

12 ta' Marzu 2024

Mr. Speaker,

Nirringrazzjak għall-ittra elettronika mibgħuta lili fis-6 ta' Frar 2024 mill-Clerk of the House fejn fiha ġejt mitlub nibgħat is-sottomissjonijiet tiegħi dwar ir-rapport tal-Kummissarju għall-Istandards fil-Ħajja Pubblika dwar il-każ K/027 wara li diġa ttiehed vot dwaru fil-Kumitat dwar l-Istandards fil-Ħajja Pubblika.

Hawn taħt issib is-sottomissjoni tiegħi:

Ninnota r-rapport dwar investigazzjonni K/027 mill-Kummissarju għall-Istandards fil-Ħajja Pubblika maħruġ fil-31 ta' Lulju 2023;

Ninnota illi tlett dokumenti ma ġewx infilzati mar-rapport finali u li huma ta' importanza biex wiehed jista jagħmel cross reference;

Ninnota wkoll il-laqgħat li saru fil-Kumitat Parlamentari u l-vot li ttiehed;

Ninnota paġna 18 tat-traskrizzjoni mhux editjata tal-Laqqgħa Nru 6 (3.8.2023) tal-Kumitat dwar l-Istandards fil-Ħajja Pubblika fejn, skont ma fhimt, kien deċiż li l-Kummissarju kellu jissejjaħ l-ewwel u wara nissejjaħ jien qabel ma r-rapport ikun approvat jew le;

Ninnota li filwaqt li l-Kummissarju deher quddiem il-kumitat fis-7 ta' Settembru 2023, jien ma ġejtx imsejjaħ qabel il-vot biex nikkjarifika għaliex fil-punt Ċ ma naqbilx mal-konklużjoni;

Ninnota li l-membri tal-Gvern astjenew waqt il-vot għax ovvjament ma semgħux il-verzjoni tiegħi b'mod speċjali dwar punt Ċ;

Ninnota li bil-vot taż-żewġ Membri Parlamentari tal-Oppożizzjoni favur ir-rapport ikkonfermaw li jien ma gdibtx lill-gurnalist tas-Sunday Times of Malta, anzi, li jien kont vittma ta' rapport fabbrikat, ingust u mhux veritier versu tiegħi;

Ninnota li waqt il-laqqgħa Nru 7 (7.9.2023) tal-Kumitat dwar l-Istandards fil-Ħajja Pubblika, paġna 8 tqajjem il-punt għax ma ntalbitx ix-xhieda tas-Sur Y Fenech. Is-Sur Fenech ta x-xhieda tiegħu quddiem il-Permanent Commission Against Corruption kif jidher minn dokument imqiegħed fuq il-mejda tal-Kamra tad-Deputati fejn hemm dokumentat 'Qal ukoll li hu qatt ma ddiskuta l-Highrise ma' Dr Michael Farrugia.'

Ninnota li l-unika parti fejn hemm divergenza jirrigwarda punt 25 tar-rapport b'mod speċjali “...a committee evaluating policies after public consultation.”

Ninnota li l-konkluzjoni tal-Kummissarju dwar punt Ċ hi bbażata fuq opinjoni u mhux fuq fatt (paġna 9 tal-laqgħa Nru 7 tal-KSHP).

Ninnota li l-Kummissarju injora għal kollox punti mressqa minni li diskussjonijiet saru fi strutturi Governattivi li evalwaw l-policy u saru rakommandazzjonijiet li l-Imrieħel jibqa bħala zona li fiha jista jibqa jsir bini FAR, u li dawn saru jiem qabel intbagħtet l-ittra minni, skont il-liġi, lis-CEO tal-MEPA;

Ninnota li fir-Rapport tal-Permanent Commission for Corruption imqiegħed fuq il-mejda tal-Kamra tad-Deputati (paġna 4) hemm irrapurtat li l-ex Prim Ministru Joseph Muscat sostna li ‘...jsibha diffiċli ħafna li minn sistema governattiva toħroġ ittra jew direzzjoni ministerjali on the day fuq xi haġa on the day. Ikun proċess ta’ ġimghat, best case scenario jieħu jiem.’

Ninnota l-konkluzjoni tar-Rapport tal-Permanent Commission for Corruption tat-13 ta’ Jannar 2023 “Il-Kummissjoni hija wkoll sodisfatta bl-ispjegazzjoni dettaljata li ta l-Onorevoli Dr Michael Farrugia dwar il-proġett tat-towers tal-Imrieħel kif ukoll li l-laqgħa li kellu ma’ Yorgen Fenech ma kienitx dwar l-Imrieħel imma dwar Portomaso.”

Għalkemm diversi punti ma jaqawx taħt ir-responsabbiltà tal-Kummissarju għall-Istandards fil-Hajja Pubblika nemmen li huwa importanti li nispjega l-proċess ta’ kif kienet issir policy tad-Divizjoni tal-Ippjanar fi ħdan il-MEPA fil-perjodu li jiena kont responsabbli politika mill-Ippjanar:

1. Il-MEPA kienet tagħmel draft policy jew tintalab mill-Gvern biex tagħmel policy;
2. Meta l-MEPA kienet tintalab mill-Gvern biex tagħmel policy għali kkontsultat miegħi qabel tiġi ppublikata għall-konsultazzjoni pubblika;
3. Policy tinħareġ għall-konsultazzjoni pubblika;
4. Wara l-konsultazzjoni pubblika l-policy titressaq quddiem il-kabinet, jew kumitat *ad hoc* jew quddiem kumitat interministerjali li fost ir-responsabbiltajiet tiegħu kienet l-evalwazzjoni tal-policies tal-ippjanar wara li jingħata brief tal-policy. Kont niffirma parti minn dan il-kumitat fir-responsabbiltà tiegħi politika dwar l-Ippjanar. Minn estratt tax-xhieda tas-Sur Johann Buttigieg mal-Kummissarju għall-Istandards fil-Hajja Pubblika hu stqarr “Membri kienu jinbidlu skont il-policy diskussa u l-kumitat

interministerjali kien jikkonsisti minn numru ta' CEOs u numru ta' ministri biex kemm jista jkun, meta nkunu qeghdin nagħmlu policy, jew nippreparaw policy jew idea, tiġi diskussa hemmhekk biex, ovvjament, ikun hemm coordinated approach bejn l-entitajiet kollha.”

5. Jekk il-kabinett jew il-kumitat interministerjali jew fora governattivi oħra jara l-bżonn li jressaq proposti jew strategic position tal-Gvern biex tiġi evalwata mill-bord tal-MEPA, jobbliha lili fil-kapaċita' ta' responsabbilta' politika għall-ippjanar, biex skont il-liġi, inressaqhom lill-MEPA;
6. Fil-kapaċita' tiegħi ta' Membru tal-Kabinett responsabbli mill-Ippjanar inressaq permezz ta' ittra lill-MEPA (Artiklu 8(7) tal-Kap 504) il-proposti jew strategic position tal-Gvern, hekk kif ikunu deċiżi mill-kabinett jew mill-interministerial committee jew fora oħra governattivi fejn il-Gvern jiddeċidi li ssir l-evalwazzjoni;
7. Il-Bord tal-MEPA jevalwa l-proposti mressqa waqt il-konsultazzjoni pubblika u proposti jew strategic position imressqa mill-Gvern u jikkonkludi rapport finali tal-policy diskussa;
8. Il-MEPA tibgħat il-policy finali għall-approvazzjoni tal-Gvern u jekk tkun ikkonfermata, tiġi ffirmata mill-persuna politikament responsabbli mill-Ippjanar;
9. Fit 2 ta' April ma' bqajtx politikament responsabbli mill-Ippjanar u awtomatikament ma bqajtx aktar nifforma parti mill-Kumitat Ministerjali. Huwa għalhekk li r-rapport finali qatt ma ġie quddiem.

KUMMENTI

Illi huwa fatt li l-Kumitat Parlamentari, ir-Rapport tal-Kummissarju għall-Istandards fil-Hajja Pubblika u anke l-Kummissjoni Permanenti Kontra l-Korruzzjoni, li jien ma gđibtx lill-ġurnalist. Illi b'referenza għal punti 25 u 26 tar-Rapport tal-Kummissarju għall-Istandards fil-Hajja Pubblika, intenni s-segwenti:

Lill-ġurnalists kont għidtlu hekk, kif irrapurtat fil-ġurnal The Sunday Times:

“[The] decision for Imrieħel to be included was taken days before letter was sent by a committee evaluating policies after public consultation. In such instances the Minister /Parliamentary Secretary responsible has to send such decision to the CEO.”

‘...decision....days before letter was sent.....committee evaluating policies after public consultation...’ tikkonferma li dak li għidt lill-ġurnalists hu l-verita’ u li d-deċizzjoni dwar l-istrategic position kienet ittieħdet minn struttura li l-Gvern jiddeċidi f’liema fora jiddiskutiha irrespettivament jekk toħroġx jew le minn xi liġi. Sadanittant, il-Kabinett, jew Kumitat Interministerjali jew kwalunkwe fora oħra li l-Gvern jiddeċidi li fihom jevalwa policies tal-Ippjanar ma setgħux jibgħatu rakommandazzjonijiet jew strategic position lill-MEPA. Kien appuntu għalhekk li ingħatajt l-inkarigu li nibgħat formalment l-istrategic position tal-Gvern dwar il-policy tal-FAR, għax skont il-liġi jien biss stajt nikkomunika d-deċizzjonijiet meħuda f’dawn il-fora lill-MEPA.

Huwa għalhekk li nikkonferma għal darb’oħra li dak li għidt lill-ġurnalists hu dak li ġara, u f’dak li għidt kont korrett mija fil-mija mal-fatti kif ġraw. Jekk hadd ieħor fehem differenti mhux tort tiegħi li ma fehemx il-fatti kif ġraw.

Stajt forsi elaborajt u minflok ‘committee evaluating policies’ għidt ‘interministerial committee evaluating policies’. Biss dan ma jbidel xejn mill-fatti kif ġraw u li jien kont konsistenti mal-fatti u li għidt is-sewwa u għalhekk ma naqbilx mal-paragrafu 29 tar-rapport tal-Kummissarju għall-Istandards fil-Hajja Pubblika.

Tajjeb li niġbed l-attenzjoni li l-kumitat interministerjali qabel iddeċida ha in konsiderazzjoni li fl-2012, taħt Gvern preċedenti, kienet għada kif giet approvata PC application 57/10 għall-Local Plan Review tal-Imrieħel biex l-area tal-Imrieħel, biss, tinbidel minn Industrial Village għal Corporate Village fejn appart li setgħa jsir FAR bir-regoli antiki, min ikollu aktar minn 25,000 metru kwadru seta’ jingħata permess jibni sa 40 metru għoli (madwar 14-il sular) MINGHAJR ma tapplika l-FAR policy.

WARA l-konsultazzjoni pubblika u WARA l-laqgħa tal-kumitat interministerjali u l-ittra tiegħi li kienet tirrifletti l-istrategic position li kienet ittieħdet mill-Gvern, kien il-Bord tal-MEPA li hejja r-rapport finali tal-Policy tal-FAR. Il-Bord tal-MEPA qabel unanimament mal-policy finali dwar FAR wara diskussjoni, u li aċċettaw, bla ebda oġġezzjoni, li jinkludu wkoll l-

istrategic position tal-Gvern li kont imqabba nibgħat mill-Gvern skont il-liġi. Persuna waħda fil-Bord tal-MEPA kienet assenti għall-vot filwaqt li vvutaw favur il-policy finali r-rapprezentanti taż-żewġ partiti, l-Onor Joe Sammut għan-naħa tal-Gvern u l-Onor Ryan Callus f'isem l-Oppożizzjoni.

Minhabba bidla fir-responsabbiltajiet tal-kabinett, fit-2 ta' April 2014, ir-rapport finali ma kienx ġie għandi għax kont ingħatajt ir-responsabbiltà' bħala Ministru għall-Familja u Solidarjeta' Soċjali.

KONKLUZZJONI

Illi in vista ta' dawn il-konsiderazzjonijiet, li jien xtaqt li ningħata l-fakulta li nissottometti qabel ma l-Kumitat ha deċiżjoni b'vot fuq ir-rapport tal-Kummissarju, qiegħed umilment intenni li jien f'kull stadju għidt il-verita' u tajt informazzjoni korretta lill-ġurnalist.

Sadanittant qed nibgħat tlett dokumenti li l-Kummissarju Għall-Istandard fil-Ħajja Pubblika ma ppublikax, biex nissostanza dak li jien ktibt, f'kull stadju lill-Kummissarju għall-Istandards fil-Ħajja Pubblika, u b'mod speċjali, għar-risposta tiegħi fil-konfront tal-opinjoni skorretta mogħtija mill-espert, il-Perit David Pace, lill-Kummissarju għall-Istandards fil-Ħajja pubblika.

Illi, jekk xejn, din kwistjoni ta' spjegazzjoni dwar fatti li ġraw sitt (6) snin qabel ma ġejt mistoqsi dwarhom u li kif spjegajt aktar il-fuq kont fattwalment korrett, biss stajt elaborajt u minflok 'committe evaluating policies' għidt 'interministerial committe evaluating policies'. Biss bħalma spjegajt aktar il-fuq dan ma jbidel xejn mill-fatt li għidt il-verita' lill-ġurnalist.

Għal quddiem xtaqt li nagħmel numru ta' rakkomandazzjonijiet:

1. Il-persuna li tkun qed tiġi investigata m'għandix ssir taf mill-ġurnali, waqt li tkun barra minn Malta, x'fih ir-rapport tal-Kummissarju, u qabel il-kumitat parlamentari jiddeċidi li jipublikah. Barra minn hekk kelli nitlob biex ningħata kopja, filwaqt li min għamel l-ilment nifhem li ngħata kopja fl-istess ħin li kopja intbagħtet lill-iSpeaker;

2. Il-persuna investigata tingħata l-opportunita' li tipprezenta l-pożizzjoni tagħha u jekk meħtieġ tissuġetta ruħha għal mistoqsijiet tal-Kumitat. Dan anke in linea mad-dritt fundamentali ta' smiegh xieraq. Mhuwiex suffiċjenti li jingħad li l-persuna investigata tingħata dritt tagħti l-verzjoni tagħha mal-Kummissarju għall-Istandards fil-Ħajja Pubblika għaliex finalment huwa l-Kumitat li jrid jiddeċidi jekk jadottax ir-rapport jew le;
3. Meta l-Kummissarju jhoss li għandu jitlob opinjoni ta' espert, u meta il-persuna suġġetta għal investigazzjoni tkun qed tikkontesta l-parir mogħti mill-espert magħżul mill-Kummissarju (bħal fil-każ tal-opinjoni mitluba mill-Perit David Pace li jiena kkontestajt bi provi dettaljati u dokumentati fit-tlett rapporti li qed nattaċċja), għandu jkun hemm il-fakulta' li jitqabbad espert ieħor jew esperti oħra.

Inselli għalikom kollegi,

Michael Farrugia

EXTRACT FROM PA 049-13/14 HELD ON 20TH MARCH 2014

FAR POLICY – Final Approval

Perit Ray Demicoli, member of the FAR Policy Formulation Working Group, joined the meeting.

FAR Policy – Final
approval

9909. Perit Chris Borg, Chairman of the Working Group, explained that Perit Joseph Scalpello would be giving a brief overview of the policy issued for public consultation and would then proceed to explain the changes effected to the first draft, as identified in track changes in the circulated document.

9910. Perit Joseph Scalpello presented members with a previously circulated document regarding “A Planning Policy Guide on the Use and Applicability of the Floor Area Ratio” – Draft March 2014.

9911. A summary of the submissions received during the public consultation on the FAR objectives between 25th November, 2013 and 24th January, 2014 were also circulated to the members.

9912. Perit Scalpello reminded the members about the objectives that were issued for public consultation and the background to the policy. He explained the Development Control criteria regulating high rise buildings.

9913. Proposals for tall buildings would only be eligible to be considered if:

- They are in locations identified by this policy;
- They are on sites which occupy a completely detached urban block surrounded by existing streets; and
- They comply with tall buildings policy criteria.

The general principles require a high quality of design, development to support regeneration and for it to be integrated into the public realm. MEPA will not accept low quality development aimed to accommodate the maximum allowable floor space achievable through the Floor Area Ratio (FAR).

9914. Mr Matthew Pace questioned how one could control the issue of low quality development.

Perit Scalpello stated that the issue of design remained a long debated subjective issue, however the policy ensured that developers would not expect that the developable volume would be an automatic right resulting from a mathematical formula, but this would be tied to the quality of the project.

9915. Perit Scalpello explained that land uses should ideally be mixed uses, including offices, hotels, commercial and residential (with a minimum floorspace of 150m²).

Other development control criteria include:

Infrastructure – no adverse impact on existing supply of water, electricity, drainage; developer to contribute to additional infrastructure; not to interfere with telecommunications;

Transport – no adverse impact on road and public transport infrastructure; developer to contribute to additional transport infrastructure;

Air Transport – not to infringe aviation constraints and to respect air transport activity;

Context – minimize impact on historic environment, long distance views and local views and integrates well with existing built form especially at street level;

Public Realm – should create high quality public open space on 50% of the site;

Permeability – promote access on foot;

Design – attention to alignment, massing, scale and form, proportions and materials. Care towards design of the top and bottom floors;

Micro climate – reduce overshadowing, high speed winds and glare, well lit at night;

Sustainable Design – adopt low energy techniques, heat recovery systems, second class water recycling, runoff reduction;

Safety – must meet all safety requirements for structure, fire protection and means of escape.

9916. Perit Scalpello explained which information would need to accompany applications for tall buildings: This includes:

- Character appraisal
- Visual impact assessment
- Transport assessment
- Social Impact Assessment
- Design Statement

9917. Prof Victor Axiak stated that a study on micro climate is essential

Perit Scalpello stated that this would be one of the studies required as part of the Design Statement, which includes assessment of sustainability issues. Details are set out in paragraph 6.5 of the policy.

Prof Axiak felt that a Micro Climate study should be listed directly in the policy.

Perit Scalpello indicated that he would be adding this study with the main list.

9918. Perit Scalpello proceeded to set out the criteria for the Strategic Location Analysis.

- Support regeneration of commercial urban centers;
- Located in urban areas below the 25metre contour with a height limitation of four floors or more;
- Located within or close to committed areas, employment hubs and transport hubs;
- Well connected by public transport;
- Away from Urban Conservation Areas (UCAs) and Residential Priority Areas (RPAs) and their settings;
- Away from Special Areas of Conservation (SACs), Special Protected Areas (SPAs) and Areas of High Landscape Value (AHLVs);
- Not in Gozo

9919. Prof Axiak enquired whether the 25 metre contour is legally defined, as he would want to avoid situations such as those occurring in the past where sites located on a ridge were claimed not to be located on a ridge in view that the site was not indicated as such in the Local Plan.

He clarified that he would have preferred the policy to be specific in the delineation of acceptable sites, but at least if the direction chosen was to list a number of exclusions, these need to be clear.

9920. Perit Scalpello proceeded to present a number of maps resulting in the identification of strategic locations for tall buildings.

Those predominantly proposing offices should be channeled in:

- Area surrounding and including the Marsa Park
- Area surrounding and including the Gzira employment node
- Pembroke Employment Node – Reserve site

Those predominantly related to tourism should be channeled towards:

- Qawra Peninsula
- Paceville
- Tigne Peninsula

9921. Dr Joseph Sammut questioned whether it is practical to insist on the provision of offices in Marsa.

Prof Axiak stated that the area would not necessarily remain as is and it is expected that the area improves in the future.

Dr Sammut stated that, at least, a mix of uses should be allowed.

Perit Chris Borg explained that the statement is that preference would be given to offices, but a mix is allowed.

9922. Perit Scalpello explained that the objective for all tall buildings is to have a mix of uses, as these have been proved to work better, but the document is giving direction of preference.

9923. The appropriate locations for Medium-rise buildings are:

- The strategic area identified as a potential location for tall buildings
- Sites identified by Local Plans
- Sites identified by applicants subject to minimum site area of 5,000m²

9924. Perit Scalpello added that the first draft was issued for public consultation between the 24th November 2013 and 24th January 2014, with a public consultation meeting held on the 10th December 2013.

17 submissions were received together with another 2 late submissions. Submissions were received from:

- Guardians of Future Generations
- Pembroke, Marsascala, Sliema Local Councils
- Zminijietna Lehen ix-Xellug
- Rehabilitation Projects Office
- Malta Developers Association
- Go plc
- Kamra Tal-Periti (KTP)
- 10 private individuals

9925. The issues raised have been subdivided into three main categories:

- Policy Principle
- Detailed Policy Provisions
- Appropriate Locations

9926. **Policy Principle**

- Strategic vision and local plans should be finalized and assessed prior to adopting this policy.
- No need to go higher as there is an oversupply of dwellings.
- No processing of development applications for high rise until policy is determined.
- Impacts on infrastructure should be analyzed at policy stage.

9927. Detailed Policy Provisions

Eligibility criterion: site to be surrounded by streets

- Criterion to be deleted
- Street needs to be defined

Eligibility Criterion: site area of 5,000sqm

- To be reduced to 3,000sqm
- To be a requirement for all sites

9928. Perit Scalpello explained that “street” for the purposes of this policy is being defined, and includes also proposed streets (as part of the project).

Perit Franco Montesin enquired whether the 50% open space includes any such proposed streets.

Perit Scalpello stated that the policy is clear that areas taken up by roads would not be included in the calculation of open space provided within the site.

Mr Ryan Callus enquired in which part of the policy this was set out.

Perit Scalpello stated that this featured below paragraph 8 of the guidelines where a list of exclusions is set out. Paragraph 5d defines streets to include schemed roads and planned roads.

9929. Mr Matthew Pace obtained clarification regarding the applicability of the 5,000m² minimum area.

9930. Further comments relating to Detailed Policy Provisions included:

Tall and medium rise buildings to be better defined

Open Space:

- 50% open space to be reduced to 40%
- Commercial use of open space not to be allowed
- Open space needs to be clearly defined
- % of soft landscaping to be included

Visual Impact:

- Views and vistas analysis
- Assessment of impacts on skyline
- Scheduling of views

9931. Perit Scalpello stated that reference to heights specified in DC2007 have been removed and “open space” has been better described. The rest of the policy has been retained as in the first draft.

9932. Mr Pace enquired about issues of maintenance of the open space.

Perit Scalpello stated that this would form part of the legal obligation required as part of the permitting process.

He added that, as regards visual impact, analysis needs to be carried out on a project by project basis.

9933. Further comments relating to Detailed Policy Provisions included:

Impacts on heritage:

- Minimum buffer distance from UCAs

Impacts on infrastructure:

- Telecommunications to be safeguarded and integrated
- Developer to contribute to costs

Traffic and Parking:

- Car parking standards as part of policy
- UIF/CPPS not to be allowed

9934. Perit Scalpello explained that, as regards telecommunications, the policy sets out the requirement to consult the Malta Communications Authority (MCA) and in cases where this is deemed necessary, there would be the legal obligation for the applicant to make available, at his own expense, a communications tower on the roof of the new building, making it available to the service providers.

9935. He added that, as regards impacts on heritage, analysis also needs to be carried out on a project by project basis.

As regards Traffic and Parking, such studies would be too detailed to be carried out at policy formulation stage and require information availability.

9936. Mr Pace suggested that, in the case of high rise buildings, the policy could include the requirement to cater for full parking requirements on site.

Perit Scalpello stated that this was highlighted in one of the submissions that the technical team has accepted and included at paragraph 5.9.

Mr Callus stated that the way the paragraph is phrased does not reflect the discussion.

Perit Montesin suggested that the words "all parking is to be provided on site" can be added.

Mr Johann Buttigieg stated that, when paragraph 5.9 is seen in conjunction with Structure Plan Policy TRA4, the meaning is clear.

Chairman suggested the removal of the word "adequate".

Perit Scalpello suggested the inclusion of the wording "All car parking provision will be provided on site"

Members agreed.

9937. Further comments relating to Detailed Policy Provisions included:

- Safety Issues
- Impacts on the water table
- Impacts of renewable energy generation by neighbours
- Design quality to be enforced
- Sustainability measures should be compulsory
- Additional floors on existing buildings to be prohibited
- Re-zoning to be prohibited

9938. Ms Angela Zammit enquired what will happen to neighbours that would have utilized EU grants to invest in solar panels.

Perit Scalpello stated that such installations will lose from their efficiency.

Ms Zammit stated that such persons could lose the funding obtained.

Mr Buttigieg stated that the funding mechanism only binds the beneficiary for 5 years.

Perit Montesin stated that this problem is already encountered in cases of redevelopment of four storey buildings next to two storey buildings.

9939. Perit Ray Demicoli, for the Working Group, stated that he would like to make an emphasis that a level of seismic design needs to be included. For instance, the policy should set out that buildings need to be designed to withstand a force 6 tremor on Richter Scale.

Perit Scalpello stated that, if such a requirement is to be included, it is important that this is backed by studies.

Perit Demicoli stated that, from experience a scale 6 level is very good as, from a historical perspective, it is calculated that earthquakes affecting the island never exceeded scale 6.

Mr Buttigieg stated that he felt this requirement should be included, but no specific scale should be stated at this point. Meanwhile discussions with the Geology Department at the University of Malta may commence.

It was suggested to include the wording "seismic design would need to be taken into consideration".

9940. Perit Scalpello proceeded to explain that, as a reaction to comments regarding design quality, a proviso is being included that the quality of

architecture cannot be changed through subsequent amendments to the permission.

9941. Mr Pace enquired about issues of Fire Safety.

Perit Scalpello stated that discussions with CPD were held during the policy formulation. The intention is not to have a fire engine which can reach 30 floors high, but that the building is designed to be safe and incorporate the necessary fire safety features.

The Authority also received submission from Alberta, but these were too detailed to be included in the policy. The issues raised would need to be reviewed at the detailed design stage.

9942. Ms Zammit commented that, notwithstanding, the country still needs to have the infrastructure to deal with a fire.

Perit Scalpello stated that the first priority, in case of fire, is to evacuate the users safely. The safety of the building is considered of secondary importance.

9943. Additional public comments were presented.

Appropriate Locations

- Pembroke to be excluded
- Marsascala to be excluded
- Sliema to be excluded
- Qawra Point to be excluded
- Tigne to be considered following drawing up of buffer zones to Valletta
- Gozo to be included

9944. Perit Scalpello stated that the area within Pembroke was being removed from the list of search areas.

Mr Callus pointed out that Pembroke was still being indicated.

