

SUBSIDIARY LEGISLATION 552.08

DEVELOPMENT NOTIFICATION ORDER

3rd June, 2016*

LEGAL NOTICE 211 of 2016, as amended by Legal Notices 4 and 199 of 2017, 152 of 2018, 421 of 2020, 181 and 281 of 2021 and 37, 97 and 183 of 2023, 90 of 2024 and 85 of 2025.

1. The title of this Order is the Development Notification Order. Citation.

2. (1) In this Order, unless the context otherwise requires: Interpretation.
Amended by:
L.N. 181 of 2021;
L.N. 90 of 2024.

"the Act" means the Development Planning Act; Cap. 552.

"the Authority" means the Planning Board of the Planning Authority;

"balconies improvement scheme" means a scheme with this name, or any such scheme, for the financial support of the repair and replacement of timber balconies in specific localities;

"calendar year" means a period of twelve months beginning with the day on which the development or use or any intervention connected therewith is first begun, according to whichever is the earliest;

"designated areas" means sites and areas identified by the Strategic Plan for the Environment and Development or Local Plan policies, or other planning policies, for protection, conservation or preservation, including areas of archaeological, ecological, geological, geomorphological, hydrological, palaeontological, architectural, historic, artistic, or antiquarian importance, or of natural beauty, or scientific interest, together with any specific areas designated under the Act. Urban Conservation Areas are excluded from this definition, without prejudice to any designated areas overlapping onto such Urban Conservation Areas;

"Development Control Design Policy, Guidance and Standards" means Development Control Design Policy, Guidance and Standards 2015, without prejudice to any subsequent amendments or revisions thereto as may be approved by the Authority;

"development plan" means and includes the Strategic Plan for Environment and Development, subject plans, local plans, action plans and development briefs;

"distribution system operator" shall have the same meaning assigned to it in the Electricity Regulations; S.L. 545.34.

"dwelling" means a single family dwelling unit including, but not limited to, a terraced house, villa, bungalow, flat, a receded dwelling, penthouse, maisonette or basement permitted to be used for residential purposes in terms of currently approved

* but see Legal Notice 164 of 2016.

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Development Control Design Policy, Guidance and Standards;

"environmental impact assessment" means an environmental planning statement carried out in accordance with the Environment Protection Act;

"environmental planning statement" means an environmental planning statement carried out in accordance with the Environment Protection Act;

"existing agricultural holding" means land currently and lawfully used for cultivation at the time the reservoir or pump chamber is constructed;

"footprint" means the space contained within the external walls of a building at ground floor level, including internal yards, shafts, terraces or courtyards totally enclosed or surrounded by the building, but excluding terraces, backyards, yards and pool decks not totally enclosed or surrounded by the building;

"grade separated junction" means a junction where two or more roads cross over each other at more than one level;

"highway boundary" means land which consists of an existing road, street, square, court, alley, lane, bridge or footway;

"listed building" means a building which is itself a designated area;

"material" includes waste, refuse, rubble and any soil imported onto, or deposited on, the land;

"offroading" means any type of driving, manoeuvring or parking with a motor vehicle not on a road, except for the purpose of agriculture, maintenance of services and, or public works, or of law enforcement and the keeping of good order;

"offroading" event" means any kind of training, racing or rallying of an "offroading" type by a motor vehicle which are organized by any person, or by a society or body of persons;

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

"Outside Development Zone", hereinafter referred to as ODZ, means land outside the boundary for development as approved by Parliament in 2006;

"planning scheme" means a planning scheme made and approved in accordance with the Building Permits (Temporary Provisions) Act, 1988;

"public utility services" means and includes works related to water distribution, sewerage and storm water undertakings, electricity and telecommunications undertakings and any other undertakings and structures related to the electricity infrastructure;

"ridge" means the edge of a hill or plateau, where relatively flat or gently sloping land gives way to a valley side, hillside,

escarpment, cliff or other comparably distinct slope;

"route bus" means a vehicle constructed principally for the carriage of seated passengers and with areas for standing passengers to allow frequent passenger movement, licensed to carry passengers for hire or reward and which is registered to perform scheduled trips with the Central Office for Scheduled Bus Transport Services;

"same style, design, and materials" means the style and design, and the type, form and colour of the materials, used in the works which are to be replaced and "same style" or "different style" shall be construed accordingly;

"scheduled property" means every area, building, structure, remains, rock formation or other geological feature, excavation or cavity, individual tree or group of trees or woodland scheduled in terms of articles 57 and 58 of the Act. For the purposes of this Order, any land designated or declared as a Special Area of Conservation or otherwise declared as protected under the Environment Protection Act shall be treated in the same manner as scheduled property;

Cap. 549.

