



Our Ref : CPA/GOM/001/17

23rd September 2019

Hon. Alex Muscat
Chairperson
Standing Committee on the Environment and Development Planning
House of Representatives
Valletta

Dear Hon. Muscat,

Re: Review of Fuel Station Policy (2015)

In terms of Article 53(2)(e) of the Development Planning Act (2016), the Executive Council of the Planning Authority is forwarding you the amendments made to the draft of the Fuel Station Policy (2015) after it has been issued for public consultation from 29/04/2019 – 14/06/2019.

The Standing Committee may wish to draw up a report on this public consultation of the Fuel Station Policy (2015) within the consultation period that is ending on Friday 01st November 2019, as indicated in the same article.

Regards,

Dr. Anita Giordimaina LL.D
Executive-Council Secretary

Policy Guidance

For

Fuel Stations

~~Public Consultation Document~~

Revised Draft following Public Consultation

~~29th April~~ 19th September 2019

GLOSSARY

Alternative Fuels – has the same meaning as in the Alternative Fuels Order S.L. 460.32, and means fuel or power sources which serve, at least partly, as a substitute for fossil oil sources in the energy supply to transport and which have the potential to contribute to its de-carbonization and enhance the environment performance of the transport sector, and includes

- (a) electricity,
- (b) hydrogen,
- (c) liquid or gaseous biofuels derived from biomass,
- (d) synthetic or paraffinic fuels,
- (e) natural gas, including biomethane in gaseous form (compressed natural gas –CNG) and liquefied form (liquefied natural gas – LNG), and
- (f) liquefied petroleum gas.

Ancillary facility (to the main use as fuel station) – an additional structure which shall be limited to facilities related to vehicle maintenance services including vehicle washing but excluding all forms of retail and catering facilities. It may also include an ATM and vending machines which require approval from the competent authorities.

Autogas – as per Autogas (Installation and Certification) Regulations - LPG with specifications according to MSA EN 589 used of the propulsion of motor vehicles.

Commercial Petroleum Filling Station – a fuel station that is not open to the general public but where automotive fuel is dispensed as established in the Petroleum for the Inland (Retail) Fuel Market Regulations (S.L. 545.22)

CPD – Civil Protection Department established in 1996,

ERA – The Environment and Resource Authority was set up through Act I of 2016 which came into force on the 31st January 2016 by virtue of Legal Notice 50 of 2016,

EWA – The Energy and Water Agency is a Government Agency established via LN 340/2016 within the Ministry for Energy and Water Management. Set up in 2014 the Agency is tasked with formulating and implementing Government's national policies in the energy and water sectors, aimed at ensuring security, sustainability and affordability of energy and water in Malta.

Existing Fuel Station – A fuel station, whether kerbside or otherwise, within the development zone, that is authorised as on Subsidiary Legislation 545.22 on 1st January 2014 and as recorded per MEPA's photographic survey by the same date, and which is still in operation at the time that the Development Planning Application for its relocation is submitted to the Planning Authority.

Fast Charging Station – an area within the Fuel Station, where electric vehicles can park for a determined length of time until the battery pack is partially or fully charged.

Footprint – the area of development of the relocated fuel station and includes all its ancillary facilities, manoeuvring area, signs, set-back requirements, buffer zone and landscaping where required.

Kerbside pump – An automotive fuel dispensing station where dispensing takes place in an area which would have otherwise been used as a public road or a public right of way.

OHSA – Occupational Health and Safety Authority established by the OHSA Act XXVII of 2000

Regulator for Energy and Water Services (REWS) – The Regulator for Energy and Water Services as established by the Regulator of Energy and Water Services Act (Act XXV of 2015)

Relocated Fuel Station – a new fuel station which replaces an existing fuel station within the development zone. It includes ancillary facilities which shall be included in the planning application.

TM – Transport Malta which is the Authority for Transport in Malta as set up by Act XV of 2009.

WSC – the Water Services Corporation as established by means of the Act of Parliament No. XXIII of 1991.

1.0 SCOPE

This document is repealing the existing Fuel Service Stations Policy April 2015.

~~Any pending development application shall be assessed according to this policy document. The Planning Authority shall apply the provisions of this policy to any development application for a fuel station, including those applications which were submitted prior to the coming into force of this policy and have not been determined yet.~~

This policy document ~~excludes~~ does not apply to the construction and operation of commercial petroleum filling stations.

1.1 The policy objectives of this document are as follows:

- ~~_____~~ To highlight past, current and future trends in the development of fuel stations,
- ~~_____~~ -To review the current situation in terms of the type (kerbside or non-kerbside, ancillary facilities), scale (footprint in square meters) and location (within the Development Zone or ODZ) of existing fuel stations,
- ~~_____~~ -To review pending outline applications, full development applications and new submissions for fuel stations,
- ~~_____~~ To consult all related authorities,
- ~~_____~~ -To prepare a revised policy framework which takes into account the recommendations by ERA, determine the type and scale of ancillary facilities, the distance between fuel stations which shall reflect current and future needs.

1.2 The thrust of this policy is to present a policy framework within which the sustainable relocation of existing fuel stations which are currently having an adverse impact on urban areas can take place. Historically a good proportion of existing fuel stations have been located within residential areas. As a result of development that has occurred nearby since, changes in operations and increased traffic, some of the stations are creating operational challenges.

