEPA will also permit the construction of a new footpath from Triq il-Fortizza tal-Grazzja to the school to provide a more direct pedestrian link the the school and Fort.**

- 26.4.1 Conditions for parents walking their children to the primary school are currently poor. It would therefore be very beneficial if the identified measures were undertaken to both improve the safety and comfort of pedestrians. Hopefully, in some cases, this may encourage some parents to walk when otherwise they may choose to transport their children the short distance to school by car.

### **SMXA 02 Promenade Improvements at Dawret ix-Xatt**

**MEPA will permit works to create an attractive promenade along Dawret Ix-Xatt, as indicated on the Xghajra Policy Map XA 1, provided that the proposed development does not adversely affect the coastal area which is proposed to be designated as an Area of Ecological Importance/Site of Scientific Importance in Policy SMCO 03. Such works will include the formation of parking bays, preferably on the landward side, pedestrian crossing points, comprehensive high quality traffic calming features to keep speeds consistently low, and extensive landscaping as well as a green area.**

- 26.4.2 The attraction of the Xghajra coastline makes it an important recreational area for both villagers and those living in nearby towns and villages. The opportunity exists to improve the existing promenade to complement and protect the natural attractions along the coast. Its design should maximise the space given over to pedestrians, and create a safe and attractive environment. The promenade needs some extensive improvements along specific sections due to the erosion by marine action. The design of the improvements is to respect the natural coastline which is



## 27. Zabbar Area Policies

### 27.1 Area Description

Urban Area: 1,460,000 m<sup>2</sup>  
Rural Area: 3,900,000 m<sup>2</sup>  
Population as per 1995 Census: 14,138  
Population 2005: 14,694

- 27.1.1 Zabbar is bound to the north by Kalkara and Xghajra, to the west by Fgura and Cottonera fortifications (enclosing the localities of Vittoriosa and Cospicua), to the east by Marsascala and to the south by Zejtun. This town, along with Paola and Fgura, was originally created as a result of the out-migration of people previously living in localities within the Cottonera region. Zabbar has the largest population of all localities within the Plan area. Zabbar is one of the main population growth areas in the plan area, and past trends, as well as the amount of vacant land (approximately 150,000 m<sup>2</sup>) available for development subject that the area has the potential to accommodate further growth in population during the plan period.
- 27.1.2 The western part of this town, composed essentially of Il-Biccieni and Tal-Bajjada (also known as Il-Misrah) areas, is characterized by high dwelling density and comprises a series of winding streets that define the village core. The eastern half is mostly suburban with relatively more recent developments mostly in the form of terraced housing and modern maisonettes and apartments.
- 27.1.3 Zabbar has two other distinct residential neighbourhoods namely Bulebel iz-Zghir, which is characterized by Government housing estates/ multi-storey apartment blocks and rows of terraced house units that were constructed out of various Home Ownership Schemes (HOS), and the area referred to as St.Peter's. The latter neighbourhood is focused around Sant'Andrija church and the very wide Triq Alessio Erardi (originally constructed as part of a north Zabbar bypass route). Both neighbourhoods are still devoid of basic social centres or clubs. The existing Primary Educational facilities are not adequate to meet the increased demand and new requirements being implemented by the Foundation for Tomorrow's Schools (FTS), although FTS have not identified this as an immediate priority.
- 27.1.4 Commercial activity generally centres around Sanctuary and Convent Streets although the old part of Tal-Bajjada area as well as parts of Bulebel iz-Zghir (also known as The Estate) have their distinctive concentration of retail units. The open air market in Misrah is-Sliem creates problems particularly of parking and the encroachment of retail activity into residential streets. Public transport should also take account of the newly developed areas and a new strategic location should be identified.
- 27.1.5 A number of public open spaces are available within the village core yet the new residential areas lack such spaces. Zabbar suffers also from traffic congestion and pollution since it is situated along the route that connects the expanding settlements of Xghajra and the coastal resort of Wied il-Ghajj with the heavily populated Paola-Fgura-Tarxien conurbation. This situation results in deterioration of environmental quality environment for residents, shoppers and other users.
- 27.1.6 Zabbar's countryside is mainly located to the east and is characterized by a number of urban extensions, i.e. rows of residential buildings outside the development zone (e.g. Ta'Nahla) and rural settlements such as il-Bidni/ Has-Sajd. San Anard Fort, sitting on the highest point of this

locality, is also a noticeable landmark and is currently used as an animal farm. An appropriate re-use for this fort needs to be established.

- 27.1.7 A large undeveloped area within scheme at Santa Domenica is considered as an Area of Agricultural Value, being irrigated agricultural land, as indicated by the Agricultural Department and therefore merits protection. On the other hand development on a site zoned for residential development in Sqaq Berqi may compromise the proposed Zabbar UCA.

## **27.2 Summary of Planning Issues**

- **Need to upgrade and broaden range of community facilities, public urban open spaces, sports facilities and children play areas.**
- **Relocation of existing outdoor street market in Misrah is-Sliem.**
- **Identify new location for bus terminus in view of expanding settlement area to the east and north of existing urban area.**
- **Identify an underground car park supporting retail activities within the designated Town Centre.**
- **Establish pedestrian and pedestrian priority areas/streets within the proposed Urban Conservation Area.**
- **Re-use of existing Primary schools**
- **Protecting land of agricultural value at Santa Domenica**
- **Protect the UCA amenity from Triq tal-Labour**

## **27.3 Strategy**

- 27.3.1 The overall strategy for Zabbar is to contain urban expansion within the current TPS boundary and secure an enhancement of the quality of the residential areas through adequate provision of recreational areas and sports facilities and through better management of traffic flows through Zabbar. The strategy also seeks to direct retail, commercial and industrial developments into appropriate areas thus enhancing the residential amenity.

## **27.4 Area Policies**

### **SMZA 01**

### **Mediatrix Square**

**In order to significantly improve the amenity and multi-functional role of Mediatrix Square, as indicated in the Zabbar Policy Maps ZA 1 and ZA 2, MEPA shall encourage proposals by the relevant authorities to secure improvements to this historic square, particularly the entrance to/exit from Mediatrix Square to Vjal il-Labour, which takes account of the following objectives:**

- i. **Discourage traffic movements through this area and excess parking through the implementation of traffic calming measures;**
- ii. **Introduce adequate infrastructural measures to reduce flooding problems; and**
- iii. **Promote pedestrian related improvements around this square and improve the public urban open space amenity with adequate seating facilities and landscaping.**

27.4.1 Upgrading of this piazza adjacent to Zabbar's parish church is being supported in order to organize better parking facilities and make this historic/ cultural open space more amenable for pedestrian use.

27.4.2 The recent embellishment of this square has partially improved the overall situation along the above-mentioned context. Nonetheless, a reduction in traffic movement through the site, assisted by changes to the design of the site forming the entrance to/ exit from Mediatrix square to Vjal tal-Labour, is being sought. These improvements may indeed enable *effective* implementation of the broader transport management provisions contained in other area policies for Zabbar seeking to reduce 'through' traffic from Convent and Sanctuary streets. Such improvements will, however, require the diversion of traffic through other schemed roads which still have to be opened e.g. Triq Alessio Erardi

## **SMZA 02**

### **Public Urban Open Space at Triq l-Ghakrux**

**MEPA designates a site between Triq Dun Salvu Sciberras and Triq l-Ghakrux, zoned as a green area in the Temporary Provision Schemes, 1988, and shown in Zabbar Policy Map ZA 1, as a public urban open space.**

**MEPA will also consider appropriate development underground, provided the upper level is transformed into a public urban open space.**

27.4.3 The site measuring approximately 4,600 m<sup>2</sup>, is located in the vicinity of a fast developing residential area known as St.Peter's neighbourhood. The development of this site as a public urban open space will provide a much needed amenity in a relatively new residential area which still lacks such provision. This combination of facilities is likely to complement the proposed Neighbourhood Centre in Triq A.Erardi. The site is in private ownership and therefore underground development is permitted provided the upper level is turned into a public urban open space.

## **SMZA 03**

### **Rezoning of land at Santa Domenica**

**MEPA is rezoning undeveloped land at Santa Domenica, as shown in the Zabbar Policy Map ZA 1 and Inset Map ZA A1, from residential to a green area to be retained for agricultural use. Only development related to the current agricultural use of this site will be permitted subject to compliance with the Supplementary Planning Guidance "Farmhouses and Agricultural Building (Revised 2003)" published by the MEPA (as amended from time to time).**

27.4.4 This area is currently high quality irrigated agricultural land, as indicated in an assessment made by the Agriculture Department. To protect the agricultural activity and value of this area this policy rezones the land from residential to a green area. The land is owned by the Joint Office. In addition the livelihood of the farmer depends on the retention of this land for agricultural use. The site measures approximately 14,000 m<sup>2</sup>. Zabbar still has a total of about 150,000 m<sup>2</sup> of

vacant land most of which is designated for residential development.

#### **SMZA 04 Re-use of existing schools for Social and Community facilities**

**MEPA would favourably consider the re-use of the existing primary schools in Triq id-Dukkar and Triq il-Lunzjata, as shown on the Zabbar Policy Maps ZA 1 and ZA 2, for the provision of social and community facilities, should the existing primary schools be relocated from their current sites.**

**The relocation of the existing Primary schools will be subject to the submission of a site selection exercise, prepared by the relevant authorities to justify the selection of the proposed site, to be considered by MEPA.**

27.4.5 The provision of social and community facilities are lacking in Zabbar considering the high population growth, a high percentage senior population and a high ratio of disabled per 1000 inhabitants. The sites currently occupied by the state primary schools are close to the town centre and therefore strategically located for such provision. The existing schools are not adequate for today's educational needs in line with the Foundation for Tomorrow's Schools' standards and it is likely that the schools will be relocated during the plan period. A site selection exercise will have to be undertaken in this respect. This policy gives direction as to the form of development that should be encouraged should the sites become vacant Social and community facilities may include a Government District Health Centre, Day/Night care centre for the elderly, local council offices.

#### **SMZA 05**

#### **Relocation Of Outdoor Market**

**MEPA supports the relocation of the outdoor market from Misrah is-Sliem and Misrah San Gakbu to Triq il-Kunsill ta' L-Ewropa, next to the area known as Il-Foss, as indicated in the Zabbar Policy Maps ZA 1 and ZA 2. The relocation would require the introduction of appropriate pedestrian-friendly initiatives aimed to link this area with Zabbar. Appropriate parking provision is to be provided along this site to service both the outdoor market users as well as the use of the District Park as proposed in policy SMZA 07.**

27.4.6 This policy envisages the integration of recreational, sports and social facilities in the vicinity of the fortifications in view of the proposed Regional Park. The existing use of the wide dual carriageway will no longer be necessary given the emerging South Harbour Highway Strategy which envisages closure of this route for traffic and transfer of the latter to Vjal tal-Labour.

27.4.7 The existing market (consisting of approximately 30-40 stalls) currently utilizes the fringes of a recently embellished stretch of land in Misrah is-Sliem. The outdoor market operations at the current site result in haphazard parking as well as the proliferation of some retailer stands (with their associated vans) along the Main Street and parts of Triq Bajjada and in Misrah San Gakbu resulting in closure of these routes to traffic during Friday and Saturday morning hours and conflicting with nearby hospital-bound traffic. The new site avoids these problems since it is not located within the centre of Zabbar but close enough to Zabbar to be accessible to residents. Evidently, this situation creates a chaotic atmosphere which is not acceptable in a Town Centre. The relocation has the support of the Zabbar Local Council.

## **SMZA 06**

## **Rehabilitation of Fort St. Leonard**

**In line with Structure Plan Policies UCO 5, UCO 11 and TOU 11 the MEPA will encourage the rehabilitation and restoration of Fort St. Leonard, as indicated in the Zabbar Policy Map ZA 1, for tourism purposes provided the scale and type of uses proposed respect the heritage value and characteristics of the fort and do not result in adverse impacts to the building.**

27.4.8 This 19<sup>th</sup> century jewel-shaped fort is in a poor state of repair. The current use of this site as a pig farm represents a very inefficient use of a potentially valuable resource. The plan seeks the rehabilitation of this historic asset through its use for tourism related facilities. Likely uses include a visitor centre/ museum, a “field study” educational centre and craft/ souvenir shops or could be developed for rural tourism accommodation. The potential for such uses, and the form of private sector involvement will need to be carefully considered.

## **SMZA 07**

## **Public Open Space at Tal-Hofra, St. Nicholas Square**

**MEPA will support the Zabbar Local Council to develop the site at St. Nicholas Square, as shown on Zabbar Policy Maps ZA 1 and ZA 2, into a public urban open space to include a public garden/ playing field/ seating area.**

**No other development, except for the construction of an underground reservoir will be permitted. .**

**MEPA will also encourage the rehabilitation of the existing dilapidated two-storey farmhouse located at the north western section of site under review for the provision of facilities ancillary to the recreational use of the public urban open space**

27.4.9 The site, which covers an area of about 2,262 m<sup>2</sup>, is currently zoned as a ‘green area’ in the Temporary Provision Schemes, 1988. This policy will establish the area as the new focal point of interest for the new residential areas northeast of Triq Wied il-Ghajj and Triq ix-Xghajra. Currently the site is in a degraded state and the upgrading of this site into a public urban open space will enhance the amenity of this area in the vicinity of the proposed Zabbar UCA boundary. The proposed underground water reservoir will relieve Triq ix-Xghajra from occasional storm water flooding and consequently assist in the maintenance of the soft landscaping section within this public garden. The restoration, rehabilitation and conversion of the existing dilapidated two-storey building for recreational use ancillary to the public urban open space, will also upgrade and protect a historical landmark in the area.

## **SMZA 08**

## **Mixed development at Ta’ Dun Lanza**

**MEPA recommends that the zoning of the undeveloped site situated between the village core, Triq ic-Cimiterju and Triq Ta’ Lanza, as indicated in Zabbar Policy Maps ZA 1 and ZA 2, is changed from residential and community facilities to residential and recreation facilities and is designated as a UCA Quality area. Development of this site should be carried out in a comprehensive manner.**

**Within this site the development will comply with the following conditions:**

- i. Development is in line with the requirements in respect of the Internal Residential Development policy as stated in the Policy and Design Guidance DC 2005;**
- ii. A pedestrian-landscaped strip of at least 6m forming a buffer area will be established**

- between the new development and the proposed boundary of the UCA particularly where this includes back garden walls or buildings. This buffer would extend along the entire stretch of old buildings adjacent and including the chapel of St.Mary and incorporates a pedestrian access linking Sqaq Numru 1 to the older section of Triq ic-Cimiterju.
- iii. At least 25% of the site, excluding the pedestrian-landscaped strip, is to be developed for recreational facilities which would include a playing pitch and a public garden together with a children's play area. Appropriate landscaping will also be provided;
  - iv. The building height should not exceed two floors;
  - v. An appropriate level of parking facilities in relation to the development proposed will be provided at basement level; and,
  - vi. The slight widening of Sqaq Numru 1 along part of this site only.

Their design should integrate with the overall characteristics defining the UCA as well as give due consideration to the presence of the above-mentioned chapel and the scheduled building at Triq ic-Cimiterju.

**In case of multiple ownership of land in this area, the implementation procedures as set out in Appendix B are recommended to be followed.**

27.4.10 The site, measuring some 6,960 m<sup>2</sup>, has been left as a white area for residential and community facilities following a replanning exercise completed in 1994. It is very close to Misrah San Gakbu (currently designated as part of Zabbar's secondary town centre) and is currently agricultural fields fringing an 'exposed' village core edge. Considering that the Plan proposes other areas for social and community facilities it is more appropriate to designate this area for residential and recreational facilities, including sports facilities, since these are lacking in this part of Zabbar. Proposed uses and development will contribute to additional provision of recreational facilities for this populated locality whilst ensuring that residential development, particularly internal development, protects local views to the UCA. The provision of the pedestrianised area will provide access along the site into the UCA at Triq ic-Cimiterju whilst the slight widening of Sqaq Numru 1 will ease car movement along this stretch.