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

"temporary" means any non-permanent structure or use lasting for a limited time not exceeding thirty days, unless otherwise stated in this Order, and which does not involve any non-reversible intervention;

"Urban Conservation Area", hereinafter referred to as UCA, means a historic area (village core) as identified in a planning scheme or local plan or other currently approved planning policies;

"Urban greening project" means a project which turns an urbanised and, or spoilt ground to a landscaped area which is designed, implemented, and maintained to create beneficial greening spaces within the urban landscape. Urban greening shall form public landscaped spaces with vegetated areas, which aim is to provide managed green settings for leisure and recreation.

(2) In this Order, words and expressions that are not otherwise defined in this Order and are defined in the Act shall have the same meaning as they have in the Act.

- (3) (a) In this Order, wherever reference is made to a period of thirty days, such period shall be deemed as excluding the period of shutdown of the Planning Authority offices.

S.L. 552.13

(b) For the purposes of this Order, the period of shutdown of the Authority offices shall be that period established by Schedule 4 of the Development Planning (Procedure for Applications and their Determination) Regulations.

(4) (a) With reference to any scheduled property that already incorporates a protective buffer zone, and Areas of High Landscape Value, any buffer distance of thirty metres mentioned in the Schedules to this Order shall not apply.

(b) In the case of an already existing building on property that is not ODZ and that is scheduled or designated solely on the basis of features located underground, and if the new development is located entirely above ground, the notification procedure established in article 5(1) and (3) shall replace any restriction that would otherwise be entailed by such scheduling or designation, and the provisions of article 5(5) shall not apply.

(c) In the case of property that is not ODZ and that is scheduled or designated solely on the basis of landscape value, any restriction on permitted development that is entailed by such scheduling or designation shall not apply in respect of -

(i) trenching operations or other underground works which do not permanently affect the land surface, provided that the land is completely and immediately returned to its original condition once the works have been completed; and

(ii) internal alterations that do not affect the external appearance of the building. The notification procedure established in article 5(1) and (3) shall apply, and the provisions of article 5(5) shall not apply.

(d) Wherever there is a difference in opinion between the Authority and any other party, or any need for interpretation, as to whether a development -

(i) is aesthetically or otherwise compatible with its location; or

(ii) affects or alters materially the character and, or Permitted development and, or the context of the building or site and its surroundings; or

(iii) meets any requirement of this Order, whether explicit or implied,

the opinion of the Authority shall prevail.

Permitted
development.
Amended by:
L.N. 85 of 2025.

3. (1) Development permission is hereby granted for the Classes of development described in Schedule I, subject to the Sanitary Regulations, the relevant provisions of the Development Control Design Policy, Guidance and Standards, the Rural Policy and Design Guidance and all other relevant approved plans and

policies under the Act, exceptions, conditions, restrictions, rules, limitations and exclusions. The notification procedure in article 5(1) and (3) shall be required for the Classes of development described in Schedule I only where so provided in the same Schedule I.

(2) The granting of such a permission shall not imply, whether directly or indirectly, permission for any other development, ancillary to or even indispensable or inevitable for the proper execution of the permitted development, nor does such a permission exempt from any other requirement according to law or consent from third parties, nor exempt from liability or responsibility any person contravening any provision of law, whether applicable during the execution of the permission or subsequent thereto or as consequential, involuntary damage caused.

(3) The permission under sub-article (1) shall not dispense from the requirement of any other permission, licenses or consent as required by law and is without prejudice to any conditions, limitations and exclusions which may be imposed by the public health authorities and other competent entities.

(4) (a) Nothing in this Order shall permit development that is contrary to, or would in any way prejudice -

- (i) any condition or limitation imposed by any development permission granted on an application made in accordance with Part VII of the Act, unless such development is permitted through a change in policy and does not prejudice any site specific safeguard for which such conditions or limitations were imposed; or
- (ii) any condition or limitation imposed by a clearance or license issued in accordance with the Act; or
- (iii) a decision taken on any application or request for such permit, clearance or licence.

(b) Nothing in this Order shall permit development that -

- (i) is already proposed in an application made in accordance with Part VII of the Act, which is still being processed, amended, reconsidered or appealed in accordance with the Act; or
- (ii) would prejudice the merits of such processing, reconsideration or appeal, or
- (iii) would prejudice the merits of a request for any clearance or license required by the Act, or would prejudice the merits of an appeal from a decision thereon.