Perit Scalpello stated that the map being referred to was as included in the first draft. This was now updated.

Mr Callus stated that Pembroke was still being mentioned in the policy wording.

Perit Scalpello explained that Pembroke still qualifies for medium rise development, if the other criteria in the policy are satisfied.

Mr Callus questioned the acceptability of medium rise development in the area.

Perit Scalpello stated that acceptability or otherwise would need to be assessed when a specific proposal is submitted.

9945. Mr Callus enquired about the predominant height of buildings in Pembroke.

Perit Scalpello stated that the height limitation is mainly 3 floors with some blocks having a height of 2 floors.

Mr Callus questioned the appropriateness of high buildings when there are no commitments in the area.

Perit Scalpello reiterated that this would need to be assessed once a project is submitted.

Mr Callus felt that at a strategic level, it made no sense to affect a town which has no commitments.

Perit Scalpello stated that, for medium rise development, possibilities of site location are wider.

9946. Mr Callus did not agree to the location of such development in a purely residential area, such as that in Pembroke.

Perit Scalpello clarified that he was only referring to the business hub in Pembroke.

9947. Perit Chris Borg stated that, when the draft policy was last discussed by the Board, all the indicative maps were removed. He felt that, in the case of Pembroke, the map should be retained.

9948. Mr Callus reiterated his concern of considering medium-rise development in an area with no commitments, and in a purely residential area.

Perit Chris Borg stated that, if such development is well designed, it would not have a negative impact on the residential area.

Perit Scalpello presented a map showing commitments of high buildings with a grey dot. He explained that, if medium-rise development had to be limited to areas where there are commitments, this would boil down to the search areas for tall buildings only.

9949. Mr Callus enquired where medium-rise development would be considered.

Perit Scalpello stated that the policy indicates that medium-rise development could be located in all urban areas, not within an UCA, but

would need to have a minimum area of 5,000m², be surrounded by 4 streets, and would need to retain 50% of the site as open space.

9950. Perit Chris Borg explained the Working Group insisted on retaining the 5,000m² minimum floorspace to limit the number of such developments.

9951. Perit Scalpello showed the Local Plan Map showing the Pembroke Development Brief Area, where it was believed that medium-rise development could be considered.

Mr Callus alerted that, notwithstanding, the policy does not restrict such development from other parts of Pembroke.

Perit Chris Borg stated that, in the case of Pembroke, the policy should indicate the exact extents of the area.

Mr Callus stated that the issue should not be limited to Pembroke only. He questioned how one would determine the delineation in the case of Tigne, for instance.

Perit Chris Borg stated that in the case of Pembroke ownership is known; the development brief area is entirely Government owned. In the case of other areas, there are grey areas.

9952. Chairman suggested that, in the case of Pembroke the policy wording can refer to the specific zone, rather than the entire locality.

The majority of members agreed.

9953. Members discussed the delineation of the search area in Marsascala.

Mr Buttigieg alerted that Government had indicated that no maps should be included so as to avoid speculation on land prices. If the Board felt that speculation was not a concern, it could recommend the introduction of maps.

9954. Mr Callus questioned what skyline would result if a tall building had to be allowed on either side of Sliema, for instance.

Perit Scalpello stated that tall buildings may only be considered in Tigne, and are not contemplated in Sliema. He explained that the discussion had now moved onto medium-rise development and allowing one development in an area did not necessarily mean that another development would need to be accepted nearby.

Mr Callus stated that the document should be clear. If Government indicated that no maps should be included, so be it, but as is the document is unclear when one comes to interpret it in the future.

Perit Scalpello stated that the discussion is to focus on whether to have a delineation of locations or not. Current Maps were prepared with the intention of being indicative.

9955. Prof Victor Axiak questioned what would be gained by allowing sites to be considered for medium rise development.

Perit Scalpello stated that there is scope for better design and the provision of 50% of the site as open space.

9956. Mr Buttigieg stated that, when the Jerma Hotel closed down, the livelihood of Marsascala died down. He suggested that the policy could bring about regeneration also in the South of Malta.

Prof Axiak stated that the Jerma site was one focal point, which is different from what is contemplated in the policy.

Perit Ray Demicoli left the meeting.

9957. Mr Buttigieg indicated that there are only 2 sites that seem to be large enough to accommodate such development, given the 5000m² site area requirement.

9958. Perit Scalpello clarified that, within the Strategic Search Areas, developments are not required to have a minimum 5000m² site area. The only requirement is for the site to be surrounded by streets.

9959. Mr Callus enquired what would happen if a proposal is submitted just outside the ring road of Marsascala.

Perit Scalpello stated that that is the decision that the Board needs to take. He also explained that the majority of the sites outside the ring road are zoned as Residential Priority Areas, where high rise development is excluded.

9960. Mr Callus stated that it is not correct to state that there is a Strategic Search Area, if this is not defined.

Dr Joseph Sammut stated that, any development would always be subject to a development permission application.

Prof Axiak stated that, notwithstanding, anyone can still apply for a development permission, even if it goes against policy.

Mr Raymond Camilleri stated that, even if exact areas are defined, developers can still apply outside clearly defined boundaries.

9961. Chairman stated that, finally this will be the Minister's decision, and possibly the policy would also be discussed by the Parliamentary Committee for Environment and Development Planning.

He enquired whether there is agreement that the document should include defined sites; if there is no agreement the policy would remain as is.

9962. Mr Callus stated that separate maps could also be prepared for medium and for tall buildings.

Perit Scalpello stated that that would be the case, if the Board decides in favour of including defined maps, rather than indicative ones. However, a detailed map for the location of medium-rise buildings could only be prepared for the Search Area.

9963. Perit Montesin questioned why the Board should vote on the issue if the Minister has already expressed an opinion in this regard.

Prof Axiak stated that the vote is required to determine whether the Board would be recommending to the minister the inclusion of detailed maps. He suggested that two votes should be taken. One as to whether detailed maps should be included for medium-rise buildings and another as to whether such maps should be included for tall buildings.

Mr Sharlo Camilleri joined the meeting.

9964. Chairman called for a vote regarding the inclusion of detailed maps.

Perit Montesin enquired whether Chairman was referring to tall buildings or medium-rise.

Mr Pace suggested that a vote should first be taken as to whether to retain the current maps. Then decide on the details through subsequent votes, only if required.

Perit Montesin stated that two separate votes, one for tall buildings and one for medium-rise buildings should be taken.

9965. Chairman called for a vote regarding the inclusion of detailed maps identifying the Strategic Search Areas:

In Favour:

Perit Franco Montesin, Deputy Chairperson

Prof Victor Axiak

Mr Ryan Callus MP

Against:

Perit Vincent Cassar, Chairman

Mr Raymond Camilleri
Mr Sharlo Camilleri
Mr Matthew Pace
Dr Joseph Sammut MP
Ms Angela Zammit

Not Present for Vote:

Mr Paul Apap Bologna
Dr Veronique Dalli

9966. The motion was turned down.

9967. Chairman called for a vote regarding the inclusion of detailed maps identifying acceptable locations for medium-rise development:

In Favour:

Perit Franco Montesin, Deputy Chairperson

Prof Victor Axiak
Mr Ryan Callus MP

Against:

Perit Vincent Cassar, Chairman

Mr Raymond Camilleri
Mr Sharlo Camilleri
Mr Matthew Pace
Dr Joseph Sammut MP
Ms Angela Zammit

Not Present for Vote:

Mr Paul Apap Bologna
Dr Veronique Dalli

9968. The motion was turned down.

9969. Ms Zammit requested clarification why a site was indicated on the map, next to the Malta International Airport, when this was not mentioned by Perit Scalpello.

Perit Scalpello stated that the site was previously identified, as having potential for a tall building, in the Local Plan, however, through this policy this position is being reviewed in view of air traffic safety.

9970. Perit Scalpello summarised the changes being carried out to the initial draft, as follows:

- Definition of tall and medium rise buildings
- Definition of street
- Definition of open space

- Telecommunications to be provided through a legal agreement
- Prohibition of UIF/CPPS for tall buildings
- Additional sustainability criteria
- Requirement of a risk assessment
- Deletion of Pembroke as an appropriate location for tall buildings

9971. Perit Scalpello stated that there was also the suggestion to allow transferring floorspace from part of a site being developed conventionally, to the part where the FAR is being applied. In such cases the 50% open space would be calculated on the whole site and not just on the portion which is surrounded by four streets

Members agreed.

9972. Mr Buttigieg stated that, in cases where roads are proposed within the site to achieve the requirement for the high building to be surrounded by four streets, such streets are to be 32' wide.

Perit Scalpello questioned why a width of 8 metres would not be sufficient.

Perit Montesin enquired what would happen in case existing public roads are less than 32' wide.

Mr Buttigieg stated that the requirement would only apply to those streets that are being created through the project, and it is best if such streets have a width of 32'.

Members agreed.

9973. Mr Callus alerted that, whilst he was in agreement to the provision of open space, through such projects, there is no minimum amount specified as being public open space. The policy only states that this "shall be determined on a site specific basis". He said that all tall buildings will have an impact on neighbouring development and the only way to somewhat compensate the neighbours is to include a recreational space, which has to be public. At least a minimum needs to be stipulated.

9974. Mr Buttigieg stated that the objectives specified that this space would need to be public.

Chairman stated that there seems to be agreement that the unbuilt space would need to be public open space. Paragraph 14 of the Guidelines (at page 60) is to be amended accordingly.

9975. Perit Scalpello explained that, in the public consultation draft, MEPA had given a concession that if part or all is private, one could compensate through other mechanisms.

The submissions received from Government also require that the 50% open space must always be public.

9976. He proceeded to present submissions made by Government, as follows:

- **Additional floorspace**
Within the appropriate locations for tall buildings only, additional gross developable floorspace (GDF) over and above the maximum allowable floorspace may be considered strictly on a case-by-case basis provided the proposal is declared as a project of strategic economic benefit by the Government.
- **Appropriate Locations for Tall Buildings**
Add Mrieהל.
- **Public open space**
Prohibit the concession to allow the conversion of public open space into private open space.

9977. As regards the inclusion of Mrieהל, Mr Buttigieg explained that the intention is to create a strategic employment node replacing the industrial uses by offices.

9978. Prof Axiak suggested that the reason for including Mrieהל should be included in the policy wording.

Perit Scalpello stated that he would add the words “due to its potential as a business hub”.

9979. Mr Callus sought clarification regarding the need for the public open space to be located adjacent to the building.

Perit Scalpello explained that, now that the possibility of compensation on another site is being removed, the public open space must form part of the site.

9980. Mr Callus questioned the fact that a minimum site area is specified for medium-rise buildings but not for tall buildings.

Perit Scalpello explained that the setting of a minimum site area was used to prevent the scatter of medium rise development. In the case of tall

buildings, these are restricted to specified locations within the policy itself.

Mr Paul Apap Bologna joined the meeting.

9981. Chairman enquired whether there was agreement to include the submissions received by Government.

9982. Perit Montesin enquired whether the public consultation process was concluded when the comments were received.

Perit Scalpello reminded that the submissions were received from Government.

Perit Montesin enquired whether comments from Government can be accepted after the public consultation period.

Perit Scalpello confirmed.

Members agreed to the amendment of the policy to reflect the submissions made by Government.

9983. Prof Axiak enquired whether the possibility of submitting an Environment and Development Brief has been retained in the policy

Perit Scalpello stated that the restriction had been removed prior to issuing the draft, and this part has remained unchanged. As long as the law allows for it, an Environment and Development Brief (EDB) application could be submitted.

9984. Perit Montesin enquired about the validity of an EDB.

Perit Chris Borg stated that the legislation currently stipulates a maximum of 2 years.

Perit Montesin enquired whether a renewal is possible.

Mr David Cassar stated that an EDB is not a permission and therefore renewal procedures do not apply. Neither are there vested rights associated to an EDB.

Mr Buttigieg stated that an applicant would have 2 years to submit a full development permission application.

9985. Mr Callus enquired whether the possibility of declaring a project as a project of strategic economic benefit referred to Government projects only.

Mr Buttigieg stated this was not necessarily the case. Giving an example, the Smart City project is a private initiative.

Mr Callus questioned whether such a provision impinges on MEPA's independence.

Prof Axiak stated that the emphasis is on the words "for a declared strategic economic benefit".

Mr Buttigieg stated that this was the same as provided for in certain parts of the Act which stipulates that parts of the appeals procedures do not apply to cases declared to be of national interest.

Mr Callus stated that it makes a difference whether the project is a sewage treatment plant or a private commercial investment.

Mr Buttigieg stated that, in the case of Midi Government had declared the project as being of strategic importance and waived all MEPA fees for the project.

9986. Mr Callus noted that the decision on the permit remains a decision of the Authority.

Mr Cassar added that the wording states "may be considered", and not "shall be allowed". This meant that the policy was allowing MEPA to consider additional floorspace but was not imposing on the Authority.

Mr Buttigieg read the proviso to Article 41(3) of the Environment Planning Act, 2010, to which he referred to earlier.

9987. Chairman alerted Mr Callus that the Board had already agreed to the amendments resulting from the 3 Government submissions.

9988. Prof Axiak wished to clarify that he has great misgivings on the policy as drafted and he was not happy with certain decisions, however he would be voting in favour, making an act of faith in future deciding bodies, as he felt there are too many loopholes in the policy as is. He hoped future deciding bodies will use the policy in the spirit in which it was discussed.

Vote

9989. Chairman called for a vote regarding the policy as amended, to be forwarded to the Minister for final approval:

In Favour:

Perit Vincent Cassar, Chairman

Perit Franco Montesin, Deputy Chairperson

Mr Paul Apap Bologna
Prof Victor Axiak
Mr Ryan Callus MP
Mr Raymond Camilleri
Mr Sharlo Camilleri
Mr Matthew Pace
Dr Joseph Sammut MP
Ms Angela Zammit

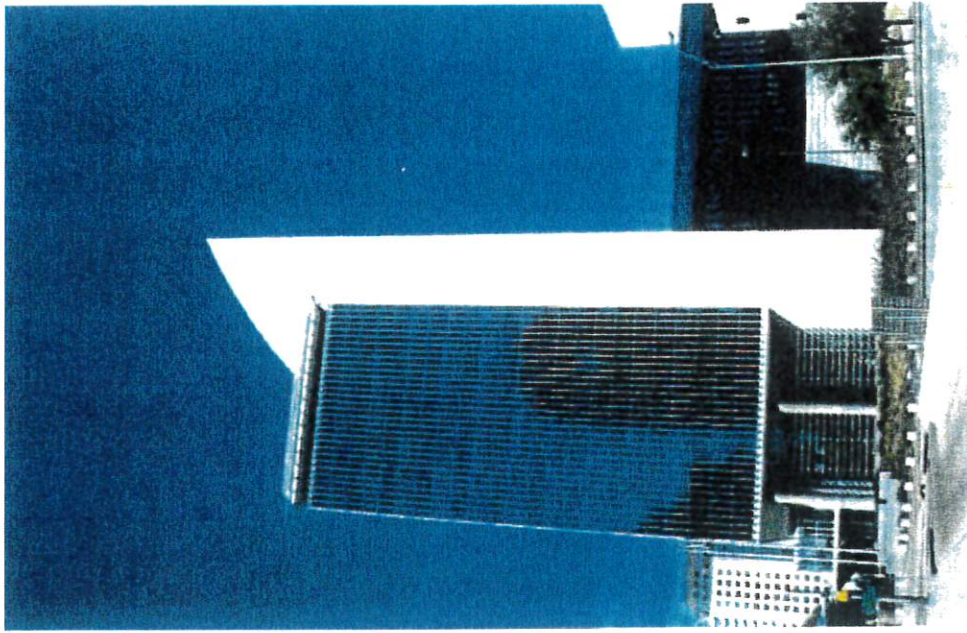
Against:

None

Not Present for Vote:

Dr Veronique Dalli

9990. The policy was approved, as amended.



**A Planning Policy Guide on the
Use and Applicability
Of the Floor Area Ratio (FAR)**

**Approved Policy
May 2014**



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Approved Policy May 2014

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 - Assessment of Proposals for Tall Buildings
- 6. INFORMATION TO SUPPORT APPLICATIONS**



7. LOCATING TALL BUILDINGS

Appropriate Locations for Tall Buildings

Potential Locations for Medium-Rise Buildings

APPENDIX

- A. Guidelines for Visual and Landscape Assessment
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Map 1. Potential Locations for Tall Buildings. The Search Area.

Map 2. Strategic Locations for Tall Buildings.

Map 3. Designated Appropriate Locations for Tall Buildings.



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1. Background

- 1.1 Landmark parish churches significantly higher than their surroundings are a part of the landscape and dominate the skyline throughout Malta and Gozo (Plate 1). Clock towers from the British period such as the structures in Mtarfa and Pembroke, and residential blocks of the early 20th century in Balluta also act as important landmarks. Their fine architecture, their distinctiveness and their symbolism have made them treasured features of the landscape and a strong element of identity.
- 1.2 While over time the construction of new monuments dedicated to religion diminished, other forms of tall structures emerged in connection with Malta's industrialisation as witnessed by the telecommunications towers at Gharghur (Plate 2) and the cranes which assert themselves on the skyline around Marsa and Cottonera (Plate 3), and more recently at Birzebbugia and Marsaxlokk.



Plate 1 – Spires and Domes puncture the skyline



Plate 2– Telecomms tower on the skyline

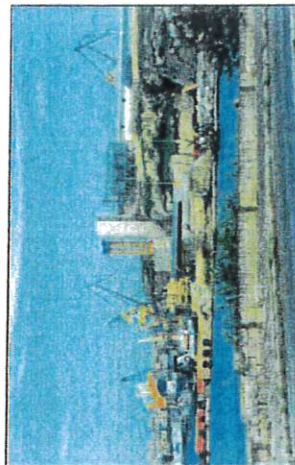


Plate 3– Industrial Structures at Cottonera



- 1.3 Although Malta escaped the high-rise block-building boom for social housing and speculative offices, which occurred in major cities in the UK and other European countries during the 1950s and 1960s, there are notable exceptions. Plates 4, 5 and 6 show a few examples. Although relatively high, these buildings still do not compare to the scale of the UK or European high-rise, some of which were later demolished such as the Hutchesontown-Gorbals in Glasgow and the Cranbrook Point and Dunlop Point in Newham London.
- 1.4 The late 1980's saw the rapid redevelopment of the Sliema front into eight, nine and even ten storey residential blocks but due to the nature of the development on narrow terraced plots, and the bulk and design of the individual blocks, these buildings do not portray an impression of height contrary to the slender profile of the 23 storey Portomaso Office Block constructed as part of the Hilton redevelopment ten years later (Plates 7 and 8).



Plate 4— Residential Point Blocks at Qawra



Plate 5 – High Blocks in Paceville



- 1.5 The control of building heights has been a key tool in the Maltese planning system aimed primarily at controlling townscape, the urban form and densities of development within designated urban areas. This tool became more explicit with the introduction of Town Planning Schemes in the 1960s, which indicated specific building heights of mostly two floors above ground level for specific blocks with which applications for development had to generally comply. This has contributed to the present predominantly low-lying, compact urban form.

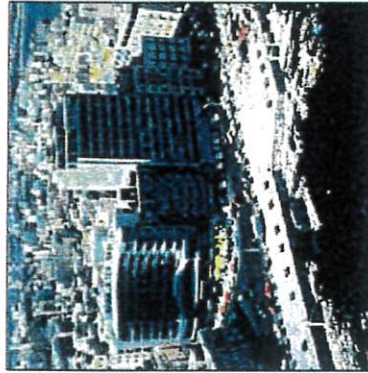


Plate 6 – High Buildings in Sliema

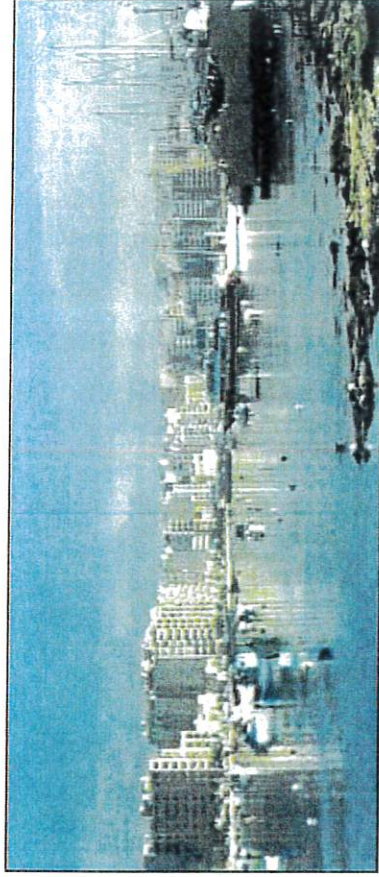
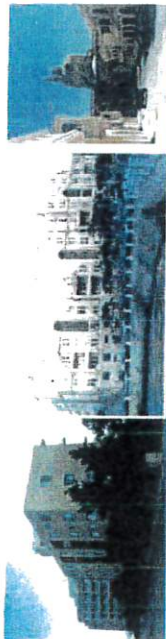


Plate 7–High Buildings in Sliema Waterfront

- 1.6 The pressure to increase building heights to more than two floors to accommodate the ever increasing demand for floor space for a range of land uses is evident in the increased statutory building heights in certain areas such as St. Paul's Bay, Msida, Gzira, San Gwann, Marsascala, Marsalforn and Xlendi, and especially in Sliema and St.Julian's (Plates 16, 17 and 18). The Structure Plan of 1990



introduced a new tool for control of building heights – namely the floor area ratio (FAR) – that was endorsed as a detailed policy in the Policy and Design Guidance of 2000 (DC 2000).



Plate 8 – Portomuso Office Tower



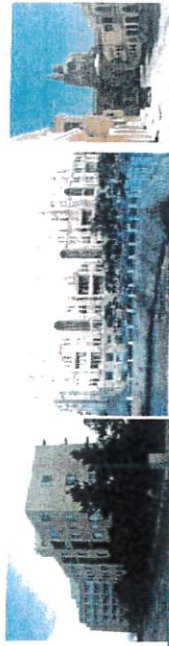
Plate 9 – FAR at St. Paul's Bay



Plate 10 – FAR in Gzira, Savoy

- 1.7 A cursory assessment of requests for tall buildings identified that 9 schemes have been built, 4 projects are at different stages of construction and 2 further permissions have been issued but works have not started (Plates 8 to 15 show a few examples). There were also 24 pending development applications and another 30 expressions of interest with the Planning Directorate of MEPA, with heights varying from 9 to 40 floors with concentrations at Xemxija, Qawra, Sliema, St. Julians and Gzira, mostly for residential development, offices or mixed use schemes. The adoption of the FAR has been refused in another five applications. The lack of a detailed policy

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framework on higher buildings achievable through the application of the FAR led MEPA to prepare, in 2006, the policy on the use, design and spatial location of tall buildings to supplement the DC 2005 policy on the adoption of the FAR. A lack of market interest led to the loss of momentum in the policy approval process. Nonetheless, a policy on the FAR is still required as development applications are still pending and decisions need to be taken as part of a wider strategy on city image and regeneration.

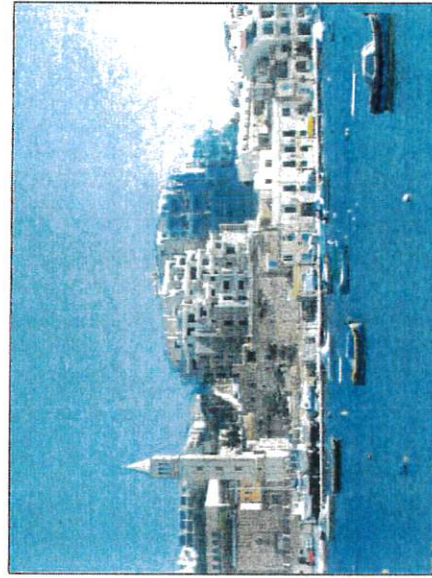


Plate 11 – FAR in Marsuscula

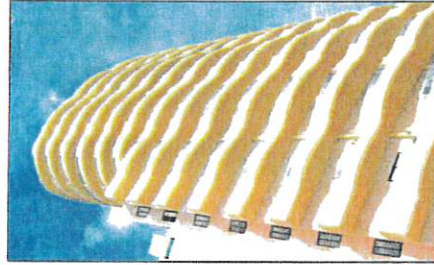


Plate 12 – FAR in Tighe

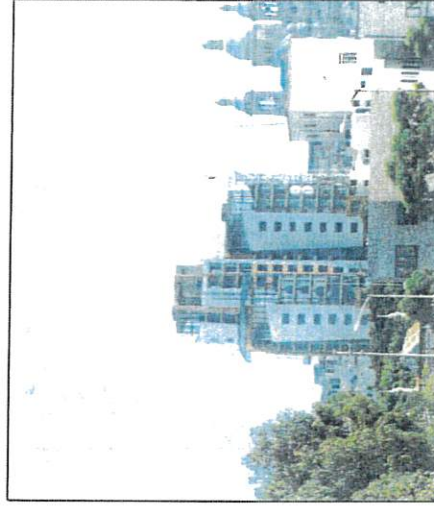


Plate 13 – FAR in Puola



- 1.8 Following this introductory section, *Section Two* describes the purpose and objectives of the policy and *Section Three* sets out the existing policy framework within which it was prepared. *Section Four* defines a tall building and a medium rise building in the Maltese context while *Section Five* sets out the policy on tall buildings in terms of the evaluation criteria for tall building proposals. The sixth section lists the information, which is required by MEPA to accompany development applications for tall buildings and the final section identifies the appropriate strategic locations for tall buildings in Malta and locations where the FAR can be adopted to achieve medium rise buildings. **References to DC 2007 in relation to control of building heights and the use of the FAR in all other development plans and planning policies are to be taken to include also this planning policy.**

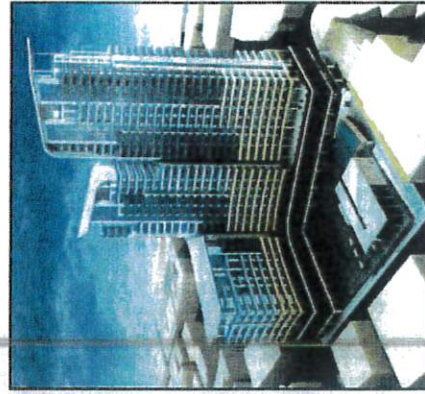


Plate 14 – FAR in Gzira, Metropolis

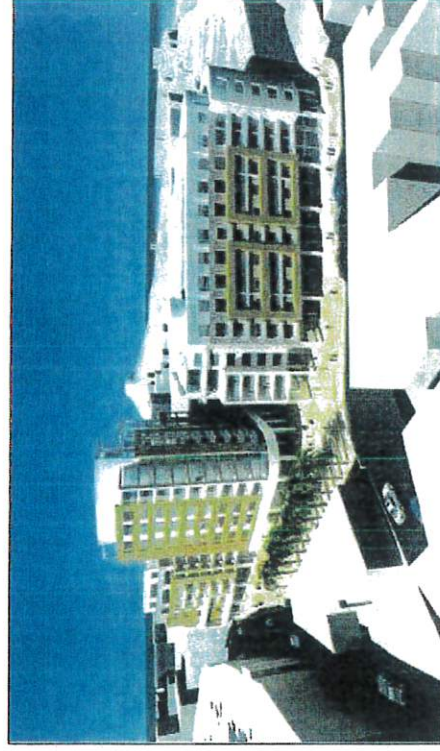


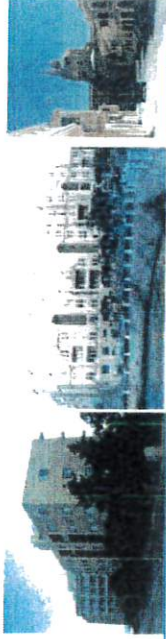
Plate 15 – FAR in Marsalforn



2. Purpose and objectives

- 2.1 The goal of this policy is to encourage development which reflects a more prestigious corporate image for the Maltese Islands whilst seeking to pursue greater design quality in the built environment. The objectives of this policy were set by Government to be:
- (a) To revive the public debate on the issues of location, use and design of higher buildings whilst gauging the interest in higher buildings following a pause of over six years;
 - (b) To review the site eligibility criteria, the development and design parameters and the submission of information required with development applications for higher buildings with particular emphasis on the location of the site in relation to adjacent property, the provision of open space, the quality of the design and the safeguarding of visually and environmentally sensitive areas. In any case,
 - (i) sites must be surrounded by streets on four sides,
 - (ii) sites which are located in Gozo, UCAs, protected areas, ridges, ODZ and residential priority areas will not be eligible and
 - (iii) a minimum of 50 % of the site area must be retained as "open space";
 - (c) To re-assess the number and geographical location of the strategic appropriate locations for medium-rise and tall buildings identified in the 2006 draft of the policy whilst respecting para b (ii) above.
- 2.2 To achieve these objectives, the policy needs:
1. To define a tall building;

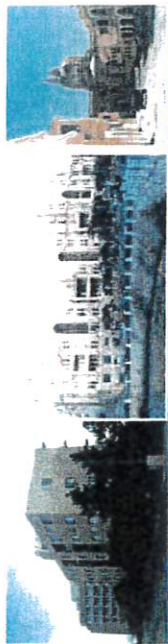
Approved Policy May 2014



2. To indicate preferred uses for tall buildings;
3. To indicate appropriate strategic locations;
4. To set out criteria for evaluation of proposals for tall buildings;
5. To identify the information required for an appropriate assessment of proposals for tall buildings;
6. To ensure that proposals for tall buildings contribute towards sustainable development and the improvement of the quality of life.