1.3 In the case of existing fuel stations operating from certain areas within the Development Zone, there are issues of amenity, and/or safety and/or transport which justify their relocation to more appropriate areas. These include: a) Incompatibility with the surrounding urban context, especially Urban Conservation Areas; b) Possible access and parking restrictions and issues as confirmed by Transport Malta (TM) generally associated with certain urban areas; c) Safety issues as confirmed by the Regulator for Energy and Water Services (REWS)~~Malta Resources Authority (MRA)~~ especially in instances of nearby ground fireworks being let off in the vicinity or other similar hazards; d) Severe limitations to upgrading the existing fuel stations to the requirements of National and International Standards for Petroleum Dispensing Stations as determined by ~~MRAREWS~~.

1.4 Existing fuel stations which, following consultations with TM and ~~MRAREWS~~, are not deemed by the PA-Planning Authority to create issues of amenity, safety or transport shall not be eligible for relocation. Existing fuel stations located partially or fully in ODZ shall also not be eligible for relocation. Furthermore, redevelopment and change of use of existing fuel stations located partially or fully in ODZ shall not be considered.

2.0 POLICIES

Eligibility Criterion

~~1-~~ 2.1 A new fuel station shall be the relocation of an existing fuel station only. No new fuel stations will be permitted unless they will result in the relocation of an existing fuel station, which is deemed to create issues of amenity, and/or safety and/or transport, in line with paragraph 1.3 above, from the development zone.

Appropriate locations for new fuel stations

~~2-~~ 2.2 For those fuel stations which satisfy the overarching eligibility criterion only and provided that the site shall be located on roads forming part of the Ten-T core and comprehensive network and arterial and distributor road network, as confirmed by Transport Malta and can accommodate a safe access onto these roads, the fuel station shall be located in either of the following designated sites:

~~The fuel station shall be located in either of the following designated sites, provided that environmental constraints, neighbour compatibility, operational, infrastructural (including access and adequacy of access roads) and safety considerations are all taken into account:~~

- a) Designated Industrial Areas or
- b) Small and Medium Enterprise Sites or
- c) Areas of Containment or
- d) Open Storage sites identified in the approved Local Plans ~~Open Storage Policy provided that such sites/areas would not be harmful in terms of environment, health and safety. Consultation with the competent authorities is therefore necessary, or~~

e) other areas designated for development in the local plan, excluding Residential Areas and Residential Priority Areas, and Urban Conservation Areas, ~~and where CPD, REWS and TM deem it safe, or~~

f) ~~any site located ODZ covered by a valid development permission or a site located ODZ committed by development carried out before 1967 (which is visible on the 1967 aerial photographs or Ordinance Survey Sheets and verified by the Planning Authority's Mapping Unit), provided that the development is not related to agriculture and/or animal husbandry, and where the establishment of a Fuel Station will result in a wider environmental benefit.~~

~~g) other permitted/legally established site ODZ not related to agriculture and/or animal husbandry, and which results in a wider environmental benefit and is compatible with the context of the area. And were the total footprint shall not exceed the legally committed footprint and in any case not exceed 1000m².~~

2.3 In addition, fuel stations on the appropriate locations listed in paragraph 2.2 must also satisfy the following general provisions:

(a) the new fuel station shall not have an unacceptable adverse impact on the environment and the infrastructure, is neighbour and context compatible, and is fully compliant with operational, health and safety standards;

(b) the new fuel station shall not negatively impinge on areas protected for their scenic value or buildings or structures which, in the opinion of the Planning Authority constitute 'landmark buildings' and whose context deserves protection from visual intrusion

Inappropriate locations for new fuel stations

~~3.~~ 2.4. The proposed fuel station should not be located on:

- (a) agricultural land as defined by the Agriculture Advisory Committee or
- (b) areas of high landscape value (AHLV) as indicated in the subsidiary plans, or
- (c) sites, areas designated for nature and landscape conservation under the Environment Protection Act, including but not limited to Special Areas of Conservation/ Special Protection Areas, Tree Protection Areas, or
- (d) scheduled sites or a site within 100m from a scheduled site. In cases where a scheduled buffer zone is included, the distance shall be measured from the edge of the buffer zone and shall be reduced to 50m, or
- (e) on or adjacent to woodland, garigue or maquis, or
- (f) watercourses and valley systems, or
- (g) a designated area prone to flooding, as confirmed by the CPD, or
- (h) a site whose perimeter lies within the distance stipulated by law from a fireworks factory complex, or
- (i) a site lying on an escarpment, ridge edge or a comparatively steep slope, or

- ~~(i)~~ areas of ecological importance and sites of scientific importance, or
- ~~(j)(k)~~ sites located within 15m from the shoreline inwards of the rural coast as designated by the SPED, or
- ~~(l)~~ rural/natural areas and protected by any law or policy.
- ~~(m)~~ within 150m from the perimeter of any public institution or public place or places for vulnerable members of the public, including but not limited to schools, hospitals, institutions, playgrounds, recreational areas, churches, etc.
- ~~(n)~~ within 300m from a ground water source that is used by the Water Services Corporation for the abstraction of groundwater intended for human consumption, such as boreholes, underground galleries of pumping stations and spring water systems.