(5) The permission granted by sub-regulation (1) shall not authorize any development which -

- (a) requires or involves the formation, laying out, material widening, expansion, extension or re-engineering of a means of access to an existing road. This exclusion does not apply with regard to development permitted

by Class 3 of Schedule I; or

- (b) creates an obstruction to the view of, or a distraction to, persons using any road used by vehicular traffic, so as to be likely to cause danger to such persons; or
- (c) requires an environmental impact assessment, an appropriate assessment, a traffic impact statement, or any other assessment or report required by the Act or any other legislation;
- (d) in the case of any works connected with the development, involve or entail the demolition of, or could foreseeably cause direct or indirect damage to -
 - (i) any wall constructed in random rubble (*sejjiegh*) or random uniform rubble (*laqx*); or
 - (ii) any dry-stone huts (*giren* and similar structures) or any other structures protected under the Act; or
 - (iii) underground infrastructure; or
 - (iv) caves; or
 - (v) fossiliferous or infilled fissures (*daghbien*); or
 - (vi) archaeological features; or
 - (vii) existing historical buildings or monuments, or archaeological features and natural stone paving; or
 - (viii) cisterns or water galleries;
- (e) entails the destruction, uprooting or damage to existing trees, unless such works have been approved by the competent authorities;
- (f) involves the hacking, or drastic cleaning of stonework by means of grit-blasting, high-pressure water jets, compressed air, extensive sanding or abrasion, or other similar interventions that would adversely affect any building (or structure) of historic value or cultural heritage value.

(6) Any works permitted by sub-article (1) on scheduled buildings or buildings which the Authority deems to have conservation value shall be carried out strictly in accordance with conservation and restoration methodologies established by the Authority in official guiding documents and under the supervision of a restoration architect.

Power to restrict permitted development.

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

5. (1) Where provided in this Order, development shall be notified to the Authority prior to the commencement of any work, on the form provided by the Authority. The Authority may require different forms for different classes of permitted development and different forms may not require all the information listed under paragraphs (a) to (h). This form shall be accompanied by: three copies of all the necessary plans and elevations; two good-quality colour photographs properly representative of the site; and other relevant documentation as provided in this Order or as the Authority may deem necessary, so that the details submitted to the Authority shall clearly and correctly identify:

Notification
procedure.
Amended by:
L.N. 97 of 2023;
L.N. 90 of 2024;
L.N. 85 of 2025.

- (a) the *perit* in charge;
- (b) the applicant;
- (c) the precise location and full extent of the applicant's property, and the applicant's title over the property. Where considered necessary by the Authority, these shall be confirmed by a copy of the deed showing the respective title;
- (d) the full nature and full extent of the works;
- (e) the Class of Schedule I permitting such development;
- (f) all previous permits, applications and notifications affecting the applicant's property;
- (g) any required approval by other relevant public authorities, as specified in this Order. This shall include an authorisation by the competent authority, accompanied by a clear site plan (and any other relevant documents) also stamped and endorsed by the competent authority and cross-referred to the authorisation; and
- (h) access to the site, indicated on a location map, if the site does not abut on a public street.

(2) A notification may cover works which fall into more than one Class or paragraph within a Class, where these are to be carried out on the same site, except where otherwise provided in this Order.

(3) Where a notification is required under sub-article (1) and without prejudice to any applicable provisions of this Order, the applicant shall comply with the notification procedure established in sub-article (1) and the Authority shall respond by an electronic means of communication in writing to the notification within thirty days from the validation of the notification.

(4) The Authority shall return one endorsed copy of all the plans submitted, endorsed clearly indicating whether or not the works are permitted. In the event of any discrepancy between any approved drawings and the relevant provisions of this Order as communicated in the Authority's response, the latter shall prevail.

(5) (a) If the works are permitted:

- (i) for all classes of development described in Schedule I other than Classes 5(ix)(a), 17, 21 and 23,

such confirmation by the Authority shall be valid for a period of one (1) calendar year commencing on the date on which the official notice by the Authority is issued or, in the absence of the said notice, on the date of expiry of the aforesaid thirty (30) days.

(ii) for development described in Classes 5(ix)(a), 17, 21 and 23 of Schedule I, such confirmation by the Authority shall be valid for a period of three (3) calendar years commencing on the date on which the official notice by the Authority is issued or, in the absence of the said notice, on the date of expiry of the aforesaid thirty (30) days.

(b) If the works are not permitted, the Authority shall give detailed reasons for its decision..

(6) Where development has been carried out without the notification required in accordance with sub-article (1), and that development complies fully with the relevant exceptions, limitations and conditions of this Order, the notification of that development shall be treated as though it were a prior notification in accordance with sub-article (1), except where otherwise provided in this Order.

(7) Where development has been carried out without the notification required in accordance with sub-article (1), or a notification has been made and the Authority has not responded to the notification within thirty days from the validation of the notification, and that development -

(a) runs counter to policies or plans or legislation approved according to the Act or the Environment Protection Act: or

(b) is not correctly, completely and unequivocally reflected in the notification,

the Authority shall still have the right to stop works and, or to take enforcement or other action, in accordance with the Act.

(8) Where development is carried out after the permit validity stipulated in this regulation has expired, or after the Development Order under which it is permitted has been repealed, the Authority shall still have the right to stop works and, or to take enforcement or other action, in accordance with the Act.