## **SMZA 09**

## **Rezoning of Land at Ta' Dun Lanza**

**MEPA recommends that the undeveloped site situated between Triq ic-Cimiterju, Triq l-Ghadira and Triq Ta'Lanza, as indicated in Zabbar Policy Maps ZA 1 and ZA 2, is rezoned from residential to residential and community/educational facilities subject to the compliance with the following uses and conditions:**

- i. The developer must include a kindergarten, in line with the requirement of the FTS;
- ii. Site is to be allocated for residential development in accordance with Policy SMHO 02;
- iii. Adequate basement parking facilities to be provided within the perimeter of the site; and
- iv. At least 5% of the site is to be reserved as a public urban open space area (seating/soft landscaping).

**Any proposed buildings included within the above-mentioned uses should not exceed three floors at street level. The Floor Area Ratio will not be applicable to this site.**

27.4.11 The site under review measures some 3,357 m<sup>2</sup> and consists of agricultural land. It is in Joint Office ownership and was designated for residential development following a replanning exercise completed in 1994. It is surrounded by land zoned for residential development most of which is in the process of becoming built-up. It thus makes sense to incorporate community/educational facilities, particularly



the relocation of the kindergarten currently housed in the existing Zabbar Primary school A to alleviate some of the space constraints of this school.

## **SMZA 10                      Development Guidelines for land adjacent to Sqaq Berqi**

**MEPA recommends that any development on the site bordered by Sqaq Berqi and Triq tal-Labour, as shown on the Zabbar Policy Maps ZA 1 and ZA 2 and Inset Map ZA A5, forming part of the Zabbar UCA and zoned for residential development, be guided by the following conditions:**

- i. building heights will be limited to two floors without basement, as indicated in the Zabbar Building Heights Maps ZA 3 and ZA 4;**
- ii. retention of the farmhouse, as indicated in Inset Map ZA A5;**
- iii. the link between Triq G. Bonavia and Vjal il-Labour is removed;**
- iv. on-site parking is to be provided;**
- v. the development will incorporate adequate provision for storm water management supported by roof-top water discharge measures that would be channelled towards Sqaq Berqi; and**
- vi. any other relevant provisions contained in the Supplementary Guidance on Development Control in Urban Conservation Areas and Policy and Design Guidance DC 2005.**

27.4.12 Implementation of these measures is seen as the best way forward to protect this site from over-development (including unacceptable traffic volumes and traffic flow problems) which could compromise local views towards the UCA acting as a backdrop to this site. The policy aims to direct any development proposals on this site giving guidance which would assist the design of the development in protecting views of most of Zabbar's skyline, the older parts of the area known as il-Biccieni and vistas of the parish church area visible from the wide promenade-sized kerb at Triq il-Labour. Furthermore, development should ensure adequate mitigation measures for potential flooding of the area because of the sloping grounds in this area and also additional storm water generated by the same site when additional development takes place.

## 28. Zebbug Area Policies

### 28.1 Area Description

Urban Area: 1,500,000 m<sup>2</sup>  
Rural Area: 3,100,000 m<sup>2</sup>  
Population as per Census 1995: 10,398  
Population Census 2005: 11,290

- 28.1.1 The local council of Zebbug encompasses an area of 8.66km<sup>2</sup>. Only approximately 5.9km<sup>2</sup> of this area lies within the plan area. Furthermore, only 18% of the whole local council area, that is 1.5km<sup>2</sup>, makes up the urban area of Zebbug. Since 1995 the Zebbug population experienced a modest increase and a similar increase is expected during the plan period. The forecasts do not reflect any dramatic changes to the composition of the structure of the population with the total number of population of post retirement age increasing slowly and a modest decline in the youngest age groups.
- 28.1.2 Zebbug is a traditional village in the heart of Malta with a number of historic interests. The village has new buildings at its periphery but these have not altered the traditional character of the village. The old village of Zebbug was made up of the amalgamation of three smaller villages of *Hal-Dwien*, *Hal-Muxi* and *Hal-Mula*. Since then new Government housing estates were built in the *Hal-Mula*, *Tal-Gandlora* and *Tal-Grazzja* areas which has led to an expansion of Zebbug's urban territory.
- 28.1.3 Although Zebbug is mainly residential, with the highest percentage of vacant premises recorded (12.4%), commercial establishments have grown at its periphery and a high concentration of industrial workshops have found foothold in or close to residential areas. The amenity of residential streets is also being undermined through the establishment of commercial and other employment uses. The Hal Mula area particularly which started with the casa-bottega type of industrial activity has now grown to a scale that residential amenity in this area is affected by the industrial activity since those living in the upper floor residences are not necessarily the same persons working at groundfloor level.
- 28.1.4 Zebbug has an extensive rural area that is subject to intense development pressures especially on the fringe of the urban area. Rows of terraced houses and expansion of industrial/commercial uses have been permitted outside development zone and in some cases such developments have even encroached into environmentally sensitive valleys. Expansion of industrial/commercial development has occurred in spite of industrial land schemed in the TPS'88 which still remains vacant.
- 28.1.5 The urban area is characterized with wide and straight streets in the newer parts and very narrow and unwinding streets in the older parts which together make up the large village core. A constant influx of traffic into the historic areas where there is a concentration of retail and commercial establishments results in particular problems of congestion especially during business and servicing hours. The volume of traffic entering the historic centre therefore needs to be managed to maintain and enhance the general amenity of the area.
- 28.1.6 Zebbug also has an extensive tract of private industrial land which adds up to 10.8ha. Currently 7.8ha (72%) is developed with 1ha of land (9%) having been developed prior to 1988. The rest of the land i.e. 3ha (28%) is currently undeveloped. Apart from industrial workshops and

residential uses, one can also find showrooms, wedding halls, offices and warehousing. The main problems of the area are mainly attributed to incompatibility of the mixed used concept e.g. having glazier and a mechanic with a residence in the middle, and need for the area to cater for mixed vehicular traffic arising from these sources.

## **28.2 Summary of Planning Issues**

- **Inappropriate industrial development in or close to residential areas**
- **Need for a comprehensive replanning of private industrial land**
- **Containment of residential and industrial/commercial uses outside development zone**

## **28.3 Planning Strategy**

28.3.1 The overall strategy is to maintain and enhance Zebbug as a residential area. The plan seeks to achieve this through encouraging the provision of local retail and other services in the neighbourhood centre and other specific sites and discouraging the ad hoc location of large new traffic generating uses in the heart of Zebbug. The local plan, through its general policies, will direct such uses to primary and secondary town centres. Outside the urban areas, the rural fringe, which includes the valleys and tributaries and areas outside development zone, will be protected from further development.

## **28.4 Area Policies**

### **SMZG 01**

### **Hal Mula Mixed Use Area**

The Hal-Mula area, designated for industrial uses in the Temporary Provision Schemes, 1988, is designated as a Mixed Use Area, as indicated in the Zebbug Policy Map ZG 2 and MEPA will encourage the provision of the following uses in this area:

- i. **Within Areas A the following will be permitted development:**
  - a) **Industrial uses falling under Class 11 of the Use Classes Order, 1994, as amended, business and light industry, provided that;**
    - **The gross floor area of the premises does not exceed 100 m<sup>2</sup> (including storage of materials and/or finished products);**
    - **The development is to ensure that any industrial uses would not result in noise and dust emissions outside the premises or activity relating to the industrial use overspilling on-street and measures are to be taken to avoid negative impacts onto the adjacent residential areas and the residential uses on the upper floors; and,**
    - **The activity conducted within the premises does not inherently entail the generation of combustion, chemical or particulate by products.**

**Examples of acceptable uses considered by MEPA include tailor, cobbler, lace making and computer and electronic repair. Moreover, examples of unacceptable uses include carpentry, panel beating, mechanic, mechanical plant servicing, spray**

painting and bakery and additional or expansion of existing such uses will not be permitted.

Proposals to convert from existing Class 12, Use Classes Order (1994) general industry to Class 11, Use Classes Order (1994) business and light industry within designated Mixed Use Areas shall only be considered acceptable by MEPA provided that it can be proven that the Class 12 Use (general industry) operation is a permitted one and the Class 11 Use (business and light industry) operation is actually more neighbourhood compatible than the Class 12 Use operation it intends to replace.

- b) Residential uses, only in the upper floors, falling under Class 1 of the Use Classes Order, 1994, as amended;
  - c) Retail shops falling under Class 4 of the Use Classes Order (1994) small shops provided that:
    - The small shops (of any nature) are not to exceed a total floor area of 50 sqm, and convenience shops are not to exceed a total floor area of 75 sqm; and,
    - They comply with all the provisions of paras. 1.4.16 to 1.4.18 of the Interim Retail Planning Guidelines (2003).
  - d) Class 4, Use Classes Order (1994) showrooms provided that they comply with the relevant provisions of MEPA's Interim Retail Planning Guidelines (2003).
  - e) Class 4, Use Classes Order (1994) supermarkets provided that they comply with the provisions of Policy SMCM 07.
  - f) Taxi Business or for hire of motor vehicles;
  - g) Offices (Class 5 of the Use Classes Order, 1994, as amended); and,
  - h) Class 9, Assembly and Leisure.
- ii. Within Area B uses falling under Class 4, Retail shops including showrooms and supermarkets, provided that they comply with the provisions of Policy SMCM 07, Class 5, Offices, Class 6, Food and Drink, Class 9, Assembly and Leisure, industrial uses falling within Class 11 and warehousing with ancillary offices falling within Class 17, of the Use Classes Order, 1994, as amended. Additional residential uses will only be allowed in this Area provided these are on the upper floors and form part of the industrial operation at groundfloor.

MEPA will encourage local initiatives to provide for landscaping both within and around the perimeter of the area to minimise the visual impact of the operations.

Within Areas A and B permit conditions are to be subject to operating conditions as specified in the Second and Third Schedules of the Trading Licences (Amendment) Regulations, 2006, particularly with regard to noise and dust emissions as well as operating times. Within these areas no additional panel beaters, mechanics and spray painters will be allowed.

Within Area A, the intensification and expansion of the existing industrial uses will only be permitted, provided that existing negative impacts are mitigated and it is ascertained that this would not create additional negative impacts to the residential amenity in terms of noise and air pollution as well as traffic generation.

Building heights within these areas is 3 floors and semi-basement (14 metres) . No penthouses will be allowed.

- 28.4.1 The area is a tract of land situated just off Mdina Road on the outskirts of Siggiewi and Zebbug. It comprises a total area of approximately 12.6ha, of which 10.8ha were zoned for industrial development, in the 1988 TPS, with the rest, 1.8ha consisting of roads and open spaces. Access is from a number of side streets off Triq l-Imdina and from the main road leading to Siggiewi.
- 28.4.2 The area is in private ownership and fragmented by multiple ownership. Some residences in this area appear to belong to the same people using the garage industries. This was in line with the *casa-bottega* concept that was envisaged for the area. This concept resulted due to the previous development control guidance, DC1/88, which stated, “On sites zoned for industrial use, the ground floor should consist of warehouses or workshops. The erection of dwellings at first floor may be allowed provided they are internally connected to underlying workshops or warehouses.” The aim behind this concept was to meet the demand for housing and the demand of space for workshops/garage industries concurrently. It was envisaged that the introduction of residential use would help avoid the potential degradation of this type of area. Expansion of industrial activity is, however, to be controlled to maintain the residential amenity of the area. Nonetheless, it seems that now a number of industrial operations in the area operate independently of the residences above them since the latter have been sold off to new owners in various cases. This policy, recognises the *casa-bottega* concept, however, a number of activities have been permitted which have diminished the residential amenity of this area resulting in noise and traffic generation. This policy seeks to allow appropriate industrial uses which would not be so negative on the residential amenity of this area.
- 28.4.3 Within this area in Triq Dun Luret Callus warehousing and industrial uses have proliferated together with residential uses. Although these uses are (eg. Panel beaters, sprayers, mechanics, wood turners, etc.) generally small scale in nature, they have significantly disrupted the residential amenity of this street. Despite the *casa-bottega* concept that has been adopted for this area, however, Triq Dun Luret Callus still retains a significant residential component and serves as the only road separating the industrial area from the residential area. This policy identifies two distinct areas. In Areas A which contain most of the residential units, the policy seeks to maintain industrial uses and introduce other uses which are compatible with the residential use, whilst in Areas B where residential development is very low, the industrial use, as well as other uses will be encouraged, provided that any negative impacts can be mitigated. In these areas additional residential development is restricted to dwellings to be occupied by the operators of the industrial uses at ground floor.

## SMZG 02

## Zoning of Hal-Dwien Area as a Green Area

**MEPA zones the Hal-Dwien area, as indicated in the Zebbug Policy Map ZG 1 and indicated as a white area within the Zebbug village core in the Temporary Provision Schemes, 1988, primarily as a green area and for residential development only along the frontage on Triq Dun Karm Psaila, up to a depth of 25 metres. Within the green area no development is to be allowed apart from minor improvements that would enhance the recreational and conservation aspects of this area whilst protecting the open nature of the site as well as any necessary flooding reduction measures. Any impermeable surfaces such as pathways or pavements are to be kept to a minimum and these should not affect or obstruct in any way the flow of water into the watercourse.**

- 28.4.4 The site is approximately 23,500 sqm and is one of the few remaining open spaces within the UCA of Zebbug. The value/significance of this green valley within an urban area is that the area is an unbuilt green area which is part and parcel of the historic settlement fabric of Haz-Zebbug. The historic fabric is not only made up of the built areas, but also of open areas (squares), private gardens, and in this rare case open agricultural fields forming part of a tributary to a valley. This

area is part of a tributary to Wied tal-Baqquiegha which forms part of the extensive Wied Qirda/Wied il-Kbir valley system. Given that the valley in question feeds water into Wied tal-Baqquiegha, the hydrodynamic regime of the larger valley system, especially that of Wied tal-Baqquiegha, might be affected if the site is developed.

- 28.4.5 Floodwater problems are experienced with intensity at Hal-Dwien area, especially in Triq Dun Karm Psaila. Surface water runoff problems within this residential area has intensified through the development and surfacing of once permeable spaces. The flooding issue needs to be managed in an integrative manner and solutions to this issue need to be found. Measures need to be taken to mitigate against flooding in flood prone risk areas including controlling, managing and collecting more efficiently surface water.
- 28.4.6 Any recreational provision should be informal facilities in the form of a park making use of existing pathways along the site and a small scale children's playing facility which integrates into the setting. It should not be turned into a formal garden with hard landscaping. The only residential development allowed is on sites with a frontage along Triq Dun Karm Psaila. It is important to retain views across the site from the old chapel in Triq il-Madonna.

### **SMZG 03**

### **Rezoning of site at Triq Hal Mula**

**The site at Triq Hal Mula, as indicated on the Zebbug Policy Map ZG 1 and Inset Map ZG A2, currently zoned for community facilities, a public open space and a white area in the Temporary Provision Schemes 1988, is being rezoned for residential development in line with the provisions in SMHO 02 and community facilities, subject to the following provisions:**

- i. Community facilities may include health, education as well as elderly and youth related facilities. MEPA will allow the provision of an additional floor subject to the development of a public urban open space on this site;**
- ii. Within the sites designated for residential development, MEPA will request a planning contribution from the developers of these sites for the upgrading of an existing public urban open space or the provision of a new one, unless such an open space is provided on site.**

**Development on the above three sites will be subject to the following conditions:**

- a. Building height is three floors and semi-basement;**
- b. Where development is sited immediately adjacent to the Urban Conservation Area a buffer, of not less than 6 metres is to be provided, as indicated in the Inset Map ZG A2;**
- c. A pedestrian link is to be provided through the site providing access to Sqaq No. 3.**
- d. MEPA encourages that the individual areas making up the entire site are developed in a comprehensive manner rather than on a plot by plot basis and will consider favourably proposals in this regard particularly where development proposed would ideally serve as a transition from the old part of Zebbug to the new part.**

- 28.4.7 The entire site measures approximately 1.7 hectares. Currently, approximately 6,700 m<sup>2</sup> of the land is zoned for community facilities, whilst the remaining 9,600 m<sup>2</sup> is a white area. The public open space covers an area of approximately 3,500 m<sup>2</sup>. To retain the amenity of the residential area and village core character, development of the site should be predominantly residential. This

site is not, however, well located for major commercial intensification. Major traffic generating uses on this site cannot be well served by the arterial road network and would contradict the local plan's land use strategy to reduce congestion and improve residential environments in the Zebbug urban conservation area.