~~Moreover, the proposal should not negatively impinge on areas protected for their scenic value or buildings or structures which, in the opinion of the PA constitute 'landmark buildings' and whose context deserves protection from visual intrusion~~

~~4. — Any station shall be located at a minimum distance of 150m from the perimeter of any public institution or public place or places for vulnerable members of the public, including but not limited to schools, hospitals, institutions, playgrounds, recreational areas, churches, etc.~~

~~It shall also not be located within 300m from a ground water source that is used by the Water Services Corporation for the abstraction of groundwater intended for human consumption, such as boreholes, underground galleries of pumping stations and spring water systems.~~

~~5. — A relocated fuel station shall have a footprint not exceeding 1000sq.m unless it lies within 2 a, b, c, d and e.~~

~~If a fuel station lies in an area within 2 a, b, c, d, and e, there is no limit to the fuel station footprint with additional facilities.~~

~~6. — Innovative designs will be considered favorably on a case by case basis. The canopy of the fuel station shall, in appropriate locations, include photovoltaic installations and other green initiatives.~~

~~Any new photovoltaic installations on existing or approved petrol stations require clearance from the competent authorities.~~

Scale and Design Criteria

2.5 The footprint of a fuel station relocated to an appropriate location ODZ indicated in paragraph 2.2f above, shall not exceed the footprint of the committed area, as defined in paragraph 2.2f, or 1,000m² of land, whichever is the smaller. The applicant shall be obliged to rehabilitate the excess area over 1,000m². The footprint of a fuel station located in the other appropriate locations identified by paragraph 2.2 shall be of a scale to properly accommodate the proposed fuel station, any ancillary facilities and landscaping while seeking to make efficient use of land.

~~7.~~ 2.6 Unless already directed by existing planning policy, the height of the resulting structure above the surrounding terrain would be determined on a case by case basis but special attention should be given to sites which are distant from the designated development zones so that the resulting buildings and structures do not contrast with or dominate the surrounding rural landscape, however the height of the fuel station shall not exceed 7m, and in no case exceed an overall height of 7m. - Innovative designs will be considered favourably on a case by case basis. The canopy of the fuel station shall, in appropriate locations, include photovoltaic installations and other green initiatives.

~~8.~~ 2.7 There will be no constraint on the overall number of nozzles for the relocated fuel station provided that this does not run counter to other relevant planning, environmental, transportation, civil protection, amenity or resource protection constraints. Fuel storage tanks and services (including services to the site) shall be located underground unless safe construction and operation considerations ~~are deemed to~~ dictate otherwise. Any autogas storage tanks may be located above ground subject to conformity with the applicable legislation and industry standards.

~~9.~~ 2.8 Fast charging stations and the sale of alternative fuels shall have an appropriate service area, in such a way that the parked electric cars being charged, do not interfere with the movement of other vehicles requiring other forms of fuel.

~~10.~~ 2.9 The design of the site layout shall ensure appropriate vehicular access, appropriate manoeuvrability of the vehicles in the service area and suitability of the site with regards to traffic management. shall be subject to the clearance from the TM. In all cases the new station shall be located on roads pertaining to the Ten-T core and comprehensive network and arterial and distributor road network."

2.10 The use of groundwater for ancillary facilities within the fuel service station shall be prohibited. Waste water from the washing of vehicles etc and sewage disposal shall be to the satisfaction of the WSC and shall not discharge into the natural environment.

2.11 Any lighting and signage, including the display for pricing, logos etc shall be included in the planning application and shall be located to create the least possible visual intrusion and light pollution.

Clearance from other agencies

~~11.~~ 2.12 The Environment and Resources Authority ~~must in all cases be consulted on any development application pertaining to fuel stations and the same Authority shall~~ decide on the applicability or otherwise of the provisions of the Environmental Impact Assessment Regulations, S.L. 549.46

~~12.~~ 2.13 Stations shall be subject to the clearance from the ERA, TM, EWA, CPD, REWS and OHSA. ~~Waste water from the washing of vehicles etc and sewage disposal shall be to the satisfaction of the WSC and shall not discharge into the natural environment.~~

~~The use of groundwater for ancillary facilities within the fuel service station shall be prohibited.~~

~~————~~ Conditions in development permissions

2.14 The development permission for a fuel station shall in all cases include the following conditions requiring:

- (a) a planning obligation in the form of a legal agreement to the decommissioning of the existing fuel station and related infrastructure (including any underground tanks, dispensers and canopies) to the satisfaction of the competent authorities.
- (b) That a compliance certificate shall not be issued, and the new fuel station cannot start operating unless the existing fuel station is decommissioned, subject to a bank guarantee.
- (c) Any fuel station permitted by this policy document, in an appropriate location ODZ indicated in paragraph 2.2 f above and which is not used for a period of three consecutive years within thirty years from the date of the issue of the permit, and/or is not used for its permitted purpose shall be demolished at the expense of the owner, and the site has to be converted to agricultural state. The development permission for the fuel station cannot be construed as a commitment and a new application for any development is to be submitted.