(9) In the case of development that involves or entails trenching operations, the applicant or his appointed contractor shall apply for trenching permission as the Authority may from time to time establish. This provision shall also cover interventions for the provision, repair, replacement or maintenance of an individual domestic or similar connection to existing public infrastructure services. An application for trenching permission shall be considered as if it were a notification in accordance with sub-article (1) if:

(a) it is submitted to the Authority and satisfies the

conditions established in sub-article (1)(b), (d) and (g); and

- (b) the works are located altogether under a legally existing road or legally existing pavement. The Authority's electronic reply to such application shall be treated as a written reply to the notification according to sub-article (3), and all the other provisions of this regulation shall apply.
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Amended by:
L.N.199 of 2017;
L.N.152 of 2018;
L.N. 421 of 2020;
L.N. 181 of 2021;
L.N. 281 of 2021;
L.N. 183 of 2023;
L.N. 90 of 2024;
L.N. 85 of 2025.

SCHEDULE I
CLASSES OF PERMITTED DEVELOPMENT
(Regulation 3)

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- (ii) Boundary walls around undeveloped land abutting a street
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- (v) Repair of existing boundary walls
- (vi) Repair of buildings or other structures
- (vii) Surveillance and security equipment, and similar small equipment
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Class 4 Minor infrastructural development

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- (ii) Posting boxes, automated teller machines and vending machines

-
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CLASS 1 - Alterations to existing buildings and development within the curtilage of buildings

- (i) Internal alterations, excluding all works that would:
 - (a) increase the number of dwellings;
 - (b) increase the number of commercial outlets and floor space;
 - (c) increase the non-residential units;
 - (d) change the use of buildings; and
 - (e) require an increase in parking provisions
- (ii)
 - (a) The replacement of apertures and security elements relative to windows, doors, balconies (including timber balconies), gates and other similar elements, including in scheduled buildings or buildings which the Authority deems to have conservation value.
 - (b) The provision of security bars, projecting wrought iron windows or security windows.
 - (c) The replacement of apertures and security elements in scheduled buildings or buildings which the Authority deems to have conservation value:

Provided that such works in sub-paragraphs (a) and (b) do not materially alter the character and, or context of the building and its surroundings and for sub-paragraph (c) original wooden apertures and balconies and wrought iron elements in scheduled buildings or buildings which the Authority deems to have conservation value shall be retained and restored and shall not be replaced if these are considered to form part of the historic character and fabric of the building and, or streetscape and are in a sufficiently good condition that they can be restored.

- (iii) Water tanks, with associated apparatus and the necessary screening.
- (iv) Solar panels and associated apparatus, and photovoltaic panels and associated apparatus:

Provided that for paragraphs (iii) and (iv) when located on scheduled buildings or buildings older than seventy five years which the Authority deems to have conservation value, the permitted development shall be located within the envelope of the building or at roof level, not exceeding the height of the parapet wall, but not on top of a roof structure.

- (v) Roof Structures which are setback six metres from the front elevation and do not exceed thirty six square metres when measured externally, in UCAs but not in ODZ nor on scheduled buildings.

Only development under paragraphs (i), and (ii) and (v) shall be subject to the notification procedure established in regulation 5(1) and (3).

CLASS 2 - Minor Works

- (i) The construction, reconstruction, maintenance, or demolition, of front garden walls, or walls around gardens, or recreational areas, excluding walls which are constructed in random dry-stone rubble walls (*sejjiegh*). Works shall be limited to the wall itself without any substantial modification to a front garden, other garden, vehicular parking or driveway.
- (ii) Boundary walls around undeveloped land abutting a street.
- (iii) Timber gates in existing legal openings located in ODZ.
- (iv) The construction, alteration, or maintenance, of random dry-stone rubble walls (*sejjiegh*) on existing agricultural land, or along a legally existing street, in accordance with the Rubble Walls and Rural Structures (Conservation and Maintenance) Regulations (S.L.552.01), subject to the following conditions:
 - (a) the wall shall not be higher than one metre twenty centimetres above soil level on both sides;
 - (b) in case of different levels between terraced land, the wall shall not be higher than one metre twenty centimetres above the higher soil level, and two metres forty centimetres above the lower soil level;
 - (c) the total demolition and reconstruction of existing random dry-stone rubble walls (*sejjiegh*) is not permitted and, in the case of partial demolition and reconstruction, the area to be replaced should be declared as unsafe by the *perit*;
 - (d) for the construction of new walls, a single access opening of not more than one metre twenty centimetres wide, with a gate constructed in timber and not exceeding the height of wall, is permitted;
 - (e) new access openings on existing walls are not permitted;
 - (f) the construction of new walls shall not entail the sub-division of agriculture land.
- (v) The repair of existing boundary walls provided that such works do not affect the height and character of the existing wall.
- (vi) The repair of buildings or other structures, subject that such works do

not:

- (a) constitute the complete or substantial demolition and reconstruction, or replacement, of buildings or structures;
- (b) materially alter the character and, or context of the building or structures, and its surroundings.
- (vii) The fixing of surveillance cameras, security equipment, and other similar small-scale equipment, even on scheduled property.
- (viii) The painting of the exterior of a building or work, provided that:
 - (a) it is not for purpose of advertisement, announcement or direction;
 - (b) it is in congruence with the streetscape.
- (ix) Air conditioning units, unless located on any façade that faces a road, or visible from a road.
- (x) Replacement or reconstruction of roofs with no substantial rebuilding of walls and not on scheduled property.

Only development under paragraph (vi), when located within Scheduled Property, UCA, or ODZ, and development under paragraphs (i), (iii) and (x) shall be subject to the notification procedure established in article 5(1) and (3).

CLASS 3 - Formation, laying out, alteration or improvement of roads by Government agencies, Local Councils and other entities appointed thereby

- (i) The formation or laying out of roads and pavements as indicated in a planning scheme, and the alteration or creation of pavements within a development boundary.
- (ii) The widening, improvement or maintenance of an existing road within the highway boundary.
- (iii) The improvement or alteration of junctions, unless it involves the alteration of a grade separated junction or a significant alteration in the traffic direction.
- (iv) The installation, modification or removal of traffic lights and any other similar traffic management systems.
- (v) The embellishment or enhancement of existing roundabouts, existing traffic islands and, or existing centre strips, provided that such embellishment or enhancement would not create an obstruction to the view of, or a distraction to, persons using any road used by vehicular traffic, so as to be likely to cause danger to such persons:

Provided that:

- (a) it does not entail additional undeveloped land outside the planned or existing highway boundary;
- (b) it does not affect the planning scheme boundary or entails departure from the official alignment;
- (c) it does not entail direct or indirect damage to existing historical buildings or monuments, archaeological features including underground shelters, cisterns or water galleries, rubble walls and natural stone paving; and
- (d) it includes all the necessary measures so that, wherever possible:
 - (i) infrastructural services are installed underground without any introduction, installation or attachment of overhead

- wiring on the site or its surroundings; and
- (ii) existing overhead wiring and other infrastructural services currently above ground are relocated underground;
- (e) it is subject to prior written authorisation by Transport Malta;
- (f) within Valletta, Floriana, Cottonera and areas scheduled for their archaeological importance, excavation works shall be carried out under the supervision of an archaeologist appointed by the Superintendent of Cultural Heritage.

Only development under paragraph (ii) where the existing road and, or pavement are constructed in natural stone paving and paragraph (iv) where works are on or attached to a building which in itself is a scheduled property shall be subject to the notification procedure established in regulation 5(1) and (3).

CLASS 4 - Minor infrastructural development

- (i) The erection or construction, and the maintenance, alteration or other improvement, of lamp standards, public seats, small-scale litter bins or similar baskets serving public recreational areas or walkways, bollards, barriers and similar works or structures not in ODZ.
- (ii) The installation or placing of posting boxes, self-service machines or Automated Teller Machines, or vending machines that are in line with approved policies and guidelines not in ODZ.
- (iii) The erection of telephone boxes or booths, provided that the structure shall not exceed one meter squared in area measured externally and a height of two metres and forty centimetres measured externally not in ODZ.
- (iv) The erection, construction, or installation of monuments and art installations within public open spaces, excluding dismantling or relocation, not in ODZ and provided that where the highway boundary or a pavement are affected the development is subject to prior written authorisation by Transport Malta and in all circumstances subject to prior authorisation by the Malta Council for Culture and the Arts.

Only development under paragraphs (i), (ii) and (iii) shall be subject to the notification procedure established in regulation 5(1) and (3).

CLASS 5 - Development related to public utility services

- (i) The carrying out of any works for the purpose of inspecting, maintaining, repairing or renewing any existing sewer, main, pipe, cable or other apparatus, including the breaking open of any made-up ground or soil for that purpose, provided that the land is immediately and completely returned to its original condition once the works have been completed.
- (ii) Any development below ground level, including excavation, which is required in connection with:
 - (a) the supply of water or for conserving, monitoring, redistributing or augmenting water resources;
 - (b) the provision, improvement, maintenance or repair of a sewer or sewerage connection or associated apparatus; or
 - (c) the maintenance or repair of an outfall pipe, or of a sewage

treatment plant, or of an ancillary reservoir; or

(d) the laying underground of pipes, cables or any other apparatus.

The land surface must be immediately and completely returned to its original condition once the works have been completed.