28.4.8 In line with the Structure Plan and the local plan's overall land use strategy, MEPA seeks to safeguard this site for residential development as well as to secure community facilities which are currently lacking for residents of Zebbug and nearby localities. In addition to guidance set through this policy, MEPA will pursue the provisions of general policies on housing (SMHO 02) which offer guidance, particularly, on acceptable uses within residential areas. The provision of recreational facilities will increase the residential amenity of this area.

## **SMZG 04**

## **Redevelopment of Infetti Football Ground**

**MEPA will favourably consider proposals for the redevelopment of the site currently occupied by the Infetti football pitch subject to the following conditions:**

- i. underground development will be considered in the form of parking facilities as well as additional sports facilities which may include a gym, as well as other indoor sports facilities;**
- ii. the football pitch is to be reinstated at its current level;**
- iii. development at the level of the football pitch will be limited to an appropriately located spectators' stand as well as changing room facilities and toilets.**
- iv. A catering facility would be considered as long as this is ancillary to the whole project and located underground.**

28.4.9 The existing football ground has the potential for redevelopment for the addition of sports facilities. The football pitch is elevated and there is the possibility of providing underground development in the form of parking facilities as well as sports facilities. The football pitch will be reinstated to its existing level, thus this policy encourages the use of the underground space.

## 29. Zejtun Area Policies

### 29.1 Area Description

Urban Area: 1,300,000 m<sup>2</sup>

Rural Area: 3,100,000 m<sup>2</sup>

Population as per Census 1995: 11,379

Population Census 2005: 11,425

- 29.1.1 Zejtun is one of the smallest of the major inland areas of the local plan. In 2005, it had a population of 11,425. The Government Housing development (e.g. Gebel San Martin) during the 1980s has resulted in significant increases to the Zejtun population. It is not anticipated that the population would increase significantly during the plan period.
- 29.1.2 Zejtun is another typical example of the traditional Maltese village even though in recent years it has grown with more modern development around its periphery. Up to 35% of Zejtun is urban (including industrial estate), with the residential parts of Zejtun having 30 - 41 units per hectare, and considered as densely built. Zejtun has few vacant plots, in comparison to other localities in the plan area. Notwithstanding this, it is more likely that properties may become vacant, as is currently happening today thus offering redevelopment opportunities. Other opportunities for large-scale housing development exist on the outskirts of Zejtun since a number of urban farms within scheme still exist. The village core of Zejtun and specific buildings still retain a number of large private gardens which enhance the residential amenity of this locality. Some of these are threatened by development.
- 29.1.4 The urban area of Zejtun now includes new commercial uses which have opened along existing narrow roads found in the older parts of Zejtun giving rise to vehicular problems affecting the area. Commercial land uses such as shops, offices, banks and take-aways have located throughout Zejtun's main roads from Triq il-Madonna Tal-Bon Kunsill, to Triq il-Kbira through to Triq Santa Katerina, up to Triq San Girgor. This area is now defined in the local plan as a 'Secondary Town Centre' due to the range of shops, services and employment. Pressures for on street parking and the impact of heavy traffic results in a poor quality for residents, shoppers and workers in the town centre area. The local plan prioritises investment and employment in town centres through general policy SMCM01. The planning policies for Zejtun seek to reinforce this approach. The Bulebel Industrial Estate within Zejtun is also an important employment generation area. However, about one fourth of the Estate's designated industrial land is still undeveloped, and in the event of the vacant land being developed, this would take up good quality agricultural land and encroach on Wied iz-Zring.
- 29.1.5 Zejtun is surrounded by the rural areas of Zabbar, Marsascale, Marsaxlokk and Ghaxaq. A clear and distinct rural gap exists between Zejtun and the aforementioned localities, with the exception of Ghaxaq, where the urban areas of the two localities meet at Bir id-Deheb. Further development intensification, especially commercial, has been permitted along Triq Tal-Barrani, committing this important strategic gap between Zejtun and Ghaxaq. It is important, however, to ensure that the identity of Zejtun is retained through restricting further growth in this strategic gap and prevent the coalescence of these two settlements.



## 29.2 Summary of Planning Issues

- **High levels of through traffic having negative effects on quality of the environment**
- **Coalescence of the Zejtun and Ghaxaq settlements.**
- **Redefinition of the Bulebel Industrial Estate Boundary**
- **Protection of large private gardens.**

## 29.3 Planning Strategy

29.3.1 The overall strategy is to maintain and enhance Zejtun as a residential area and contain new housing within the existing limits of development. Further extension of the urban area into the environmentally sensitive and rural areas will not be permitted. The plan envisages the establishment of larger commercial/employment uses (including retailing) in defined town centres and industrial uses (including ‘garage industries’) at existing and new locations as identified by this plan.

## 29.4 Area Policies

### SMZN 01

### Northern Relief Road

**MEPA will permit the construction of a Northern Relief Road, between Triq il-Falkunier and Triq Bormla/Triq Haz-Zabbar. This new road should not exceed 6.0m in width, excluding pavements, and the alignment and design should be consistent with a maximum design speed of 50 kph. Where ever possible, existing features, such as rubble walls and native trees, should be retained, to minimize any damage caused to the pleasant, environmentally sensitive landscape in this area. The exact route will only be determined after a careful study of the area to be undertaken jointly by MEPA and the Malta Transport Authority, with the co-operation of any relevant agencies/authorities.**

**The construction of this road must be accompanied by extensive traffic calming measures in the centre of Zejtun and the northern part of the UCA.**

**No development will be permitted along this road, as the whole stretch of the road lies outside the limits of development.**

29.4.1 In recent years considerable development has taken place on the south and east side of Zejtun, however the absence of a “missing link” on the north side of the town has meant that some of the related local traffic has to pass through the sensitive UCA, rather than skirting around it. Whilst the levels of traffic in question are relatively modest, it would still be beneficial to provide a convenient route, which allows motorists to bypass the UCA.

29.4.2 Being a sensitive area in Zejtun, the exact route will be identified following a proper study of the area and the function of this new road. Nevertheless, it is vital that the design of the new road is sympathetic to the rural surroundings and minimizes environmental damage. Particular attention will need to be paid to boundary walls, and landscaping may be required to mitigate the visual impact of the road. A pavement, with a minimum width of 1.35m, will be required at least on one side of the road.



is not permitted due to the limited size of this site (900 m<sup>2</sup>). On the other hand the site on the opposite side of the road, whilst retaining its open space character has potential for underground development. This policy allows for various development options/uses and the mix will depend on a proper feasibility of the development proposed. These two sites are used by the Zejtun open air street market and therefore any redesign of these open spaces should allow for the retention of this activity. However, the improvement of recreational facilities at ground level on the public urban open space site is encouraged.

## **SMZN 04**

### **Hardstone quarry at Wied iz-Ziju**

**MEPA encourages the rehabilitation of the Wied iz-Ziju hardstone quarry back to agriculture once the quarry and the batching plant cease to operate, however, proposals for the use of the site for open storage in line with the Policy Guidance Areas for Open Storage (2005) and policy SMCM 04 in this plan will be considered provided that this does not exceed 15% of the entire site area. No further extensions to this quarry will be allowed within the Wied iz-Ziju valley**

29.4.6 The Wied iz-Ziju hardstone quarry is located within the Wied iz-Ziju valley and is surrounded by cultivated fields and abandoned arable land. The site, measuring about 27,000 m<sup>2</sup> is about 300 metres away from the Hal Tmiem hamlet in Zejtun and just 1.5 km from Marsascala Bay. The site also contains a licensed batching plant for the manufacture of concrete. The policy encourages the restoration of the quarry back to agriculture as part of the rehabilitation of Wied iz-Ziju valley, however, allows for the possible use of part of the site for open storage in lieu of the licensed batching plant.

## **SMZN 05**

### **Rezoning of Green area at Triq Salvu Cacciattolo**

**Part of the site at Triq Salvu Cacciattolo, as indicated in Zejtun Policy Maps ZN 1 and ZN 2 as well as Inset Map ZN A9, zoned as a green area in the 1988 TPS is being rezoned for community facilities.**

29.4.7 This site is currently a derelict area next to a public urban open space. The rezoning of this part of the site provides a continuation of the building line along Triq Salvu Cacciattolo and will not affect the general recreational amenity of the area since the rezoning will only take up a small percentage of the entire green area. The zoning for community facilities is complementary to the adjacent recreational use and may take the form of child care centre or day centre or similar facilities.

## **SMZN 06**

### **Comprehensive Development area at Triq Vendome**

**MEPA encourages the comprehensive development of a site at Triq Vendome, as indicated in the Zejtun Policy Maps ZN 1 and ZN 2 and Inset Map ZN A10, for residential development, in line with policy SMHO 02, provided that an internal pedestrian passage across the site linking the alley at Triq San Pawl and a public urban open space are provided within the site. Building heights for this area will be 2 floors.**

29.4.8 The size of the site offers an opportunity for the comprehensive development of this site to make efficient use of the site. The introduction of a pedestrian access across the site will improve access to this area whilst allowing an efficient use of the site. The establishment of the public urban open

space should provide a much needed amenity in this area of Zejtun and retain the openness of the area thus enhancing the environmental quality of this part of Zejtun.

## 30. Zurrieq Area Policies

### 30.1 Area Description

Urban Area: 1,279,750 m<sup>2</sup>

Rural Area<sup>4</sup>: 5,679,250 m<sup>2</sup>

Population as per 1995 Census: 8684

Population Census 2005: 9816

- 30.1.1 Zurrieq, the southernmost town in the Plan area, has a rich historical context that deserves protection. Casal Zurrieq, as it was known around the 11<sup>th</sup> Century, prospered in size and population during the Middle Ages, whilst the Knights of the Order of St John continued to embellish the area with towers, palaces, defence systems, and fortified houses. The best represented epoch is the medieval period, although the village is also adorned with a number of pre-baroque churches, rows of bronze age cairns at Wied Moqbol, Roman Towers at Ta` Gawhar and Tal-Baqqari, a Punic Tower which most probably was part of a larger structure, and the Knights` unique architectural style, amongst others. Il-Mithna tax-Xarolla is another impressive site.
- 30.1.2 The population of Zurrieq has increased considerably over the last 30 years with a slower annual growth rate during the last decade. Between 1995 and 2005 population increased by 13%.
- 30.1.3 The main function of Zurrieq is residential. Bubaqra, Nigret, Tal-Bebbox and Xarolla are four important housing areas comprising this settlement. The development boundary of Zurrieq is well defined except on the eastern side where Zurrieq is segregated from Safi by a relatively small yet extremely important strategic gap. Various vacant plots within scheme (it is calculated that around 11% of land within scheme was still vacant in 2002) allow for the projected slow growth in population.
- 30.1.4 Alongside the residential component, Zurrieq also enjoys a number of urban open spaces, public gardens and sports facilities that contribute to the overall urban fabric by complementing the attractive open countryside and valleys on the outskirts of the locality. The village has over the years broadly retained its distinct character although the need to safeguard the existing buffer between Zurrieq and Safi arises, so as to contain urban sprawl. It has an interesting village core and a secondary retail town centre around the village church which aptly serves the needs of the local population and those of nearby villages like Safi and Qrendi.
- 30.1.5 Notwithstanding the potentially rich tourist/recreational offer due to the wealth of historical remains and rural scenic beauty, tourist activity to Zurrieq is in principle limited to Wied iz-Zurrieq, which is outside the boundary of Zurrieq Local Council and of this Local Plan. As regards social and community facilities, Zurrieq has a modern day centre but lacks a pastoral centre in the Nigret area and a home for the elderly.
- 30.1.6 Narrow, winding roads characterise Zurrieq`s urban conservation area and give rise to the need for transportation management initiatives, to include an improved public transport circulation

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<sup>4</sup> this figure excludes the area within the local council boundary that is included in the North West and Marsaxlokk Bay Local Plans.

route around the village. Junction at Blue Grotto Avenue needs improvement to facilitate such circulation. The problems of flooding especially around Triq il-Belt (the main distributor road leading into the village) and the impacts of quarrying activity at Wied Moqbol are other issues which need to be addressed.

## **30.2 Summary of Planning Issues**

- **Enhance recreational provision through sports facilities**
- **Need for a social and community facilities at Nigret**
- **Mitigating flooding problems around Triq il-Belt**
- **Containing quarrying activity at Wied Moqbol.**
- **Junction improvement at Blue Grotto Avenue**

## **30.3 Strategy**

30.3.1 The principal thrust of the strategy is to enhance the residential amenity of the locality through the protection and upgrading of urban open spaces and by controlling industrial and commercial activity, whilst promoting tourism and recreation. Traffic management initiatives and the provision of community services are also considered to be ancillary elements of this strategy.

## **30.4 Area Policies**

### **SMZU 01**

### **Rezoning of Area at Nigret**

**MEPA zones the area at Nigret, as indicated in the Zurrieq Policy Map ZU 1 and Inset Map ZU A3, for recreational/sports facilities, social/community facilities, residential and commercial facilities provided that development on sites B and C or part of these sites, as indicated in Inset Map ZU A3, is carried out in observance of all of the following conditions:**

- 30% of the site is dedicated to recreational/sports facilities, of which 75% would be public open space whilst the rest being private. Facilities should include a public garden or a playing field or the provision of other recreational/sports facilities (e.g. 5-a-side football pitch, tennis court, gym);**
- Between 10 - 15% of the site is reserved for social and community facilities such as an elderly home or sheltered housing, a day care centre or a pastoral centre and so forth;**
- Between 55 - 60% is allocated for residential development and local convenience shops, including any internal roads and any parking provision required by the development;**
- a study is carried out, to the MEPA's satisfaction, to establish the exact location, state and importance of any possible onsite archaeological remains. In the eventuality of the existence of such remains, the developer should seek to integrate, where possible, such remains within the overall scheme as part of the public open spaces;**
- the building height for this site is three floors and semi-basement (including penthouse);**
- water catchment facilities are constructed underground. These should have a**

minimum capacity of 0.5 m<sup>3</sup> for each square metre of site area.

Site A, as indicated in Inset Map ZU A3, is rezoned for residential development, provided that 15% of the site is developed as a public open space.

Site D, as indicated in Inset Map ZU A3, is rezoned for a mix of residential and social/community facilities, with the latter facilities not to be less than 20% of the site area. The provision of open landscaped spaces within the site is encouraged.

In addition to the above, where relevant, development on this site or parts of the site should ensure the provision of the following;

- a) A connection linking the planned cul-de-sac at Triq il-Passju to the currently unfinished Triq Fra Gammari Zammit.
- b) The creation of an appropriate buffer, in line with policy 1.8 of the Development Control Policy and Design Guidance 2005 between the boundary wall (of the Convent and other dwellings) on the western flank and any proposed built structures. Nonetheless, the setback should not be less than 3 metres. Soft and hard landscaping (like benches and plants) will be encouraged within this buffer;
- c) Underground parking provision will be considered favourably
- d) Footpaths linking this buffer zone with the public open spaces are to be provided.

MEPA will consult with the Zurrieq Local Council regarding development of this site of part of the site particularly with regard to establishing the type of recreational/sports and social/community facilities required.

Since the area is not in single ownership, MEPA will consider separate development applications for a phased development of the site or parts of the site, provided that:

1. Each development planning application covers a site area of more than 5000 m<sup>2</sup>
2. Site or parts of the site should not be developed as individual plots, and;
3. The parameters established in points (i) to (vi) are adhered to as well as conditions 1 to 3.

In its assessment of the separate applications MEPA will seek to ensure that the final scheme for the area would still result in a comprehensive development scheme, particularly through site planning of public open spaces, recreational facilities and social/community facilities.