2.3 This policy paper is aimed at providing clear, positive and material guidance to developers, land owners, the general public and MEPA on the use and design of tall buildings in appropriate strategic locations where there may be opportunities for such buildings. At this stage, without a detailed urban design study/ character appraisal of the identified locations, it is not appropriate or practicable to develop a policy, which delineates detailed boundaries for the appropriate strategic locations or is prescriptive about which specific sites within the identified strategic locations are, or are not suitable for tall buildings, nor to indicate a maximum number of such buildings which will be permitted in any specific strategic location, nor a maximum height. Instead, this policy sets out a framework within which a clear, comprehensive evaluation can be made as proposals come forward.

2.4 The policy therefore places the onus on the developers to make the case for a tall building in the context of an urban design study/character appraisal prepared by them and through the Environmental Impact Assessment, Transport Assessment and Social Impact Assessment processes, if necessary. This will involve the evaluation of the relationship to the context, including topography and the urban structure, relationship to infrastructure, especially transport, and historic areas and the effect on the skyline, the architectural quality, the microclimate and the contribution to the public realm.



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- 2.5 Above all, any tall building proposal must be sustainable in the broadest sense, taking into account its environmental, social and economic impacts, based on costs and benefits throughout the whole life of the building.

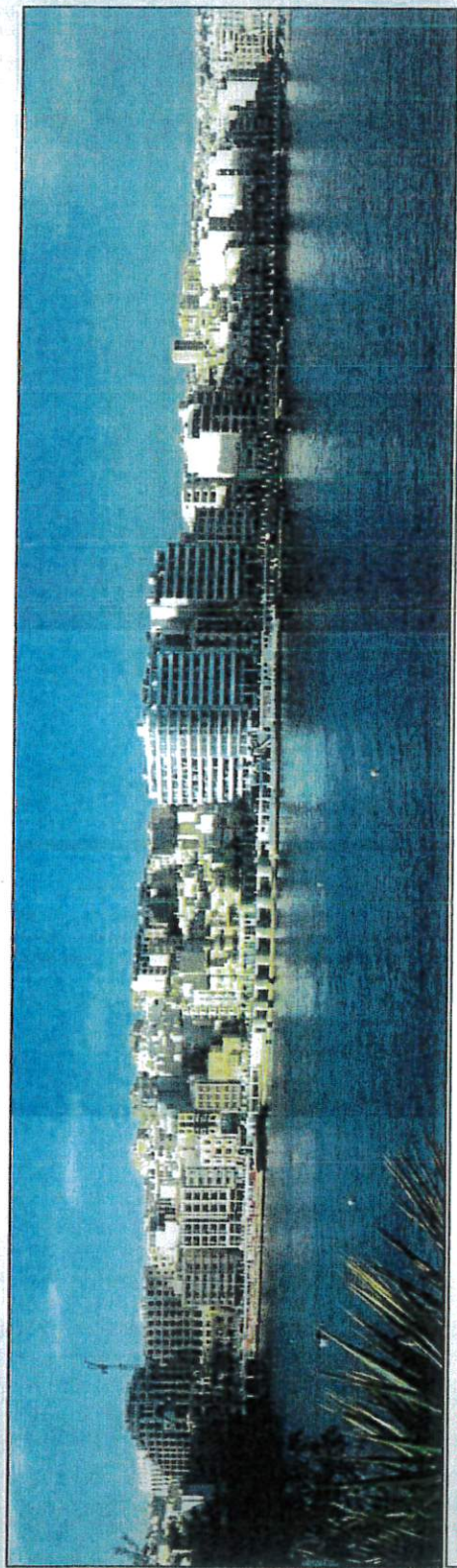


Plate 16 – High Buildings in St. Julians



Plate 17 – Tall Buildings in Tigne, Sliema

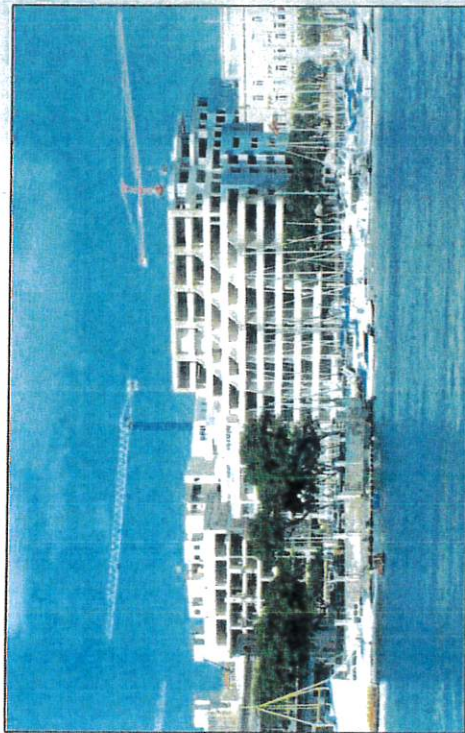


Plate 18 – High Buildings in Msida



3. Policy context

- 3.1 The policy context for this policy is set out in the Structure Plan, 1990, the approved Local Plans (1995 – 2006) and the Policy and Design Guidance of 2007 (DC 2007). Regard was given to the emerging strategic policy directions in the Topic Papers prepared as part of the Structure Plan Review (SPR).

The Building Heights Policy

- 3.2 The TPSs of 1988 indicated statutory building heights, which varied from one floor in bungalow areas, two floors in most urban areas, and four floors in exceptional cases. However, they included six storey and eight storey-building heights for Sliema and St. Julian's. In 1993, a revision to the building heights policy allowed an additional floor in areas outside Urban Conservation Areas (UCAs) with a height limitation of two floors, subject to certain conditions. In the same areas together with areas, which already had a height limitation of three floors in the TPS, the recent DC 2005 permitted an additional setback floor at third floor level, commonly termed as a penthouse. The statutory building heights were taken on board, reviewed and amended where necessary in Local Plans.
- 3.3 The Structure Plan of 1990 does not contain any policy guidance on tall buildings. Nonetheless policies on the built environment, transport and conservation are still relevant. The introduction of the FAR by the Structure Plan was aimed at achieving higher buildings with more interesting urban forms. However, paragraph 7.12 of the Explanatory Memorandum warned that the inappropriate use of the FAR could result in buildings which are too high and recommended criteria to regulate building height in conjunction with the FAR.



- 3.4 The Local Plan which considers tall buildings as a specific built form is the North Harbours Local Plan (NHLP). The NHLP generally discourages the development of tall buildings and states that

In the last 15 years pressure to build long-let holiday apartments, hotels and associated facilities (resulting from a growing international tourist market) have led to ... a proliferation of 'bland' tall buildings. In townscape terms, such developments and pressures can incrementally erode the special character of the area. Tall buildings that disrupt the skyline can affect landmarks and key buildings, which often provide points for orientation and reference.

- 3.5 The NHLP makes reference to three development briefs in which tall buildings for a range of uses were accepted – the 1992 Fort Manoel and Tigne Point Development Brief; the 2005 brief for the site known as Pender Place/ Mercury House in Paceville; and the 2006 Fort Cambridge Development Brief for the Holiday Inn Crowne Plaza site in Tigne. The Plan also contains specific policies which encourage the adoption of the FAR for a site in Gzira incorporating the old stadium and prohibit its use on a site in Ta' Xbiex.

- 3.6 The South Malta Local Plan (SMLP) and the North West Local Plan (NWLPL) provide guidance on the localities, areas and sites where the adoption of the FAR is allowed or prohibited. The SMLP allows the adoption of the FAR for medium rise buildings in Fgura and Marsascala only and for tall buildings at the Malta International Airport and Airmalta sites in Luqa, while the NWLPL permits its use in Tas-Sellum, Xemxija and Bugibba/Qawra but does not distinguish between medium rise and tall buildings. However, this Plan indicates which parts of these localities are appropriate for the adoption of the FAR and also identifies those land designations in all urban areas where it will not be allowed. Both Local Plans identify specific sites where the FAR will be encouraged and control the maximum height which can be achieved on these sites (sites in Paola, Fgura and Tarxien in the SMLP and two sites in Xemxija in the NWLPL). The

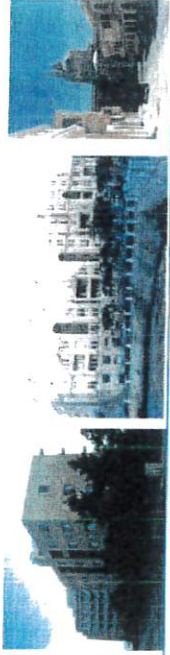


NWLP also refers to the Planning Policy for Ta' Masrija in Mellieha approved in 2006 which also allows the use of the FAR on this site. Similar to the NHLP, the SMLP identifies a site where the FAR will not be allowed.

- 3.7 The Marsaxlokk Bay Local Plan, approved in 1995, and the Central Malta Local Plan, approved in 2006, do not mention the FAR. The Grand Harbour Local Plan, approved in 2002, encourages the use of the FAR on the Marsa Park site and the Gozo and Comino Local Plan of 2006 mentions the FAR slightly in a table as part of the discussion on building heights.

The SPR Process

- 3.8 The Urban Conservation and Built Environment Topic Paper (2003) states that the issues raised by tall buildings (high development densities, impact on strategic views, infrastructure and amenity), and their potential capacity for a positive contribution to a wider strategy, suggest that they do need to be considered at a broader spatial level than individual Local Plans. The strategic framework needs to take account of a number of factors – tall buildings (1) May have a role within the context of the wider spatial and economic strategy; (2) Can support public transport if located along main movement corridors; (3) Have disadvantages – negative visual impact unless very well designed; concentrate disproportionate amount of floor space in one location; alter microclimate; may be unfriendly to pedestrians; (4) Have impacts on the community; economy, skyline; heritage; environment and transport systems.
- 3.9 Importantly, there is a need to recognise the cultural, economic, and environmental context within which development of tall buildings is proposed to take place, and so whether tall buildings are appropriate in this context. The Topic Paper concludes that the policy framework should be such that local character is recognised, safeguarded and enhanced, and "... we should design for the totality of our



urban space – not just react to ad hoc pressures ...on individual sites or buildings." (Murray, Kevin (2002): *Tall Buildings – urban renaissance, dreams or delusions? Planning 22 March*). Dr. Mir M. Ali from the School of Architecture of the University of Illinois at Urbana-Champaign, USA, concluded in his 2008 report on tall buildings in Malta

"it is up to the political leadership and the people of the country to decide if their future vision is for a modern, progressive and forward looking port city in a strategic location or for maintaining their old way of life and culture. Both of these have positive and negative impacts on the country. The choice is theirs to make."

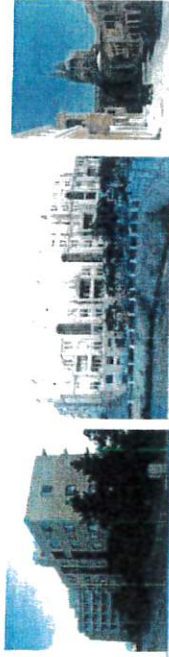
DC 2007

- 3.10 The DC 2007 policy document, which revised the DC 2005 document, sets out general design principles in its first Part, which should apply to all new development. Compatibility of new development, the relationship between development and the spaces it defines, promotion of visual interest, integration into surroundings and accessibility are relevant to the design and location of tall buildings.
- 3.11 The second part of DC 2007 establishes the policy guidance on the use of the FAR which has been the key policy leading to the significant number of requests for higher buildings. Policy 2.10 prohibits the application of the FAR on sites smaller than 3,000m², in Outside Development Zones, Urban Conservation Areas and Scheduled Property, in areas zoned for detached/semi-detached dwellings and in other urban areas where it is important that the height limitation is not exceeded or the urban fabric is such that development of a mass or height which would be permissible using the FAR would be out of character with the existing area, or would lead to overshadowing, overlooking or loss of privacy.



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- 3.12 The DC 2007 policy stipulates criteria to control development on those sites, which are considered suitable for higher buildings. The criteria relate to general design principles such as the urban context; protection of strategic and local views, landmark buildings or important skylines; plot ratios; and variation in building heights, form and massing to produce an interesting townscape.

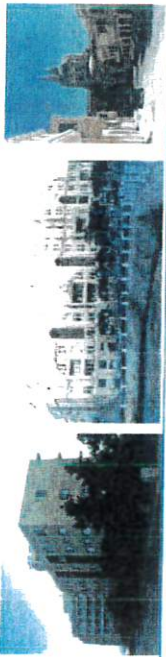


4. Definition of tall buildings

- 4.1 For the purpose of this policy framework, a building is considered tall if it is higher than 10 floors. This height threshold also applies to extensions to existing buildings. The addition of plant/equipment or any structural projection normally allowed beyond the top floor level such as penthouses or any other architectural feature shall not be taken into account when determining if a building is tall. Where the building height limitation for the locality allows additional levels below the ground floor but above street (basement or semi basement), these levels shall also not be taken into account when determining if a building is tall. Buildings which are not determined to be tall as they are equal to or less than ten floors, will be considered as medium-rise buildings.
- 4.2 Buildings, achievable through the application of policy 2.5 in DC 2007 on sites bounded by streets on different levels, which when measured from the lowest street level would be more than 10 floors will be defined as tall but considered acceptable in their context. The maximum building height achievable on such sites would be restricted to the same overall height achievable through the application of policy 2.5 in DC 2007.
- 4.3 Buildings that are higher than 10 floors will only be considered favourably in the locations deemed appropriate for tall buildings by this policy (refer to para 7.10 below). The maximum allowable built floor space and built volume, the requirement for open space, the maximum height, use and design and other impacts of the tall buildings will be determined, on a case by case basis, through the application of the eligibility criteria in para 5.5 below, the development control criteria (i) to (xii) in section 5, through the impact assessment process required by section 6 of this policy and the provisions of the guidelines on the methodology for the use of the FAR. For proposals for buildings that are in locations deemed appropriate for medium-rise buildings by this policy (refer to para 7.13 to 7.16



below), MEPA will apply the relevant provisions of this document, the provisions of the guidelines on the methodology for the use of the FAR included with this document, and prevalent zoning conditions and land designations set out in Local Plan policies. These provisions allow the flexibility of the use of the FAR outside the appropriate locations for tall buildings but cap the resultant building heights and limit their proliferation.



5. The policy

Planning Issues

5.1 It is recognised that well-positioned and well designed tall buildings can fulfil a number of useful functions:

1. They can act as landmarks to help to make the form of urban areas legible;
2. In a closely linked cluster they can signal the hubs of urban areas or act as gateways;
3. They can provide floor space and public open space in strategically desirable locations;
4. When designed as first rate works of architecture, they can serve as catalysts for regeneration and stimulate further investment, even from international companies;
5. The design and construction of innovative tall buildings can help in the evolution of building and environmental technology.

5.2 On the other hand, a proliferation of isolated tall buildings with different heights and shapes scattered randomly over the urban areas can make the skyline appear arbitrary or accidental. Dotting tall buildings around the urban areas can completely lose the impact and sense of their importance. Equally, a misplaced tall building that blocks or competes with a view to an existing important landmark could undermine the legibility of urban areas.

5.3 It should be appreciated that tall buildings are not the only design option to achieve the same advantages, as forms of low or medium rise development can also achieve these, which design options should not be overlooked. On the local scale, ill-designed tall buildings can erode local character and distinctiveness, particularly of historic areas, and can create problems at street level affecting vitality and



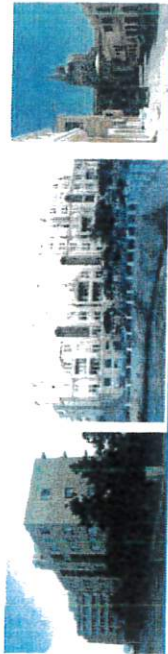
amenity and the microclimate. They can create transportation and infrastructure bottlenecks, especially in intensive commercial development, and social problems in high density, low-cost residential schemes. They also present challenges in evacuation and fire fighting situations. Tall buildings are very expensive to construct and maintain. Inflexible designs and inability to adapt to different uses can turn them into costly, disappointing experiments.

- 5.4 It is therefore essential that adequate attention be afforded to the assessment of proposals for tall buildings to carefully identify the impacts, both on the national and local scales, and in terms of use, location and design. It is important that new tall buildings are sited and designed for good townscape, economic and environmental reasons rather than simply as a response to commercial pressure.

Assessment of Proposals for Tall Buildings

- 5.5 MEPA will favourably consider proposals for tall buildings provided that

- (a) They generally satisfy the location criteria set out in para 7.1 and 7.3 and are within the locations identified as appropriate by this policy (refer to para 7.10 below); and
- (b) They are on sites which occupy a completely detached urban block surrounded by existing or planned streets, irrespective of the land area of the site; and
- (c) They comply with each of the following criteria and with the provisions of the Guidelines on the Methodology for use of the Floor Area Ratio (FAR).



The criteria are not listed in order of importance but are organised to first address the wider strategic issues, then issues related to the site and its surroundings and finally the issues related to the design of the tall building.

(i) General Principles.

5.6 MEPA requires all new tall buildings to be of a high quality of design, such that they can make a positive contribution to the urban form and skyline, and support regeneration. MEPA will be looking for buildings that are icons of architectural quality in themselves and will not accept low quality on the pretext of precedent or to accommodate the maximum allowable floor space achievable through the application of the FAR. MEPA will encourage some internal spaces in tall buildings to provide activities which capitalise on the unique features of the structure, especially access to views from it. All tall buildings must be integrated into the public realm, be responsive to environmental conditions and embrace principles of sustainability. Within the appropriate locations for tall buildings only, additional gross developable floorspace (GDF) over and above the maximum allowable floorspace may be considered strictly on a case-by-case basis provided the proposal is declared as a project of strategic economic benefit by the Government.

(ii) Land use.

5.7 As a general guide, proposals which include tall buildings should provide accommodation predominantly for offices for single and multiple occupiers, hotels, commercial uses usually at street level and also at the top, together with residential uses. However, the uses for proposals which include tall buildings should comply with the land use framework identified in an approved development plan (Structure Plan or subsidiary plan), and should not compromise the objectives of an emerging development plan, for the specific zone in which it is located. MEPA will require a mix of uses for proposals which include tall buildings and will seek uses, which provide public access at ground and topmost levels such as restaurants and cafes with associated viewing galleries. Uses being proposed at ground level should also contribute to



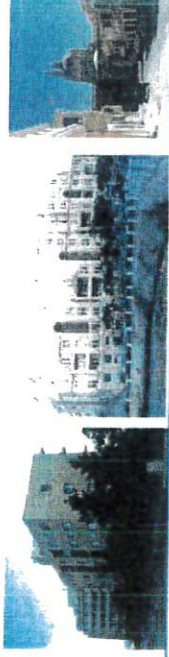
the diversity, vitality and vibrancy of the surrounding streets and spaces. A mix of uses rather than a single use has the greatest potential for interacting successfully with the surrounding smaller buildings and of creating a place, not just a location.

(iii) Infrastructure.

5.8 Tall buildings should not adversely affect the capability of the local infrastructure (water, electricity, foul and storm water sewers, telecommunications and broadcast signals) to meet the demands of the locality and, in the case of telecommunications and broadcast, even national needs. Residential developments should not adversely affect existing open spaces and playgrounds through intensification of use. Where additional physical and social infrastructure and facilities are required as a result of the proposed development, the developer shall make a substantial contribution towards their provision. MEPA will also seek the incorporation of telecommunications facilities on tall buildings made available to utility providers through a legal agreement where, following consultation with the Malta Communications Authority, the proposed development is deemed to create negative impacts on telecommunications infrastructure.

(iv) Transport.

5.9 Tall buildings should not have an adverse impact on the transport infrastructure, particularly public transport provision, especially at peak travel flows. The development should normally provide all car parking requirements on site. Where the Authority is satisfied that this is not technically possible, the shortfall in car parking spaces may be provided on an alternative site which shall not be located more than 250m away from the site of the development. These car parking spaces must be over and above the car parking requirements of any development proposed on the alternative site. The development shall also provide safe access arrangements for all modes of travel, including universal accessibility requirements. Payment of monies in lieu of on-site car parking provision will not be considered favourably. The developer shall fund measures to encourage sustainable travel behaviour in the form of a 'Green Travel Plan'. Developers would also need to identify any



measures, and contribute to the costs of their implementation, that will be needed to remedy shortcomings in local capacity to accommodate the demands generated by the development.

(v) *Air Transport.*

5.10 MEPA will ensure that excessively high buildings do not infringe the "Obstacle Limitation Surface" and other air navigation constraints (refer to appendix C). The location and height of tall buildings needs to respect air transport activity and the operations of airports. MEPA will consult all the relevant agencies to ensure that proposals do not create an aviation safety hazard.

(vi) *Relationship to context, historic environment, topography, built form and skyline.*

5.11 Tall buildings need to respond positively to their context including natural topography, scale, height, urban grain, streetscape and built form, and the skyline. Tall buildings should be sited where visual impact on sensitive historic environments and their settings such as World Heritage Sites, conservation areas and scheduled buildings is minimised, and should retain and enhance key strategic, long distance views and important vistas at a national and at the local level. The virtue of stepped or staggered clusters when perceived from all directions should be considered in this light. An acceptance of a particular height of one tall building does not imply that all other tall buildings in the locality or elsewhere should be at least as high as the one granted consent. The site layout of tall building schemes should also consider the requirements of the eventual demolition of the tall structure, in particular its relationship to any other tall building in its immediate proximity. The design of the lower floors of the building should emphasise the human scale and reflect the character of the street. The use of appropriate setbacks of the upper floors to create the impression of a continuous frontage, or the use of certain materials, may help to integrate the tall building at ground level with the rest of the urban grain and streetscape. Tall buildings standing in spaces devoid of



functions and activities will not be considered favourably by MEPA. The acceptability of a tall building will always depend on the character of its surroundings, and whether this can be altered without sacrificing valued attributes or local distinctiveness.

(vii) **The Public Realm.**

- 5.12 Tall building schemes should create high quality, public open space within the site through proper site layout and arrangements. The development should promote consolidated outdoor public spaces that are safe, especially from crime, and attractive for all, and which meet the needs of both the users of the building and the wider neighbourhood. Public open space should encourage people to linger and incorporate well-designed landscaping and street furniture – lighting, seating, litterbins, signage, public art, etc. – without creating clutter. The management and maintenance of these spaces needs to be specified in a planning gain obligation and agreed to by MEPA. The scale of public open space should never be less than 50% of the site area.

(viii) **Permeability and Legibility of the site.**

- 5.13 Tall buildings schemes should promote accessibility on foot and local permeability by making places that connect with each other and are easy to move through, putting people before traffic. The development should be integrated in the existing network of pedestrian routes and streets and should provide recognisable intersections and landmarks to help people find their way around.

(ix) **Architectural Detailed Design.**

- 5.14 Tall buildings must be of the highest quality in architectural form and detail. This requires careful attention to alignment, massing, scale and form, proportions and silhouette, and materials of the building. The design of the top of a tall building is particularly important when considering the effect on the skyline. Antennae and telecommunications equipment need to be carefully considered because their visual



impact at a very high level can be very damaging to the appearance of the building but also, if integral to the original design, something of a feature. The design of the bottom floors should reinforce and evolve positive local characteristics. They should have active frontages, legible entrances and define the public realm. The internal layout of the building should be flexible to allow adaptability to different uses as social and economic climates change. This requires special attention to the design of the structure.