~~13. Any signage, including the display for pricing, logos etc shall be included in the planning application and shall be located in such a way as to create the least possible visual intrusion. Clearance from TM is required.~~

~~14. The planning permit for a relocated existing station will condition the developer to a planning obligation in the form of a legal agreement to the decommissioning of the existing fuel station. A bank guarantee shall stipulate that the new fuel station cannot start operating unless the existing fuel station is first closed. The related infrastructure (including any underground tanks, dispensers and canopies) tied to the permit are to be decommissioned to the satisfaction of the competent authorities. A compliance certificate for the new fuel station shall not be issued until the development permission for the decommissioning of the existing fuel station has been granted. The permit for the closure of an existing fuel station is to indicate how the decommissioning of the station will occur and will also indicate the further intended use of the site. Decommissioning may also include the requirement for decontamination of any contaminated substrate including the management of any waste arising from such decontamination.~~

~~15. Any fuel station permitted by this policy document which is not used for a period of three consecutive years within thirty years from the date of the issue of the permit, and/or is not used for its permitted purpose shall be demolished at the expense of the owner, and the site has to return to agricultural state. The development permission for the fuel station cannot be construed as a commitment and a new application for any development is to be submitted.~~

Policy Guidance

For

Fuel Stations

Revised Draft following Public Consultation

19th September 2019

GLOSSARY

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- (a) electricity,
- (b) hydrogen,
- (c) liquid or gaseous biofuels derived from biomass,
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WSC – the Water Services Corporation as established by means of the Act of Parliament No. XXIII of 1991.

1.0 SCOPE

This document is repealing the existing Fuel Service Stations Policy April 2015.

The Planning Authority shall apply the provisions of this policy to any development application for a fuel station, including those applications which were submitted prior to the coming into force of this policy and have not been determined yet. This policy document does not apply to the construction and operation of commercial petroleum filling stations.

1.1 The policy objectives of this document are as follows:

- To highlight past, current and future trends in the development of fuel stations,
- To review the current situation in terms of the type (kerbside or non-kerbside, ancillary facilities), scale (footprint in square meters) and location (within the Development Zone or ODZ) of existing fuel stations,
- To review pending outline applications, full development applications and new submissions for fuel stations,
- To consult all related authorities,
- To prepare a revised policy framework which takes into account the recommendations by ERA, determine the type and scale of ancillary facilities, the distance between fuel stations which shall reflect current and future needs.

1.2 The thrust of this policy is to present a policy framework within which the sustainable relocation of existing fuel stations which are currently having an adverse impact on urban areas can take place. Historically a good proportion of existing fuel stations have been located within residential areas. As a result of development that has occurred nearby since, changes in operations and increased traffic, some of the stations are creating operational challenges.

1.3 In the case of existing fuel stations operating from certain areas within the Development Zone, there are issues of amenity, and/or safety and/or transport which justify their relocation to more appropriate areas. These include: a) Incompatibility with the surrounding urban context, especially Urban Conservation Areas; b) Possible access and parking restrictions and issues as confirmed by Transport Malta (TM) generally associated with certain urban areas; c) Safety issues as confirmed by

the Regulator for Energy and Water Services (REWS) especially in instances of nearby ground fireworks being let off in the vicinity or other similar hazards; d) Severe limitations to upgrading the existing fuel stations to the requirements of National and International Standards for Petroleum Dispensing Stations as determined by REWS.

1.4 Existing fuel stations which, following consultations with TM and REWS, are not deemed by the Planning Authority to create issues of amenity, safety or transport shall not be eligible for relocation. Existing fuel stations located partially or fully in ODZ shall also not be eligible for relocation. Furthermore, redevelopment and change of use of existing fuel stations located partially or fully in ODZ shall not be considered.

2.0 POLICIES

Eligibility Criterion

2.1 A new fuel station shall be the relocation of an existing fuel station only. No new fuel stations will be permitted unless they will result in the relocation of an existing fuel station, which is deemed to create issues of amenity, and/or safety and/or transport, in line with paragraph 1.3 above, from the development zone.

Appropriate locations for new fuel stations

2.2 For those fuel stations which satisfy the overarching eligibility criterion only and provided that the site shall be located on roads forming part of the Ten-T core and comprehensive network and arterial and distributor road network, as confirmed by Transport Malta and can accommodate a safe access onto these roads, the fuel station shall be located in either of the following designated sites;

- a) Designated Industrial Areas or
- b) Small and Medium Enterprise Sites or
- c) Areas of Containment or
- d) Open Storage sites identified in the approved Local Plans or
- e) other areas designated for development in the local plan, excluding Residential Areas and Residential Priority Areas, and Urban Conservation Areas, , or
- f) any site located ODZ covered by a valid development permission or a site located ODZ committed by development carried out before 1967 (which is visible on the 1967 aerial photographs or Ordinance Survey Sheets and verified by the Planning Authority's Mapping Unit), provided that the development is not related to agriculture and/or animal husbandry, and where the establishment of a Fuel Station will result in a wider environmental benefit.