The foregoing notwithstanding, MEPA would encourage the comprehensive planning of the whole site. In order to encourage this approach, MEPA will favourably consider increasing the percentage of site area for residential development to 70%, whilst reducing the site areas for recreational and social/community facilities to 25% and 5% respectively.

Compliance certificates for each phase of the development will only be given once the entire phase of the development as approved has been completed

30.4.1 The site (33,000 m<sup>2</sup>) was designated for community and educational facilities as well as a green area as part of a re-planning exercise approved in 1992. The site is bounded by residential

development on all four sides, with access from Triq Fra Gammari Zammit on the north eastern flank, Triq Zurki on the south eastern side, Triq Santa Marija on the south western side and a planned cul-de-sac from Vjal l-Indipendenza on the northern side.

- 30.4.2 This policy aims to optimize the use of this extensive piece of land in terms of its residential development potential, considering that scheme boundaries are not being extended, whilst retaining certain important uses which are important to complement the residential development of this site particularly the social/community facilities and the public open spaces and recreational facilities. These latter uses are important considering that residential development of this site would result in the provision of over 400 residential units. Considering the size of the site, MEPA would welcome a holistic approach to the development of the site. Nonetheless, considering the multiple ownership of this site, the policy allows for the partial development of parts of the site but still ensures that through the assessment of individual applications MEPA would achieve a unified scheme for this entire site. The zoning for educational facilities is not required since a Government decision was taken to build a regional secondary school at Kirkop.
- 30.4.3 The buffer area along the perimeter of the boundary wall safeguards the UCA boundary ensuring that the wall's visual integrity is protected. It is also important to provide pedestrian links across the site, particularly through the public open spaces.
- 30.4.4 The holistic development of this site is encouraged since it allows the developers and their architects the possibility of being creative in their design, within the above-identified parameters. The policy also allows for additional residential development should a comprehensive approach be taken for the development of the entire site.

## SMZU 02

## Hardstone Quarries at Wied Moqbol

**Hardstone quarrying operations shall continue within the approved quarry boundaries at Wied Moqbol, as indicated in the Zurrieq Policy Map ZU 2. No extensions to these quarries will be permitted which will encroach onto the areas identified as Areas of Ecological Importance and Areas of Archaeological Importance, in the Zurrieq Policy Map ZU 2.**

**No further extension of this quarry should be allowed and in line with Policy RES 12, once mineral operations in specific parts of the quarry have been exhausted, MEPA will require restoration of these sites ONLY to one of the following uses:**

- i. Agriculture, through inert waste infill;**
- ii. Nature conservation.**

**Other considerations attached to development permits for construction industry related activities (within the quarries) shall include bank guarantees to secure implementation of dust generation attenuation measures to prevent the spread of dust from the quarries and quarry related traffic, onto surrounding areas.**

- 30.4.5 This policy emphasises the need to restore parts of the Wied Moqbol quarry whilst allowing for its extension. During the local plan period, MEPA envisages that minerals extraction works in the licensed area occupied by this quarry will be completed, thus creating disused quarry land which is a valuable resource.
- 30.4.6 The quarry's rehabilitation, in line with the Minerals Subject Plan, is a sustainable approach which is actively promoted by the MEPA. Agriculture is the preferable option, to reintegrate the





## **SMZU 05**

### **Rezoning of site at Triq il-Bronja**

**The site along Triq il-Bronja, as indicated in the Zurrieq Policy Map ZU 1 and Inset Map ZU A1, is being rezoned from terraced house development to a green area.**

30.4.13 The site measuring approximately 170 m<sup>2</sup> is in close proximity to the Xarolla Windmill which is scheduled Grade 1. The development of this site considering its location will jeopardize the urban context of the windmill and is likely to impact negatively on the adjacent archaeological area. The configuration of the site is such to constrain any development of this site and its designation as a green area would improve the environmental quality of this part of Zurrieq.

## **SMZU 06**

### **Development of site along Blue Grotto Avenue**

**The site along Blue Grotto Avenue, as indicated in the Zurrieq Policy Map ZU 1, currently zoned for community facilities and a public open space is being proposed for the comprehensive development of the site for community and recreational facilities as well as residential development subject to the following conditions:**

- i. 25% of the site will be taken up by residential development;**
- ii. 40% of the site will be taken up by recreational development in the form of a public urban open space to include children's play facilities or a public garden;**
- iii. 30% of the site allocated for community facilities in line with policy SMSO 04;**
- iv. 5% of the site is to be allocated for landscaping with a landscaping buffer to be provided between Vjal il-Blue Grotto and the site;**
- v. No direct road access is to be provided onto Vjal il-Blue Grotto, but a service road can be provided along the length of the site.**
- vi. building heights should not exceed 3 floors with basement for residential and community facilities;**

30.4.14 The site measuring approximately 9,700 m<sup>2</sup> is currently zoned for community facilities and a public open space. The comprehensive development of this site with the inclusion of residential facilities is considered to make a better use of the area. Considering that community facilities are to be provided in other areas of Zurrieq, the introduction of a residential element on site should assist in making the overall project an attractive development opportunity. Currently an application on the public urban open space has been filed to convert the area into a recreational area (PA 7493/03).

## **SMZU 07**

### **Junction improvement at Vjal l-Indipendenza**

**MEPA will consider proposals for the improvement of access from Vjal l-Indipendenza towards Triq Wied Babu, as indicated in the Zurrieq Policy Map ZU 1. Should proposals require the demolition of existing properties this will only be considered after an evaluation of the architectural/historic value of such properties.**

30.4.15 The opening of this access is important since at the moment it creates a traffic hazard and the current situation does not permit access towards Triq Wied Babu to public transport buses. On the other hand creating this access necessitates the demolition of a couple of town houses situated right in the centre between Vjal l-Indipendenza and Triq Wied Babu.

## 31. Marsa Industrial Estate Policies

### 31.1 Area Description

31.1.1 The Marsa Industrial Estate is one of the most important industrial estates on the Island and is also one of the earliest to be developed way back in the 60s and 70s.

#### No. of units, class floorspace and employment for the Marsa Industrial Estate

Estate	Marsa
No. of units	108
Total floor space in m <sup>2</sup>	784379
Overall estate area in m <sup>2</sup>	779000
Class 1	11
Class 2	12
Class 3	9
Class 4	14
Class 5	13
Class 6	5
Class 7	14
Class 8	16
Class 9	2
Class 10	12
Employment	2613

Class 1 - Manufacturing of food, beverages and tobacco

Class 2 - Manufacturing of furniture and fixtures

Class 3 - Manufacture of paper products, printing, publishing and related services

Class 4 - Manufacture of non-metallic and metal products

Class 5 - Manufacture of machinery and equipment

Class 6 - manufacturing of electronics equipment

Class 7 - Manufacturing of textiles, footwear and clothing

Class 8 - Manufacturing of leather, rubber and plastic goods

Class 9 - Manufacturing of chemical products

Class 10 - Other including vacant units

31.1.2 The Marsa Industrial Estate is also one of the main employment generating areas and therefore attracts substantial traffic and other related activity. The area needs substantial upgrading and improvement of the visual aspects of this industrial estate. The current boundary of the estate includes a site which is considered as good quality irrigated agricultural land.

### 31.2 Summary of planning issues

- **Rationalisation of Estate Boundary and upgrading**
- **Junction Improvement**

### 31.3 Strategy

31.3.1 The strategy is to consolidate the Marsa Industrial Estate and to provide for potential future expansion whilst protecting good quality agricultural land and encouraging the upgrading of the entire industrial estate.

## 31.4 Area Policies

### SMMR 01

### Boundary Limits of Marsa Industrial Estate

The Limits of the Marsa Industrial Estate boundary are defined by the Temporary Provision Schemes, 1988. Amendment to the boundary is being recommended as indicated in the Marsa Industrial Estate Policy Map MR 1, to exclude an area which is considered of very good quality irrigated agricultural land.

The changes to the Limits to Development boundary of this area will only be formalized after the Structure Plan Review in line with SET 8.

Within this boundary the MEPA will only permit industrial and industrial related uses, including warehousing and storage.

In order to increase floorspace for industrial purposes and the efficient use of land, an additional storey above groundfloor level will be permitted where appropriate, however buildings should not exceed three floors (12 metres). The vertical height and bulk of buildings should have no adverse visual impact and measures to introduce landscaping within the site and other site management measures will be encouraged, particularly along Triq G. Garibaldi and along Triq il-Marsa.

The MEPA will seek to identify additional land for industrial use to make up for the land being proposed for exclusion. In the event of its failure to compensate for this land and Malta Industrial Park's new emerging requirements, MEPA will consider the gradual reinstatement of this land for industrial development on the basis of individual applications subject to the preparation of an Environmental Impact Assessment which would include a cost/benefit analysis.

31.4.1 The site being excluded covers a land area of approximately 61,700 m<sup>2</sup> and is considered as being good quality irrigated agricultural land. An application (PA 7505/94) was submitted in 1994 for the construction of a new factory for the General Soft Drinks Ltd. This application was recommended for refusal but then withdrawn by the applicant. The expropriation process for part of the site has been terminated in February 1997 by Government Notice No. 119. The MEPA will seek, together with the relevant authorities, to provide for such a shortfall in other designated areas, not necessarily within this Plan. However, should this not be possible in the short term, expansion of the existing estate, due to emerging economic factors, onto the site being excluded may be considered provided an EIA is carried out to determine the impacts relating to the proposed expansion. A cost/benefit analysis should also form part of the EIA.

31.4.2 Additional industrial floorspace can be provided for existing industries by allowing an additional floor above the ground floor level, where appropriate, provided that the two floors are not exceeded.

### SMMR 02

### Junction Improvement

MEPA will encourage the improvement of the junction at the exit of the Industrial Estate toward Triq Aldo Moro, as indicated in the Marsa Industrial Estate Policy Map MR 1, through the installation of traffic signals close to Schembri Batteries, so as to improve road safety conditions, particularly side road traffic and improve traffic flows in the area.

31.4.3 Traffic coming from the direction of Luqa down Triq Garibaldi towards Marsa has to join the main part of the Marsa gyratory system at a hazardous junction. Whilst the Gran Harbour Local Plan indicates major junction improvements in this area, these are likely to be long term. A short-term improvement could be achieved by the installation of traffic signals, however, these will have to be linked to the existing upstream traffic signals to ensure the efficient and safe coordination of traffic flows.

## **32. Hal Far Industrial Estate Policies**

### **32.1 Area Description**

- 32.1.1 Hal Far is the **primary industrial estate** in Malta and the largest of the Malta Industrial Parks (MIP) managed Estates, occupying some 128 hectares of land. Hal Far industrial estate has potential for further industrial growth within the existing industrial boundary. Most of the Estate is still vacant and undeveloped. Hal Far was a former military airfield during the Second World War. It has been developed since the 1970s in an incremental and piecemeal manner. The primary established use is industrial, but the Hal Far area has also served a secondary recreational function accommodating some recreation/sports activities, including the national quarter mile track.
- 32.1.2 Industrial location has been problematic in the past, due to the ‘perceived remoteness’ and poor access to the Hal Far area. A relatively small labour force in this catchment area and the lack of public transport, have also delayed Estate development. However, this characteristic has changed considerably over time due to Hal Far’s strategic location between the Malta Freeport (Malta’s main transshipment and container handling terminal) in the Port of Marsaxlokk and Malta’s International Airport at Luqa. The recent location at this Estate of two major export oriented foreign companies has also led to a positive momentum in the Estate’s growth. Eventually the required critical mass necessary to make the upgrading of the Estate feasible and successful is being reached.
- 32.1.3 Although there has been a predominance of heavy industries locating at Hal Far in the past, this has slowed down and the strategy has been to increase the location of general and light industrial activities in this Estate including an emphasis on pharmaceutical companies, thereby upgrading its use. Hal Far remains the predominant site for export oriented, larger sized manufacturing factories and thus the Estate contributes significantly towards the growth of the economy.
- 32.1.4 The policies for Hal Far are thus being revised to better express the dynamic changes that have occurred since the Marsaxlokk Bay Local Plan was approved in 1995 and to take into account the new requirements which have arisen due to a fast changing industrial sector. It is observed as essential to effective land-use planning that plans are kept abreast of changes. This revision to the Local Plan aims to improve upon the previous policies and serve future industrial planning more efficiently. The area also offers the opportunity for the provision of other facilities which are directed towards industrial areas primarily a civic amenity site, without compromising the use and operation of the industrial estate. The main recommendation has been to revise Hal Far within the greater comprehensive context of the South Malta Local Plan. A number of minor changes to the industrial development boundary are also recommended subject to the Structure Plan Review to update the Plan boundary and also to allow for an efficient industrial function.

### **32.2 Summary of planning issues**

- **Rationalisation of the industrial estate boundary and estate upgrading**
- **Provision of established areas for public recreation/sports activities**
- **Need to reserve site for a Civic Amenity facility and other government administrative functions**

- **Improving the efficiency of transport network and its use**
- **Protection of the surrounding sensitive environment**

### **32.3 Strategy**

32.3.1 The main strategic objectives of the Plan for Hal Far are as follows:

- Upgrading and promotion of Hal Far as the major industrial development area in Malta, whilst minimising its effects on neighbouring zones and the surrounding environment;
- Establishing and protecting the recreational/sports area potential through separate zoning;
- Maintaining the operation of industry compatible government administrative functions;
- Improving the transport network and organising proper access points to and circulation within the Estate; and
- Protecting the environment in the vicinity of the Estate including the scheduled NATURA 2000 coastal zone area and valleys to the north/south and retaining an effective buffer from the rural residential settlements to the west/east of the Estate.

### **32.4 Area Policies**

#### **SMHF01**

#### **Industrial Development Boundary**

**The Industrial Development Boundary for the Hal Far Industrial Estate is being amended and delineated as defined in the Hal Far Policy Map HF 1. Priority will be given to the efficient use of this industrial land for industrial uses only, as designated on the Hal Far Policy Map. MEPA will encourage the improvement and upgrading of Hal Far Industrial Estate. Industrial land uses in Hal Far are to ensure neighbourhood compatibility between individual industrial land uses. Any industrial activity likely to cause problems to the nearby residential areas and environment, as well as neighbouring units, by reason of noise, smell, vibration or emissions, transport related impacts or because of the nature of the process carried out, will not be permitted by MEPA, unless effective steps can be taken to control, minimise and mitigate against any such adverse effects of the industrial activity. Appropriate conditions will be imposed by MEPA on any development permissions and environmental considerations will be accorded a high priority including the need for an EIA and TIS, if required by MEPA.**

**MEPA will not permit any further expansion of the industrial activity outside the defined industrial boundaries as indicated in this Plan and within the bordering Rural Areas, Areas of Ecological Importance (AEIs) and Sites of Scientific Importance (SSIs) and the Rural Settlement Areas. Industrial development beyond the designated Industrial Development Boundary will be refused, unless otherwise indicated in the Plan.**

**A landscaped buffer zone of not less than 6 metres is to be provided along the southern section of the estate which is adjacent to or abuts the protected Natura 2000, as indicated on Map HF 1. The impact of developments along this area including the visual impact from the seaward side will be accorded high importance in the determination of development applications and industrial**



development will be required to include this landscaped setback involving substantial tree planting on the seaward side. A Building Height Limitation not exceeding 3 floors (12 metres) with a setback of 4.25 metres from the seaward side is required by MEPA in this area. MEPA may consider relaxing or restricting height limitations in such an area, in line with the provisions of policy 14.3 of the Development Control Policy and Design Guidance 2005, or as amended, taking account of the industrial streetscape, the general massing of buildings, the topographical features and, where applicable, consideration of the sloping nature (including buildings in the background), the skyline when seen from outside the site area, especially in relation to the seaward side, the particular requirements of the actual use and any other relevant planning considerations.

MEPA will work with and support the relevant authorities and agencies, including the Malta Industrial Parks (MIP), to take effective measures to reduce any adverse impacts that the industrial activity has on the environmentally sensitive areas surrounding the Industrial Estate through its general upgrading.