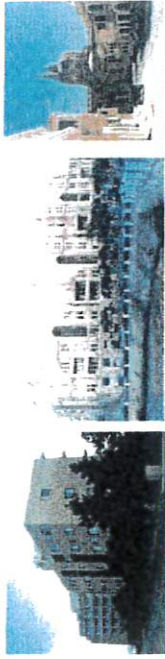
(x) Effect on microclimate.

5.15 The siting and design of tall buildings should consider the effects on the microclimate and seek to reduce overshadowing, diversion of high-speed winds to ground level, heat islands and glare, especially on public spaces and neighbouring properties. Tall buildings must be lit at night by well-designed lighting, which contributes significantly to the night time appearance of the urban area in which they are located but avoids light pollution.

(xi) Sustainable Design and Construction.

5.16 Tall building schemes should deliver sustainable buildings, particularly in the light of the 2020 Kyoto protocol and energy-reduction targets that have been established and committed to, by utilising construction technology and materials, which enhance the efficient management, operation and maintenance of the building and its performance. Proposals must minimise the adverse effects on the environment such as the release of harmful emissions and the wasteful use of energy. MEPA will encourage proposals that adopt:

- low energy techniques,
- heat recovery systems,
- second-class water recycling facilities,
- waste management and recycling schemes

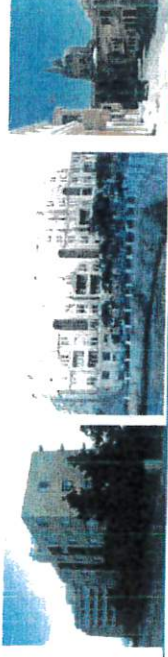


- run-off reduction and collection measures
- use of photovoltaic cells on south facing elevations
- passive measures such as appropriate building form, natural ventilation of spaces and access to openable windows and
- include designated waste storage sites for separate waste fractions
- maximise the reuse and recycling of materials during construction, refurbishment or eventual decommissioning of the building
- minimise the impacts on the water table

(xii) **Safety.**

5.17 Tall buildings must meet all the current safety requirements related to the structure, fire protection and means of escape for all, especially in the event of an emergency or major accident. MEPA will consult all the relevant agencies and may require the submission of a risk assessment to ensure that proposals do not create a safety hazard to any group of users, including the immediate neighbours to the site.

Seismic design should also be taken into consideration.

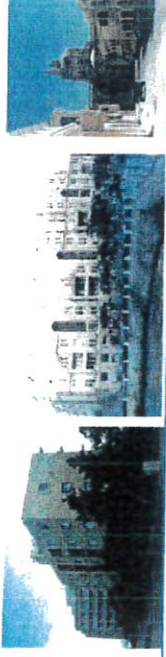


6. Information to accompany applications

- 6.1 Proposals that are identified as significantly taller than their surroundings (tall buildings on the basis of Section 4 above) should be restricted to the appropriate broad locations where opportunities have been identified for tall buildings by this policy (refer to para 7.10 below). Until such time when the detailed boundaries of the tall building cluster within the aforesaid appropriate locations have been defined through an urban design study/character appraisal, applicants will be required to complete a similar level of analysis within the agreed zone of influence of the proposal prior to determination by MEPA of any development application for a tall building.
- 6.2 An *urban design study/character appraisal*, with emphasis on graphic presentation in the published version, should identify and describe, in accordance with Terms of Reference prepared by MEPA, those elements that create local character and other important features and constraints, including streetscape, height to width ratio of streets, scale, height, urban grain, connections/nodes, existing open spaces, natural topography, significant views of skylines, landmark buildings and areas and their settings, including backdrops, and important local views, prospects and panoramas of the locality in which the proposal is located. The enhancement potential and sensitivity of the townscape should not be overlooked.
- 6.3 A *Visual Impact Assessment* should be prepared giving accurate and realistic representations of the building, showing all the significant near, middle and distant views affected from 360°. Photomontage techniques, including a 3D analysis, should also be used to consider the visual impact during the construction phase, as this could be quite lengthy and potentially intrusive for a tall building.



- 6.4 Applications for tall buildings must be supported by a *Transport Assessment*, which identifies, describes and mitigates impacts on the local transport infrastructure and public transport and the need for car parking provision and access arrangements and a *Social Impact Assessment* to review the social effects and a study on the effects on microclimate.
- 6.5 Applicants also need to provide a written *Design Statement* that sets out the rationale for the proposal, its architectural concepts and design philosophy and the particular qualities of the site that make it suitable for tall buildings, within the context of the information obtained through the Urban Design Study and the Visual Impact Assessments. The statement should also include:
1. Existing and proposed floor plans, elevations and relevant sections;
 2. Detailed plans showing the existing site and all aspects/elements/features of the proposed development in its wider context, including topographical information and a tree survey (where appropriate);
 3. Details of proposed materials and construction methods;
 4. A physical model (and a virtual computer model if deemed necessary) at the appropriate scale, showing the building and its relationship to surrounding buildings and spaces. As a minimum this should include all development with a one entire perimeter block distance from the proposed building;
 5. Sun path studies to assess overshadowing and daylight penetration in terms of lux levels within the building and the results of wind tunnel studies (or equivalent analysis) showing how the design has incorporated mitigation measures;
 6. Analysis of the anticipated effect of the development on the economic vitality of the locality and its wider context;
 7. Analysis of the effect of the development on the local infrastructure;
 8. A proposal for lighting the development showing how it contributes to the skyline when viewed from a distance at night;
 9. Information to demonstrate that environmental sustainability and safety issues have been fully considered.



- 6.6 An Environmental Impact Statement (EIS) or Environmental Planning Statement (EPS) in accordance with Terms of Reference prepared by MEPA must be prepared for applications for tall buildings if they are deemed to fall within the scope of the EIA Regulations of 2007, as amended. The EIS or EPS should be used to identify measure and evaluate the impacts (beneficial and detrimental) that a proposed development could have on the environment. Where there are concurrent proposals for other tall buildings, or where others are likely to follow, the implications of these should be addressed as well. The *Urban Design Study*, the *Visual Impact Assessment*, the *Transport Assessment*, the *Social Impact Assessment* and the *Design Statement* may be subsumed as part of the EIS or EPS.
- 6.7 Without the representational material of this scope, quality, clarity and detail, it will not be possible for MEPA to evaluate and determine the proposal effectively. It is essential that designs have the highest architectural quality. This means that they will have to be worked up to a stage that commits proposals to a level of detailed design that ensures this quality is achieved.
- 6.8 Where development permission for a tall building is to be granted, the detailed design, materials and finishes, and treatment of the public realm shall be secured through the appropriate use of conditions and obligations in the permission, enforced through a legal agreement, if necessary. Adequate guarantees are essential to maintain the original architectural quality and ensure that inferior details and materials are not substituted at a later date.



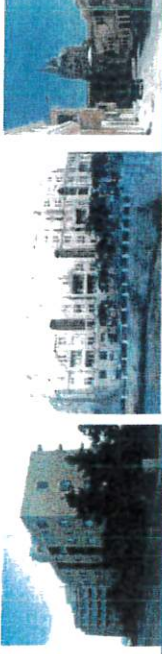
7 Locating tall buildings

Appropriate Locations for Tall Buildings

- 7.1 The first step in the identification of appropriate locations for tall buildings was to develop a set of urban design, transport and conservation criteria to separate out a strategic search area through a sieving exercise. It should be emphasised from the outset that this set of criteria relate to a very broad level of assessment and provide a generic indication of the area (the strategic search area) where tall buildings could potentially be located and are without prejudice to more detailed and location specific townscape analyses.

The strategic locations should:

1. Support the regeneration of commercial/employment urban centres within the Development Zone only;
2. Be areas generally not visually prominent, and located on the low lying (at a strategic level, interpreted to be broadly below the 25m contour), gently sloping, urban parts of the Islands with a statutory building height limitation of four floors or more as higher buildings in these locations would not compete with traditional townscapes;
3. Be well serviced or capable of being well serviced by public transport to reduce the need to travel by car;
4. Be away from residential priority areas, urban conservation areas and their settings or buffers as tall buildings are naturally alien to these low-rise, compact locations;
5. Be away from ridge edges and not interfere with views of protected areas, (such as Special Areas of Conservation (SACs), Special Protected Areas (SPAs), Areas of High Landscape Value (AHLVs) or Areas of Very High and High Landscape Sensitivity), and existing landmarks as tall buildings would prejudice the public enjoyment of the open countryside, the coast or setting of urban landmarks of local, national or international importance;



6. Not be located on Gozo.

7.2 The strategic analysis from the first exercise indicated that the low lying northern parts of the main conurbation from St. Julians and Sliema to Msida, Gzira and Pieta, and the urban areas of St. Paul's Bay, Bugibba and Qawra and parts of Marsa and Marsascala, excluding the urban conservation areas, have potential to accommodate tall buildings (Refer to Map 1). The next step was to identify locations within this strategic search area where tall buildings could be concentrated.

7.3 The cluster concept indicates that new tall buildings should be located in areas where commitments for tall buildings already exist. The current planning policy framework and emerging strategic policies especially the Retail Strategy, the Employment and Transport Topic Papers show that there are also strategic reasons for guiding large commercial development towards particular locations. The three types of strategic locations can be listed as:

1. Committed areas;
2. Employment hubs;
3. Transport hubs.

Refer to Map 2.

Committed Areas

7.4 Committed areas are those locations where tall buildings as defined by this policy:

1. Have already been constructed; or



2. Development permission has been granted; or
3. A planning policy has already accepted the location as appropriate for tall buildings.

On the basis of this definition, ten locations have been committed for tall buildings in Malta in recent years:

- Paceville, St. Julian's - Portomaso Tower for office use, the Pender Place and Mercury House for a mixed development project;
- Tigne, Silema - Fortina Tower as a hotel, the Tigne redevelopment project with high-rise buildings for residential and hotel use, the redevelopment of the Holiday Inn Crowne Plaza Hotel mostly for residential use;
- Paola - the three residential towers (the A3 Towers);
- Gzira - the mostly residential high rise block (Savoy Gardens) as a redevelopment of the Gasan showroom and premises, the Metropolis project in Gzira mostly for residential with some retail and office uses;
- St. Paul's Bay - the high rise residential block on the Villa Preziosi site;
- Xemxija - the Mistra redevelopment scheme mostly for residential use;
- Marsascala - the high residential blocks on the Ta' Monita site;
- Marsa - Marsa Park site for mixed uses; Marsa Sports Complex for sports and tourism;
- Luqa - Malta International Airport for commercial uses;
- Marsalforn, Gozo - for a ten-storey mixed use residential and retail scheme.

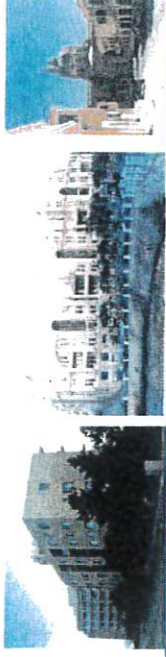
- 7.5 Five of the ten locations committed for tall buildings – the three towers at Paola, the Villa Preziosi site at St. Paul's Bay, the Mistra site in Xemxija, the tall buildings at Marsascala, and the tower at Marsalforn – are not currently deemed suitable for more tall buildings. The Malta International Airport site is outside the strategic search area as it lies above the 25m contour. The site at Paola is not within a



designated strategic location where development can assist regeneration. However, the regeneration area linking the Marsa Park site to the site of the three towers in Paola through Albert Town and the Marsa Shipbuilding could have potential to accommodate tall buildings. The St. Paul's Bay site is distant from the concentration of tourism and leisure activity in Qawra. More tall buildings in this location would undermine the objectives of the Local Plan to concentrate tourism and leisure development in Qawra and would also draw unnecessary attention to the existing building. Xemxija is a small urban area, located on steeply sloping terrain and surrounded by areas of high landscape and environmental value and predominantly residential in character. The site in Marsascala does not have potential for more tall buildings as it is within a coastal urban area outside of the main conurbation and is not well connected to the public transport network. Marsalforn is a small coastal settlement surrounded by areas of high landscape value and has little potential for large-scale tourism or office development in tall buildings. The remaining committed locations of Paceville, Tigne, Gzira and the Marsa Park area all have potential for tall buildings.

Employment Hubs

- 7.6 The key locations outside the historic core of Valletta and Cottonera, where redevelopment or regeneration is being encouraged, are the employment hubs made up of the six Primary Town Centres, office enclaves and tourism or entertainment zones. The strategic industrial hubs are not deemed suitable to accommodate the preferred uses for tall buildings (predominately offices and tourism) and should be safeguarded primarily for manufacturing industry. The Primary Town Centres are located in Mosta, Sliema, Hamrun, Paola, B'Kara, and Rabat in Gozo. However, these town centres are also located in urban conservation areas and tall buildings within these areas or in their setting would harm their historic and architectural value. Rabat, Gozo, is also within the setting of the Cittadella and on



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elevated ground. Paola Town Centre is visually unrelated with committed areas and would not contribute towards the grouping of tall buildings in clusters.

- 7.7 The main existing or planned office enclaves are located in Pembroke, Paceville, Gzira and Marsa Park all of which are not visually prominent urban areas, located on relatively low lying land, have limited impacts on conservation areas and their settings and are well served by public transport. Tall buildings in these locations would support the establishment of employment hubs and Paceville, Gzira and Marsa are also well related to committed areas. Pembroke, however, is an undeveloped site on the edge of the conurbation, adjacent to low-lying settlements with a building height limitation of less than four floors and lies just above the 25m contour.
- 7.8 The major tourism or entertainment zones in Malta, which are also outside the Valletta and Cottonera areas, are Mellieha, Bugibba and Qawra in St. Paul's Bay, Paceville in St. Julian's, and Sliema. Other areas include Marsascala and Marsaxlokk in the south of Malta, Mgarr, Xlendi and Marsalforn in Gozo. The localities in Gozo are in visually sensitive areas and too small to absorb major development for tourism accommodation or leisure uses. Marsascala and Marsaxlokk are more oriented for the leisure industry rather than major tourist accommodation and not well linked by public transport, while Mellieha is on elevated or sloping terrain and also not well linked by public transport. Tourism development in Sliema is very dispersed from St. Julian's to Gzira, with the only area, which could contribute to the clustering of tall buildings being the immediate surroundings of the Tigne peninsula. Paceville and Qawra on the other hand are located in low lying areas, have limited impact on conservation areas and their settings, are well served by public transport and relate well to committed areas.



Transport Hubs

- 7.9 Malta's international Luqa Airport and the Freeport are also potential sites for hub creation and therefore potential sites for tall buildings, albeit the airport site is above the 25m contour. Proposals for major redevelopment at the Luqa Airport have already been submitted to MEPA. The Department of Civil Aviation was consulted on the potential of these two locations for tall buildings. The Department commented that the Airport site is situated to the side of the runway and so buildings and other structures will be deemed to be obstacles if they penetrate the "Obstacle Limitation Surface". This surface extends horizontally from the centre line of the runway to a distance of 150m and then continues outwards following a gradient of 1:7. The Department maintained that development on the Freeport Site should be discouraged but structures of 25m would be well below the "obstacle limitation surface". As the two locations of the Airport and the Freeport could be seriously constrained by the safety requirements of the airport, they have not been identified as an appropriate location for tall buildings by this policy. The Grand Harbour, in principle, also has potential for hub creation but as it is a prime urban conservation area, tall buildings would have an adverse impact on its heritage and conservation value. The inner core of the Grand Harbour, the area around the Marsa Shipbuilding and Albert Town, could be considered for higher buildings, subject to appropriate visual impact assessments on the Valletta peninsula and Cottonera.



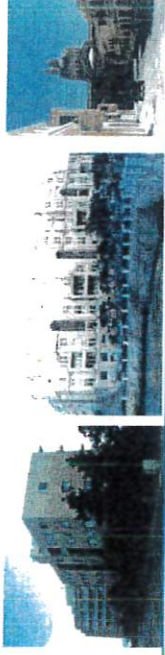
Designated Locations

7.10 Therefore, the designated appropriate locations for tall buildings are:

- The general area surrounding and including the **Marsa Park** and **Gzira** employment node predominantly for office uses;
- **Qawra** peninsula, **Paceville** and **Tigne** peninsula predominantly for tourism/leisure uses.

Refer to Map 3 for an indication of the appropriate locations. The development of further tall buildings on the Tigne peninsula provides an opportunity to enhance the views from Valletta. Marsa provides an opportunity for revitalization of the dilapidated neighbourhoods. If an urban renewal project for the adjacent degenerating dockyard area can be undertaken in conjunction with the Marsa Park site, the whole area can have great potential to create an entirely new vibrant context. Particular attention was focused on the strategic location of the employment hub of **Imrieheh**. Although the area is designated for industrial uses, through subsequent revisions to the Local Plan a wider mix has been encouraged and a generic proviso in favour of buildings higher than 14m was also introduced for large sites. Therefore it is clear, that there has been an intention to consider higher buildings in this locality over the recent past. Within this context, ie having accepted that this locality is not primarily aimed for manufacturing industry and that buildings higher than 14m can be considered, it also complies with the other location criteria identified under paragraph 7.1 and can therefore be designated as an additional appropriate location for tall buildings for predominantly office uses.

7.11 Although a preferred use for proposals which include tall buildings has been indicated, MEPA will apply criterion (ii) (paragraph 5.7) of this policy to achieve the best mix of uses. Residential uses will be considered as part of the mixed land use schemes provided that when they are located within the tall building, they offer high quality, prestigious units with large floor spaces of at least 150m² for each



unit (which equates to the minimum size of a semi-detached apartment/ maisonette in a villa area) and with management structures for common areas. Dwelling units intended for sale or short/long lets to foreigners will not be considered as tourism development and hence will form part of the residential component of the scheme.

- 7.12 By reason of the strategic level of the analysis described above, exact boundaries for the tall building clusters within the appropriate locations have not been identified, neither appropriate heights nor the number of tall buildings, which should comprise the cluster. It is not the intention of this policy to review the boundaries and policy frameworks of those sites and areas, which have been designated through an alternative planning process (Local Plans or Development Briefs). Thus the boundaries of the Marsa Park site, the employment node in Gzira, the boundaries of the tourism or entertainment zones of Qawra and Paceville in Local Plans serve only as a preliminary indication of the areas where tall buildings may be located and are not exclusive zones. The location of a specific site in an appropriate location does not imply that it is undoubtedly suitable for a tall building. The specific sites where taller development may be acceptable within the appropriate locations still need to be studied further as not all sites will necessarily achieve the requirements of this policy and thus be suited to a tall building.

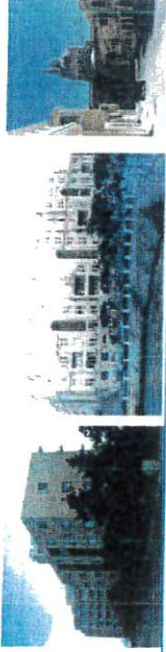
Potential Locations for Medium-Rise Buildings

- 7.13 From an analysis of the type of applications submitted for medium-rise buildings it is more likely that these smaller scale developments tend to be used for residential purposes, as they do not attract intensive land uses such as offices, tourism and leisure or commercial development. Although higher than their built context, medium-rise buildings predominantly for residential use generate less serious impacts on the infrastructure, transport and on the microclimate while issues of architectural design, sustainable design and safety are



much less complex. However, they may still have an adverse impact on the landscape, the townscape and the historic environment, especially in locations with low background buildings and statutory building height limitations lower than four floors.

- 7.14 Therefore, the strategic search area identified in Map 1 is suited for medium-rise buildings subject to all the relevant safeguards provided in this policy document and in Local Plans, and provided further that the site is surrounded by existing or planned streets, at least 50% of the site area is allocated for open space and is not located within the excluded areas identified by para 2.1(b)(ii) of this policy. This strategic area includes
- the urban conurbation from St. Julian's and Sliema in the north, to Gzira, Msida and Pieta in the centre and Marsa in the south;
 - the urban areas of Bugibba/Qawra and St. Paul's Bay and Marsascala are also suitable for medium-rise buildings;
 - the Freeport area but the use should be restricted to offices only and the maximum overall height of the medium-rise building should not exceed 25m.
- 7.15 Outside the strategic search area, there could also be scope for the application of the FAR on specific sites for medium-rise buildings to achieve other planning objectives such as significant employment opportunities, urban regeneration or provision of open space, subject to all the relevant safeguards provided in this policy document and in Local Plans. Such sites and applicable development criteria can be identified:
- (a) in the relevant Local Plan, provided that the sites are surrounded by existing or planned streets and at least 50% of the site area is allocated for open space and are not located within the excluded areas identified by para 2.1(b)(ii) of this policy; or



- (b) through applications for development briefs provided they cover a site area of at least 4,000sqm, the sites are surrounded by existing or planned streets, at least 50% of the site area is allocated for open space and are not located within the excluded areas identified by para 2.1(b)(ii) of this policy. Any other relevant provisions in this policy document and in the Local Plans shall also apply.

- 7.16 Notwithstanding the provisions of paragraph 7.15 above, areas for medium-rise buildings in Pembroke can be designated through the Local Plan process or through applications for development briefs only on the site identified by policy NHPE09 as the "Pembroke Development Brief Site" to ensure that higher buildings are concentrated on the site already identified for non-industrial employment generating uses of a national/regional catchment area.

APPENDIX

A. Guidelines for Visual and Landscape Assessment

Landscape Character and Visual Amenity

Landscape Character

The study should describe the landscape-related area of influence and landscape setting of the proposed site, identifying the component character areas and local landscape tracts, and the landscape elements, characteristics and degree of sensitivity thereof, so as to enable the prediction and assessment of:

- The changes to the landscape attributable (in full or in part) to the proposed development;
- The implications of such changes on the quality and perception of the landscape and its elements, in each of the identified landscape character areas and local landscape tracts; and
- The effects of such changes on relevant receptors. (The receptors should also be duly identified and their degree of sensitivity should also be indicated and justified).

Reference should also be made to MEPA's 'Draft Landscape Assessment Study, 2004,' and to the *Guidelines for Landscape and Visual Impact Assessment (The Landscape Institute & IEMA)*, as relevant.

Visual Amenity

The following need to be identified and submitted for prior EPD approval:

- The zone of visual influence (ZVI) of the site and the development under consideration; and
- Assessment viewpoints representative of short-, medium- and long-distance views towards the site. A baseline photograph taken from each proposed viewpoint is also required. The submission should cover all the important views of the site, whilst avoiding the inclusion of

superfluous or inappropriate viewpoints (e.g. positions from which the site is not visible, or where the view is obstructed or dominated by physical obstacles in the foreground).

Thereafter, for each approved viewpoint, the projected situation and appearance of the site (*i.e.* as it would look with the proposed development in place) should be compared to the current baseline situation (*i.e.* without the proposed development). The following should be predicted and assessed accordingly:

- The expected changes to visual amenity as a result of the proposed development;
- The effects of such changes on the quality of the visual amenity of the site; and
- The effects of such changes on relevant receptors. (The receptors should also be duly identified and their degree of sensitivity should also be indicated and justified).

Note: The baseline photographs and the photomontages should, unless otherwise directed by MEPA, satisfy the following:

(a) The location of each viewpoint should be shown on a map that also depicts the viewshed for the proposed site as described above. The visual angle of the photograph should also be indicated and should not be greater than 50°. Stitched photos that illustrate the field of vision towards the site from each viewpoint are acceptable as long as they are additional to the 50-degree photograph.

(b) The photographs and photomontages submitted should:

- Be at least A3 in size. Strips which are A3 in width but not in length are not appropriate except as supplementary illustrative material;
- Include the date and time at which the photo was taken;
- Be of good quality, with faithful reproduction approximating as much as reasonably possible what would normally be visible to the naked eye. The photos should be taken in good weather, and should be taken at least 2 hours after sunrise and 2 hours before sunset. Colours should not be digitally or otherwise manipulated. As a guideline, the image should have a printing density of 200 dots per inch or better. In some instances, digital images having a resolution of 1024 x 728 or better may be required for multimedia presentation purposes;
- Be taken in such a manner that near-field objects do not overpower or dominate features near the image plane passing through the project area;
- Be taken from a height above ground level that is representative of the eye level of the viewer, and such height should be duly documented; and
- Ensure that all additional/replacement structures and features depicted in the photomontages have a scale which proportionately tallies with the existing nearby features.

(c) Wherever relevant, the photomontage(s) should cover the following scenarios:

- The development without the proposed landscaping scheme, representing the worst-case scenario;
- The development complete with the proposed landscaping scheme as it is expected to look when the trees reach maturity, also providing an indicative timeframe as to when such maturity is expected to be attained; and
- (where relevant in relation to impact of nocturnal lighting) the development and its ancillary lighting as it would appear during night-time.

B. Guidelines on the Methodology for use of the Floor Area Ratio (FAR)

1. The justification to Policy 2.10 in Policy and Design Guidance, 2007 states that:

The Floor Area Ratio (FAR) is a useful development density measure for use when considering projects on specific large sites. It can be an effective tool for ensuring the efficient use of land, provided that it is considered together with limitations on site coverage and the maximum height of the buildings, and with other urban design considerations.

2. The glossary to the Policy and Design Guidance 2007 document defines the FAR as:

the ratio, which results from dividing the gross total building floor area by the site area.... The current approach used is to determine the amount of potentially developable gross floor space, which is obtained by multiplying the Developable Site Area by the permissible number of floors. The resulting developable floor space is then compared to the amount of floor space proposed in a particular development, and an acceptable scheme negotiated based on the maximum permissible floor space; the requirement for open space; and the impact of any development in excess of the height limitation.

3. Therefore there are four important parameters, which need to be computed to determine whether development applications are eligible to adopt the FAR density measure to achieve buildings higher than the statutory height limitations and the allowable development density:

- (i) The site area;
- (ii) The developable site area;
- (iii) The developable gross floor space;
- (iv) The amount of open space.

The gross building volume is an additional control parameter which can be used to determine applications involving the adoption of the FAR.

4. Guidelines on the methodology to compute each of these four parameters are produced below. All future development applications would need to satisfy all the requirements to be eligible for the adoption of the FAR. MEPA will not give any weight to previous decisions or practices in the determination of such applications.

Site Area

5. The appropriateness of the site needs to be determined on the basis of its location within a designated area, size, configuration and position in relation to existing or planned streets as follows:

A. Within the appropriate locations for tall buildings identified by this policy framework:

- (i) the site must be completely surrounded by existing or planned streets to achieve a tall or a medium-rise building;

B. Within the potential locations for medium-rise buildings identified by this policy framework:

- (i) the site must be completely surrounded by existing or planned streets to achieve a medium-rise building only.