2.3 In addition, fuel stations on the appropriate locations listed in paragraph 2.2 must also satisfy the following general provisions:

(a) the new fuel station shall not have an unacceptable adverse impact on the environment and the infrastructure, is neighbour and context compatible, and is fully compliant with operational, health and safety standards;

(b) the new fuel station shall not negatively impinge on areas protected for their scenic value or buildings or structures which, in the opinion of the Planning Authority constitute 'landmark buildings' and whose context deserves protection from visual intrusion

Inappropriate locations for new fuel stations

2.4. The proposed fuel station should not be located on:

- (a) agricultural land as defined by the Agriculture Advisory Committee or
- (b) areas of high landscape value (AHLV) as indicated in the subsidiary plans, or
- (c) sites, areas designated for nature and landscape conservation under the Environment Protection Act, including but not limited to Special Areas of Conservation/ Special Protection Areas, Tree Protection Areas, or
- (d) scheduled sites or a site within 100m from a scheduled site. In cases where a scheduled buffer zone is included, the distance shall be measured from the edge of the buffer zone and shall be reduced to 50m, or
- (e) on or adjacent to woodland, garigue or maquis, or
- (f) watercourses and valley systems, or
- (g) a designated area prone to flooding, as confirmed by the CPD, or
- (h) a site whose perimeter lies within the distance stipulated by law from a fireworks factory complex, or
- (i) a site lying on an escarpment, ridge edge or a comparatively steep slope, or
- (j) areas of ecological importance and sites of scientific importance, or
- (k) sites located within 15m from the shoreline inwards of the rural coast as designated by the SPED, or
- (l) rural/natural areas and protected by any law or policy.
- (m) within 150m from the perimeter of any public institution or public place or places for vulnerable members of the public, including but not limited to schools, hospitals, institutions, playgrounds, recreational areas, churches, etc.
- (n) within 300m from a ground water source that is used by the Water Services Corporation for the abstraction of groundwater intended for human consumption, such as boreholes, underground galleries of pumping stations and spring water systems.

Scale and Design Criteria

2.5 The footprint of a fuel station relocated to an appropriate location ODZ indicated in paragraph 2.2f above, shall not exceed the footprint of the committed area, as defined in paragraph 2.2f, or 1,000m² of land, whichever is the smaller. The applicant shall be obliged to rehabilitate the excess area over 1,000m². The footprint of a fuel station located in the other appropriate locations identified by paragraph 2.2 shall be of a scale to properly accommodate the proposed fuel station, any ancillary facilities and landscaping while seeking to make efficient use of land.

2.6 Unless already directed by existing planning policy, the height of the resulting structure above the surrounding terrain would be determined on a case by case basis but special attention should be given to sites which are distant from the designated development zones so that the buildings and structures do not contrast with or dominate the surrounding rural landscape, and in no case exceed an overall height of 7m. Innovative designs will be considered favourably on a case by case basis. The canopy of the fuel station shall, in appropriate locations, include photovoltaic installations and other green initiatives.

2.7 There will be no constraint on the overall number of nozzles for the relocated fuel station provided that this does not run counter to other relevant planning, environmental, transportation, civil protection, amenity or resource protection constraints. Fuel storage tanks and services (including services to the site) shall be located underground unless safe construction and operation considerations dictate otherwise. Any autogas storage tanks may be located above ground subject to conformity with the applicable legislation and industry standards.

2.8 Fast charging stations and the sale of alternative fuels shall have an appropriate service area, in such a way that the parked electric cars being charged, do not interfere with the movement of other vehicles requiring other forms of fuel.

2.9 The design of the site layout shall ensure appropriate vehicular access, appropriate manoeuvrability of the vehicles in the service area and suitability of the site with regards to traffic management.

2.10 The use of groundwater for ancillary facilities within the fuel service station shall be prohibited. Waste water from the washing of vehicles etc and sewage disposal shall be to the satisfaction of the WSC and shall not discharge into the natural environment.

2.11 Any lighting and signage, including the display for pricing, logos etc shall be included in the planning application and shall be located to create the least possible visual intrusion and light pollution.

Clearance from other agencies

2.12 The Environment and Resources Authority shall decide on the applicability or otherwise of the provisions of the Environmental Impact Assessment Regulations, S.L. 549.46

2.13 Stations shall be subject to the clearance from the ERA, TM, EWA, CPD, REWS and OHSA.

Conditions in development permissions

2.14 The development permission for a fuel station shall in all cases include the following conditions requiring:

(a) a planning obligation in the form of a legal agreement to the decommissioning of the existing fuel station and related infrastructure (including any underground tanks, dispensers and canopies) to the satisfaction of the competent authorities.

(b) That a compliance certificate shall not be issued, and the new fuel station cannot start operating unless the existing fuel station is decommissioned, subject to a bank guarantee.

(c) Any fuel station permitted by this policy document, in an appropriate location ODZ indicated in paragraph 2.2 f above and which is not used for a period of three consecutive years within thirty years from the date of the issue of the permit, and/or is not used for its permitted purpose shall be demolished at the expense of the owner, and the site has to be converted to agricultural state. The development permission for the fuel station cannot be construed as a commitment and a new application for any development is to be submitted.