MEPA will also ensure that the existing protected archaeological site and green area adjacent to Wied Znuber is safeguarded. In the event that any other archaeological finds are made in the Southern most area of the estate abutting Wied Znuber and the abovementioned green area, MEPA will reserve the right to include any required monitoring, conditions, restrictions and mitigation measures as necessary in conjunction with other relevant government agencies and bodies.

MEPA also encourages the promotion of a landscaped pedestrian walkway around the outer side of the Estate to the South as defined on the Policy Map. No vehicular access will be allowed along this path.

**The changes to the Limits to Development boundary of this area will only be formalized after the Structure Plan Review in line with SET 8.**

32.4.1 The current policy framework for Hal Far was approved by MEPA through the Marsaxlokk Bay Local Plan (1995) and revised and updated through a replanning exercise (Hal Far Report of Survey, Planning Authority, October 1998 and Hal Far Replanning Exercise, 2000). Hal Far is still not fully developed and a substantial amount of land is vacant. Malta Industrial Parks is required to use existing vacant space within the Estate, prior to any consideration of new areas. Given this situation, an increase in use density is desired in order to efficiently use available land and to build a critical mass in the Estate. Higher density is strategically proposed through the 'Structure Plan for the Maltese Islands' (1990) and the Industry Subject Study as part of the Structure Plan Review. This approach is sustainable as already committed and designated industrial land is used, rather than new land. There is a definite policy stance against proposals that are not sustainable or that are likely to conflict with other industrial uses or with the general environment of the area. MEPA will support Malta Industrial Parks in its upgrading exercise of Hal Far Industrial Estate.

32.4.2 The usefulness of the land designated in the Marsaxlokk Bay Local Plan (1995), as a Reserved Site to the East of the Estate, in the longer term, between Hal Far and the Malta Freeport Area has been questioned by the then MDC. Since the use of this designated, reserved land is doubtful, within the Local Plan timeframe, and it is not clear how far such land will actually be required, this proposal has been reassessed by MEPA and the areas in question be released. Expansion of the industrial estate northwards and southwards is not permitted, except where defined by this Plan, as it will negatively affect the environment. The fertile agricultural lands surrounding the Estate and forming part of a greater Rural Area; the Areas of Environmental and Scientific Importance including the protected Natura 2000 site and coastal zone

area/scheduled cliffs to the south; the valley systems of Wied Zhuber and Wied tal-Klima to the south and north respectively and the existing rural settlements including the Benghisa settlement are all protected areas where no industrial development is permitted by MEPA

32.4.3 It is considered inappropriate to give a blanket height for all the area at Hal Far. The flexible approach being adopted in this instance is to determine requests in changes in heights on an individual basis. This assessment, however, has to consider all the relevant planning issues, including those mentioned in the policy, and other relevant planning guidance already issued by MEPA including the Planning and Design Guidance DC 2005. The policy to increase building densities will be considered positively in factory height proposals after careful consideration of the development criteria mentioned above.

## **SMHF 02**

## **Transport and Access Improvements**

**The arterial road leading to Hal Far, as indicated on the Hal Far Policy Map HF 1, will be upgraded, realigned and well maintained being a transport link of utmost strategic importance linking the Estate to the Airport and the Freeport.**

**The main internal road network for Hal Far is identified and indicated on the Hal Far Policy Map. Where new or amended road layouts are proposed, a Planning Control application will need to be submitted to MEPA.**

**Hal Far will be served by two main access points, namely:**

- i. the redesigned North Access point, near the recreational area including the development of an improved new junction to the north of the planned recreational area; and**
- ii. the East Access point.**

**No access point is planned in the South and the existing South entrance point is required to be closed off in future by Malta Industrial Parks for safety, security and environmental reasons. Access through this entry point will only be retained strictly for emergency purposes.**

**Public Transport provision needs to be introduced in Hal Far once the critical mass of employees and visitors is reached as this service is not available at present.**

32.4.4 The improvement of the transport network for the Hal Far area is important for the continued efficient functioning of the industrial area. The arterial road needs to be upgraded and realigned. Road improvement works have recently been initiated and are in progress but the construction of a new junction at the north is still pending and required.

32.4.5 Where new road building or realignment is necessary, within the industrial estate, detailed plans will need to be prepared as part of the development planning application and approved by Planning Control through a PC Application, since the indicated network concentrates on the main road network only. Minor deviations will hence be considered if approved by MEPA and ADT. It must be emphasised that any present roads that are still in a good state need to be utilized, rather than create new road infrastructure.

32.4.6 The industrial estate will have two main access points. The existing access point to the north will need to be partially changed due to the need for consolidation and separation of the recreational

and general parking areas. A access point further to the East will need to be upgraded. The current access point on the Southern side of the Estate, will be closed off, but access retained strictly for emergency purposes, to heavy vehicle traffic in the area for two reasons;

- i. firstly to lead to a better managed, safe and secure Estate with just two main gate ways in future and allowing MIP to control access into and out of the Estate with greater ease;
- ii. secondly to stop the flow of heavy vehicle traffic from passing through the Benghisa Rural Settlement and also into the Ghar Hasan area which is a tourist site and protected as an area of scientific importance for its caves.

In this context, the existing access point from the Ghar Hasan area is planned to be closed off in future. Heavy industrial vehicles are to utilise the existing arterial road network to the north and the planned access points.

32.4.7 The introduction and provision of public transport and bus shelters is required. With the development of more factory sites the number of potential public transport users will increase, providing enough demand to make the introduction of a direct bus service to the Estate feasible.

### **SMHF 03**

### **Government Administrative Entities**

**In assessing applications for development within areas designated as Government Administrative Entities, as indicated in the Hal Far Policy Map HF 1, industry compatibility considerations will be given high priority in determining whether new government projects should be approved or not.**

**Should such land uses, present on the southern side of the arterial road and adjacent to the present Estate boundary, cease to be operational in future, MEPA will give priority to the change of use from the present uses to industry.**

32.4.8 These areas presently include various uses. including the Civil Protection Department, the Centre for the Rehabilitation of Persons with Special Needs, a sports activity site, ETC lecture rooms and other mixed uses. Should such uses cease to operate in future, MEPA will support a change of use of these areas to industry thereby becoming an integral part of the Estate managed by MIP.

### **SMHF 04**

### **Hal Far Public Recreation and Sports Areas**

**A site at Hal Far, as identified on the Hal Far Policy Map HF 1, is designated exclusively as an open, green landscaped area for public recreational use. This landscaped green site is to include walkways providing seating and suitable garden furniture, and will also include large, open tree and grass areas for informal public recreation. Peripheral landscaping and boundary treatment must also be provided along the boundary of the site, ensuring a car free environment for safety purposes. Afforestation projects are therefore promoted by MEPA in this area in conjunction with relevant agencies.**

**The junction, arterial road and north entrance point to the Estate are required to be redesigned so that the flow of industrial traffic is kept separate from the recreational element for safety purposes.**

**Safety measures are to be implemented in the Sports Area, including an emergency exit to be provided at the far end of this area, as indicated in the Hal Far Policy Map HF 1.**

32.4.9 Hal Far has long been used formally and informally as a popular recreational and sports area. However, this activity has taken place in an ad hoc manner and often within and in conflict with the industrial area. A separate zoning strategy, formalizing the land uses is planned. With the development of the remaining vacant industrial spaces within the Estate, the demand for recreational and sports space will increase. It is therefore in the interest of all users of the area to plan for such demand separately from the industrial environment. These sites will also provide a green buffer zone between the Estate function and the rural hinterland.

32.4.10 Hal Far has also accommodated a number of sports activities throughout the years. These have now become established in the area, including the quarter mile track. Large open derelict areas are still to date being used informally for sports activities other than those that are established and designated on the Policy Map. Such land use, apart from the officially recognised sports uses, has only been permitted temporarily by the then MDC until such land areas are developed as industrial land and hence such informal sports use is set to terminate on site once the need to develop these sites arises. In this respect, MEPA, in conjunction with MIP, will not permit any new sports uses on prime industrial land. Sports activities are zoned together, adjacent to the recreational area, and outside the industrial zone for practical and safety purposes and car parking areas are also planned to allow for parking outside the industrial boundary.

# APPENDICES

# APPENDIX A - Criteria for Identifying Major Projects

## CRITERIA FOR IDENTIFYING MAJOR PROJECTS:

### Application Types:

- (1) Residential projects with **more than 30 residential units**;
- (2) Hotel/tourist accommodation projects with **more than 60 beds**;
- (3) Commercial projects with **more than 750m<sup>2</sup> floorspace**;
- (4) Sports/entertainment projects with **seating capacity of more than 200**;
- (5) Hospital/clinic projects with **more than 50 beds**;
- (6) Schools (new and extension to) with **more than 10 classrooms and/or more than 300 children**;
- (7) Industrial/warehousing projects located within an approved industrial estate and with **more than 750m<sup>2</sup> floorspace**;
- (8) Industrial/warehousing projects NOT located within an approved industrial estate and with **more than 500m<sup>2</sup> floorspace**;
- (9) Projects for **waste disposal/sewage treatment/recycling plants**;
- (10) Projects which involve **modification of the arterial road network** (including maintenance and embellishment within the highway boundary);

### General:

- (11) Projects which require a **site larger than 0.5 hectares**;
- (12) Any project **requiring an Environmental Impact Assessment** (either an Environmental Impact Statement or an Environmental Planning Statement);
- (13) Any project with provision for **more than 50 car parking spaces**;
- (14) Projects which will have substantial impact on the area in which they are located, i.e. operational impacts, visual impacts, etc., (this will normally be restricted to projects proposed to be located in a sensitive area such as an Area of High Landscape Value, Area of Ecological Interest, etc.,).

# **APPENDIX B - Guidelines for caravan sites upgrading in Malta**

## **Guidelines for Caravan Sites Upgrading In Malta**

### **Introduction**

- F.1 The purpose of these guidelines is to explain what the development of a caravan site in Malta involves, site search criteria, model standards, and a brief guidance note relating to maintenance and operation.
- F.2 The guide is intended primarily for developers, operators, their architects, governmental and non-governmental agencies and interested individuals.
- F.3 It also provides a detailed basis for development control and applications for development permission will be evaluated on the criteria set out in this document.

### **Definition**

#### Caravan

- F.4 Any structure designed or adapted for human habitation which is capable of being moved from one place to another whether by being towed, or by being transported on a motor vehicle or trailer and any motor vehicle so designed.
- F.5 “Tourers” are those caravans seen on the road being towed by cars. Depending on size and layout, tourers can sleep up to six people because the furniture and fittings in their living and dining areas convert into sleeping accommodation. Facilities that are generally built in or fitted on most models include the furniture, a cooker, fridge, shower with hot and cold water, central heating, toilet and electric light. Power is provided by batteries and transportable gas bottles.”
- F.6 “Motor Caravans incorporate the living accommodation of a caravan on a motor vehicle base and are therefore designed specifically for touring. All motor caravans come fitted with furniture and cooking facilities and all but the smallest have toilets, showers, fridges and heaters. Power is provided by batteries and bottled gas and many vehicles provide for mains electricity hook-up when on the caravan park. There are also two more types of motor caravan - the van conversion and the coach built”.

### **Strategic Planning Context**

- F.7 Caravanning is a recreational activity which is related to the countryside and coastal areas. Structure Plan policies concerning rural and coastal conservation are therefore of particular relevance.
- F.8 Policy RCO 1 designates Rural Conservation Areas and allows for the designation of sub-areas

on the basis of the agricultural, ecological, scientific and archaeological value. Policy RCO 2 prohibits any form of urban development in Rural Conservation Areas but allows “facilities essential to agricultural, ecological, or scenic development” subject to other Structure Plan policies. RCO 5 prohibits the provision of new or extended infrastructure unless all possible measures to mitigate the visual impact are taken. This is of particular relevance to centralised facilities such as water, drainage, electricity and telephone which are to be provided within caravan sites. (Refer to Explanatory Memorandum Para. 15.34 - 15.41 with respect to AEI’s).

- F.9 An important policy is RCO 4 which states that no development of any structure or any activity which in the view of the Malta Environment and Planning Authority would adversely affect scenic value will be permitted.
- F.10 Policy REC 9 prohibits all structures in coastal areas other than tents, windbreaks, and shading devices, used by day visitors. All such temporary structures to be demounted and removed by midnight.
- F.11 The Structure Plan emphasises the need for better regulation of long stay caravanning and camping sites. Policy REC 11 designates sites for overnight accommodations of mobile caravans. Each site to have management and maintenance teams. Regulations are to be introduced to avoid permanent occupancy of any pitch. Permanent residential caravan sites will not be permitted. Policy REC 2 encourages private initiatives for recreation provision in view of limited financial resources likely to be available from government.
- F.12 Policy CZM 2 states that public access around the coastline will be secured. This will include taking shorelines into public ownership.
- F.13 Several other Structure Plan policies provide guidance and, depending on the circumstances of the location of the proposed caravan site, will need to be referred to when an application for a caravan site is submitted. Approved or emerging Local and Action Plans will also need to be referred to as the case may be.

### **Site Search Criteria**

- F.14 The following are criteria which will be considered by MEPA when an application for development permission is submitted:-
  - a. The site is not located on a scheduled, designated, or protected area including the following:-
    - Areas of Ecological Importance
    - Sites of Scientific Importance
    - Areas or Sites of Archaeological Importance
    - Areas of Agricultural Value
    - Areas of High Landscape Value
    - Nature Reserve
    - Area designated as Public Access Zone
    - Areas specifically designated for protection in a Local Plan or Action Plan.
  - i. The proposed site has adequate accessibility to the local highway network including provision for fire and emergency vehicles;



- ii. The site is reasonably level with pitch slopes not exceeding 1 in 30;
  - iii. The site is so located that it would not adversely affect scenic such as skyline; visually dominate or disrupt its surroundings because of its mass and location or adversely effect existing trees and shrubs;
  - iv. MEPA in consultation with the appropriate government agencies, is satisfied that adequate infrastructure is available or can be provided to the site, Schemes for water supply, sewage and refuse disposal shall be submitted and approved with any application; and
  - v. The site can be adequately landscaped in order to minimise any adverse visual impacts on the local environment.
- F.15 It is suggested that a caravan site may be appropriately located a short distance inland from the foreshore but not on a designated public access area; adjacent to a national country park or country parkway; or adjacent to an existing recreational area. Given that the major landscape impact of caravans derives from their shape and colour, it is important that proposed locations have some existing trees which would help to mitigate any adverse impact on the local amenity.
- F.16 Developers are strongly advised to consult with MEPA and the Health Division prior to the submission of an application.

## **Legal Framework, Procedures and Control of Development**

### ***Development Permission***

- F.17 The provision of a Caravan Site will require a development planning permission in accordance with the Development Planning Act, 1992 and subsequent amendments.
- F.18 Any development permission will be subject to an occupancy condition limiting use of the site to an agreed period, (usually of not more than 9 months and individual pitches of not more than 3 months) and a change of use from temporary holiday accommodation to permanent residential use or commercial use, will not be permitted.
- F.19 Applications for development permission or caravan sites will be evaluated on the basis of the criteria set out in this document.

### ***Site Licence***

- F.20 In addition to obtaining a development permission to construct a caravan site from MEPA, a Site Licence must be obtained from the Health Department. A Site Licence may only be granted after a development permission is obtained, but not before. In applying for a licence the site operator will be required to submit together with the development permit, a management plan dealing with issues such as staffing, opening times, security provision, service, fire regulations, refuse disposal.
- F.21 Before issuing the licence the Health Department in conjunction with MEPA will ensure that the

proposed site meets all the requirements set out in these guidelines. The agency may also attach additional conditions if it so wishes.