C. Outside the potential locations for medium-rise buildings identified by this policy framework:

- (i) the site must be completely surrounded by existing or planned streets to achieve a medium-rise building only and when identified through an application for a development brief the site area shall not be less than 4,000sqm.

D. Additionally the following cannot be considered as part of the site area:

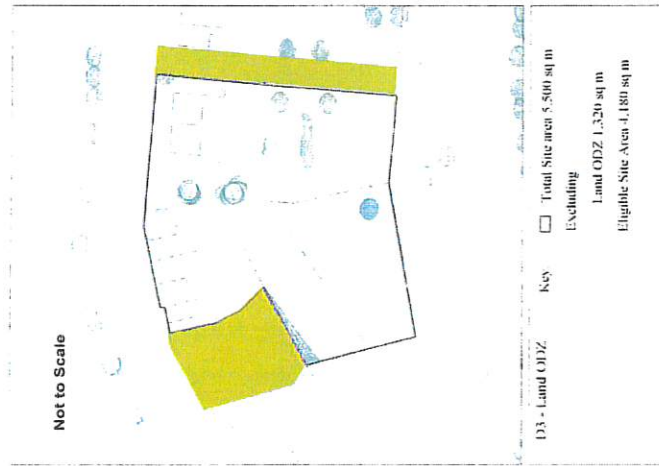
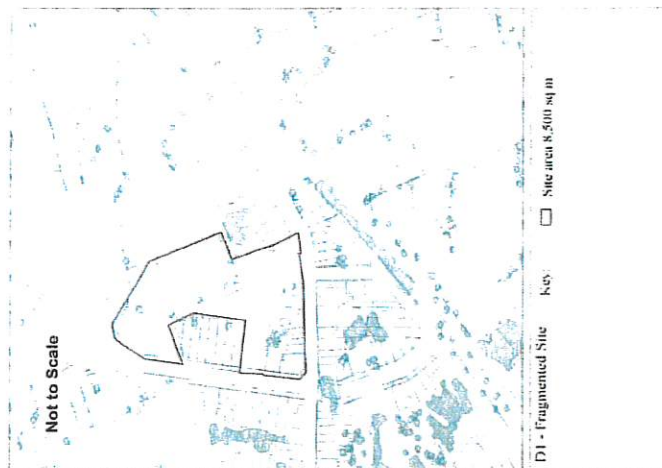
- (i) Schemed roads or planned roads as part of a development proposal, public footpaths, public open space on public land (existing or allocated in a Local Plan or TPS of 1988 where applicable);
- (ii) Land on the coast;

- (iii) Land outside the development zone;
- (iv) Land scheduled or listed for its ecological (AEIs), scientific (SSIs) or archaeological (AAls) (Classes A, B and C) importance;
- (v) Land allocated for detached/semi-detached dwellings in Local Plans;
- (vi) Land in Urban Conservation Areas;
- (vii) Land which is not owned by the applicant.

For the purpose of this policy a street is considered as a continuously linked, open, three-dimensional public or controlled space providing a frontage to property through which proper vehicular or pedestrian access may be obtained. Street width to building height ratio and control of projections onto the street in the Sanitary Law are applicable. The design and finishes of the street surface should be appropriate for its designated use. In the case of new streets planned as part of the development proposal for tall or medium rise buildings, the width of the streets shall not be less than 10.36m. The site area threshold identified in 5C above is compulsory. Smaller sites than those indicated in 5C after considering the provisions of 5D above will not be accepted. Fragmented sites not completely surrounded by streets which are not conducive to holistic planning and development, or sites which become fragmented after excluding land identified under 5D (i) to (vii) above, will not be accepted.

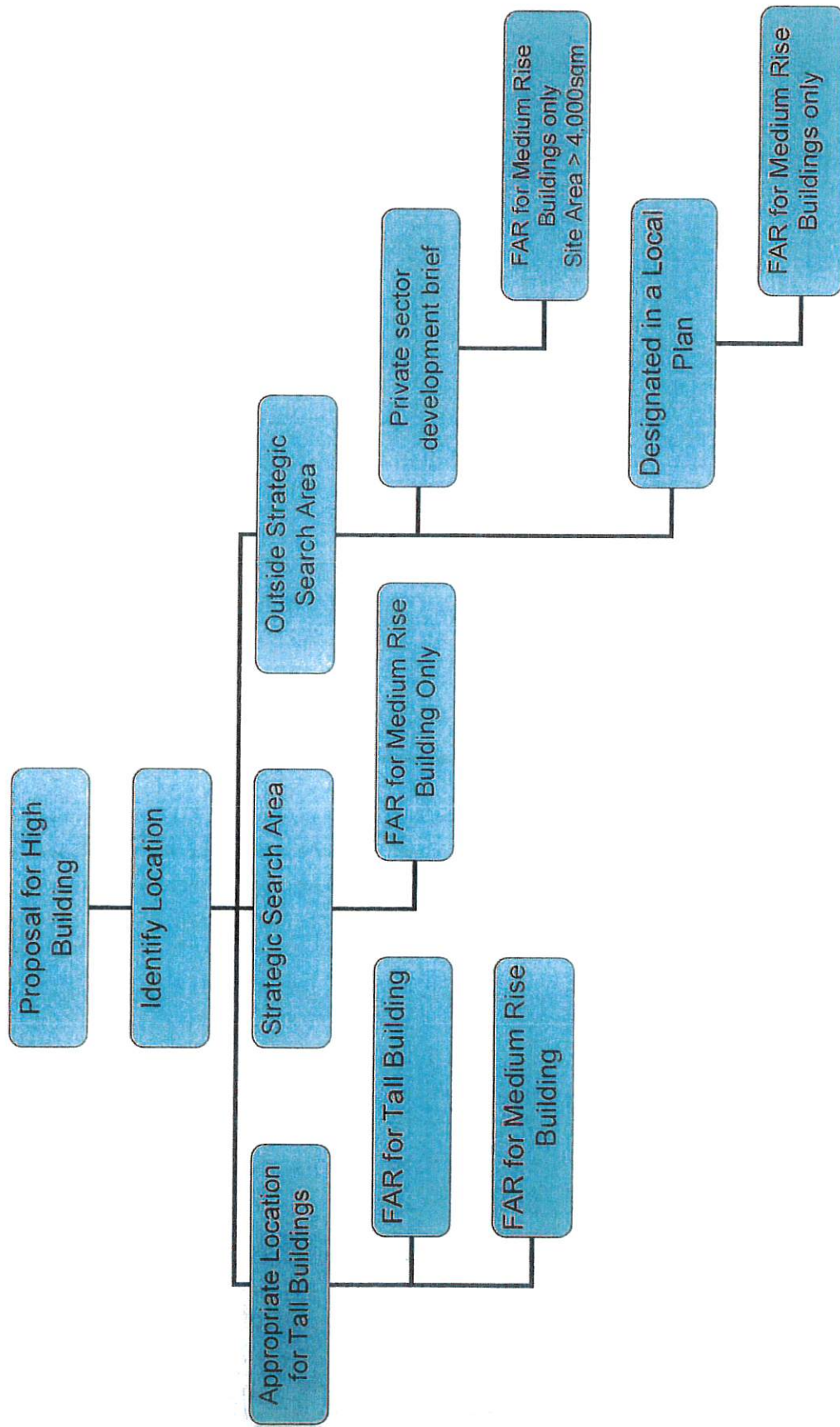
6. Figures D1 and D3 illustrate examples of fictitious proposals including high buildings. Provided the sites are in the appropriate locations for tall and medium rise buildings as determined by this policy framework:

- Site D1 would not be eligible for applying the FAR as it is fragmented and not completely surrounded by public roads;
- Site D3 may be considered for applying the FAR since although not surrounded by streets, the site abuts un-developable land;



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Flow Chart 1 - Eligible Sites



Developable Site Area

7. The developable site area should only be calculated for those sites which are eligible for applying the FAR on the basis of paragraphs 5A, 5B, 5C and 5D above.
8. **A. For undeveloped vacant land within the development zone and specifically zoned for development by a site-specific policy in Local Plans, where the site specific policy does not set out site coverage thresholds, the following should be excluded:**
 - (i) Land area of front and side gardens identified as "green" and privately owned land indicated as "green" in the large-scale drawings of the TPSs of 1988 or in Local Plans. Where no large scale drawings have been prepared as part of the Local Plan and there is no specific provision in the site-specific policy of the Local Plan that a front or side garden or the green area is not required, the provisions of the TPS of 1988 should still apply;
 - (ii) 15% of site area to be allocated for roads in sites larger than 1ha;
 - (iii) Any land excluded from development by the site-specific policy in a Local Plan.

Where a site specific policy sets out site coverage thresholds, the developable site area should be taken as equivalent to these thresholds.

- B. For undeveloped vacant land within the development zone not specifically zoned for development by a site-specific policy in Local Plans, the following should be excluded:**

- (i) 15% of site area to be allocated for roads in sites larger than 1ha;

- C. For previously developed land within the development zone specifically zoned for development by a site-specific policy in Local Plans, where the site specific policy does not set out site coverage thresholds, the following should be excluded:**

- (i) Land zoned for front and side gardens, privately owned green areas and any land excluded by zoning regulations in the TPSs of 1988 which was left open when the existing development was implemented with permission;
- (ii) Land area of any Grade 1 or Grade 2 scheduled or listed buildings together with any buffer zone. Grade 3 buildings should also be excluded unless covered by a specific development permission to allow their demolition;

- (iii) Existing roads and 50% of any land within the site boundaries left open as public/private amenity space (such as sports pitches, play areas, private swimming pools and sun decks) when the existing development was implemented;
- (iv) Any land excluded from development by a site-specific policy in a Local Plan.

Where a site specific policy sets out site coverage thresholds, the developable site area should be taken as equivalent to these thresholds.

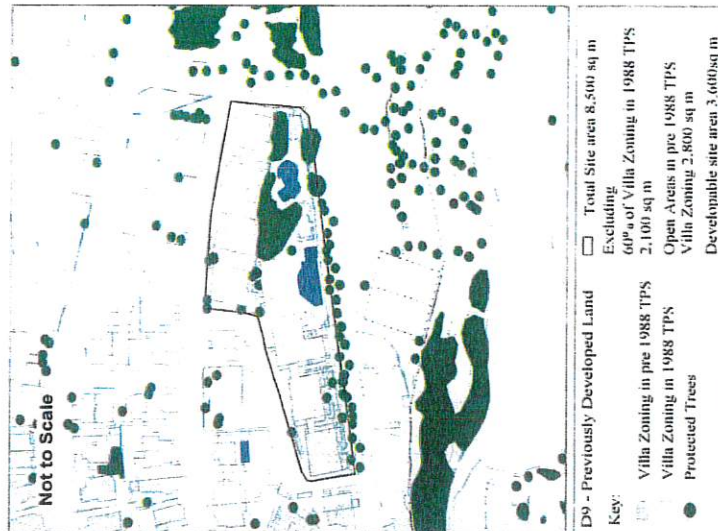
D. For previously developed land within the development zone not specifically zoned for development by a site-specific policy in Local Plans, the following should be excluded:

- (i) Land zoned for front and side gardens, privately owned green areas and any land excluded by zoning regulations in the pre-1988 Town Planning Schemes which was left open when the existing development was implemented with permission;
- (ii) Land area of any Grade 1 or Grade 2 scheduled or listed building together with any buffer zone. Grade 3 buildings should also be excluded unless covered by a specific development permission to allow their demolition;
- (iii) Existing roads and 50% of any land within the site boundaries left open as public/private amenity space (such as sports pitches, play areas, private gardens, swimming pools and sun decks) when the existing development was implemented;

9. Figures D7 to D10 illustrate examples of calculations of the developable site areas for fictitious proposals for higher buildings on fictitious sites. Assuming that the sites are in the appropriate location for higher buildings:



- Site D7, which is a vacant site part of a residential area with a height limitation of three floors in the Local Plan, previously zoned for terraced houses with front garden, would have a developable site area of 6,600sqm following the exclusion from the total site the area of the front gardens in the 1988 TPS;
- Site D8 is an existing school with landscaped areas and sports pitches. The building and the adjacent land for sports facilities was constructed in the 1960s, a large portion of which had been zoned as a green area in the pre 1988 Town Planning Schemes. An outbuilding was later scheduled as a Grade 2 building. The Local Plan did not indicate any site specific policy for the whole site but the site falls within a wider residential area. The developable site area would amount to 5,870sqm following the exclusion of the area of the scheduled building, the green area indicated in the 1960s as this was never developed, and 50% of the amenity open spaces surrounding the 1960s building.



- Site D9 is an existing tourist complex established in the 1990s, which involved the conversion for tourism accommodation of seven detached buildings, and the development of an extension to one of the buildings, pools, sun decks and landscaped areas on vacant land. The converted buildings were constructed on land zoned for villas with 40% site coverage in the pre 1988 Town Planning Schemes and the extension and the pools and decks were constructed on land also zoned for villas with 40% site coverage in the 1988 TPS. The Local Plan does not include a site specific policy but the site falls within a wider residential area. The developable site area in this case would amount to 3,600sqm and equal to the land already covered by buildings through the issue of the permission for the tourist complex plus the remaining portion of the 40% site coverage allowed on the site zoned for villas in the 1988 TPS.



- Site D10 is an existing hotel developed in the 1970s wedged between two Grade 1 buildings and their grounds, utilized for accommodation and a reception hall. The hotel building looks onto a large open space used for car parking and landscaping. A site owned by the hotel operator was left vacant when the hotel was developed. No zoning was indicated in the pre 1988 or the 1988 TPS, and the Local Plan site specific policy allocates the site for tourism use. The site is within a wider Local Plan designation of a tourism zone with a building height of five floors. The developable site area would amount to 6,600sqm following the exclusion of the area of the scheduled buildings and their grounds and 50% of the amenity open spaces surrounding the hotel building.

Developable Gross Floor Space (GDF) and Built Volume

10. Following the acceptance of the site as eligible for the application of the FAR on the basis of its location, size and configuration and the calculation of the developable site area, the third step is to determine the developable gross floor space. The glossary to the Policy and Design Guidance 2007 document states that the amount of potentially developable gross floor space is obtained by multiplying the developable site area by the permissible number of floors. This is a simple mathematical calculation once the developable site area has been determined, as building height limitations are established for each locality in the Local Plan and the interpretation of such building heights is set out in DC 2007. Where site-specific policies indicate maximum allowable floor spaces, there would be no need to carry out any calculations, as the developable gross floor space would be equal to these thresholds. However certain circumstances need to be clarified.
 - A. Only statutory height limitations are to be taken into account in the calculation of the developable floor space. Any revisions to the statutory height limitations included in emerging policies still not approved by Government should not be used to determine the developable floor space.
 - B. In the exceptional case where a specific site does not have a building height limitation, the height limitation will be determined on a case-by-case basis taking into account the context of the surrounding built up area and its height limitation and the nature of the proposal.
 - C. Where an existing development has been permitted above the statutory height limitation for the site, the floor space above the height limitation should NOT be added to the total developable floor space.
 - D. Where a penthouse is allowable above the height limitation by the provisions of DC 2007, 75% of the developable site area should be added to the developable floor space. No additional floor space will be accepted on the basis of the DC 2007 provisions for visual architectural gain, residential or commercial uses in semi/basements, washrooms or stairwells at roof level, or projecting rooms.
 - E. The provisions of policy 15.2 in DC 2007 which permit an intermediate floor can be applied only where a proposal includes commercial development and a double height ground floor as part of the scheme. An additional 70% of the floor space beneath, which is interconnected internally with the ground floor through an over-looking balcony, can be added to the developable floor space and must be used only for commercial purposes.

F. Where the developable site area includes land containing Grade 3 scheduled or listed buildings on which MEPA Board has specifically decided to accept their demolition, the developable floor space allowable on this land will not be equated to the land area multiplied by the height limitation but would need to be determined separately on a case by case depending on the context of each site.

G. Where the developable site area includes land, which is bound by two parallel streets on different levels, the building envelope between the midpoint of the upper street and the midpoint of the lower street would need to be determined first (see policy 2.5 in DC 2007). The gross developable floor space is calculated:

- (i) by multiplying the developable site area with the statutory height limitation for the site; and
- (ii) for every additional floor above the statutory height limitation measured from the midpoint of the lower street level within the building envelope, 65% of the area of the floor beneath is added to the developable floor space.

The difference in the official street levels must be at least one full floor (3.0m), or full multiples of it, for this criterion to apply.

H. The gross floor space for all land uses above all street levels, except car-parking provision, shown in the proposal must not exceed the floor space achieved through the computation.

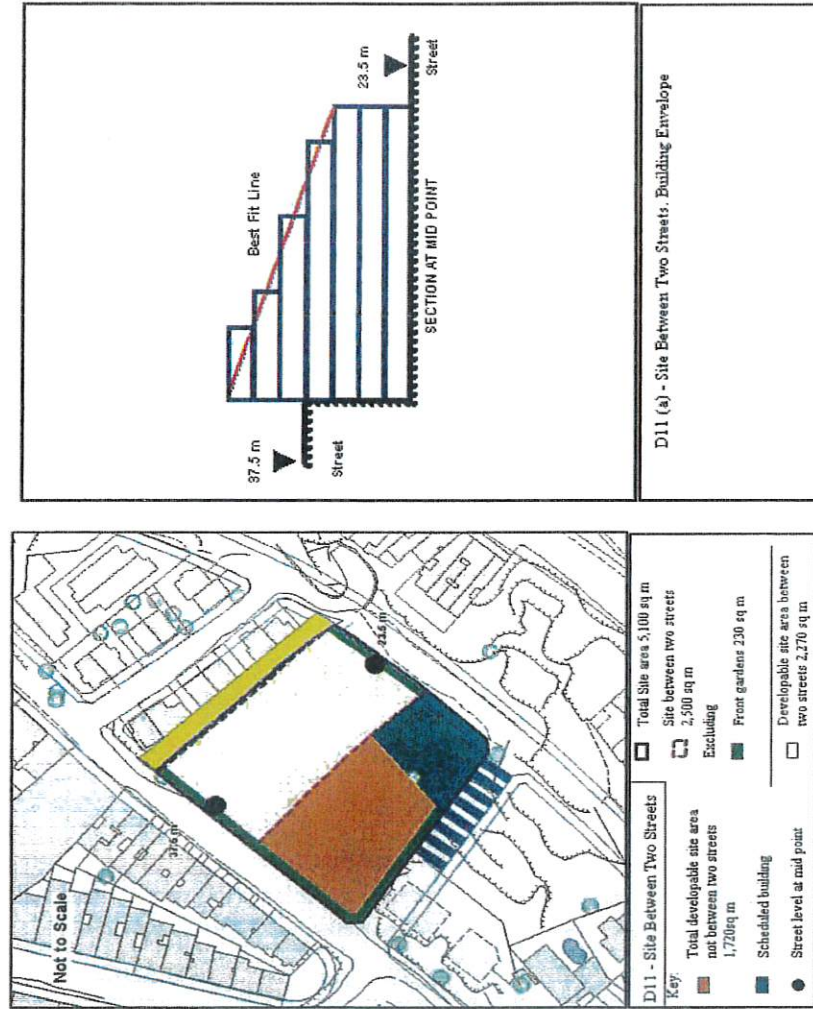
I. In the appropriate locations for tall buildings only, the transfer of gross floor space between portions of a large site which are surrounded by streets, and hence eligible for the application of the FAR, and other portions of the same large site which are not surrounded by streets, may be favourably considered where this transfer will contribute towards a significantly higher quality scheme in terms of three dimensional design and amount of open space, provided the large site is covered by one development application.

11. The maximum allowable built volume is obtained by multiplying the total GDF by the height in metres of one storey, taken as 3.46m.

12. Figure D11 illustrates a fictitious example of the application of the provisions of paragraph 10G. Site D11 is mostly vacant land and zoned for residential terraced development with front gardens with a height limitation of three floors, without penthouse. It includes a Grade 2 scheduled building, which cannot be developed. The site area eligible for the application of paragraph 10G amounts to 2,500sqm since the remaining portions of the total site are not located between two streets. The developable site area within the eligible site amounts to 2,270sqm, including the land for backyards but excluding front gardens within it. The developable floor space therefore amounts to:

- (i) $2,270(\text{Developable Site Area}) \times 3 (\text{Height limitation}) = 6,810\text{sqm}$
- (ii) Due to a difference in street levels of 14.0m (i.e. four full floors) the following floor space is added:
3rd floor from lower street level = 65% of 2,270sqm = 1,475sqm

- 4th floor from lower street level (ground floor from upper road) = 65% of 1,475sqm = 958sqm
 5th floor from lower street level (1st floor from upper road) = 65% of 958sqm = 622sqm
 6th floor from lower street level (2nd floor from upper road) = 65% of 622sqm = 404sqm
 Total developable floor space on the developable site between two streets = 6,810 + 1,475 + 958 + 622 + 404 = 10,269sqm
- (iii) Refer to Figure D11 (a) below.



The gross developable floor space for the whole of site D 11 amounts to:

Developable site area between two streets = 2,270 sqm

Developable site area of terraced development zoning = 1,720 sqm

Developable floor space between two streets = 10,269 sqm (as above)

Developable floor space of terraced development zoning = 1,720 x 3 = 5,160 sqm

Total GDF = 10,269 + 5,160 = 15,429sqm.

Built Volume = 15,429 x 3.46 = 53,384 cum

Provision of Open Space

13. The final step involves the calculation of the amount of open space which needs to be included as part of the development.
14. Paragraph 5.12, Criterion (vii) - The Public Realm, of this policy framework states:

Tall building schemes should create high quality, public open space within the site through proper site layout and arrangements. The development should promote consolidated outdoor public spaces that are safe, especially from crime, and attractive for all, and which meet the needs of both the users of the building and the wider neighbourhood. Public open space should encourage people to linger and incorporate well-designed landscaping and street furniture – lighting, seating, litterbins, signage, public art, etc. - without creating clutter. The management and maintenance of these spaces needs to be specified in a planning gain obligation and agreed to by MEPA. The scale of public open space should never be less than 50% of the site area.
15. Within this policy context, the minimum amount of unbuilt/open/outdoor space is equal to 0.5 of the total site area eligible for proposals for tall or medium rise buildings. This amount should be over and above any public open space allocated on the site by a site specific policy. The policies also require that unbuilt/open/outdoor space to be (i) public open space, accessible to and usable by the public, (ii) green/landscaped (iii) consolidated, safe and attractive for all. Clarification is required regarding what MEPA considers as "public unbuilt/open/outdoor space". In the circumstances identified by paragraph 10 (l) of these Methodology Guidelines, the amount of open space to be provided is to be not less than 0.5 of the TOTAL site area of the whole proposal and not 0.5 of the site area surrounded by existing or planned streets and hence eligible for the application of the FAR.
16. The important consideration on this issue is the **amenity value** of the unbuilt/open/outdoor space to the users of the development and/or to the general public. This amenity space can be landscaped areas and gardens, child play areas, pedestrian paved areas with street furniture which encourage people to linger, swimming pool and sundeck areas, large terraces, viewing galleries, balconies, roof gardens, sports pitches, and is considered as:
 - A. Private space when access is restricted only to the owners/operators/ users of the development and its benefits accrue only to the owners/operators/ users either as a community or on an individual basis;
 - B. Public space when it is fully accessible and useable by the general public and its benefits accrue to the general public
 - C. Indoor space if it is located within a building and/or roofed over;
 - D. Outdoor or open or unbuilt if it is not located within an enclosed space and not roofed over.

17. The provisions of paragraph 16D need to be satisfied for development proposals to be considered as complying with the requirements of this policy framework regarding open space set out in paragraph 5.12 Criterion (vii).
18. For the purposes of paragraph 5.12 Criterion (vii) of this policy framework, the public open or outdoor or unbuilt space must be fully accessible. It must be located within the site boundary as defined by paragraph 5 of Appendix D and at public street level. If it is elevated above or sunken below street level, it should never be more than 1.5m above or below the street and must be directly accessible from the street through public open space, also as defined in 16B and 16D. Open space around scheduled buildings can be considered as forming part of the 50% site area requirement provided it complies with these provisions.
19. The following are not considered as amenity space and cannot form part of the unbuilt public open/outdoor space, of paragraph 5.12 Criterion (vii) - The Public Realm of this policy framework:
 - (i) vehicular roads, streets, routes etc;
 - (ii) pedestrian streets or footpaths, including staircases, which only give access to individual properties, and are intended to delineate the site eligible for the application of the FAR ;
 - (iii) internal shafts and backyards required by sanitary law.