**Policy Guidance
For
Fuel Stations 2019**

Public Submissions on Objectives – Phase 1

Comments received	Summary Content of Comment	PA Response to the Comments
Friends of the Earth Malta	<ul style="list-style-type: none"> • Policy is to focus on alternative fuels • There needs to be a cap of number of fuel stations • Fuel Stations not to be developed ODZ • Expansion of Fuel Stations ODZ should not be permissible • Maximum capping on the size of relocated fuel stations • Photovoltaics to be made mandatory on canopies and roofs 	<ul style="list-style-type: none"> • Policy encourages the use of alternative fuels • Only relocated fuel stations will be allowed and therefore no new ones • Policy restricts further the relocation to ODZ • ODZ fuel stations will be restricted by size • Policy envisages 1,000m² maximum footprint ODZ • Policy encourages the use of photovoltaic installations
Mr. Emanuel George Cefai	<ul style="list-style-type: none"> • All to be given the opportunity to apply for Fuel Station and maximum number of applications to increase employment, competition and efficiency. • Size to be reduced to 300m² 	<ul style="list-style-type: none"> • The number of stations in being capped as the number of stations is already too high per capita • ODZ capping at 1,000m² more realistic in view of circulation, landscaping and facilities
Ramblers' Association of Malta	<ul style="list-style-type: none"> • No new Fuel Stations to be allowed ODZ • Distinction between new and relocated to be further qualified • No further ancillaries apart from fuel provision in ODZ • 1.5km distance should be left between stations • Maximum footprint to be restricted to 2,000m² and height limitation to 7m 	<ul style="list-style-type: none"> • Only relocated fuel stations will be allowed, whether ODZ or within scheme • Only relocated will be allowed • Policy restricts size to 1,000m² which will not allow much room for ancillary facilities • Distances will be set automatically due to other restrictions in the policy • Policy restricts size to 1,000m² in ODZ but not within scheme. Height of 7m included in policy
Dr. Claire Bonello o.b.o Flimkien Ghal Ambjent Ahjar	<ul style="list-style-type: none"> • No fuel stations in ODZ • If allowed in ODZ, size to be reduced to 200m² • No further ancillaries apart from fuel provision in ODZ • 3km distance should be left between stations • Agricultural land cannot accommodate fuel stations • ERA's prior consent is required 	<ul style="list-style-type: none"> • Policy restricts size to 1,000m² in ODZ • ODZ capping at 1,000m² more realistic in view of circulation, landscaping and facilities • Size restriction will not allow much room for ancillary facilities • Distances will be set automatically due to other restrictions in the policy • Policy excludes any fuel station on agricultural land • Permits will be subject to the clearance from ERA, amongst others

<p>GRTU – Malta Chamber of SME's</p>	<ul style="list-style-type: none"> • Pending applications to be determined by new policy • Relocation to be in the same district unless in growing locality without fuel station • No permits on arterial roads which are already congested with Fuel Stations. No permits for new stations • Permit should only allow for the same activity present in relocated station • Licensed fuel stations which have been abandoned should not be relocated 	<ul style="list-style-type: none"> • Policy envisages that all pending applications will be determined by new policy • Policy cannot restrict distance from relocation, but other restrictions will be in place • Safe distances from one station to another will be determined by TM. Only relocation of stations will be allowed. • Policy needs to encourage relocation of kerbside pumps but by limiting size to 1,000m², there will be little room for ancillary facilities. • Policy allows only relocation of stations which were active in January 2014
<p>Moviment Graffiti</p>	<ul style="list-style-type: none"> • No fuel stations in ODZ • Size to be reduced to 250m² 	<ul style="list-style-type: none"> • Policy restricts size to 1,000m² in ODZ • ODZ capping at 1,000m² more realistic in view of safe circulation, landscaping and facilities
<p>Mr. Rio Sammut</p>	<ul style="list-style-type: none"> • ODZ means no development at all in these zones 	<ul style="list-style-type: none"> • Policy is further restricting the possibility of relocation of fuel stations in ODZ

Policy Guidance

For

Fuel Stations 2019

Public Submissions on Draft Policy

September 2019

Comments received	Summary Content of Comment	PA Response to the Comments
Light Pollution Awareness Group	<ul style="list-style-type: none"> Comment on illuminance levels, any fixtures to be on the underside of canopy, a light fittings' CCT shall not exceed 3000k. 	<ul style="list-style-type: none"> These are details which should be considered in each planning application for the fuel station.
Ms Nadine Vassallo	<ul style="list-style-type: none"> The total number of fuel stations should not increase, no permits to be given on ODZ land and that 1000sq.m. is too big. 	<ul style="list-style-type: none"> The proposed stations shall be only the relocation of existing stations, and the existing station shall be decommissioned. ODZ capping at 1,000m² is realistic in view of safe entry and exit ramps, safe circulation, landscaping and facilities
Mr Carl Zammit La Rosa	<ul style="list-style-type: none"> New fuel stations should include electro-mobility and alternative fuels. 	<ul style="list-style-type: none"> Alternative fuels are encouraged in the revised policy, and they are to be included on a case by case basis.
Mr Stanley M Debono	<ul style="list-style-type: none"> Any ODZ area taken up for any purpose to be matched with 4 times the amount of free and unrestricted land area, even within the built up areas. 1000sq.m is too big for a petrol station. Facades of buildings should have Maltese architecture. Higher buildings reduce the light since roads were previously surrounded by 2 storey buildings. 	<ul style="list-style-type: none"> Any ODZ land taken for the relocation of a fuel station would already be committed for by development and is being restricted in size. 1,000m² footprint is considered to be realistic in view of safe entry and exit ramps, safe circulation, landscaping and facilities. Façade design will be considered on a case by case basis in development application. Maximum height for fuel station is being restricted to 7m.
Mr Jon Camilleri	<ul style="list-style-type: none"> Many fuel stations in Malta, if necessary, at all. 	<ul style="list-style-type: none"> Policy deals with the relocation of existing stations and not new ones.
Nature Trust Malta	<ul style="list-style-type: none"> Only existing fuel stations which serve petrol and diesel should be allowed to relocate. The proposed fuel station should not be located on "even inactive" agricultural land. Limit the footprint also in 2 a, b, c, d and e, since this could impinge future developments. 	<ul style="list-style-type: none"> Existing fuel station is defined in the glossary. The policy does not allow relocation of fuel stations on agricultural land as defined by the Agriculture Advisory Committee. The policy recommends that the footprint of fuel stations within the scheme are to be of a scale to properly accommodate the proposed fuel station, any ancillary facilities and landscaping while seeking to make efficient use of land.