- (iii) The installation of service lines to individual customers from a service line, including any excavations for such purpose, provided that the land is immediately and completely returned to its original condition once the works have been completed.
- (iv) The installation, in a public water distribution or sewage infrastructural network, of a booster station, valve house, meter house or switchgear house, unless it involves any development above ground level in an UCA or ODZ.
- (v) The construction, provision or improvement of sewage inspection chambers above ground level unless such chamber exceeds:
 - (a) one square metre in area measured externally; or
 - (b) one metre in height measured externally above ground level. If located ODZ, structures above ground level are to be suitably designed to mitigate their visual impact on the surrounding environment.
- (vi) The provision, construction and renewing of any storm water culvert or water channel, storm water drain, rainwater spout or overflow pipe, or storm water reservoir that is altogether located under an existing road carriageway or pavement or similar paved area. The development must not involve channelisation of natural watercourses or valley beds.
- (vii) The provision, excavation, extension or enlargement of service ducts for the improvement, rationalisation, management or inspection of underground services, provided that the roof of the duct is in keeping with the surrounding land surface and, if the site lies ODZ, it shall be suitably finished to compliment the surrounding environment.
- (viii) The installation of feeder or service pillars, but not poles or masts, provided that where located on a pavement, these shall allow at least one metre of unobstructed pavement width:

Provided that:

- (a) it does not entail additional undeveloped land outside the planned or existing highway boundary;
- (b) it does not entail direct or indirect damage to existing historical buildings or monuments, archaeological features including underground shelters, cisterns or water galleries, rubble walls and natural stone paving; and
- (c) it includes all the necessary measures so that, wherever possible:
 - (aa) infrastructural services are installed underground without any introduction, installation or attachment of overhead wiring on the site or its surroundings; and
 - (bb) existing overhead wiring and other infrastructural services currently above ground are relocated underground;
- (d) within Valletta, Floriana, Cottonera and areas scheduled for their archaeological importance, excavation works shall be carried out under the supervision of an archaeologist appointed by the Superintendent of Cultural Heritage.

- (ix) Development required by the electrical distribution system operator in connection with:
- (a) the construction, alteration, maintenance or repair of an electric power distribution centres provided that the building does not exceed the height of ten (10) meters above highest road level;
 - (b) the construction, alteration, maintenance or repair of electricity power sub-stations provided that the building shall not exceed the footprint of fifty (50) square metres and does not exceed the height of four (4) meters above highest road level;
 - (c) the temporary installation of any equipment and any associated structure, required for emergency generation of electrical power that is installed as ancillary to existing infrastructure use provided that the equipment and the associated structure may be retained for a period not exceeding five (5) years, subject to the approval of the Environment and Resources Authority;

Provided that:

- (a) the site has adequate access from the road network;
- (b) ancillary infrastructure including but not limited to cabling, pipes and, or channel services shall be located under existing roads;
- (c) aboveground level wiring, poles and off-street trenching shall be avoided; and
- (d) the design shall be in congruence with the surrounding environment and landscape.

Development under this Class, when it is located in a UCA, ODZ and in scheduled property or within thirty metres from a scheduled property or in a designated area, shall be subject to the notification procedure established in article 5(1) and (3) and developments falling under this class which are located in ODZ or in protected or scheduled areas for environmental reasons shall be subject to prior approval by the Environment and Resources Authority.

CLASS 6 – Development related to public transport

- (i) The installation of signs which do not exceed fifty square centimetres in area, in connection with the operation of route buses.
- (ii) The construction or replacement of existing passenger shelters including advertisement as part of the passenger shelter, or barriers for the control of people waiting to enter a route bus, except where the development involves any road widening or any encroachment onto land that is not a road carriageway, pavement or similar paved area.

CLASS 7 - Development related to telecommunications

- (i) The installation, maintenance or alteration of any telecommunications apparatus unless such development is located ODZ or on scheduled property.

Provided that the development does not involve:

- (a) the erection or alteration of buildings; or
- (b) the introduction of poles and masts to support overhead wiring and or structures with a height exceeding 10 metres to support the

- permitted apparatus;
- (c) direct or indirect damage to existing scheduled buildings or monuments, archaeological features including underground shelters, cisterns or water galleries, rubble walls and natural stone paving.
- (ii) A satellite antenna, unless in ODZ or on scheduled property and provided that it is not visible from a public road.

CLASS 8 - Development related to agriculture and fisheries

- (i) The maintenance of existing farm roads carried out by or on behalf of the Department of Agriculture: Provided that such works do not:
 - (a) involve encroachment beyond the pre-existing road carriageway, or deposition of material beyond the road carriageway, or levelling or reclamation of land; or
 - (b) involve the expansion or extension or leveling or widening or re-engineering or surfacing with concrete.
- (ii) Placing of permanent plant and machinery required for the operation of a designated fishing port subject to the prior approval of the Fisheries Department.