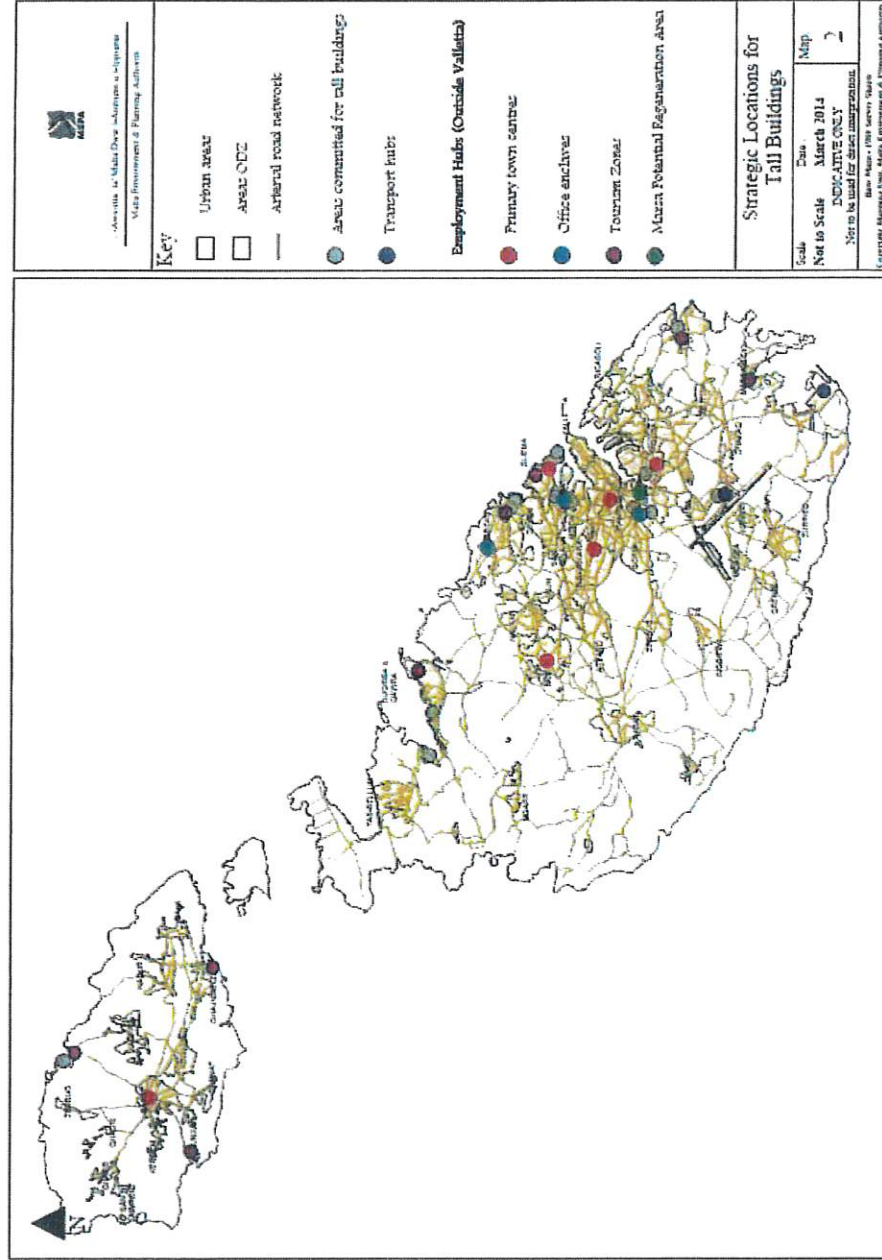
C. Air Navigation Safety Constraints

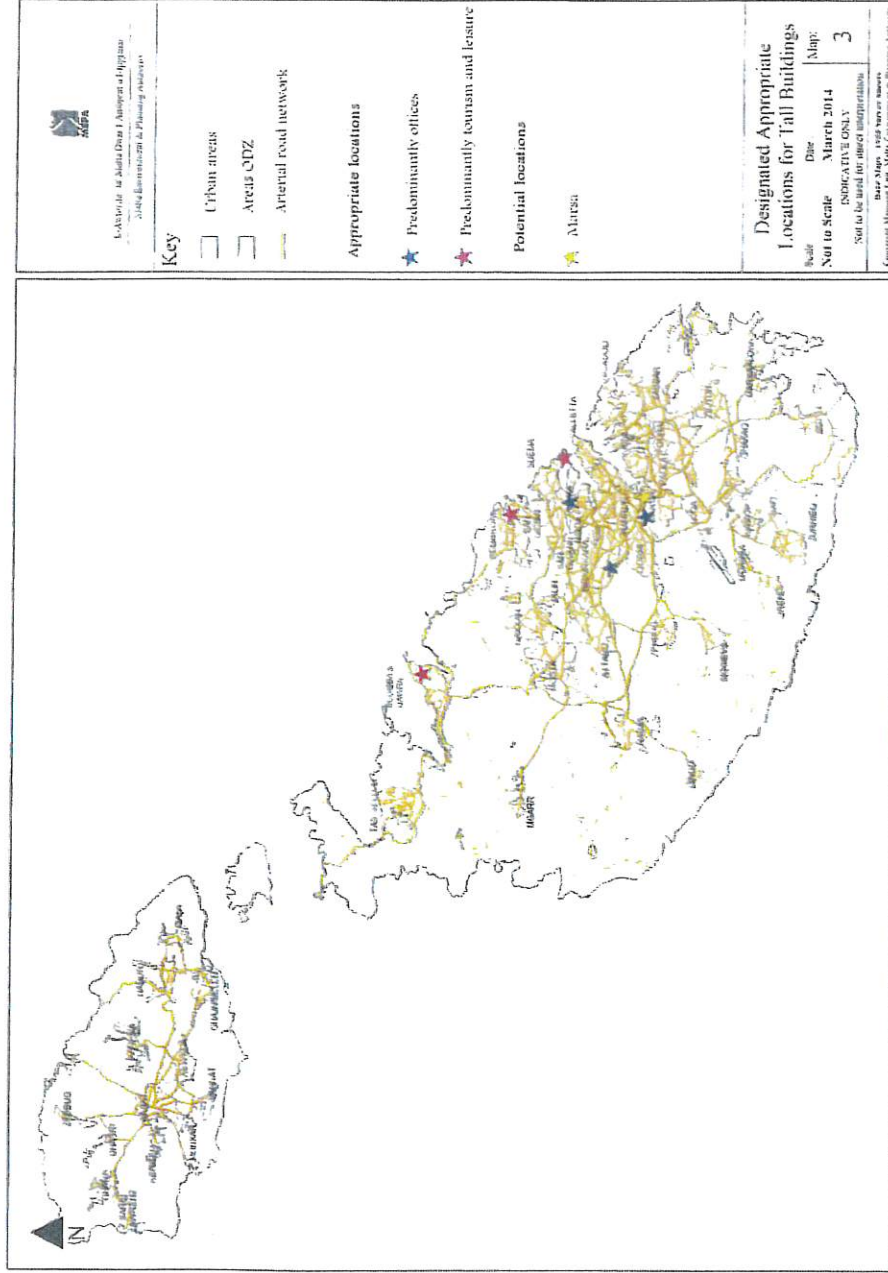
Aviation Safety issues arise mainly in the area around the airport, as well as the approach and take-off areas to the four runways. Other areas where high rise buildings may be constructed could be of interest because such buildings constitute potential problems to air navigation.

Buildings and other structures are regarded as obstacles if they penetrate an 'Obstacle Limitation Surface'. Such imaginary surfaces may be:

1. In the case of obstacles located to the side of the runway, the obstacle limitation surface which extends horizontally from the centre line on the surface of the runway to a distance of 150m and then continues outwards and upwards following a gradient of 1:7. Objects are permitted below this plane because they are not deemed to be obstacles in such instances.
2. In the case of obstacles located in the take-off flight path area, the obstacle limitation surface is that plane surface having a 1.2% slope. This surface consists of a quadrilateral area. It commences at 60m from the end of the runway and has a width of 180m at this point which increases at a rate of 0.25D to a width of 1800m (where D is the distance from the point of origin) and thereafter maintains the width of 1800m up to a distance of 10Km.
3. In the case of obstacles located in the approach flight path area, the obstacle limitation surface is a combination of three consequent plane surfaces. The initial surface commences at 60m from the end of the runway and has a width of 300m at this point. This surface diverges at a rate of 15% on each side. For the initial distance of 3Km, the surface has a slope of 2%. The plane of the obstacle limitation surface then continues for a further 3.6Km having a slope of 2.5%. At 6.6Km from the point where the obstacle limitation surface commences, it continues horizontally up to a distance of 15Km.
4. High rise buildings which do not lie in the areas specified in paragraphs 1, 2 and 3 above have to be considered on their own merits as being possible obstructions to air navigation.

D. MAPS





43A

335a

Section:
Board No.:

APPLICATION No. PA/00581/16

1. Application Details:

Applicable DC Guidance: DC15
Press Date: 24 February 2016
Application Type: Full development permission

Applicant: Tumas Gasan Holdings Attn: Ray Fenech
Architect: Ray Demicoli

Drawing Numbers:

Approved Drawings:

PA581/16/1bb: Site Plan
PA581/16/332u: Block Plan
PA581/16/332w: Proposed Landscaping Plan

PA581/16/322l: Proposed Foundation Level
PA581/16/322b: Proposed Level -5
PA581/16/322c: Proposed Level -4
PA581/16/322d: Proposed Level -3
PA581/16/322e: Proposed Level -2
PA581/16/322f: Proposed Level -1
PA581/16/332a: Proposed Level 0 (Lower Ground)
PA581/16/332b: Proposed Level 1 (Upper Ground)
PA581/16/332t: Proposed Childcare Layout
PA581/16/332c: Proposed Level 2
PA581/16/332d: Proposed Level 3
PA581/16/332e: Proposed Level 4
PA581/16/332f: Proposed Level 5
PA581/16/332g: Proposed Level 6
PA581/16/332h: Proposed Level 7
PA581/16/332i: Proposed Level 8
PA581/16/332j: Proposed Level 9
PA581/16/332k: Proposed Level 10
PA581/16/332l: Proposed Level 11
PA581/16/332m: Proposed Level 12
PA581/16/332n: Proposed Level 13
PA581/16/332o: Proposed Level 14
PA581/16/332p: Proposed Level 15
PA581/16/332q: Proposed Level 16
PA581/16/332r: Proposed Level 17
PA581/16/332s: Proposed Levels 18 and 19

PA581/16/329b: Elevation 1
PA581/16/329c: Elevation 2
PA581/16/329d: Elevation 3
PA581/16/329e: Elevation 4
PA581/16/310ba: Elevation 5
PA581/16/329ah: Section A - A
PA581/16/329ai: Section B - B
PA581/16/329aj: Section C - C

Supporting Documents:

PA581/16/205a: Superintendent of Cultural Heritage
 PA581/16/45a: Environment and Resources Authority
 PA581/16/46b/91a: Transport Malta
 PA581/16/325a: Accessibility Audit Report
 PA581/16/41a/310b/329at-329ay/331a: Fire Safety and Ventilation Report
 PA581/16/315: Civil Protection Department
 PA581/16/304a: Environmental Health Directorate
 PA581/16/318a/319a/320a: Enemalta
 PA581/16/35: Malta Tourism Authority
 PA581/16/88a: Regulator for Energy and Water Services
 PA581/16/298/303/327/327a/327b: Water Services Corporation
 PA581/16/310c: Drainage Report
 PA581/16/34k: Wind Study Report
 PA581/16/310d/310f-j/332y/332z: Noise, Fumes, Ventilation and Lighting Report

Proposal:

To demolish existing dilapidated structure, excavate ground, construct reservoir, car parking, mixed commercial uses utilizing the FAR policy including class uses 4A, 4B, 4C, 3C, 2C, 6A, supermarket and showroom.

Location:

Site at, Triq il-Merghat c/w Triq L-Esportatur c/w, Triq L-Intornjatur, Birkirkara, Malta

2. Representations:

Numerous representees raised concerns with respect to the proposed development throughout the processing of this application. The following is a summary of the relevant planning considerations raised by representees as per documents 316, 314, 297-268, 266-206, 204-92, 87 and 85:

• **Visual Impact**

Whilst noting that the views from Mdina and Valletta should be safeguarded, concerns are being raised with respect to the negative visual impact of the proposed development on these historically important features and landscapes.

Refer to section 4.6.5 of this report.

• **Traffic congestion and lack of parking**

Whilst noting that parking is already a problem in the area, representees are concerned that the development will create major intensification on the area as it only provides for a percentage of car parking spaces required, and will not cater for such an increase in use and demand. This will also create excessive traffic jamming and congestions, while also increasing the air pollution in the area. Several entities suggested that the proposal should also include public transport routes, traffic impact assessment and commuted payment parking scheme.

Refer to section 4.6.7 of this report.

• **Sustainability, Infrastructure and Services**

Representees note that the building will impose shading over neighbouring residences who

invested in solar panel technology, and decrease natural lighting. The development will also generate large amounts of waste and will entail high energy consumptions. The Light Pollution Awareness Group recommended several conditions limiting the proposed lighting scheme.

Refer to sections 4.6.6 and 4.6.9 of this report.

- **Land Use**

Representees note that the site in question should remain committed for industrial land use, as stipulated in the Local Plan, since such areas are short in supply. Representees are concerned that additional land take up of land outside the development zone will take place to provide for this loss of industrial space. Furthermore, the proposed site was included in the areas considered suitable for the FAR policy after the public consultation was closed, denying the opportunity for stakeholders to participate in the decision of the area.

Refer to section 4.6.4 of this report.

3. Notes To Committee:

- 3.1 Bank Guarantee applies as per condition 2.
- 3.2 Prior to the issue of the permission the bank guarantee in relation to the Environmental Management Construction Site Regulations needs to be submitted, together with the submission of a pre-construction condition report of the street including photographs..
- 3.3 There are outstanding fees relative to the site subject of this application. If payment is not settled at least 2 days prior to the date of the sitting, the application should be dismissed in terms of the proviso to Article 73(1) of the Development Planning Act, 2016.

4. Case Officer's Report:

4.1 Proposed Development

This is a full development application proposing the development of a high-rise commercial complex through the application of Floor Area Ratio development parameters within the Mriehel Industrial Area. The proposal aims to redevelop a derelict site into a land-efficient high quality development which contributes to the amenity of the surrounding area in terms of both land use and urban context while providing a landmark development that will serve as a catalyst for similar investment in the Mriehel Industrial Area.

The proposed development, of which land uses are summarised in table T1 below, is made up of four tower blocks, comprising 14, 16, 17 and 19 storeys, organized around a central piazza and interlinked with elevated landscaped walkways and bridges till level 6. The development is surrounded by open space accessible along the width of the boundary streets with vehicular access via Triq I-Intronjator for five basement levels (service vehicles access is provided off Triq L-Esportaturi).

Table T1: Breakdown of proposed land uses
(refer to document 329a)

Land Uses	Gross Floor Area/ No. of units
Offices and Conference facilities including cores (Class 4a)	38,495sqm
Retail (Class 4b)	885sqm
Food and Drinks (Class 4c and 4d)	1,715sqm
Gym and Day Care Centre (Class 2c and 3c)	1,090sqm
Supermarket	935sqm
Showroom	575sqm
Parking spaces	1,065 c.p.s

4.2 Site Description

The site is a rectangular parcel of land covering an area of approximately 10,082sqm within the Mrieħel Industrial Area, Birkirkara. The site has frontages on three streets being Triq il-Merghat to the west, Triq l-Esportaturi to the north and a service road Triq l-Intronjatur facing the Mrieħel By-pass to the south (there is no direct access to the proposed site via the Mrieħel By-Pass). The eastern part of the site abuts third party property.

The western half of the site is currently being used as a car park (roughly tarmaced) in connection with a nearby showroom. Along the northwestern perimeter of the site there is an abandoned farmhouse building which has been vacant for some time and is in a state of disrepair. The eastern portion of the site is abandoned agricultural land.

The levels vary significantly throughout the whole site extents such that the site levels along the above mentioned road are as follows;

Triq l-Esportaturi:	43.9m (north west) 43.4m (north east)
Triq il-Merghat	43.9m (north west) 42.0m (south west)
Triq l-Intronjatur	42.0m (south west) 39.96m (south east)

4.3 Planning History

Outline Development Permit PA2318/01 was issued on the 24th July 2002 to erect a storage and distribution centre [class 17 development] licensed to sell wines on a small part of the site subject to this application PA581/16.

Full Development Permit PA26/10 was issued on the 17th July 2012 to construct offices, showroom and basement parking spaces on the southern part of the site subject to this application PA581/16.

Screening Application TRK No. 147268 to amend plans and elevations approved through PA26/10 was withdrawn.

4.4 Policy Context

Thematic Objective 1:

To manage available potential space and environmental resources to ensure that socio-economic needs are met whilst protecting the environment particularly by locating new jobs and/or homes within the urban area and identifying degraded urban areas for integrated regeneration.

Urban Objective 1:

To accommodate socio-economic development in urban areas well served by public transport and existing infrastructure, contain urban sprawl and minimise the need to travel by distributing new jobs in identified business hubs.

Thematic Objective 4:

To seek to ensure that existing strategic infrastructure is safeguarded, provide sustainable infrastructure and encourage the best available technology.

Thematic Objective 6:

To safeguard environmental health from air and noise pollution by controlling the location, design and operation of development while promoting alternative modes of travel.

Urban Objective 4:

To ensure that all new developments are energy and water efficient, provide a sense of place, respond to the local character, improve amenity and ensure safety.

Urban Objective 3:

To identify, protect and enhance the character and amenity of distinct urban areas by carrying out an appraisal of the value of the urban context.

4.4.1 Central Malta Local Plan, 2006

Map BKM2 (as amended by PC62/07, PC7/08 and PC57/10) designates the part of the site fronting the service road Triq l-Intronjatur and part of the site frontage over Triq li-Merghat as a 'Commercial Area' subject to policies BK04 and CG14. The remaining part of the site, namely that partly facing on Triq li-Merghat and Triq l-Esploraturi falls within an area designated as an 'SME Park'.

Policy CG14 lists acceptable land uses within all frontages located within the designated Commercial Areas including:

- small shops provided that (a) they are not to exceed a total floor area of 50sqm each, and convenience shops are not to exceed a total floor area of 75sqm each; (b) they comply with all the provisions of paras. 1.4.16 to 1.4.18 of the Retail Planning Guidelines (2003); and (c) they comply with any relevant section of the development control policy document;
- supermarkets, provided that they comply with all the relevant provisions of Policy CG17;
- showrooms provided that they comply with the relevant provisions of the Retail Planning Guidelines (2003);
- offices on upper floors only, and;
- Premises for sale of food and drink for consumption on or off the premises.

Policy BK04 refers commercial areas for the development of uses according to policy CG14 and SME Parks for the development of industrial uses as specified in policy CG15.

Policy CG15 lists acceptable land uses within all frontages located within the designated SME sites at Mrieheh including:

- Premises for sale of hot or cold food for consumption on or off the premises;
- kindergartens, crèches, day nurseries or day centres provided that they comply with 'Child Day Care Facilities' policy;
- supermarkets provided that they comply with all provisions of Policy CG17.

Policy CG17 refers that large supermarkets (greater than 500sqm) should preferably locate within or on the edge of town centres (including on site parking). Where it is not possible to locate such sites because of size requirements, residential amenity, environmental or transport related constraints, 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; and (iv) SME Sites. The development of supermarkets is also to follow the relevant criteria stipulated in the Interim Retail Planning Guidelines (2003).

General Policy CG31 expects that all new major developments incorporate principles of energy and water conservation through design, massing, siting of buildings, landscaping and the use of materials, technologies and recycling.

Policy P37 of the DC2015 for building heights of non-residential development located in Local Centres (A2), Residential Areas (A3a) and Mixed-Use Areas – predominantly residential (A4a) will not exceed the height limitation in metres of the area in which they are to be located, unless otherwise established within the Local Plans. As a general principle, the Authority will ensure that non-residential developments do not dominate their surroundings unnecessarily or are detrimental to established landmarks by virtue of their height in those circumstances where it is important to maintain compatibility and continuity with adjoining development.

4.4.2 A Planning Policy Guide on the Use and Applicability of the Floor Area Ratio (FAR), 2014

Paragraph 7.10 designates appropriate locations for tall buildings to include the Mrieheh Industrial Estate predominantly for office uses. By reason of the strategic level of the analysis, paragraph 7.12 refers that exact boundaries for the tall building clusters within the appropriate locations have not been identified, neither appropriate heights nor the number of tall buildings, which should comprise the cluster. The specific sites where taller development may be acceptable within the appropriate locations still need to be studied further as not all sites will necessarily achieve the requirements of this policy and thus be suited to a tall building. Paragraphs 7.1 and 7.3 emphasises a set of criteria to a very broad level of assessment and provide a generic indication of the area, without prejudice to more detailed and location specific townscape analyses, where tall buildings could potentially be located. The strategic locations should;

- Support the regeneration of commercial/employment urban centres;
- Be areas generally not visually prominent, and located on the low lying (at a strategic level, interpreted to be broadly below the 25m contour, gently sloping, urban parts of the Islands with a statutory building height limitation of four floors or more;
- Be well serviced or capable of being well serviced by public transport;
- Be away from residential priority areas, urban conservation areas and their settings or buffers;
- Be away from ridge edges and not interfere with views of protected areas and existing landmarks as tall buildings would prejudice the public enjoyment of the open countryside, the coast or setting of urban landmarks of local, national or international importance;

Not be located on Gozo.

Further to the above, paragraph 5.5 considers proposals for tall buildings if located on sites which occupy a completely detached urban block surrounded by existing or planned streets, irrespective of the land area of the site; and they comply with each of the following criteria and with the provisions of the Guidelines on the Methodology for use of the Floor Area Ratio (FAR).

(i) General Principles.

All new tall buildings are to be of a high quality design, improve the urban form and skyline, support regeneration, be responsive to environmental conditions and embrace principles of sustainability.

(ii) Land use.

Proposals which include tall buildings should provide accommodation predominantly for offices, hotels, commercial uses usually at street level and also at the top, together with residential uses. A mix of uses is encouraged. However, uses should comply with the land use framework identified in approved and emerging development plans.

(iii) Infrastructure.

Tall buildings should not adversely affect the capability of the local infrastructure. Where additional physical and social infrastructure and facilities are required as a result of the proposed development, the developer shall make a substantial contribution towards their provision. MEPA will also seek the incorporation of telecommunications facilities on tall buildings made available to utility providers through a legal agreement where, following consultation with the Malta Communications Authority, the proposed development is deemed to create negative impacts on telecommunications infrastructure.

(iv) Transport.

Tall buildings should not have an adverse impact on the transport infrastructure and should normally provide all car parking requirements on site. Where this is not technically possible, the shortfall in car parking spaces may be provided on an alternative site located not more than 250m away from the site of the development. Payment of monies in lieu of on-site car parking provision will not be considered favourably. The developer shall fund measures to encourage sustainable travel behaviour in the form of a 'Green Travel Plan'.

(v) Air Transport.

MEPA will ensure that excessively high buildings do not infringe the "Obstacle Limitation Surface" and other air navigation constraints (refer to appendix C). MEPA will consult all the relevant agencies to ensure that proposals do not create an aviation safety hazard.

(vi) Relationship to context, historic environment, topography, built form and skyline.

Tall buildings need to respond positively to their context including natural topography, scale, height, urban grain, streetscape and built form, the skyline, historic environments, key strategic, long distance views and important vistas at a national and at the local level. The site layout of tall building schemes should also consider the requirements of the eventual demolition of the tall structure, in particular its relationship to any other tall building in its immediate proximity.

(vii) The Public Realm.

Tall building schemes should create high quality, public open space within the site through proper site layout and arrangements. The management and maintenance of these spaces needs to be specified in a planning gain obligation and agreed to by MEPA. The scale of public open space should never be less than 50% of the site area.

(viii) Permeability and Legibility of the site.

The development should be integrated in the existing network of pedestrian routes and streets and should provide recognisable intersections and landmarks to help people find their way around.

(ix) Architectural Detailed Design.

Tall buildings must be of the highest quality in architectural form and detail. This requires careful attention to alignment, massing, scale and form, proportions and silhouette, and materials of the building. The design of the top of a tall building is particularly important when considering the effect on the skyline.

(x) Effect on microclimate.

The siting and design of tall buildings should consider the effects on the microclimate and seek to reduce overshadowing, diversion of high-speed winds to ground level, heat islands and glare, especially on public spaces and neighbouring properties. Tall buildings must be lit at night by well-designed lighting, which contributes significantly to the night time appearance of the urban area in which they are located but avoids light pollution.

(xi) Sustainable Design and Construction.

Tall building schemes should deliver sustainable buildings, particularly in the light of the 2020 Kyoto protocol and energy-reduction targets that have been established and committed to, by utilising construction technology and materials, which enhance the efficient management, operation and maintenance of the building and its performance.

(xii) Safety.

Tall buildings must meet all the current safety requirements related to the structure, fire protection and means of escape for all, especially in the event of an emergency or major accident. MEPA will consult all the relevant agencies and may require the submission of a risk assessment to ensure that proposals do not create a safety hazard to any group of users, including the immediate neighbours to the site. Seismic design should also be taken into consideration.

4.5 Consultations

4.5.1 Superintendent of Cultural Heritage (SCH)

Refer to document 205a

The SCH noted that the site is located within the development zone, in the vicinity of the scheduled Wignacourt Aqueduct and the Dejma Cross. Furthermore, quaternary deposits and other archaeological remains have been discovered during soil clearing and excavation works in the area of the proposed development. With respect to the above, the SCH does not object to the proposed development provided that:

- a. Any clearing or excavation works are to be monitored by an archaeologist who has to be approved and directed by the Superintendence of Cultural Heritage. The cost of such monitoring is to be borne by the developer. The Superintendence reserves the right to issue appropriate method statements and terms of reference with regards any cultural heritage remains that may be unearthed or noted during every stage of the development;
- b. The architect/applicant shall inform the Superintendence of Cultural Heritage of the date of his/her intent to commence works. This notification should be sent in writing at least two weeks prior to the start of works. Commencement of works is subject to the issue of specific Terms of Reference by the Superintendent of Cultural Heritage, and to the appointment of a monitor approved by the Superintendence;
- c. Any features and remains of cultural heritage value discovered or noted during all stages of the development, are not to be disturbed and are to be protected in situ. The Superintendence is to be immediately informed of such cultural heritage remains. The Superintendence will intervene in terms of heritage legislation. Any cultural heritage

features discovered are to be investigated, evaluated and protected in line with the Cultural Heritage Act 2002 (CAP 445);

- d. The discovery of cultural heritage features may require the amendment of approved plans and the rerouting of services.

4.5.2 Environment and Resources Authority (ERA)

Former Environment Protection Directorate (EPD)

Refer to minutes 15, 32, 33, 37 and 45

The ERA noted that the case qualifies for EIA screening as per Schedule 1A Section 3.1 and Section 3.10 and in this regard, a Project Description Statement (PDS) in line with guidelines outlined in Regulation 5(3) of the EIA Regulations was carried out as per document 30a. Following review of the PDS, an Environmental Planning Statement (EPS) was required as per Schedule 1A Category II Section 10 of the Environmental Impact Assessment (EIA) Regulations, 2007 (Legal Notice 114 of 2007) as amended.

The ERA concluded that the EPS predicts a number of potential impacts on the environment as a result of the proposed development. Whilst the EPS proposes mitigation measures to minimise these impacts, it still identifies potential adverse residual impacts (that is, impacts that are still likely to prevail after all mitigation measures have been exhausted), namely relating to impacts on geo-environment, visual amenity and noise as summarised in table T2 below.

The ERA also noted that in terms of location and site context, the site for the proposed development in Mrieheh is located within a strategic location for tall buildings, as identified in Map 3 in 'A Planning Policy Guide on the Use and Applicability of the Floor Area Ratio (FAR)', (May 2014). In this regard, the proposed site is considered as an appropriate location for predominantly office uses and therefore the ERA has no further remarks to add from an environmental point of view.