	<ul style="list-style-type: none"> • The number of nozzles should be capped according to the type of fuel. • Any signage must be low emission energy / pointing down. • The condition of the 3 years within the 30 year period should be reduced to a 15 year period. 	<ul style="list-style-type: none"> • Consultation will be carried out on a case by case basis with REWS. • The details shall be considered on a case by case basis. • This condition is compliant with the standard condition regulating the ODZ applications.
Kunsill tal-Malti	<ul style="list-style-type: none"> • Any signage in the fuel station to be bilingual, ie Maltese and English 	<ul style="list-style-type: none"> • The writing on the signage is not part of the planning process.
Energy and Water Agency	<ul style="list-style-type: none"> • The Agency is willing and required to participate in the formulation of such policy. It is not within the Agency's legal brief to oversee its implementation on a case by case basis. 	<ul style="list-style-type: none"> • This is the reason why the 6 week public consultation has been extended so that stake holders are given time to comment on the proposed policy. With regards to individual planning applications consultation will be carried out in each case.
Birdlife Malta	<ul style="list-style-type: none"> • 400m buffer zone to Natura 2000 sites. • Distance between the stations to be identified. A certain number of stations to be operative at any one time. • The lighting design should guarantee no light spillage. It should not be used to attract attention to the fuel station but rather limited to safety and security of the station. • Mitigation with regards to noise especially during the night. 	<ul style="list-style-type: none"> • Consultation with ERA will be carried out on a case by case basis. • Distances will be set automatically due to other restrictions in the policy • Lighting of the fuel station is considered on a case by case basis, due to its location. • The policy document deals with the relocation of existing stations which are a nuisance in residential areas.
Ms Maria Charmaine Vella	<ul style="list-style-type: none"> • No more petrol stations are required, but an increase in charging points. • Marsascala needs a fuel station near Inspire / Wasteserve. 	<ul style="list-style-type: none"> • Policy deals with relocation of existing stations only. Charging points are to be located within its footprint. • The site of proposed stations is considered on a case by case basis.
GRTU	<ul style="list-style-type: none"> • Relocation of stations and not new ones. • Current applications should be suspended until the policy is amended. • A distance of 1.5km radius between the proposed station and an existing one. 	<ul style="list-style-type: none"> • Policy deals with relocations only. • The provisions of the new policy will apply to all pending applications. • Distances will be set automatically due to other restrictions in the policy

	<ul style="list-style-type: none"> • Garages which store fuel should have necessary permits from ERA, PA and REWS. • No permit for the storing of fuel should be given, especially in the vicinity of houses, buildings. • Do not use ODZ. • A limit of 1000sq.m to be extended also in the Areas of Containment. • Current commercial permits within the ODZ should not be available for change of use to fuel stations. 	<ul style="list-style-type: none"> • Consultation on a case by case basis will be carried out with the consultees. • Consultation on a case by case basis will be carried out with the consultees. • Any ODZ land taken for the relocation of a fuel station would already be committed for by development and is being restricted in size. • AOC's are zoned for development and therefore the limit of 1,000m² footprint does not apply. • Relocated fuel stations on ODZ will only be allowed in committed areas, where the establishment of a Fuel Station will result in a wider environmental benefit.
<p>Regulator For Energy and Water Services - REWS</p>	<ul style="list-style-type: none"> • Point C in the scope section to be removed. • MRA to be replaced by REWS. • Policy 8 the first sentence to include the words "health and safety" constraints. 	<ul style="list-style-type: none"> • Consultations with various regulators will be carried out on a case by case basis. • This is noted. • This is noted.
<p>Moviment Graffiti and Ms Graziella Bertone</p>	<ul style="list-style-type: none"> • All applications to be suspended pending the implementation new policy. • The text of the policy refers to new fuel stations while it is the relocation of existing fuel stations. This ambiguity is to be removed. • No fuel stations should be allowed on permitted/legally established site ODZ. • Policy 2f is a loophole for the increase of the footprint. No further take-up of ODZ land should be allowed. 	<ul style="list-style-type: none"> • The provisions of the new policy will apply to all pending applications. • Policy has been reworded to remove ambiguity • Relocated fuel stations on ODZ will only be allowed in committed areas, where the establishment of a Fuel Station will result in a wider environmental benefit. • Paragraph 2.2f has been reworded to restrict only to committed land, whereas paragraph 2.5 restricts the footprint to 1,000m², or the size of committed area, whichever is the smaller. If committed area is larger than 1,000m², applicant will be obliged to rehabilitate excess area.