- F.22 It is important that MEPA and Health Department co-ordinate their works to ensure that the objectives for which caravan sites are designated continue to be met.
- F.23 Once a planning permission is granted, MEPA will be responsible to ensure that no further physical structures are built within the site and that the specific uses are in accordance with the permission. The Health Department will be responsible for issuing the license, will ensure that the caravan site, once operating, is suitably managed and maintained and that all conditions attached to its licence are adhered to.
- F.24 The Health Department reserves the right to withdraw the licence issued to an operator relating to the caravan site if conditions of the licence are not adhered to.
- F.25 If the development permit is withdrawn, the site operator may be required to remove all permanent and temporary structures from the site and restore the site to its original state. If the caravan site is on government land, the Lands Department may wish to terminate the lease and retain all structures on the site and lease the site to another operator.
- F.26 A bank guarantee of at least Lm2000, but not exceeding Lm5000 is to be made by the caravan site operator. The beneficiary is to be MEPA in order that the funds can be used to restore the site should the relevant permit/licence be withdrawn and the caravan site cease to operate.

#### ***Temporary Sites***

- F.27 Temporary Caravan Sites will not be permitted. MEPA will use its enforcement powers to remove such development and ensure the restoration of the area.

#### ***Site Fragmentation***

- F.28 The fragmentation of a site by the owner or lease selling or sub leasing one or more plots will not be permitted and a legal agreement between the owner/operator and MEPA will be required. This is to ensure that the whole of the site is available for use by touring caravans. In such cases the site licence will be revoked.

#### **Model Standards**

- F.29 Model standards specify conditions as to the layout and the provision of facilities, services and equipment for sites.
- F.30 The Health Department may, in granting a Site Licence, apply additional conditions to the specific site.

#### **Fire Precautions**

- F.31 The Health Department shall consult the Civil Protection Department as to the extent to which any specific standards relating to fire precautions are appropriate in relation to each site. Fire points should be established so that no caravan or site building is more than 30m from a fire point.

#### Density and Space between caravans

- F.32 The minimum spacing distance between adjacent caravans shall be not less than 6m. If awnings are used, the distance between any part of the awning and an adjoining caravan should not be less than 3m, and should not be adjacent to another awning. The density should be consistent with health and safety standards, and also amenity requirements. The gross density should not exceed 40 caravans to the hectare, calculated on the basis of the useable area (i.e. excluding roads, communal services and recreational areas rather than the total site area).

#### Roads

- F.33 Access roads should be of a minimum width of 4m and designed to provide adequate access for fire appliances. The layout of roads shall ensure that no caravan standing is more than 50m from an access road. A one-way circulatory road system, avoiding straight lengths and sharp bends is desirable, with access to pitching areas on both sides. The entrance to the site shall be adjacent to the reception area and under the control of the site warden.
- F.34 Access roads should be suitably surfaced and hard standings such as honey combed concrete blocks provided for each caravan.

#### Footpath Network

- F.35 A simple easily maintained footpath system should connect pitch location, parking areas, reception office, toilet facilities and recreational areas.

#### Reception Office

- F.36 A site reception office, including toilet facilities, storage compound, and caravan pitch for the warden's caravan should be provided. Perishable food may be sold from the reception office, but the predominant use must remain that of reception rather than retail. Adequate parking for caravans to be provided for arrival and departures.
- F.37 An accessible telephone together with a site notice of the address of the site should be available for calling the emergency services.

#### Storage of Liquefied Petroleum Gas

- F.38 Storage of gas should comply with the appropriate statutory gas regulations.

#### Electrical Installations

- F.39 Electric hook-ups are to be provided to all pitches with supply cables to be placed at least 500mm below ground level and individual connection points to be no further than 20m from the caravan intake. No overground supplies will be permitted.

#### Drinking water

- F.40 An adequate supply of drinking water should be provided. Each pitch should be no further than 50m from a water tap. At each tap there should be a soakaway/gully.

#### Drainage, sanitation and washing facilities

- F.41 Provision shall be made for foul drainage, either by connection to a public sewer or by discharge to septic tank or cess pool approved by the Water Services Corporation. Disposal points should also be provided for the contents of chemical closets, with an adequate supply of water for cleaning containers.
- F.42 Toilet blocks to be centrally located to minimise walking distance. Facilities to be based on scaled provision of 1 WC and 1 urinal for males, 2 WCs for women, and 2 washing basins for each sex per 15 pitches. Showers to be provided on the basis of 1 shower for each sex per 20 pitches.
- F.43 Toilet blocks should also provide laundry and dish-washing. A baby/toddler wash room is also desirable, together with facilities for the disabled and wheelchair users.

#### Refuse disposal

- F.44 Refuse is to be stored in plastic bags in a refuse skip or container, located in a separate fenced or walled compound near the site entrance.

#### Parking

- F.45 One car only to be parked between adjoining caravans provided that the door to the caravan is not obstructed. Additional space to be provided for visitor parking equivalent to 1 space for every 5 pitches. Visitor parking areas to be sited in convenient locations distributed throughout the site in order to avoid casual parking on site access roads.

#### Recreation Space

- F.46 At least 10% of the total designated area is to be dedicated to recreation use. The area to be located so as not to cause disturbance to the occupants of nearby pitches. An area for barbecues shall be carefully located in order to avoid inconvenience to other site residents and shall include provision of fire points. A children's' play area should also be provided but only in a sheltered area away from car park access roads.

#### Site Lighting

- F.47 Lighting is required for general security, safety and orientation at night-time. Requirements will vary with regard to the character of the site. Normally lighting will be required at reception, toilet blocks and service points. Low-level downlighters and high-level fittings should be used but floodlighting will be prohibited. The lighting layout and light fittings to be such as to minimise light pollution.

#### Landscaping

- F.48 Landscaping including tree and shrub planting around the caravan pitches is fundamental for a caravan site to succeed. Trees provide seclusion and privacy and give a greater sense of closeness to nature. In the summer, they provide areas of welcome shade whereas in the shoulder months they act as wind breakers. On planning grounds, trees are required to screen caravans, parked areas and any structures/buildings provided within the site.
- F.49 Mature trees greatly enhance the visual aspect of the countryside, and all sites will be required to have a minimum tree coverage of 20% of the total designated site area. Site boundary walling to be constructed in traditional rubble walling and should not exceed 1.2 m in height.

#### **Management Considerations**

- F.50 The success or failure of the caravan site as well as the impact it may have on the local amenity will very much depend on the management of the site. In accordance with Policy NA17 the caravan site operator will be required to submit a management plan with the application for a site licence. The plan is to deal with all matters relating to the efficient running of the site including staffing, facilities, services, operating times, security measures and refuse collection. A site licence will include a number of conditions relating to management which the operator will be required to adhere to.
- F.51 The following is a list of management issues which the camp operator will need to consider carefully before submitting a management plan. It is by no means exhaustive.
- i. The site operator will be required to keep the site clean and free from the dumping of rubbish. Toilets and facilities are to be kept clean and in good working order. Any damages should be rectified to discourage further damage.
  - ii. The operator should take all necessary measures to ensure that areas surrounding the designated camp site are not affected by litter or dumping resulting from the operation of the site.
  - iii. It is suggested that the site operator provides plastic bags for use by visitors. These sacks are to be secure against scavenging birds or other animals. Similarly bins should be of the strongest plastic type with lids that can be closed secured. It is essential that a frequent garbage collection service is provided.
  - iv. The fire fighting equipment shall be maintained in workable order and be available for regular inspection by the fire authority.
  - v. The site may be operated for a maximum of nine months each year, during which time any member of the public will be able to park a caravan on the site and use the facilities against payment of the relevant fee. The three month closure period will enable the vegetation to

regenerate itself and ensures that the natural ambience of the area is maintained. The months when the site will not operate shall be specified in the site licence.

- vi. Landscaping within the designated site areas are to be retained and maintained throughout the operation of the caravan site and any trees or shrubs that die or become severely diseased shall be replaced with an equivalent number of the same types of species.

### **References**

1. Guidelines for Designated Camping Sites - Planning Authority September 1997
2. What is a Caravan - National Caravan Council, U.K.
3. Background Notes - Developing a touring caravan site - Caravan Club Ltd., UK.
4. Caravan Sites and Control of Development Act 1960 - Model Standards, Circular 14/89 Department of the Environment, U.K.

## APPENDIX C - Archaeological Features

REF. NO.	FEATURE	DEGREE OF PROTECTION	PERIOD SUMMARY
1		E	MASS OF BONES WITHOUT GRAVES UNDER TRIQ HAZ-ZABBAR
2		E	100M BUFER ZONE
3	Ancient Building	B	REMAINS OF ANCIENT BUILDING
4	Deposits	E	PREHISTORIC POTTERY AND FLINT AND OBSIDIAN IMPLEMENTS
5	Building	A	FOUNDATIONS OF ROMAN BUILDING IN GROUNDS OF LYCEUM
6	Building	B	COLUMN SHAFT
7	Building	A	Punic Structure
8	Building Remains	B	Decorative stone head garden architecture
9	Catacomb	E	SMALL CATACOMB ON ROUNDABOUT AT CROSSROAD BETWEEN LUQA-GUDJA-AIRPORT TUNNEL
10	Catacomb	B	SMALL HYPOGEUM AT ID-DAWWARA
11	Catacomb	E	SMALL CATACOMB CUT IN HILL AT TARXIEN
12	Catacomb	E	SMALL CATACOMB ON PREMISES IN ROCK STREET NOS
13	Catacomb	E	TWO SMALL HYPOGEA NEAR EAST BOUNDARY WALL OF HOSPITAL
14	Catacomb	E	SMALL CATACOMB
15	Catacomb	E	GROUP OF FOUR HYPOGEA NOW COVERED BY HOUSING AROUND TRIQ IL-BEREBIES
16	Catacomb	E	HYPOGEA
17	Catacomb	E	HYPOGEA
18	Catacomb	E	HYPOGEA
19	Catacomb	E	HYPOGEA
20	Catacomb	E	CATACOMB
21	Catacomb	E	SMALL CATACOMB - EARLY CHRISTIAN PERIOD
22	Catacomb	E	SMALL CATACOMB UNDER HOUSE IN SAMMAT STREET
23	Catacombs	B	Catacombs
24	Catacombs	B	Paleo-Christian Catacombs
25	Catacombs	B	Catacombs
26	Catacombs	B	Palaeo-Christian Catacombs
27	Catacombs	B	Palaeo-Christian Catacombs
28	Catacombs	A	Catacombs
29	Catacombs	B	Catacombs
30	Catacombs	E	EARLY CHRISTIAN HYPOGEA
31	Catacombs	E	EARLY CHRISTIAN HYPOGEA
32	Chapel	A	CHAPEL OF THE ANNUNCIATIO
33	Chapel	A	Site consists of foundation walls remains of a small medieval chapel. Some upright rectangular slabs of stone still exist. It is difficult to say if the slabs are of the same period as the chapel. There is also a well and a pair of cart-ruts.
34	Church Remains	B	Church Remains
35	Cistern	B	Roman Water Cistern
36	Cistern	E	PUNICO-ROMAN
37	Cistern	E	PUNICO-ROMAN CISTERN
38	Depression	E	DEPRESSION
39	Dolmen	B	Dolmen

REF. NO.	FEATURE	DEGREE OF PROTECTION	SUMMARY
40	Dolmen	B	Dolmen
41	Dolmen	B	Dolmen
42	Dolmen	B	BRONZE AGE
43	Dolmen	B	THE DOLMEN WAS BUILT INTO A WALL WHICH ENCLOSED A FIELD ON HIGH GROUND TO THE WEST OF ID-DAWWARA
44	Dolmen	A	DOLMEN ON EDGE OF QUARRY
45	Dolmen	A	THE CAPSTONE ,C.2.60 x 1.75 M AND C. 0.30M THICK, IS SUPPORTED ON THREE SIDES BY BLOCKS AND SLABS OF VARIOUS SIZE
46	Dolmen	B	A DOLMEN ON TOP OF RUBBLE HEAP IN FIELDS NEAR MISRAH HLANTUN
47	Dolmenic Niche	E	
48	F	A	A MEGALITHIC TEMPLE COMPLEX BETWEEN CHURCH AND SCHOOL
49	Hpyogea	E	SMALL HYPOGEA AT GHAR TAS-SEMPlici
50	Hypogeum	A	Hypogeum
51	Hypogeum	A	Neolithic Hypogeum
52	Lithic Remains	B	Megalithic alignment
53	Lithic Remains	A	Ashlar courses
54	Lithic Remains	A	Roman brick and ashlar blocks
55	Lithic Remains	B	Roman Masonry
56	Lithic Remains	B	Roman Masonry
57	Lithic Remains	B	Megalithic Remains
58	Lithic Remains	A	Megalithic circular arrangements
59	Lithic Remains	A	Megalithic circular arrangements
60	Lithic Remains	A	Roman shards
61	Lithic Remains	A	Roman tiles
62	Lithic Remains	B	Alleged remains of Punic-Roman wall uncovered during building of bungalow
63	Lithic Remains	B	Punic Roman block converted into a trough
64	Megalith Remain	E	Accorind to J.D. Evans's account (1971), the site showed evidence of being a prehistoric settlement. Prehistoric pottery was also identified.
65	Megalith Remains	E	
66	Megalith Remains	E	MEGALITH REMAINS
67	Megalith Remains	B	MEGALITH REMAINS
68	Megalith Remains	B	SET OF MEGALITHS ON FRONT OF BIR MIFTUH CHURCH IN A FIELD EXACTLY OPPOSITE THE ENTRANCE OF CHURCH.
69	Megalith Remains	B	MEGALITHIC REMAINS
70	Megalithic Remains	E	PREHISTORIC (TEMPLE PERIOD AND BRONZE AGE)
71	Megalithic Remains	A	A FEW METRES TO THE SOUTHEAST OF THE DOLMEN IN THE SAME LOCALITY (SM_47) THERE ARE 2 GROUPS OF MEGALITHIC REMAINS, DISTANT 1.5M FROM EACH OTHER.
72	Megalithic Remains	A	A FEW METRES TO THE SOUTHEAST OF THE DOLMEN IN THE SAME LOCALITY (SM_47) THERE ARE 2 GROUPS OF MEGALITHIC REMAINS, DISTANT 1.5M FROM EACH OTHER.
73	Megaliths	B	Megaliths
74	Megaliths	B	Megaliths
75	Megaliths	B	Megaliths
76	Megaliths	B	TWO GROUPS OF MEGALITHS ON EITHER SIDE OF TRIQ GHALL-HLANTUN IN THE TA' GAWHAR AREA, NEAR THE RUINS OF THE CHURCH OF ST. ANTHONY