Table T2: Summary of EPS conclusions and ERA comments

Aspect	EPS conclusions (Coordinator)	ERA comments
Geo-environment	Impacts are likely to be of major significance, in view of the extraction of mineral resources (approx. 166,900m³). [Approx. 39% of this material (65,516m³) has already been approved through development permit PA26/10]. <i>Mitigation measures:</i> <i>Use of excavated material as fill material and any additional reuse options as identified with the Authority. Measures proposed include reuse of the material to be used as fill for the restoration of exhausted quarries and for the restoration of quarries for agricultural use (preparation of a Construction Management Plan should address reuse of material).</i>	Impacts of major significance on geo-environment, in terms of excavated waste (166,900 m³) which however may be re-used as fill material.
Hydrology and hydrogeological features	No significant changes in the quality of ground water and change in surface water run-off patterns since	

	excavations end more than 30m above mean sea level aquifer and run-off from site and surrounding roads is presently intercepted by Dawret l-Imrieħel and discharges at Qormi, thus leaving run-off patterns from the roads surrounding the site unaffected. <i>Mitigation measures:</i> <i>Concrete base to excavation laid to fall towards a sump and pumping out of any collected water (preparation of a Construction Management Plan addressing run-off related pollution arising during construction); and</i> <i>Maximum collection and reuse of rainwater via basement level reservoirs to be incorporated in the final design of the proposed development.</i>	
Landscape Character and Visual Amenity	Landscape Character: Major significance: Villages and Towns LLT (the proposal introduces tall buildings to the landscape that contribute to the dense effect that the existing urban conurbation already exudes) Moderate significance: Mrieħel Industrial Area LLT and the Agricultural Land LLT (large change in the current nature of the Industrial Area with the inclusion of tall buildings and a perpetual change to the landscape character). Visual Amenity: Major significance VP 6: Triq il-Hofoħ, l/o H'Attard Moderate significance VP 2: Triq Gluseppi Stivala, Naxxar VP 4: Triq il-Merghat, Birkirkara VP 5: Triq l-Esportaturi, Birkirkara VP 7: Dawret l-Imrieħel, l/o Qormi VP 8: Triq l-Imdina, Birkirkara VP 11: Ġnien Hastings, il-Belt Valletta	No mitigation measures are being recommended by the EPS, thus residual impacts related to both landscape character and visual amenity agreed and remain unchanged. * EPD also included VP10 Triq il-Barrieri/Tal-Gibjun, iz-Zurrieq as subject to moderate impact.
Air quality	The impact on ambient air quality from the proposed development is negligible, and residual impacts on air quality arising from the proposal are unlikely to be significant following the completion of the development. Thus, no mitigation measures are considered necessary	

	the noisiest stage [at worst case scenario assuming all plant machinery operating simultaneously and continuously in each stage (highly unlikely) predicts that sensitive receptors could experience noise levels in the range of 79dBA]. In this regard, impact is considered to be not significant to minor, depending on the construction phase. <i>Mitigation measures:</i> <i>Preparation of a Construction Management Plan (CMP) adhering to the provisions of the Environmental Management Construction Site Regulations, 2007 including hoarding, use of hydraulic excavation in preference to percussive techniques, use of off-site pre-fabrication, maintenance/ silencing of all equipment etc.</i>	impacts will then be of minor significance on sensitive receptors from construction activities.
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Further to the above, ERA referred recommended conditions as identified through the Environment Impact Assessment (EIA) process as summarised below;

i) Constructions works:

A comprehensive Construction Management Plan (CMP) and a Works Monitoring Programme [prior to the commencement of works on site] including dust and noise monitoring during the construction phase and details regarding waste management.

ii) Landscaping to follow *Guidelines on Trees, Shrubs and Planting & Landscaping in the Maltese Islands, 2002*.

iii) Standard conditions related to waste management.

Note: The ERA noted out that issues vis-à-vis building performance, social impacts, safety and risk considerations are beyond the Authority's remit, and should be assessed in detail in the mainstream development process, as relevant. In light of the above, ERA's assessment and proposed conditions are without prejudice to any other potentially relevant considerations that may be raised by the Planning Authority or any other interested authority or stakeholder.

Further to the above, the ERA notes that the proposed development requires environmental registration and further detailing with regard to waste management. Thus, the Planning Directorate is recommending the standard condition which requires the applicant / architect to contact the ERA to initiate the Environmental Permit process. No operations shall commence on site prior to the approval of any required Environmental registration and/or permit.

Note: Following the above processing, the ERA was again consulted upon validation of the application on the 18th February 2016 as per document 74 and no reply was uploaded to date. Thus, in accordance with regulation 8(3) of L.N. 514 of 2010, the Planning Directorate is considering that the ERA has no further comments to the development proposed.

4.5.3 Design Advisory Committee (DAC)

Refer to document 309

Considering the area that is designated under the FAR Policy and that it is an employment hub, the

335a

suggested cluster of four towers within a defined and generously proportioned open space is in line with the policy for the area and has studied the context in great detail. The Committee notes that the high quality design, materials, bridges linking the towers, different access points and open spaces, take the entire complex and its varied uses into consideration in a harmonious manner. The setting of the towers in relation to the open spaces provides the necessary visual permeability of the complex from ground level. Moreover the tallest tower being relegated to the east, is furthest away from the arterial road and the rural-urban fringe, thereby reducing its impact.

Furthermore, the interest created by the different levels of the towers and the staggered massing of each, particularly the tapering at the highest levels, creates a fluid, dynamic and interesting design which mitigates the volume of the complex. The Committee has also taken the liberty to look up the viewpoints considered as part of the visual assessment impact of the EPS, and concludes that the visual impact of the project is not significant enough so as to warrant any concerns.

4.5.4 Transport Malta (TM)

Integrated Transport Strategy

Refer to document 46b

The Transport Malta referenced the Traffic Impact Statement (TIS) assessment report compiled by the Transport Planning Unit (TPU) as per document 44. The TPU noted that a Traffic Access Study (TAS) was prepared prior to a Traffic Impact Statement (TIS) (refer to documents at minute 39a) which determined that an additional access to/from the I-Mrieħel Industrial Estate is required so to alleviate the pressure on Junctions A (Triq I-Imdina/ Dawret I-Imrieħel) and E (Triq in-Negożju/ Dawret I-Imrieħel) and to provide a direct and safe access from the south to the western part of the Industrial Estate. The analysis demonstrates that the proposed underpass together with the proposed modifications to Junctions A (Triq I-Imdina/ Dawret I-Imrieħel) and B (Triq I-Imdina/ Triq I-Imrieħel/ Triq il-Merghat), performs adequately with and without the scheme.

Thus, the TPU concluded that the acceptability or otherwise of the TIS depends on whether TM accepts and agrees with the strategic measures indicated below. Furthermore, the TPU noted that if this application is approved, further development at the Industrial Estate would be limited without further upgrading of the infrastructure and thus, advised that the Mrieħel Regeneration Master Plan is prepared for the whole area, prior to further assessment of the transport implications of this proposal.

- Geometry modifications are to be carried out to Junctions A (Triq I-Imdina/ Dawret I-Imrieħel) and B (Triq I-Imdina/ Triq I-Imrieħel/ Triq il-Merghat);
- Introduction of Junction Xi (A traffic underpass from the northbound Dawret I-Imrieħel carriageway with Triq I-Intronjatur and provides public access into the whole Industrial Estate);
- Junction E (Triq in-Negożju/ Dawret I-Imrieħel) is to be converted into a grade separated junction, and;
- Improvement of public transport services to provide commuters with a viable alternative to car use.

With respect to the above, TM noted that the proposed land use is compatible with the CMLP designation for Mrieħel and other relative policies. Considering that the SPED redirected the land use of the Mrieħel Industrial Zone towards a generally higher traffic-generating Enterprise Hub, TM recognises the need to develop a holistic plan for the upgrading of the road network infrastructure in order to facilitate direct and safe access to this Enterprise Hub whilst, at the same time, introducing suitable measures that will encourage greater use of sustainable forms of transport in accessing the new developments in this Hub. In this respect, TM issues its clearance for this development proposal on condition that an agreement is entered into between all parties prior to the issuing of any

development permit. Such Agreement *inter alia* would cover the following points:

1. amount of developer financial contribution towards the holistic upgrading of road infrastructure along the sections of network bordering the Mrieħel Enterprise Hub;
2. maximum level of internal parking to be permitted;
3. commitment by developer to organise the provision of home-work-home collective transport for his employees for a period of not less than five years.

Civil Aviation Directorate

Refer to document 91a

The Civil Aviation Directorate finds no objection in terms of aeronautical obstacle limitations. Nevertheless, adherence to the elevations specified in the submitted drawings is imperative such that no further increase in height shall be allowed including antennas and any ancillary structures on the roof. Furthermore, given the substantial rise of the project, the fitting of low intensity – ICAO Type B obstacle light (dual light fixture with auto change-over for operating resilience) is recommended.

4.5.5 Malta Communications Authority (MCA)

Refer to document 285

No objection from an electronic communications point of view to the proposed development.

4.5.6 Regulator for Energy and Water Services (REWS)

Refer to document 88a

The REWS does not object in principle to these types of development. Consultations with REWS are required when the development includes either fuel/gas storage or installation of photovoltaic systems since these require registration/ authorisation/ permit.

4.5.7 Water Services Corporation (WSC)

Discharge Permit Unit

Refer to document 298

1. Water for the replenishment of second class water reservoirs using rain water for a secondary network supplying flushings etc, should come from a this source should not contain a chloride content above the 1000 mg/L Chloride.
2. In the car parking areas, water effluent must be channelled through a sedimentation pit and also passed through an oil-water separator.
3. In any showroom used for automotive purposes, effluent must be channelled through a sedimentation pit and also passed through an oil-water separator.
4. Supermarket & Food& drinks establishments – All establishments which will be preparing food and performing washing activities in conjunction with food preparation must install a suitably sized grease trap (for each premises) which will ensure that its effluent does not exceed, at any one time, the 200 mg/L Limit for Fats & Greases as per L.N. 139 of 2002. Moreover, waste cooking oils should be discarded through approved waste collectors. Proof of waste transfer (receipts) must be made available for DPU inspectors upon request.

5. Upon completion of Infrastructural work, each entity discharging trade effluents must apply for a public sewer discharge permit.

Waste Water Operations Unit

Refer to documents 303 and 327

1. Excavation shall be at least 5.0 metres away from the sewage gallery.
2. A method statement and an insurance policy covering a liability of up to €2.47 million to cover any eventual damages caused by this development (particularly for the safeguard of the structural stability of the sewer gallery during excavation and shoring works).
3. Submission of a contingency plan for the deviation of sewage to allow reconstruction, should the gallery collapse. Payments for such reconstruction to be made by the developer.
4. The developer is solicited to discuss water and sewage capacities for the development with the Region Office, WSC. The developer shall send a copy of the commencement notice to the Region Office, WSC prior to commencement of any excavation

4.5.8 Environmental Health Directorate (EHD)

Refer to document 304a

No objection subject to conditions.

4.5.9 Civil Protection Department (CPD)

Refer to document 315

The CPD does not object provided that the applicant present the Compliance Certificate of development adherence in view of document 41A, the fire safety report submitted by Ing Gaston DeGiovanni dated July 2015, to the Civil Protection Department and MEPA after completion of works. Fire Safety measures and provisions shall compliment the Design guidelines on fire safety for buildings in Malta, Policies, and the Laws and Regulations of Malta

4.5.10 Enemalta Corporation

Refer to documents 318-320

No objection from the side of Enemalta on condition that a substation is included in plans submitted to the Planning Authority. The substation should be similar in design to attached drawings. If for any reason while works are under way it is required to shift, remove, cover or do anything to the Electricity network external to the development, Enemalta is to be informed through the proper Form De to carry out the necessary works. Under no circumstances is the contractor or developer to intervene directly with the Electricity network.

4.5.11 National Commission Persons with Disability (KNPD)

Refer to document 325a

No objection with conditions included in the Accessibility Audit Report and relevant standards as set in the Access for All Design Guidelines

4.5.12 Social Welfare Standards (SWS)

The SWS were consulted on the 18th February 2016 and a blank reply was uploaded on the 9th March 2016 as per document 89. An email was sent to the SWS as per document 302 to note that their reply document 89 is blank and their comments and/or clarifications are required. No reply was uploaded to date and thus, in accordance with regulation 8(3) of L.N. 514 of 2010, the Planning Directorate is considering that the SWS has no objection to the development proposed.

4.5.13 Malta Tourism Authority (MTA)

Refer to documents 35

The MTA issued Tourism Compliance Certificates for four catering establishments.

4.5.14 Sanitary Engineering Office (SEO)

Refer to document 333

Drawings 332u,322i,322b-322f, 332a-332t accepted provided that reports 41a/310b/329at-329ay/331a, 310c, and 310d/310f-310j/332y/332z and letter 304a be approved documents and conditions FCC and CEA be added.

4.6 Discussion

4.6.1 Introduction

Throughout the last decade, the industrial purposes of the Mrieħel Industrial Estate evolved to reflect the growing demand for its progress into a business/ commercial hub. Although the area is designated for industrial uses, through subsequent revisions to the Local Plan, a wider mix has been encouraged and a generic proviso in favour of buildings higher than the conventional type of developments was also introduced for large sites. Therefore, it was clear, that there has been an intention to consider higher buildings in this locality over the recent past. Thus, throughout the process of consolidating the policy of the floor area ratio development, particular attention was focused on the strategic location of the employment hub of Mrieħel. Within this context, i.e having accepted that this locality is not primarily aimed for manufacturing industry, the *Planning Policy Guide on the Use and Applicability of the Floor Area Ratio (FAR), 2014* has been endorsed to project the Mrieħel Industrial Estate as an appropriate location for tall buildings for predominantly office uses reflecting a more prestigious corporate image for the Maltese Islands.

In line with the above objectives, this is the first application proposing a high rise development as part of the area designated for clusters of tall buildings at the Mrieħel Industrial Estate. The Architect explains that the aim is to provide a high quality landmark development that will serve as a catalyst for similar investment in the Mrieħel Industrial Area as an employment hub (refer to economic vitality of the locality document 34f). While Permit PA26/10 has been issued for the full site coverage 'conventional' development of a large part of the site in question, the objectives of the development on site evolved to redevelop a derelict site into a land-efficient development which alleviates the developable floorspace from street levels towards higher levels (increase building height) such that the open space and pedestrian permeability at street level is increased.

Having established the above mentioned objectives, the assessment of the proposed development progressed through the Environment and Transport Impact Assessment processes as indicated in sections 4.5.2 and 4.5.4 of this report such that the latest development has been revised with the intent of addressing the respective considerations. Thus, the main planning considerations with respect to the latest proposed development are being assessed as follows:

- Configuration, Permeability, Legibility and Public realm
- Developable Site Area, Developable Gross Floorspace and Built volume
- Land Use and Occupation
- Relationship to Urban Context: Visual Considerations

- Environmental Considerations and Sustainable Design
- Transport Considerations
- Other Considerations

4.6.2 Configuration, Permeability, Legibility and Public realm

One of the main advantages of the FAR policy is that it allows for a higher degree of flexibility on the design of the development layout in terms of permeability, legibility and interaction of spaces. This would not normally be possible with conventional piecemeal development on smaller or similar sites, since the rigidity of design criteria such as building alignments all tend to favour a stereotype development which rarely achieves the desired quality that one would ultimately expect on large scale sites.

As referred in section 4.3 of this report, Permit PA26/10 has already been issued for the full site coverage 'conventional' development of a large part of the site in question into an office/ showroom block. Permit PA26/10 considered a total of approximately 20,750sqm of office and showroom floorspace on a site area of 5,787sqm. By applying the floor area ratio principles, the proposed development seeks to use land efficiently by alleviating the allowable developable building floorspace from the lower levels to higher levels (increase the height of the buildings) such that open space and pedestrian permeability at street level is increased. Whilst the site area has now increased to include a larger plot of land schemed for development to total approximately 10,082sqm, one of the parameters of the FAR requires the site to be fully bounded by roads. Whilst the site is already bounded by three existing roads, a new 'road' is being proposed at the eastern side adjacent to third party property (refer to section 4.6.3 of this report).

With respect to the above, the design of the proposed site configuration evolved by considering the elements within the site context which should be prioritised and/or addressed, mainly the varying street levels and the proximity of the site to the Mriehel by-pass. The site involves varying street levels as indicated in section 4.2 of this report such that there is a difference of circa 3.5m between the midpoint of the upper street Triq l-Esploraturi and the midpoint of the lower street Triq l-Intronjatur (refer to drawing 47am). Further to being bounded by streets (three existing and one proposed along the eastern side of the site as part of the development site), the site involves open space at its outer boundaries encouraging pedestrian access throughout the site from Triq l-Esploraturi, Triq il-Merghat and Triq l-Intronjatur. The towers, which are linked with elevated landscaped walkways and bridges at upper levels, are concentrated at the inner part of the site, organized around a central piazza.

Whilst reference is being made to section 4.6.3 of this report for the developable site footprint calculations in terms of the FAR policy, the proposed open space (not roofed over) totals to 54% of the total developable site area (excluding the road required by the FAR policy). Further to the above, it is being noted that the total open space proposed on the whole site would in practice include the boundary road required by the FAR policy and the open areas proposed to be roofed over by the landscaped walkways/ bridges. This is being noted to refer that, at street level, the site is not heavily built-up and there is a general feeling of openness. Respectively, the Design Advisory Committee (DAC) concluded that the setting of the towers in relation to the open spaces provides the necessary visual permeability of the complex from ground level (refer to section 4.5.3 of this report).

As regards the volumetric relation of the tall buildings to the site context, it is being considered that the Mriehel Industrial Estate is designated as a strategic area for tall buildings. Thus, the site is considered to act as a transition from the tall building cluster area towards the rural-urban fringe. With respect to the above, the heights of the proposed buildings are designed to step up towards the east furthest from the arterial road and nearest to the inner area of the Mriehel Industrial Estate. This is also acknowledged by the DAC as a positive aspect of the proposed development which reduces the impact of tall buildings on site (refer to section 4.5.3 of this report).

4.6.3 Developable Site Area, Developable Gross Floorspace and Built volume

As indicated in the FAR Policy document, the built volume of tall buildings depends on the developable site area and developable gross floor space. The developable site area is calculated for sites which are completely surrounded by existing or planned streets (minimum 10.36m wide). The developable gross floor space is calculated by multiplying the developable site area by the permissible number of floors. Further to the above, the resulting developable floor space is then compared to the amount of floor space proposed in a particular development.

Reference is being made to documents 329a for the calculation of the developable gross floor space for the site in question. As indicated in table T3 below, the total developable gross floorspace totals to 46,586sqm.

Table T3: Developable site area

Total developable site area <i>[Total site area 10,082sqm minus the service road area 1,455sqm (10.37m boundary road required by FAR policy)]</i>	8,627sqm
Floor Area Ratio <i>[4.75 derived from the height limitation considered by the Local Plan and as termed by the DC2015 and 0.65 of floor area due to difference in site levels]*</i>	5.4
Total Developable Gross Floor Space <i>(Total developable site area 8,627sqm x floor area ratio 5.4)</i>	46,586sqm

* The FAR policy document states that where the developable site area includes land, which is bound by two parallel streets on different levels, the building envelope between the midpoint of the upper street and the midpoint of the lower street would need to be determined first such that 65% of the area of the floor beneath is added to the developable floor space for every additional floor above the statutory height limitation measured from the midpoint of the lower street level within the building envelope. The difference in the official street levels must be at least one full floor (3.0m), or full multiples of it, for this criterion to apply.

The total proposed developable gross floorspace above street level of the proposed development is 41,715sqm excluding terraces and bridges (refer to document 329a). Thus, the proposed development is considered adequate in terms of floorspace.

4.6.4 Land Use and Occupation

The general principles of the FAR policy document reasons that tall buildings are expected to accommodate a mix of uses and notes that land uses should comply with the land use framework identified in the approved development plan and should not compromise the objectives of an emerging development plan. Nonetheless, the FAR policy also acknowledged that through subsequent revisions to the Local Plan, a wider land use mix has been encouraged and the Estate is not primarily aimed for manufacturing industry. Based on these principles, PC57/10 introduced a wider range of office/ commercial uses which are considered appropriate on site (refer to section 4.4.1 of this report). Furthermore, the principle of using the site (a large part thereof) for office space/ showroom has been considered appropriate through the issuing of Permit PA26/10 which is still valid to date (refer to section 4.3 of this report).

With respect to the above considerations, the *Planning Policy Guide on the Use and Applicability of the Floor Area Ratio (FAR)*, 2014 has been endorsed to project the Mriehe Industrial Estate as an appropriate location for tall buildings for predominantly office uses reflecting a more prestigious

corporate image for the Maltese Islands. The development, which is predominantly proposed for office space, includes a range of uses such as showroom, supermarket, health club and day centre, retail and food and beverage outlets as indicated in section 4.1 of this report. As reasoned above, the proposed land uses are in consonance with the intentions of the FAR policy and no objections are being raised in this respect. The proposed development is expected to serve as a catalyst for the progress of the Mriehel Industrial Estate as a corporate employment hub and thus, the proposed commercial uses and other facilities mentioned above are considered adequate to support the influx of office space and to contribute to the amenity of the area.

4.6.5 Relationship to Urban Context: Visual Considerations

The FAR policy document prioritises the need for tall buildings to respond positively to their context including natural topography, scale, height, urban grain, streetscape and built form, and the skyline. Tall buildings should be sited where visual impact on sensitive historic environments and their settings is minimised, and should retain and enhance key strategic, long distance views and important vistas at a national and at the local level. Thus, the integration of the proposed tall building with its context is expected to enhance the urban character of the area in which it is located. Para 5.1 of the FAR policy document refers that well-positioned and well designed tall building can fulfil a number of useful functions:

- i. They can act as landmarks to help to make the form of urban areas legible;
- ii. In a closely linked cluster they can signal the hubs of urban areas or act as gateways;
- iii. They can provide floor space and public open space in strategically desirable locations;
- iv. When designed as first rate works of architecture, they can serve as catalysts for regeneration and stimulate further investment, even from international companies;
- v. The design and construction of innovative tall buildings can help in the evolution of building and environmental technology.

As noted by the Architect in the Project Description Statement and Design Statement documents 30a and 34l, one of the main objectives of the proposed scheme design is to create a high quality landmark tower development that will improve and enhance the townscape in the area. The mitigation measures referenced in the above mentioned document refers to careful consideration of the height, massing and visual appearance of the development, in order to ensure that the visual amenity is optimised, including having regard to the long distance views in all directions. The design and massing of the development was also dependant on avoiding negative impacts on the wind microclimate or unacceptable overshadowing.

The design statement document 34l refers that the proposed development originally included a streamlined design with four stepped and elliptical towers such that the façade solution for the towers included louvres and architectural screening protecting the glazing from solar radiation whilst outlining the streamline architecture. The above mentioned document notes that through ongoing specialist consultation and further tower design optimization, the façade solutions are studied further such that balconies have been introduced up to tower levels 7 and 12 giving shade, ventilation and external access on a substantial portion of the facades. The upper and central volume of each tower is planned in curtain wall glazing of high specifications and high solar reflective index.

In the optimization of construction and finishing details, the shape of the tower floor plates and glazing has been made up from straight lines with circular corners whilst retaining the architectural concept of flow (the wind analysis has also shown the qualities of the streamlining the façade and a reduction of turbulences compared to a square volume). The tower volumes step inwards visually leading the eye towards the top and forming viewpoint terraces at various levels and directions. The juxtaposition of the four towers within the rectangular site provides framed tower views of Mdina and Valletta and at the ground floor levels an open meandering public space is formed (refer to document 34l).

With reference to section 4.5.2 of this report, the EPS conclusions note that the proposal introduces

tall buildings to the landscape that contribute to the dense effect that the existing urban conurbation already exudes and change the current nature of the Industrial Area. The ERA noted that no mitigation measures are being recommended by the EPS, thus residual impacts related to both landscape character and visual amenity are agreed and remain unchanged.

With respect to the above, it is noted that development of buildings, particularly tall buildings, would inevitably result in visual interference. It is difficult to mitigate the effects of the proposal on the visual amenity to any greater extent than the measures already incorporated into the design of the proposal, which design evolved throughout the environmental studies process. As noted by ERA itself, the site for the proposed development in Mrieheil is located within a strategic location for tall buildings, as identified in the *Planning Policy Guide on the Use and Applicability of the Floor Area Ratio (FAR)*. Thus, visual assessment should also be considered in relation to the prospective skyline of the area as a cluster of tall buildings.

With reference to section 4.5.15 of this report, the Design Advisory Committee (DAC) also considers that the area is designated under the FAR Policy and that the proposed development has studied the context in great detail. The Committee notes that the high quality design, materials, bridges linking the towers, different access points and open spaces, take the entire complex and its varied uses into consideration in a harmonious manner. The setting of the towers in relation to the open spaces provides the necessary visual permeability of the complex from ground level. Moreover the tallest tower being relegated to the east, is furthest away from the arterial road and the rural-urban fringe, thereby reducing its impact.

Furthermore, the interest created by the different levels of the towers and the staggered massing of each, particularly the tapering at the highest levels, creates a fluid, dynamic and interesting design which mitigates the volume of the complex. The Committee has also taken the liberty to look up the viewpoints considered as part of the visual assessment impact of the EPS, and concludes that the visual impact of the project is not significant enough so as to warrant any concerns.

4.6.6 Environmental Considerations and Sustainable Design

As referred in sections 4.5.2 and 4.6.1 of this report, the development proposed through this application has been subject to an Environmental Planning Statement (EPS) process screened by the Environment and Resources Authority (ERA). With respect to the latest revised proposal, the ERA concluded that, as predicted by the EPS, the main considerations regard geo-environment, visual amenity and noise. Whilst reference is being made to section 4.6.6 of this report with respect to visual impact assessment, the comments raised by ERA with respect to geo-environment and noise mainly relate to the construction phases of the development.

Whilst concerns are raised with respect to the scale of excavation (total of approx 166,900 cubic meters of which 65,516 cubic meters has already been approved through permit PA26/10), the EPS and ERA recommend re-use as fill material and any additional reuse options as identified with the Authority. Measures proposed include reuse of the material to be used as fill for the restoration of exhausted quarries and for the restoration of quarries for agricultural use. Nonetheless, issues relating to the reuse of material should be addressed through a Construction Management Plan as recommended by the ERA.

Similarly, issues raised with respect to noise mainly relate to the construction phase of the development. Mitigation measures include the preparation of a Construction Management Plan (CMP) adhering to the provisions of the Environmental Management Construction Site Regulations, 2007 including hoarding, use of hydraulic excavation in preference to percussive techniques, use of off-site pre-fabrication, maintenance/ silencing of all equipment etc.