Only development under paragraph (ii) shall be subject to the notification procedure established in article 5(1) and (3).

CLASS 9 - Placing of machinery and structures for the duration of construction works

- (i) The placing on land of a building, moveable structure, works, plant or machinery required temporarily required in connection with, and for the duration of, operations on, in, under or over that land or on land immediately adjoining it, in connection with or for the purpose of development permitted by a development permission, or by any other permission by the Authority, or by this Order, including temporary batching plants, subject that such works shall:
 - (a) not apply to mining or quarrying operations; and
 - (b) in the case where such works would create an obstruction to an existing pedestrian passage way, all the necessary measures shall be taken to provide for a safe alternative passage way as directed by the competent authority; and
 - (c) after completion of works, such temporary installation shall be completely removed and the land shall be completely restored to its pristine condition;
 - (d) such use does not entail direct or indirect damage to existing historical buildings or monuments, archaeological features including underground shelters, cisterns or water galleries, rubble walls and natural stone paving.

Development under this Class, where the operations are going to take place within the confines of a site which is a scheduled property, or in a designated area, or on land that is located ODZ and, or when the operations are going to take place beyond the confines of the site covered the development permission shall be subject to the notification procedure established in article 5(1) and (3).

CLASS 10 - Temporary use of Land

- (i) The reversible use of land, as well as any temporary structures required for such use, for not more than thirty days in any one calendar year, whether the permitted use is requested or applied for by the same person or by different persons, provided that the proposed use does not have any negative impacts on the relative site and its surroundings and the land is fully restored to its pristine condition and any structure removed within ten days from the expiry of such thirty-day period.

For any land located within a distance of 100 meters from the same land originally permitted for a specific temporary use in terms of this sub-paragraph, the permission shall be automatically renewed for the same or similar use as originally permitted provided that:

- (a) any extension may not be granted for a period of more than thirty days and no more than three extensions may be granted in any given calendar year. The extended period need not necessarily refer to the thirty day period immediately following the previous period; and
 - (b) the Authority is satisfied that the extension relates to a site which lies within a development zone; and the proposed use does not have any negative impacts on the relative site or its surroundings and any structure used on the relative site is easily demountable; and
 - (c) any land in relation to which an extension has been permitted in terms of this sub-paragraph shall be fully restored to its pristine condition and any structure removed within ten days from the expiry of each permitted period unless the extended period immediately follows the previous period, in which case the relative restoration and removal of any structure shall be carried out within ten days from the last permitted period.
- (ii) The reversible use of land by Government entities, Local Councils and other public entities appointed thereby, for the temporary use of land for cultural and social purposes, and for the temporary placing and use of a caravan or a camp, as well as any temporary structures required for such use for not more than four calendar months in one (1) calendar year only, provided that the land used is fully restored to its pristine condition and any structures are removed within ten days from the expiry of such period, except for sites located in scheduled property:

Provided that the use of land is not permitted if such use is for off-road vehicle, motor car and motorcycle racing or rallying, or for practising for these events and activities:

Provided further that the development described shall only be permitted if:

- (a) any temporary structure required for such use would not impair visibility at a road junction or otherwise pose a threat to the safety of pedestrians or vehicular traffic;
 - (b) such use does not entail direct or indirect damage to existing historical buildings or monuments, archaeological or cultural or natural or landscape remnants including underground shelters, caves, cisterns or water galleries, natural habitats, valleys and watercourses, ridges and escarpments, natural bedrock, topography, trees, rubble walls and natural stone paving;

- (c) waste collection, waste disposal facilities, and any necessary mobile sanitary facilities, as required by law and which do not involve any non-reversible interventions, are available on site prior to the commencement of use;

Development under this Class shall be subject to the notification procedure established in article 5(1) and (3). For development under paragraph (i), the first notification shall be automatically renewed provided the site remains unchanged, unless the Authority decides that the temporary use should cease prior to the expiry period and notifies the applicant accordingly. The commencement date and the expiry date shall be stated in the applicant's request and the confirmation by the Authority, and the limited time is not automatically renewed annually nor extended in perpetuity.

Development under this Class shall also be subject to the prior clearance from the Environment and Resources Authority in the case of areas declared as protected under the Environment Protection Act

CLASS 11 - Development related to aviation

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

CLASS 12 - Lighting of buildings, structures and roads

- (i) the external lighting of buildings, structures and roads provided that the development is not permitted where:
 - (a) it is incompatible with the character of the location and/or create unacceptable light pollution; or
 - (b) in the case of street lighting ODZ, involves lighting beyond the street itself and/or cause unacceptable light pollution in an area that should be kept free from artificial nocturnal lighting or compromise the conservation of important flora, fauna or ecosystems;
 - (c) it involves the illumination of any sign or advertisement, or such illumination constitutes its primary purpose; or
 - (d) it involves an area larger than a building or structure;
 - (e) it involves a scheduled property.