	<ul style="list-style-type: none"> • Policy 5 should limit the size even in AOC's etc otherwise massive complexes of commercial service for cars will be allowed. • A minimum distance between fuel stations should be set. 	<ul style="list-style-type: none"> • AOC's are zoned for development and therefore the limit of 1,000m² footprint does not apply. • Distances will be set automatically due to other restrictions in the policy
Futur Ambjent Wiehed	<ul style="list-style-type: none"> • Re any pending development applications, a clarification is required as to the word "pending". Does this mean applications received or validated? • What about the applications which have been approved by the Board, appealed from and resent to the Tribunal or Board? • 4th objective to read all relevant (not related) authorities. • 1000sq.m. is a massive site and should be reduced. • Any "other permitted / legally established site ODZ " may be eligible to become a fuel station. Therefore a small rural store or recreational room may be allowed 1000sq.m. fuel station? • The 300m distance from the ground water source should include boreholes. • There should be a size limit to the fuel stations allowable within AOC's etc. • The minimum distance between fuel stations to be included. • More ecologically-minded regulators to be consulted. 	<ul style="list-style-type: none"> • The provisions of this policy shall apply to any application for a fuel station, including those applications which were submitted prior to the coming into force of this policy and have not been determined yet. • This will depend on the reasons provided for referral back. • Noted • 1,000m² footprint is considered to be realistic in view of safe entry and exit ramps, safe circulation, landscaping and facilities. • Paragraph 2.2F will ensure that only sites committed for non-agricultural/animal husbandry use will be eligible. Paragraph 2.5 will ensure that footprint of relocated station will not be larger than committed land or 1,000m², whichever is the smaller • Boreholes are included in policy 4. • AOC's are zoned for development and therefore the limit of 1,000m² footprint does not apply. • Distances between fuel stations will be set automatically due to other restrictions in the policy • Consultations on all development applications will be carried out with ERA. As per paragraph 2.13, stations shall be subject to the clearance from ERA, amongst other agencies.

	<ul style="list-style-type: none"> • A planning gain of 25 Euro per metre for the whole site should be considered. 	<ul style="list-style-type: none"> • The planning gain would be the decommissioning of the existing fuel station, which in their nature would need to be creating a problem. Furthermore, the relocation to ODZ is subject to paragraph 2.2F, which only considers the site as suitable, if the establishment of a Fuel Station will result in a wider environmental benefit.
Mr Daniel Cauchi	<ul style="list-style-type: none"> • The policy is not clear that no new stations shall be allowed. This should be clearer. • Fuel stations shall not be allowed on land which is already committed ODZ. • A limit to the size of fuel stations should be made even in AOC's. • There is no minimum distance between fuel stations. 	<ul style="list-style-type: none"> • Paragraph 2.1 has been reworded to clarify this point. • The relocation to ODZ is subject to paragraph 2.2F, which only considers the site as suitable, if the establishment of a Fuel Station will result in a wider environmental benefit. • AOC's are zoned for development and therefore the limit of 1,000m² footprint does not apply. • Distances between fuel stations will be set automatically due to other restrictions in the policy
Kummissjoni Interdjocesana Ambjent	<ul style="list-style-type: none"> • Pending application cannot be determined under this policy unless this is first approved by the Minister. • ERA should have contributed to the policy change as part of the process. • A definition of relocation is required so that the proposed station provides a service. • More information was expected in the proposed policy. • Stations should be only relocated if there are safety concerns, and if they need to upgrade. • No firm commitment to safeguard ODZ from fuel stations. 	<ul style="list-style-type: none"> • Agreed and this is the reason why there was a public consultation process for this policy. • ERA is represented on the Planning Authority's Executive Council which formulated the policy. • Paragraph 2.1 clarifies what relocations means. • The policy document is brief and to the point and has left no space for loop holes. • Agreed. Paragraphs 1.3 and 2.1 reflect this. • The relocation to ODZ is subject to paragraph 2.2F, which only considers the site as suitable, if the establishment of a Fuel Station will

	<ul style="list-style-type: none"> • How can the land be returned to agricultural state if the fuel station is not used for 3 years, especially when this was not sited initially on agricultural land? • What is meant by ancillary facilities? • There is no limit on the number of vending machines. 	<p>result in a wider environmental benefit.</p> <ul style="list-style-type: none"> • Condition 2.14(c) has been reworded to address this issue. • Ancillary facilities are defined in the glossary. • The policy limits the footprint of the fuel station.
Mr Emmanuel George Cefai	<ul style="list-style-type: none"> • No numerous clauses and/or limit to the number of fuel stations at any time. New fuel stations should be permitted. 	<ul style="list-style-type: none"> • Policy specifically excludes the permission of new fuel stations