REF. NO.	FEATURE	DEGREE OF PROTECTION	SUMMARY
77	Megaliths		A NUMBER OF MEGALITHS ARE INCORPORATED IN TWO PRALLE, EXTREAMLY WELL BUILT WALLS HALF WAY UP A DISTINCT HILL BETWEEN SANTA LUCIJA AND GUDJA.
78	Megaliths		A NUMBER OF MEGALITHS ARE INCORPORATED IN TWO PRALLE, EXTREAMLY WELL BUILT WALLS HALF WAY UP A DISTINCT HILL BETWEEN SANTA LUCIJA AND GUDJA.
79	Megaliths	B	A NUMBER OF GLOBIGERINA LIMESTONE MEGALITHS PARTLY COVERED BY A RUBBLE FIELD WALL
80	Megaliths	B	MEGALITHS REMAINS
81	Megaliths	B	"STONE CIRCLE" OF MEGALITHS IN FIELD SOUTH OF ANTON BUTTIGIEG STREET, ZEJTUN
82	Megaliths	E	The site still existed when visited by George Said in August 1990. None of the remains were met with on 23rd September 1991, when revisited by G. Said
83	Megaliths Remains	B	THE REMAINS WHICH LAYED IN A FIELD (IT-TUMBATA) WERE SURROUNDED BY HUGE MEGALITHIC SLABS
84	Menhir	B	Menhir
85	Menhir	B	A SINGLE UPRIGHT STONE INCORPORATED IN FIELD WALL. IT IS ONE OF ONLY 4 SUCH MENHIRS STILL IN EXISTENCE
86	Menhir	E	TEMPLE PERIOD - MEGALITH REMAINS
87	Menhir	B	THE MENHIR CONSISTED OF AN IRREGULAR SLAB OF GLOBIGERINA WITH UNDRESSED SURFACES
88	Menhir		MENHIR
89	Menhir	B	An upright megalith, about 3m in height. Very irregular in shape. Partly restores, and no trace of vandalism.
90	Natural Cave	E	PREHISTORIC - REMPLE PERIOD
91	Natural Fissure in Rock	E	THE NATURAL FISSURE IS OF PALEONTOLOGICAL INTEREST
92	Pits	B	Bronze age pits
93	Pleistocene & Ancient	B	BONES AND POTTERY
94	Remains	A	TRAPETUM
95	Remains		GATEWAY
96	Remains		PASSAGE
97	Remains		CHURCH AND CEMETRY
98	Remains		CEMETERY
99	Remains		ANCIENT ROAD
100	Remains		CHURCH OFSAINT NICHOLAS
101	Remains		CHURCH OF SAINT JOHN THE BAPTIST
102	Remains		50M BUFER ZONE FOR REMAINS
103	Remains	A	REMAINS OF ANCIENT VILLA
104	Rock-Cut Tomb	E	THE TOMB CONSISTED OF A RECTANGULAR SHAFT WITH STEPS AND A CHAMBER IN THE SHAPE OF A SEGMENT OF A CIRCLE.
105	Rock-Cut Tomb	E	ONE ROCK-CUT TOMB ON GHAJN DWIELI ROAD
106	Rock-Cut Tomb	E	THE TOMB CONSISTED OF A SHAFT AND OVAL CHAMBER
107	Round Tower	A	THIS IS PERHAPS THE BEST PRESERVED OF A NUMBER OF ANCIENT ROUND TOWERS BUILT OF VERY LARGE ASHLAR BLOCKS
108	San Antnin Church	B	San Antnin Church
109	Silo	A	BOTTLE-SHAPED SILO PIT
110	Silo	A	BOTTLE-SHAPED SILO PIT
111	Silo	A	BOTTLE-SHAPED SILO PIT

REF. NO.	FEATURE	DEGREE OF PROTECTION	SUMMARY
112	Silo	A	BOTTLE-SHAPED SILO PIT
113	Silo	E	FIVE SILO-PITS OF PUNICO ROMAN PERIOD
114	Silo	E	SILO-PIT IN THE GROUNDS OF THE INSTITUTE
115	Silo	A	BOTTLE-SHAPED SILO PIT
116	Silo Pit		SILO PIT
117	Silo Pit	E	BOTTLE SHAPED SILO PIT
118	Silo Pit	B	Silo-pit
119	Temples	A	Tarxien Temples
120	Tomb	B	Punic-Roman Tombs
121	Tomb	B	Punic-Roman Tombs
122	Tomb	B	Tomb
123	Tomb	E	ROCK-CUT TOMB
124	Tomb	B	CATACOMB
125	Tomb	E	ROCK CUT TOMB
126	Tomb	E	DISCOVERED IN 1910 WHILE CUTTING A SEWER TUNNEL BETWEEN ZEJTUN AND ZABBAR. REMAINS OF AT LEAST FIVE SKELETONS AND BROKEN POTTERY WERE FOUND. ARCHAEOLOGICALLY SENSITIVE AREA
127	Tomb	E	ROCK-CUT TOMB
128	Tomb	E	ROCK-CUT TOMB
129	Tomb	E	ROCK-CUT TOMB. THE TOMB WAS DISCOVERED WHILE CUTTING A TRENCH FOR DRAINAGE WORKS IN THE NARROW SAN CLEMENTE STREET
130	Tomb	A	ROCK CUT TOMB IN ST.CATHERINE STREET. UNIQUE FOR ITS SCULPTURAL DECORATION
131	Tomb	E	ROCK CUT TOMB WHICH CONSISTED OF A SHAFT AND RECTANGULAR CHAMBER
132	Tomb	E	A ROCK CUT TOMB CONSISTING OF A SHAFT AND A CHAMBER
133	Tomb	E	THE TOMB CONSISTED OF A CIRCULAR CHAMBER; SHAFT UNEXPLORED
134	Tomb	E	THE TOMB CONSISTED OF A RECTANGULAR CHAMBER, PROBABLY WITH SHAFT
135	Tomb	B	ROCK-CUT TOMB
136	Tomb	B	THE TOMB CONSISTED OF A RECTANGULAR SHAFT AND TWO RECTANGULAR CHAMBERS
137	Tomb	B	THE TOMB CONSISTED OF A RECTANGULAR SHAFT AND TWO RECTANGULAR CHAMBERS
138	Tomb	E	ROCK-CUT TOMB INSIDE CEMETERY
139	Tomb	E	ROCK-CUT TOMB
140	Tomb	E	ROCK-CUT TOMB IN FIELDS MARKED AS "TAL-MILLIERI"
141	Tomb	E	ROCK-CUT TOMB
142	Tomb	E	ROCK-CUT TOMB
143	Tomb	E	FOUR ROCK-CUT TOMBS UNDER AIRPORT
144	Tomb	E	ONE ROCK-CUT TOMBS UNDER AIRPORT
145	Tomb	E	ROCK-CUT TOMB AT THE BACK OF THE GOVERNMENT PRIMARY SCHOOL
146	Tomb	E	RECTANGULAR SHAFT AND TWO CHAMBERS
147	Tomb	E	THREE ROCK-CUT TOMBS
148	Tomb	E	SQUARE SHAFT AND CHAMBER
149	Tomb	E	ROCK-CUT TOMB
150	Tomb	E	ROCK-CUR TOMB AND CATACOMB UNDER AIRPORT

REF. NO.	FEATURE	DEGREE OF PROTECTION	SUMMARY
151	Tomb	E	ROCK-CUT TOMB
152	Tomb	E	TWO ROCK-CUT TOMBS
153	Tomb	E	ROCK-CUT TOMB
154	Tomb	E	ROCK-CUT TOMB
155	Tomb	E	ROCK-CUT TOMB
156	Tomb	E	ROCK-CUT TOMB
157	Tomb	E	ROCK-CUT TOMB
158	Tomb	E	ROCK-CUT TOMB
159	Tomb	E	ROCK-CUT TOMB
160	Tomb	E	ROCK-CUT TOMB
161	Tomb	E	ROCK-CUT TOMB
162	Tomb	E	ROCK-CUT TOMB
163	Tomb	E	ROCK-CUT TOMB
164	Tomb	E	ROCK-CUT
165	Tomb	E	ROCK-CUT TOMB
166	Tomb	E	ROCK-CUT TOMB
167	Tomb	E	ROCK-CUT TOMB
168	Tomb	E	ROCK-CUT TOMB
169	Tomb	E	ROCK-CUT TOMB
170	Tomb	E	ROCK-CUT TOMB
171	Tomb		Punic Tomb
172	Tombs	B	Rock-cut tombs
173	Tombs	B	Tombs
174	Tombs	E	TWO ROCK-CUT TOMBS IN STREET
175	Tombs	E	TWO ROCK-CUT TOMBS IN STREET
176	Tombs	E	SEVERAL ROCK-CUT TOMBS UNDER GOVERNMENT SCHOOL
177	Tombs	E	ROCK-CUT TOMBS ON HILL OF THE ADDOLORATA CEMETERY
178	Tombs	E	THREE ROCK-CUT TOMBS IN AREA CALLED "TAL-BORG"
179	Tombs	E	TWO ROCK-CUT TOMBS
180	Tombs	E	TWO ROCK-CUT TOMBS
181	Tombs	E	SIX ROCK-CUT TOMBS IN TRIQ HAZ-ZABBAR
182	Tombs	E	SIX ROCK CUT TOMBS UNDER GHAJN DWIELI ROAD
183	Tower		Tower
184	Tower	A	Tower
185	Tower	A	Remains of a circular tower, probably used for deffensive purposes. Max diameter of 13m. The stones are typically Punico-Roman. It lies in a private property.
186	Villa	E	EXTENSIVE REMAINS OF A ROMAN VILLA IN AREA KNOWN AS TAD-DAWL
187	Water Cistern	B	BELL-SHAPED WATER CISTERN

## APPENDIX D – Quarries in Kirkop, Mqabba, Qrendi and Siggiewi

### Quarries in Kirkop

Quarry	Area (m2)	Status	Suggested General Use or current use
SM 39	17165.69	Operational	Proposed restoration back to agriculture
SM 41	27492.01	Operational	Proposed restoration back to agriculture
SM 45	2433.02	Disused	Exhausted and proposed restoration
SM 51	17164.03	Operational	Operational and proposed restoration
SM 72	18622.19	Disused	Restored

### Quarries in Mqabba

Quarry	Area (m2)	Status	Suggested General Use
SM7	5,896	Disused	Exhausted and proposed restoration to agriculture
SM 18	26,377.55	Operational	Operational
SM 19, 31A	58,728	Operational	Operational and proposed restoration to agriculture
SM 21	27,330	Disused	Restored already
SM22	4,022	Disused	Restored already
SM 23	30,190	Operational	Enforcement, illegal warehousing
SM 26	28580	Operational	Enforcement illegal warehousing and stone crusher
SM 27	33,205	Operational	Proposed restoration back to agriculture
SM 28	19,163	Operational	Enforcement illegal warehousing
SM29	16,550	Disused	Sanction plant and offices
SM 30	22,423	Operational	Operational and proposed restoration to agriculture
SM 32	43,294	Operational	Operational and proposed restoration to agriculture
SM 34	19,038	Operational	Operational
SM 38	14,383	Operational	Exhausted. Proposed restoration to agriculture
SM 44	2855.37	Disused	Exhausted. Proposed restoration to agriculture
SM 46	4,940	Operational	Operational.
SM 48	10153.98	Disused	Exhausted. Enforcement re. Villa w/o permit.

SM 49	13,997	Operational	Operational. Proposed restoration to agriculture
DQA1 SM50	12,698	Disused	Restored. Court case
SM52	24,998	Disused	See Policy SMMA06, Appeal.
SM53	7,364	Disused	Exhausted. Proposed restoration to agriculture
SM54	11,459	Disused	Operational.
SM 59	38,606	Operational	Being restored.
SM61	17,960	Disused	Operational.
SM 62	16,470	Operational	Partly exhausted. Restored to agriculture.
SM 66	7,293	Operational	Operational. Proposed restoration to agriculture
SM68	24,964	Disused	Exhausted. Illegal dumping
SM69	13,840	Disused	Operational. Proposed restoration to agriculture
SM 74	3,442	Operational	Operational.
SM 76	5381.22	Operational	Restored.
SM 78	5,339	Operational	Operational.
SM 79	1708.81	Operational	Operational.
SM 83	10,380	Operational	Operational. Concrete Plant.
DQA2	41,710	Disused	Proposed restoration to agriculture
DQA4	11,750	Disused	Proposed restoration to agriculture
DQA5	7,449	Disused	Proposed restoration to agriculture
DQA6	2,047	Disused	Proposed restoration to agriculture
DQA7	10,520	Disused	Proposed restoration to agriculture
DQA20	18,310	Disused	Proposed restoration to agriculture
DQA21	2,774	Disused	Proposed restoration to agriculture
DQA 23	59,450	Operational	Proposed restoration to agriculture
DQA 24	4,333	Disused	Proposed restoration to agriculture
DQA 25	3,531	Disused	Proposed restoration to agriculture
DQA 27	17,270	Disused	Proposed restoration to agriculture
DQA28	16,390	Disused	Proposed restoration to agriculture
DQA30	4,224	Disused	Proposed restoration to agriculture
DQA31	6,344	Disused	Proposed restoration to agriculture

## Quarries in Qrendi

Quarry	Area (m2)	Status	Suggested General Use
SM 55	6,575	Operational	EIA
DQA32 SM56	10,691	Disused	Restored.
DQA29 SM58	45,629	Disused	Partly restored.

## Quarries in Siggiewi

Quarry	Area (m2)	Status	Suggested General Use
SM 1	12847.57	Disused	Operational
SM 2	15174.21	Disused	Exhausted. Proposed back to agriculture.
SM 3	12105.6	Operational	Partly exhausted.
SM 4	61050	Illegal	Court case
SM 8	24343.81	Operational	Back to agriculture
SM 11	4356		Restored back to agriculture
SM 71	23365.21	Disused	Exhausted.
SM 77	6633.71	Disused	Exhausted
SM 80	5194	Disused	Exhausted
SM 81	8010.35	Operational	
SM 82	7756	Operational	
DQA 15	3,584		More mineral extraction
DQA 16	1,586		Reclaimed to Agriculture
DQA 18	11,690		Warehousing/ storage
DQA 19	10,130		Warehousing/ Open storage
DQA 22	8,985		Reclaimed Agriculture
DQA 23	59,450		Reclaimed to agriculture
DQA 35	10,330		Inert Waste
DQA 36	375.5		Reclaimed to Agriculture
DQA 37	1,172		Converted into Orchard
DQA 38	20,950		Inert Waste/ more mineral extraction
DQA 39	21,350		Inert Waste
DQA 40A	12,820		Inert Waste/Reclaimed to agriculture
DQA 40B			Limestone Heritage Museum
DQA 41A	29,630		Industrial/ Open storage
DQA 41B			Additional mineral extraction
DQA 42	17,650		Still partly active
DQA 43	3,539		Habitat treatment
DQA 44	12,390		VRT testing station/ inert waste
DQA 45	3,314		Open storage
DQA 54	N/A		Habitat treatment

# APPENDIX E - Glossary

## Glossary

In preparing the Local Plan, an attempt has been made throughout to make it interesting, informative and easy to read. Written justifications and the policies themselves have been simply worded in order that the intentions are as clear, unambiguous and easily understood as possible. It is inevitable, however, that some unfamiliar words or phrases have been used. The following glossary gives a quick reference guide to assist in understanding of the Plan.

**Ancillary Use:** A planning term which describes a use that is subsidiary, but related, to the main use.

**Appeal:** If an application for development permission has been refused, or MEPA has imposed conditions, the applicant may appeal to the Planning Appeals Board.

**Approved Local Plan:** Once the local plan has been through all the preparation stages, it is approved by MEPA then forwarded to Government for final approval. After this stage, changes can only be made by formal alteration or replacement.

**Aquifer:** All underground water bearing strata capable of yielding water on a practical basis, and includes ground water reservoirs, ground water catchment areas, the waters in geological rock formations, including fissures and fractures, and the structures containing deep fossil waters.

**Biodiversity:** The range of plant and animal species present in an area.

**Buffer Areas:** These consist of protection zones where development is not permitted or strictly controlled. These buffer areas ensure appropriate protection to environmentally sensitive areas or create safe distances between residential and other incompatible uses (eg : quarry areas, farms etc) .

**Caravan:** Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), and any motor vehicle so designed. This definition is also applicable to mobile homes.

**Change of Use:** A different or new use of a building or land for which permission may be required from MEPA.

**Close Proximity:** Close proximity is calculated on the basis of a walking distance of 250m.

**Coastal Zone:** The coastal zone extends seaward and landward of the coastline. Its limits are determined by the geographical extent of coastal natural processes and human activities related to the coast.

**Commuted Parking Payment Scheme (CPPS):** CPPS raises money to subsidise public parking provision by collecting money from developers who, in specific circumstances, are not required to make the usual provision to accommodate their parking requirements. The scheme is currently operational in Valletta, Floriana, Sliema and St. Julians (including Paceville). Within these areas, the scheme applies where there is a change of use to a more intensive category in terms of parking requirements. Qualifying projects may be on sites where parking provision is physically very awkward, within urban Conservation Areas or in potential areas for pedestrianisation. Small shops and bars catering for a local clientele and

developments with a parking requirement of 3 spaces or less are generally exempt from the scheme. When MEPA determines that the CPPS is applicable, a fee of Lm900 per missing space is charged. This is intended to be equivalent to the average cost of supplying an off-street parking space.

**Comparison Goods:** Clothing, footwear, furniture, household textiles, electrical goods, hardware, chemists goods, jewellery recreational and other miscellaneous goods.

**Comprehensive Development Area (CDAs):** A site in several ownerships requiring comprehensive development.

**Conservation:** Positive measures for the management of existing resources or assets to ensure their protection and enhancement.