With respect to the above, the ERA referred recommended conditions as identified through the Environment Impact Assessment (EIA) process; (i) a Construction Management Plan (CMP) including works monitoring programme for all works particularly dust and noise monitoring and detailing of

waste management prior to the commencement of works on site; and (ii) standard conditions related to waste management. The Planning Directorate concurs with the conditions recommended by the ERA and is recommending these conditions to be included with the eventual permit conditions.

Further to the above, in terms of environment sustainability and building performance, wind and shadow studies were carried out as per documents 34k and 34m.

-- Wind Considerations

The wind study concluded that the prevailing wind directions are between west and north-west. Relative strong winds are expected at the passageway between the west and south towers due to the lack of adjacent buildings in the southern direction and downdraught towards the lower pedestrian level generated by the west and south towers. Mitigation was recommended to improve the pedestrian comfort level (business walking to leisure walking). Other regions that required mitigation to improve the pedestrian comfort level are the passageway between the north and west towers (lower pedestrian level), passageway between north and east towers (upper pedestrian level), passageway between east and south towers (upper pedestrian level). The central regions at the lower pedestrian level are acceptable to pedestrian sitting activities however mitigation measures lead to an improvement of wind conditions at critical locations.

In the design statement, the Architect notes that careful consideration was given to the design and massing of the development in order to ensure that it will not negatively impact on the wind microclimate or unacceptably overshadow and otherwise reduce daylight penetration into existing properties in the vicinity (refer to document 30a). A landscaping plan has been designed as per drawing 332w and incorporated measures that seek to improve comfort conditions in the open spaces. With respect to the above, the Planning Directorate is recommending that clearance from the consultant confirming that mitigation measures required to improve wind conditions as per document 34k is obtained prior to the issuing of the final compliance certificate.

-- Shadow Considerations

As regards shading, it was observed that the shadow range of the Mriehe Towers project, for the major part of the year, remain clear from residential zones. During the summer months, with extended daylight hours, the shadow range remained compact around the site due to the high altitude of the sun. The low altitude months of November, December and January showed an increase in shadow projection with slight overshadowing onto the residential area. However this was restricted to sunset with very low light conditions and was therefore considered to be negligible (refer to document 34m).

-- Services

Energy, Utility, Storm Water and Waste Management reports were compiled as per documents 34c-h. As regards energy, further to the installation of a new sub-station (at Level -1) as endorsed by Enemalta (refer to section 4.5.10 of this report), the Scheme has been designed to take account of passive-design principles with attention to sustainable energy consumption. In addition to the design measures to maximise passive heat / ventilation and natural lighting, it is envisaged to use specific energy-saving measures which will likely include (refer to documents 30, 34c, 34g and 34h):

- Use of day lighting and intelligent lighting controls with occupancy detection and control of external light levels;
- Low energy / LED lighting;
- High efficiency VRF equipment with occupancy detection;
- HVAC (heating, ventilation and air-conditioning) energy recovery systems;
- Building Management system with adaptive control; and
- High efficiency, machine room less, gearless less traction elevators.

As regards storm water, the scheme has also been designed to take account of water conservation and sustainable consumption. As explained in the Storm Water Report, there shall be two reservoirs on site with a total capacity of 2555 cubic meters of water. The total roof terrace and landscaped area

is 8679 square meters. Assuming an average rainfall of 0.3m per year, this equates to a volume of 2604 cubic meters. The Engineer concluded that the two reservoirs will accommodate the large majority of rainfall. The capacity of the reservoirs is such that the large majority of the rain water will be retained on site and used for fire fighting, irrigation and for a dual system in the flushing of WCs. Only the overflow of the reservoirs will be discharged to existing trenches located on both ends of the sites, both of which offer sufficient capacity without any adverse impact. Furthermore, the Engineer noted that the project will also link the slip road and thereby link the existing rainwater gutter which is presently terminated in front of the site to improve the existing storm water scheme of the surrounding roads.

A percentage of one reservoir shall be left as a fire fighting store. This well will be topped up with potable Government main system should the Fire Fighting well not be replenished by rainfall. The engineer estimates that 105 cubic meters of rain water will be used for irrigation out of a supply of 2604 cubic meters. The remaining amount of water shall be used in a dual system for flushing use of toilets. Water-saving devices will be installed throughout the complex. Any rain water used in this system will result in a saving of potable water from Government main system (refer to documents 30, 34c, 34d and 34h).

4.6.7 Transport Considerations

Considering that the SPED redirected the land use of the Mrieħel Industrial Zone towards a generally higher traffic-generating Enterprise Hub, the Transport Malta recognises the need to develop a holistic plan for the upgrading of the road network infrastructure in order to facilitate direct and safe access to this Enterprise Hub whilst, at the same time, introducing suitable measures that will encourage greater use of sustainable forms of transport in accessing the new developments in this Hub. Through the detailed assessment and consultation process carried out as indicated in section 4.5.4 of this report, it is noted that modifications to junctions along the Mrieħel Industrial Estate and new road infrastructure (traffic underpass) are required together with a green transport plan to improve transport related considerations with respect to the whole Industrial Estate. These are being considered adequate as part of the proposed development as per TM considerations which are being recommended to be included as part of the permit conditions.

As regards the internal transport related arrangements of the proposed development, vehicular access to the underground levels will be from the southeast corner of the site via a schemed road that has yet to be constructed to link with Triq I-Intronjatur. This service road will be created along the eastern perimeter of the site. The loading/unloading service vehicles will enter the site from the southeast corner and exit on the northeast corner, to be separated from light vehicles, on Triq L-Esportatur. The underground parking accommodates 1,065 car parking spaces including 28 accessible-for-all parking spaces and 54 preferential parking spaces reserved for car sharing, off-peak commuters, and electric vehicles.

Table T4: Parking requirements

(refer to documents 39 and 329a)

Land use	Parking standard	Parking Requirement
Offices (27,922sqm)	1 c.p.s per 50sqm	558 c.p.s
Conference (970sqm)	1 c.p.s per 50sqm	19 c.p.s
Retail (885sqm) 23 staff	1 c.p.s per 50sqm 0.33 c.p.s per non resident staff	26 c.p.s
F&B; 1,715sqm 42 staff	5 c.p.s per 50sqm 1 c.p.s per resident staff	214 c.p.s
Gym and Day Care Centre (1,090qm)	5 c.p.s per 50sqm	109 c.p.s

Supermarket (935sqm)	5 c.p.s per 50sqm	94 c.p.s
Showroom (575sqm)	1 c.p.s per 50sqm	12 c.p.s
Total: 1,032 parking spaces*		

* The low parking standard is generally used for the locality of Mrieheh.

The dynamic parking model showed that the proposed car spaces are inadequate to meet peak demands. The model suggests that a maximum of 1,563 spaces are required during a typical weekday. The proposed development provides 1,065 spaces on site and thus there is an under-provision vis-à-vis the dynamic parking model. The TIA notes that typically, it is recommended that the number of parking spaces provided within the proposed development reflect the output of the dynamic parking model. Nonetheless, the TIA refers that the proposed under-provision is justified since the developer is applying for LEED (Leadership in Energy & Environmental Design) certification. One of the criteria for LEED certification is to size parking capacity to meet but not exceed minimum local zoning requirements. In order to compensate for this low parking provision and encourage a modal shift away from single-occupancy cars, the proposed development is including 105 bicycle racks and reserving 54 parking spaces for car sharing. However, these measures alone are unlikely to result in a significant modal shift. Therefore, the TIS encourages the improvement of public transport services to provide commuters with a viable alternative to car use.

The Planning Directorate notes that the parking required for the proposed development according to the vehicle parking standards are being accommodated on site. Furthermore, the TM included a condition requiring commitment by developer to organise the provision of home-work-home collective transport for his employees for a period of not less than five years (refer to section 4.5.4 of this report). As indicated above, TM conditions are being recommended to be included as part of the permit conditions.

4.6.9 Other Considerations

a) Fire safety, ventilation, lighting, fumes emissions and drainage

In view of the nature of development which involves multi-level residential units, commercial space and parking, the development should be designed to provide for the safety of occupants in case of fire and every effort should be made to use natural cross-ventilation and adequate lighting. Architect was requested to submit an independent technical report prepared by a suitability qualified person certifying the adequacy and acceptability of the proposed means of ventilation, fire safety and lighting for the proposed development. The requested reports had been submitted and updated as per documents 41a/310b/329at-329ay/331a, 310c and 310d/310f-j/332y/332z.

The CPD vetted the fire safety report and endorsed its contents subject to conditions as indicated in section 4.5.9 of this report. The SEO endorsed the abovementioned reports subject to conditions as indicated in section 4.5.14 of this report.

As such, the Planning Directorate is recommending that any compliance certificate is not issued until a qualified engineer certifies that the development fully satisfies the requirements specified in the above mentioned report.

b) Lighting Scheme

Considering the nature of the proposed development being large scale with access routes, open spaces, various buildings and a high rise tower, the Planning Directorate is recommending that the proposed lighting is certified by a suitability qualified person and assessed in detail to be in line with the relevant requirements and conditions imposed. Thus, a technical report is recommended to be assessed as a reserved matter and a condition is being recommended to ensure that such document

is submitted and approved prior to commencement of the operations of the development on site (prior to the issuing of any compliance certificate).

c) Operations, Waste Management and Refuse Collection

Considering the nature of the proposed development being large scale with various land uses, the Planning Directorate is recommending that;

- a condition is included to ensure that the applicant / architect contacts the ERA with respect to any waste management and environment registration and/or permit such that no operations commence on site prior to ERA's clearance with respect to the above mentioned considerations.
- a specific refuse collection report is assessed in detail as a reserved matter. A condition is being recommended to ensure that such document is submitted and approved prior to commencement of the operations of the development on site (prior to the issuing of any compliance certificate).

d) Planning Gain

The FAR policy document requires that the management and maintenance of open spaces needs to be specified in a planning gain obligation and agreed to by the Planning Authority. It is noted that the open space is part of the proposed development and its maintenance relate to the operation of the whole development on site. Conditions are adequate to ensure that landscaping of the site is implemented in its entirety prior to the issuing of any partial or full final compliance certificate and that the open space is maintained to the reasonable satisfaction of the PA as part of the development covered by this application. Thus, the Planning Directorate recommends that the planning obligation relates to the Planning Gain Fund to fund environmental and urban improvement projects, traffic management, green transport and similar projects in the locality of the site.

This is being calculated as follows:

€ 4.66 multiply by floor area (for commercial and residential development) 41,715sqm

4.7 Conclusion

In view of the above comments, the application is being recommended for approval subject to the following conditions.

5. Recommendation: GRANT - subject to the following conditions:

1

Planning Gain:

This permission is subject to a planning gain to the value of € 194,391 towards PA's Planning Fund. The funds raised from the planning gain shall be used to fund environmental improvement projects in the locality of the site. The planning gain is not refundable and funds shall be utilized as required and directed by PA.

2

Bank Guarantee:

This development permission is subject to a bank guarantee to the value of €200,000 to ensure that the development is carried out in conformity with the conditions and documents approved with this development permission. The total amount of the guarantee shall be released to the applicant only after completion of the development hereby approved and upon confirmation by PA that the requirement of this condition has been complied with in full. If this condition is not complied with, then the total amount of the bank guarantee shall be forfeited. Its forfeiture would not, however, preclude the Authority from taking any action to ensure that the conditions of this permission are adhered to and the approved drawings/documents are complied with.

3

Reserved Matters:

(a) The following shall be submitted for the approval of the Planning Authority within six (6) months from the date of issue of this permit and at least two (2) months prior to any works on site whichever is the earliest:

I. Construction Management Plan (CMP)

The Construction Management Plan should detail all the demolition, excavation and construction works for the development approved in this development permission. It shall show:

- (i) A construction programme including details of the timing and phasing of the development;
- (ii) All relevant details as to how demolition, excavation and development is to be carried out;
- (iii) All construction access points;
- (iv) All storage areas for materials and plant, including any relevant containment measures;
- (v) The location of disposal sites for material from demolition, excavation and construction, and the means and routing of transport to disposal sites;
- (vi) The routes to be followed by heavy plant and other vehicular traffic required in connection with the works, and a comprehensive traffic management scheme for the areas affected by the development and by construction-phase traffic;
- (vii) Details of all temporary construction-phase structures such as temporary access roads, barging berths and similar facilities (including: justification, precise siting, extent, expected duration, construction and decommissioning methodology, anchorage details; and the proposed methods for protection from natural forces);
- (viii) Measures (including any relevant revisions to the design of the construction sites) to maximise the scope for carrying out noise-generating activities behind closed doors;

(ix) The lighting arrangements to be adopted, including the measures that will be applied to minimise nocturnal light pollution and mitigate nuisance to people and disturbances to the environment wherever relevant;

(x) Protection measures for retained buildings, structures, natural geomorphological features, and landscapes;

(xi) The detailed methodology and safeguards for the satisfactory reinstatement of the lands/coast affected by construction-phase impacts; and

(xii) The detailed safeguards that will be adopted to avoid or minimise: adverse construction-phase impacts; risks to public safety (including safety of pedestrians, and traffic safety); and construction-phase nuisance to residents and the public.

ii. Works Monitoring Programme (WMP)

The Works Monitoring Programme shall identify the monitoring required for the development approved in this development permission. It shall show dust and noise monitoring during the construction phase and any other issues as considered appropriate by the PA. The monitoring programme shall identify: the methodologies and frequencies of monitoring; a map-based definition of the extent of the areas which will be monitored; the frequency and mode of reporting; and any baseline studies that may be required. The programme shall also identify the threshold limits beyond which works should be halted due to unacceptable environmental impacts, and any other relevant triggers and parameters for pre-emptive, remedial or damage-limitation intervention. Specialist consultants for each specific monitoring requirement shall also be identified and submitted for PA approval.

The monitoring programme shall be formulated by a monitoring consultant (hereinafter referred to as "the monitor") approved in advance by PA after nomination by the applicant. The monitor shall have the necessary expertise and track record to ensure that the monitoring programme is satisfactorily devised and implemented and that the specialist consultants are duly present on site as required for effective monitoring.

In order to ensure compliance with the reserved matters, the permit conditions and drawings, the applicant shall at his expense set up a full time Operational Monitoring Team (OMT). The OMT shall also include suitably qualified personnel to monitor environmental aspects of the development as required by permit conditions. The monitor and specialist consultants shall be engaged at the expense of the applicant.

The composition and CVs of the OMT shall be submitted for approval by PA at least four weeks prior to the commencement of works and in time for the setting up of a monitoring programme that shall be approved by PA.

Before works commence on site, the applicant shall enter into a legal agreement with the OMT and PA which shall cover the full duration of the construction.

The monitor shall ensure that the applicant carries out all works in accordance with the permit conditions, approved drawings and other approved specifications including the Construction Management Plan; and

The OMT shall be located on site at a site office provided by the applicant;

The OMT shall not have full executive powers which shall remain vested in the Director of Enforcement;

The OMT shall submit a (specify frequency) report to PA including observations and recommendations on the progress of works; and

In the event that permit conditions are not adhered to or work practices are resulting in environmental impacts, the OMT shall notify PA immediately of any breach and shall consult with PA about remedial measures to be taken.

The monitor shall also be responsible for submitting regular monitoring reports in line with the approved arrangements, to PA and to the relevant Local Councils. Both PA and the monitor shall reserve the right to request further submissions or additional samples, and to impose any further conditions as deemed necessary during the progress of works.

No works shall commence on site prior to the approval of the above documents.

(b) The following shall be submitted for the approval of the Planning Authority within 1 year from the date of issue of this permit and at least 3 months prior to the issuing of any compliance certificate;

i. Lighting Scheme

The Lighting Scheme shall include proposed lighting during operation of the development and shall make specific provisions to minimize light pollution to the area. Details of light fixtures and types shall be submitted, including a comparison with those existing on site shall be submitted for approval by the Planning Authority, with confirmation by an independent qualified consultant that such lighting will not have an impact on the surrounding area in terms of excessive light pollution. Minimal, low level, directional lighting must be used in order to minimize glare, light trespass and sky glow. The development is not to be a source of light pollution, especially at night. To this effect:

- a. lighting should be strictly limited to within the developed part of the site;
- b. the development hereby being permitted should not be considered as a justification for the lighting of the access roads, tracks and paths leading to the site or other lighting beyond the site boundary;
- c. the lighting has to be from any peripheral landscaping inward so as to be screened as much as possible by the landscaping

itself; and

- d. external lighting of the development when operational should be minimal, and make use of downward-facing, full cut-off type, low-intensity lights, with motion sensors where outdoor lighting is required for safety and/or security reasons. No luminaire globes or uplighters are accepted.

ii. Refuse Collection Report:

All measures relating the collection of domestic waste during the operation of the completed development shall be indicated through a detailed refuse collection management report supplemented with relevant documentation. This report shall be cover each individual phase of this development.

Operations of the development shall not commence on site prior to the approval of the above documents.

4

Construction Site Regulations:

This permission is subject to a Bank Guarantee to the value of € 13,464.5 to ensure that the street is properly restored in accordance with the Environmental Management Construction Site Regulations, 2007 (Legal Notice 295 of 2007). The bank guarantee shall only be released after the permit submits a post-construction condition report together with photographs evidencing compliance with this condition, accompanied by clearance from the Local Council. The clearance from the Local Council is to be endorsed by the Mayor and the Executive Secretary of the Local Council. This guarantee shall be forfeited if, after 3 months from the date of notification by the Authority of a notice to effect the remedial works, these are not carried out. Its forfeiture shall not, however, preclude the applicant from adhering to all the conditions contained in this development permission.

5

Final Compliance Certificate:

The development hereby permitted shall be subject to Final Compliance (Completion) Certification, verifying that the development has been carried out in full accordance with the approved drawings, documents and conditions imposed in this development permission. Prior to the issue of any compliance certificate on any part of this development, the applicant shall submit to PA, in relation to that part of the building:

- (i) clearance from the National Commission for Persons with Disability verifying that the development fully satisfies the accessibility standards and/or any conditions imposed by the Commission in supporting document PA581/16/325a.

Note: Should a partial compliance certificate be requested, a Bank Guarantee of EUR50,000 shall apply to ensure that KNPD clearance is obtained.

- (ii) certification from a qualified engineer confirming that the development fully satisfies the requirements specified in supporting documents PA581/16/41a/310b/329at-ay/331a and PA581/16/310d/310f-j/332y/332z and PA581/16/310c.

(iii) certification from a competent person and/or qualified professional confirming that the development includes mitigation measures to improve the wind conditions specified in supporting document PA581/16/34k to adequate comfort levels for end users.

6

Landscaping and Maintenance:

a) Landscaping of the site shall be implemented in its entirety within the first planting season following completion of the development hereby approved, in accordance with the approved plans, unless the prior PA approval in writing has been obtained to depart from these details. No compliance certificate (partial or full) shall be issued on part, or the whole, of the development hereby approved prior to the implementation of the landscaping scheme in its entirety.

b) The public open space shall be managed, maintained and kept in a clean and tidy condition to the reasonable satisfaction of the Planning Authority at the applicant's expense.

7

Conditions imposed by other Authorities:

The conditions imposed and enforced by the Superintendent of Cultural Heritage, Environment and Resources Authority, Transport Malta, Civil Protection Directorate, Environmental Health Directorate, Enemalta, Malta Tourism Authority, Regulator for Energy and Water Services and Water Services Corporation are at supporting documents PA581/16/205A, PA581/16/45a, PA581/16/46b/91a, PA581/16/315, PA581/16/304a, PA581/16/318a/319a/320a, PA581/16/35, PA581/16/88a and PA581/16/298/303/327/327a/327b. The architect/applicant is required to contact the above Department/ Corporation/ Authority, throughout the implementation of the development hereby approved, to ensure conformity with the Imposed conditions. A copy of the relative correspondence / clearance shall be submitted to PA accordingly.

8

Environmental permitting:

The proposed development qualifies for an Environmental Permit and/or Registration with the Environment and Resources Authority's Environmental Permitting and Industry Unit. Hence, applicant / architect is required to contact the ERA to initiate the Environmental Permit and/or Registration process. No operations shall commence on site prior to the approval of the Environmental Permit and/or Registration.

9

Standard conditions:

a) This development permission is valid for a period of FIVE YEARS from the date of publication of the decision in the press but will cease to be valid if the development is not completed by the end of this validity period.

b) This permission relates only to the development as specifically indicated on the approved drawings. This permission does not sanction any other illegal development that may exist on the site.

c) Copies of all approved drawings and documents shall be available for inspection on site by PA officers at all reasonable times.

d) The development shall be carried out in complete accordance with the approved drawings, documents and conditions of this permission. Where a matter is not specified, then the conditions of this permission and of Development Control Design Policy, Guidance and Standards 2015 shall apply.

e) Before any part of the development hereby permitted commences, the enclosed green copy of this development permission shall be displayed on the site. This must be mounted on a notice board, suitably protected from the weather and located not more than 2 metres above ground level at a point on the site boundary where it is clearly visible and can be easily read from the street. The copy of the permission must be maintained in a good condition and it shall remain displayed on the site until the works are completed.

f) A Commencement Notice is to be submitted to PA at least FIVE DAYS prior to the date of commencement of the development hereby approved. Failure to serve the Commencement Notice or to serve it within the required timeframe shall result in the imposition of fines according to Schedule D of Legal Notice 277 of 2012, or its amendments, or its replacements.

g) All building works shall be erected in accordance with the official alignment and official/existing finished road levels as set out on site by PA's Land Surveyor. The Settling Out Request Notice must be submitted to the Land Survey Unit of PA when the settling out of the alignment and levels is required.

h) Where an officially schemed street, within the development zone, bordering the site is unopened or unformed, it shall be opened up and brought up to its proper, approved and official formation levels prior to the commencement of any development hereby being permitted.

i) The development shall be carried out in accordance with the provisions of the Environmental Management Construction Site Regulations, Legal Notice 295 of 2007 (or subsequent amendments). Any hoarding shall be erected in accordance with Schedule 2 of the same Regulations.

j) New development on vacant or redeveloped sites shall be provided with a water cistern to store rainwater run-off as required by the Energy Performance of Buildings Regulations (2012) [published through Legal Notice 376 of 2012 and any amendments thereto].

k) No steps, ramps or street furniture are to be constructed on or encroached onto the public pavement or road.

l) Any doors and windows, the lower edge of which is less than 2m above road level, and any gates shall not open outwards onto a public pavement or road.

m) Where present, window grilles (including 'pregnant' windows), sills, planters and other similar elements which are part of or fixed to the facade of buildings, the lower edge of which is less than 2 metres above road level, shall not project more than 0.15 metres from the facade over a public pavement or street.

n) Air conditioning units shall not be located on the facades of the building

which are visible from the street or a public space.

o) There shall be no service pipes, cables or wires visible on the front elevation or on any other elevations of the building which are visible from the street or public space.

p) Any unit approved on more than one floor (duplex or more) shall remain physically interconnected as a single unit, and shall not be sub-divided into separate units without specific PA consent.

r) The approved shops shall be put to any Class 4B Retail use as defined in the Development Planning (Use Classes) Order 2014, excluding greengrocer, minimarket, butcher, or fishmonger.

s) The approved premises shall be used as indicated on the approved drawings or as limited by any condition of this permission. If a change of use is permitted through the Development Planning (Use Classes) Order, 2014 (or its subsequent amendments), and it is not restricted by a condition of this permission, approval from the National Commission for Persons with Disability may still be required. Reference needs to be made to PA Circular 3/10 (with the exception of Appendix A), PA Circular 2/14 and their subsequent amendments.

t) The communal parking area shall only be used for the parking of vehicles and shall be kept available at all times for staff, other visitors, and customers. The parking area shall be adequately lit and sign-posted, and the parking bays properly demarcated in accordance with the standards set out in the Development Control Design Policy, Guidance and Standards 2015. The use of the parking area for storage, industrial, or commercial activity is prohibited.

u) Where a loading bay is indicated on the approved drawings, loading and unloading shall take place solely within the premises, and not from/on the public pavement or street.

v) No activity is to take place outside the premises, unless clearly indicated on the approved drawings, and no crates or other items are to be stored outside. The placing of canopies/umbrellas/ancillary structures is not permitted unless expressly indicated on the approved drawings. The placing/installation of any structures or facilities in front of the premises, unless indicated on the approved drawings, must be the subject of a separate clearance/permission from PA.

An eventual development permission would also be issued subject to the following standard text:

In terms of Article 72(3) of the Development Planning Act, 2016, the execution and validity of this permission is automatically temporarily **suspended** and no works as approved by the said development permission may commence before the lapse of the time period established in Article 13 of the Environment and Planning Review Tribunal Act and subsequently will remain so suspended if the Tribunal so decides in accordance with the Environment and Planning Review Tribunal Act.

Where the approved drawings and/or documents are dimensioned, then the declared dimensions shall prevail over the actual size as depicted on the approved drawings and/or documents.

Developers are advised to check the invert level to the sewer main with the Water Services Corporation as they would have to make their own arrangements where a gravity service connection is not possible. In these cases, the architect has to indicate the solutions envisaged and to indicate on

the plan what needs to be carried out and obtain approval from WSC. Developers are further reminded that connection of storm water into main sewers is not allowed.

If the declaration of ownership, as contained in the application form, is determined as incorrect by a Court of Law, then the said Court of Law can declare this development permission as null and void. This development permission does not remove or replace the need to obtain the consent of the land/building owner to this development before it is carried out. Furthermore, it does not imply that consent will necessarily be forthcoming nor does it bind the land/building owner to agree to this development. Where the land/building is owned or administered by the Government of Malta a specific clearance and agreement must be obtained for this development from the Land and/or Estate Management Departments.

This development permission is granted saving third party rights. This permission does not exonerate the applicant from obtaining any other necessary permission, license, clearance or approval required from any Government department, local council, agency or authority, as required by any law or regulation.

This development permit does not authorise any storage of substances listed in Occupational Health and Safety Authority Act (Cap. 424) - Control of Major Accident Hazards Regulations, 2003, as amended, in quantities that would render this site an establishment within scope of these regulations. The storage and handling of said substances may require a new or amended development permission in line with current policies and regulations.

This report to the Planning Board has been prepared and endorsed by:

Case Officer: Perit Anna Dora Deguara

Endorsed By:

Signature:

Signature:

Date:

Date:

Planning Board Decision:

-PARepEndorsed-

-DocABDPANot-