**Convenience Goods:** Food, alcoholic drink, beverages, tobacco, newspapers and magazines and household cleaning materials.

**Degraded Despoilt Land:** Land so damaged by industrial or other development that it is incapable of beneficial use without treatment.

**Density:** The term usually refers to the number of new dwellings per hectare, but not exclusively.

**Derelict Land:** Land so damaged by industrial or other development that it is incapable of beneficial use without treatment. It may include worked-out or abandoned mineral excavations and land made derelict from natural causes.

**Development:** The carrying out of building, engineering, mining, or other operations for construction, demolition or alterations in, on, over or under any land or sea, or the making of any material change of use of land or building.

**Development Permission:** New buildings, major alterations and enlargement of existing buildings and many changes of use of buildings and land require development permission. Permission is sought from MEPA. An application for development permission may be approved, or approved subject to certain conditions, or refused.

**Dwellings:** Self contained buildings or parts of buildings which usually accommodate a single household. This may include terraced houses, maisonettes, villas, converted farm buildings or flats.

**Enforcement:** The process by which MEPA can take steps to remedy a breach of planning control, usually development which has been carried out without or not in accordance with development permission under planning or sanitary legislation.

**Environment:** Surroundings, both natural and man made.

**Environmental Assessment (EA):** Information about the likely environmental effects of certain major projects which is assessed and taken into account in determining applications. An E.A. is required if a particular development is likely to have a significant environmental effect by virtue of its nature, size or location.

**Environmentally sustainable development:** The Brundtland Commission (1987) defined environmentally sustainable development as “development which meets present needs without compromising the ability of future generations to achieve their needs and aspirations.”



**Formal Open Space:** An area of land which is laid out for sport and children’s play. This can include playing pitches and playgrounds.

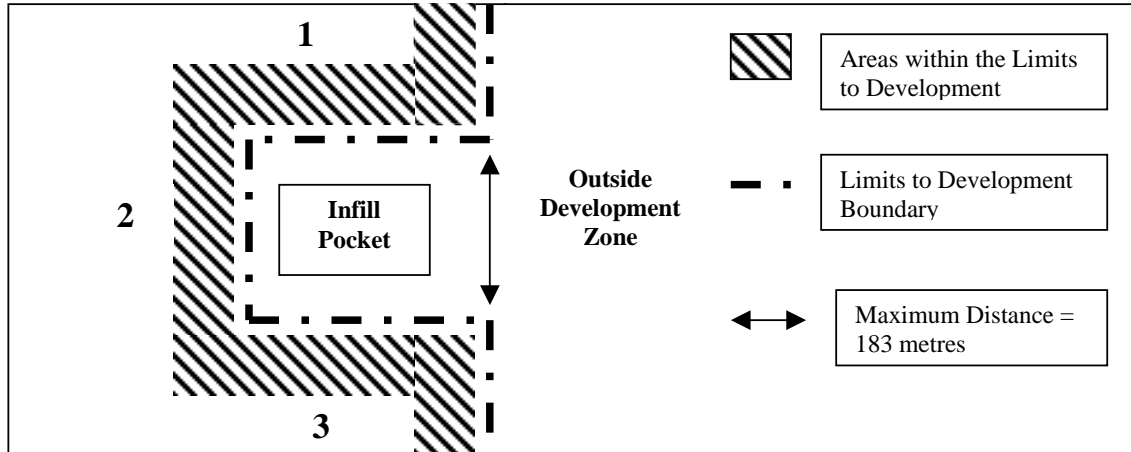
**Garrigue:** Ecological communities characterised and dominated by low woody shrubs.

**Gross Lettable Floorspace:** The gross lettable floorspace refers to the whole floor area within the premises and on all its floors. The gross lettable floorspace includes circulation (excluding stairs) and stores and excludes staircases, toilets, internal shafts, yards and other unroofed areas unless they are used as an integral part of the development (eg. open air restaurant)

**Housing Estate:** Dwellings owned by Government, and rented or sold to occupants at subsidised rates.

**Inert Waste:** Waste which in respect to a specific management process, does not undergo physical, chemical or biological changes that cause it to a pollutant.

**Infill Pocket:** An infill pocket within urban edges is taken as a land area bordered on at least three sides by areas included within Limits to Development. The whole infill pocket by its very nature is required to be positioned inwards from the outermost points of the existing Scheme Boundary. The maximum dimension of the side of the infill pocket which is not bordered by an existing schemed area is taken as 183m in accordance with Policy SMSE 01. This measurement is based on the legal definition of a ‘building site’ in the Land Acquisition Ordinance, 1935. All considerations for infill development within such defined infill pockets are subject to all the criteria listed in Policy SMSE 01 and confirmation in the Structure Plan review. No infill pocket is considered for development, in cases of scheme ‘rounding off’ or the rationalisation of scheme boundaries, if it undermines any of the objectives and/or policies of this Local Plan and of the Structure Plan. Infill Pockets are also considered on the basis of a number of factors as indicated in Policy SMSE 01 and in the respective Area Policies.



**Informal Open Space:** An undeveloped area of land which can be used for informal recreational activities.

**Informal Recreation:** Leisure activities which are not undertaken on a formal organised basis and are generally carried out by individuals or small groups on an intermittent basis with a minimal requirement for supporting facilities.

**Infrastructure:** Roads, drainage and other apparatus and structures which provide essential services to

development.

**Inner Harbour:** Approximately the 1985 Inner Harbour Census Region comprising the 1985 Census Localities of Cospicua, Floriana, Kalkara, Marsa, Msida, Paola, Santa Lucia, Senglea and Sliema.

**Landscaping:** A general term used for the means by which, where appropriate, development is made to fit visually into its surroundings by control of siting and layout and use of trees, shrubs or grass (soft landscaping) and/or fences, walls or paving (hard landscaping).

**Neighbourhood Centre:** Neighbourhood centres are locations to be designated in local plans to accommodate a planned approach to the local retail services in new and expanding housing areas. These areas should provide coherent groupings of appropriate facilities, with shared parking and service delivery provision where possible; pedestrian access routes and planned public transport provision.

**Outline Development Permission:** Planning permission which establishes that the broad principles of development are acceptable although the details are still to be agreed. Outline development permission is valid for three years from the date of the decision unless otherwise stated.

**Pedestrianisation:** Reserving a road solely for use by pedestrians. Some very limited exceptions may be permitted, for example, emergency vehicles and service vehicles to premises without rear access. Normally, the physical character of a pedestrianised street will be changed completely.

**Planning Obligation:** A planning obligation is a requirement made upon the developer to provide a specific land use and/or to provide for the upgrading of a specific land area to the benefit of the local community. This usually pertains to an obligation that produces a reasonable and required improvement in the area e.g. landscaping, tree planting, child play areas or land for community required facilities including schools, hospitals and others.

**Semi-Pedestrianisation:** Changing the design of a road to create a safer and more comfortable environment for pedestrians, for example wider pavements and frequent traffic calming features. Whilst pedestrians will have greater priority in such street, general traffic is still permitted to pass.

**Plan Period:** The period during which the policies in the Local Plan are expected to apply, which in the case of this Local Plan is a ten year period from its date of approval.

**Planning Conditions:** Development permission for development may be conditional on other works or undertakings being carried out by the developer, may restrict or modify the development, or require the submission of further details.

**Policy Map:** The map (or series of maps at different scales) which identifies the precise sites and areas affected by the proposals and policies in the Local Plan.

**Preservation:** Protection from change, guarding against loss of worthwhile assets, including restoration.

**Primary/Secondary Shopping Street:** The commercial heart of a main town centre. Normally, at least 75% of the properties should have a ground floor commercial use to qualify as a primary shopping street. However, the street must also be trading successfully and attracting strong pedestrian flows. Secondary shopping streets are streets also forming part of the town centre but which contain a number of social community facilities e.g. church, local council, pastoral centre etc., these include only local shops and so differ from primary shopping streets.

**Primary Town Centre:** Town Centre with a regional or sub-regional function for non-food shopping.

The proposed primary town centre is Paola.

**Public Participation:** The involvement of the public in the process of making plans and planning decisions.

**Random Rubble Walls:** Low walls built in random rubble *sejjieh* are a distinctive feature of Malta's countryside. The term relates only to walls built in stone which is not machine finished, and which gives the effect of having used stone picked up from adjacent fields. Generally no cement is used, but other than stone no other material is used.

**Representations:** Written comments made within the relevant period to MEPA, by any person or body of persons likely to be affected by a policy or proposal of the Local Plan. Representations can support or oppose policies and proposals.

**Residential Area:** Urban area where the predominant use is residential.

**Secondary Town Centre:** A significant non-food shopping centre serving local residents, or residents of closely neighbouring villages, and used by at least 2,500 people for non-food shopping. The secondary town centres are Fgura, Zejtun, Zurrieq and Zabbar.

**Selective Bus Detection:** This involves the use of equipment at traffic signal-controlled junction, to identify buses and then provide them with priority, so as to reduce delays and journey times.

**Showroom:** Premises primarily used to display goods for sale where little direct (over the counter) retail sale is intended. Showrooms normally have a gross floor area of at least 150 square metres and display a specialist range of bulky, non-food goods, such as: white goods; furniture; motor vehicles; household items, hardware and bathroom fittings.

**Signage:** Any word, letter, model, sign, placard, notice, device wholly or in part for the purposes of advertisement, announcement or direction, including any boarding or similar structure used or adopted for use for the display of advertisements.

**Site of Scientific Importance (SSI):** Statutory designated sites where features of nature conservation importance are at their best and/or most concentrated. They include geological interest as well as flora and fauna. SSIs are scheduled in accordance with the Development Planning Act 1992.

**Structure Plan:** Strategic Planning Policy is set out in the Structure Plan. The Structure Plan does not identify specific sites for development nor the precise boundaries of areas to be protected. One of the important tasks of the Local Plan is to apply that strategy at the local level.

**Tertiary Town Centre:** A significant non-food shopping centre, but serving a smaller number of people than a secondary town centre. The proposed tertiary town centres are Ghaxaq, Siggiewi, Luqa, Kirkop and Safi.

**Town Centres:** These include Primary, Secondary and Tertiary Town.

**Tourism:** The short term movement of people away from their normal place of residence or works in pursuit of leisure, recreation and culture and involving a stay of more than 24 hours.

**Tourist Attraction:** The use of land or buildings which is primarily economically dependent on paying day visitors.

**Traffic Calming:** Measures which reduce the adverse effects of vehicular traffic in order to improve road safety and the living environment. This approach seeks to adapt the volume, speed and behaviour of traffic, to that which is sympathetic to non traffic activities.

**Traffic Management:** The promotion of a more effective movement of traffic within a given street system by rearranging the flows, controlling the intersections and regulating the time and place for parking by means of traffic orders. Traffic management can also give priority to different forms of transport, such as buses, or to pedestrians.

**Tree Preservation Order:** An order made and confirmed by MEPA to protect trees from lopping, topping or felling without prior written consent.

**Urban Conservation Areas:** Scheduled areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

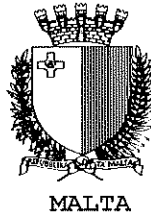
**Use Classes Order:** The Development Planning (Use Classes) Order 1994 and as amended sets out a classification of land uses so that compatible uses are grouped together in a class. Permission is normally required to change from one class to another but not within a class, although conditions on permissions may restrict or prohibit such changes of use without a specific development permission.

**Utilities:** Water supply, sewerage disposal, land drainage, gas and electricity supply, waste disposal and telecommunications.

**Written Statement:** A document which forms part of a statutory development plan and sets out MEPA's policies or proposals. It is normally accompanied by a Proposals Map.

**Widien:** (Singular Wied) Dry valleys, only carrying water during the rainy season.





Your Ref: CLT/HER/WHC/PSM/14/LJ/421

29 January 2015

Mr Kishore Rao  
Director  
World Heritage Centre  
UNESCO  
7, Place de Fontenoy  
Paris

Dear Mr Rao

**Megalithic Temples of Malta (Malta) (C132 bis)  
Proposal for a Minor Boundary Modification – establishment of buffer zones**

Further to:

- the State Party's boundary clarification submitted in 2005 concerning buffer zones of the World Heritage property the 'Megalithic Temples of Malta',
- the State Party's response to the World Heritage Centre's request to propose a minor boundary modification concerning the establishment of buffer zones for the said inscription, submitted in January 2013,
- the State Party's report submitted in December 2013, and,

In response to decision 38COM8B.53 adopted by the 38<sup>th</sup> session of the World Heritage Committee (Doha 2014), please find below further information on the buffer zones of the component sites of the serial property:

1. Textual Description of the buffer zones

The State Party is proposing that the national buffer zone which exists for all of the six sites in the property is adopted by the World Heritage Committee.

The total number of buffer zones being proposed is four; One for Ġgantija, one for Ta' Ħaġrat and Skorba, one for Ħaġar Qim and Mnajdra, and one for Tarxien Temples. These buffer zones were set by the local Malta Environment and Planning Authority. They are based on a minimum 100-metre radius around the component sites and are then

extended further to include other minor archaeological or cultural heritage sites in their vicinity.

The buffer zones include Development Zones, Green Areas, Commercial Zones, Village Cores, sites of ecological importance as well as other sites of archaeological value, depending on the location of the component site.

## 2. Justification for the precise lines of the buffer zones

The buffer zones are based on a minimum 100-metre radius around the component sites and are then extended further to include other minor archaeological or cultural heritage sites in their vicinity. The buffer zones follow natural contours so as to include the above-mentioned sites. In addition, areas that are within a development zone and which could potentially have an impact on the component sites, have also been included in the buffer zones so as to ensure additional protection for the sites included in the inscription.

## 3. Management arrangements for the buffer zones

The State Party would like to reiterate the information submitted to the World Heritage Centre in January 2013:

The principal legal instrument for the protection of cultural heritage resources in Malta is the Cultural Heritage Act (2002 and subsequent amendments), which provides for and regulates national bodies for the protection and management of cultural heritage resources. Building development and land-use is regulated by the Environment and Development Planning Act (2010 and subsequent amendments), which provides for and regulates the Malta Environment and Planning Authority. All six megalithic temples are formally scheduled by the Malta Environment and Planning Authority as Grade A archaeological sites, and both sites and their buffer zones are subject to wide-ranging restrictions of building development. The application of these restrictions varies according to the local context. Details on specific restrictions for each site can be found in the following documents:

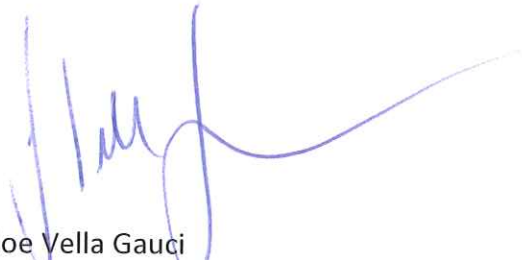
- Structure Plan for the Maltese Islands [second document, ARC Policies: pgs 113-115]:  
<http://www.mepa.org.mt/lpg-structureplan>
- Gozo and Comino Local Plan [pgs 112, 160-1]:  
<http://www.mepa.org.mt/gclp-docs>
- North West Local Plan [pgs 124-125, 214, 263-264]:  
<http://www.mepa.org.mt/nwlp-docs>
- South Malta Local Plan [pg. 55]:  
<http://www.mepa.org.mt/smlp-docs>

4. Strengthen site specific development limitation

Following the feedback submission to MEPA as part of the revision of all Local Plans, Heritage Malta also submitted the feedback document as part of the exercise to draw up a Strategic Plan for the Environment and Development which is also being carried out by MEPA. The aim of this feedback is to ensure that UNESCO World Heritage Sites and sites on the World Heritage Tentative List and their viewsheds are protected from the adverse impact of future development. Both the revision of the Local Plans and the Strategic Plan for the Environment and Development are currently underway by MEPA.

I thank you for your kind assistance and cooperation. Please accept the assurances of my highest consideration.

Yours sincerely



Joe Vella Gauci  
Ambassador & Permanent Delegate