For the purposes of this Class, temporary lighting of buildings and structures, for festivities and similar events, shall not be deemed to constitute development.

Development under this Class, where the site or lighting equipment of buildings and structures lies in a UCA or ODZ or in a designated area or in or within 30 metres of a scheduled property, shall be subject to the notification procedure established in article 5(1) and (3).

CLASS 13 - Mineral and geological exploration and surveying, and environmental monitoring

- (i) Development on any land consisting of:
 - (a) the drilling of boreholes other than for groundwater abstraction; or
 - (b) the carrying out of seismic surveys;
 - (c) the carrying out of archaeological surveys under the supervision of the Superintendent of Cultural Heritage:

Provided that the land is immediately and completely restored to its original state once the works have been completed.

- (ii) The placing of equipment or temporary stations for environmental, atmospheric or marine study and monitoring, even if in or within 30 metres of a scheduled property or in a designated area, for not more than one calendar year, and on condition that:
 - (a) no damage or other significant disturbance to the site or the surrounding environment is entailed;
 - (b) no material is placed of on garigue or on exposed rockfaces in a manner that could foreseeably result in damage to, or scarring of, the land surface; and
 - (c) the equipment or station is completely removed and the land is fully returned to its pristine condition once the station ceases to operate.

Within Valletta, Floriana, Cottonera and areas scheduled for their archaeological importance, excavation works shall be carried out under the supervision of an archaeologist appointed by the Superintendent of Cultural Heritage.

CLASS 14 - Tented Structures and Awnings

- (i) the installation of an awning fixed on the exterior of a building, not being a Scheduled Property, located within Town Centre, Local Centre, Commercial Area, Entertainment Priority Area, or Tourism Zone as indicated in the respective Local Plan or the Interim Retail Planning Guidance (2004) but outside Mdina and Cittadella (Rabat, Gozo).
- (ii) The placement of small tents, tarpaulins, or similar structures to provide environmental control or privacy, not being a scheduled property provided that such works are not visible from outside the building.

Development under paragraph (i) where the site lies within UCA, ODZ, or a designated area, shall be subject to the notification procedure established in article 5(1) and (3).

CLASS 15 - Beach management facilities

- (i) The temporary use of land for the hiring of beach furniture provided that:
 - (a) the land to be occupied as the fixed point for hiring of beach furniture shall not exceed an area of 9m²;
 - (b) no structures, whether permanent or temporary, are to be placed or erected on the site;
 - (c) the land shall be fully restored to its original state between sunset and sunrise; and
 - (d) no land, on which the beach furniture is placed or erected, is occupied, designated, or in any manner delineated for the exclusive use of an operator:

Provided that the development shall only be permitted if:

- (a) the site is located on a designated beach as determined by the Malta Tourism Authority;
- (b) specific authorisation by the Malta Tourism Authority is submitted, by the applicant to the Authority, as part of the

notification procedure.

- (ii) The temporary use of land for the erection, placing and installation of structures required in relation to mobile sanitary facilities and life-saving management practices on beaches, provided that the notification is submitted by a Government entity, a Local Council, any other public entity appointed thereby, or a registered institution whose expertise is in civil protection subject to the prior clearance from the Environment and Resources Authority in the case of areas declared as protected under the Environment Protection Act and the site is not located on sand dunes.

Development under this Class shall be subject to the notification procedure established in article 5(1) and (3).

CLASS 16 - Deleted by Legal Notice 85 of 2025.

CLASS 17 - Development by the Armed Forces of Malta

- (i) Development carried out by the Armed Forces of Malta on land under the operational control of the same Armed Forces of Malta, provided that:
 - (a) when the development is located in designated areas or scheduled property, it shall be subject to prior clearance by the Superintendent of Cultural Heritage and by the competent authority responsible for the protection of the natural environment;
 - (b) the development is recommended by the Consultative Committee on the Development by the Armed Forces of Malta set up by the Minister to provide advice on the acceptability or otherwise of development proposals by the Armed Forces of Malta. If, for any reason, the Consultative Committee is not constituted, the proposed development is recommended by the Minister responsible for the Armed Forces of Malta.

Development under this Class shall be subject to the notification procedure set out in article 5(1) and (3). However such notification procedure is not required where in the opinion of the Minister responsible for the Armed Forces, the development is urgently required for national security reasons and the Authority is informed accordingly.

CLASS 18 - Development relating to Migration Matters

- (i) Development carried out by an entity responsible for the provision of reception services including in particular for beneficiaries of international protection and asylum seekers provided that if the development is located in designated areas or scheduled property, it shall be subject to prior clearance by the Superintendent of Cultural Heritage and by the competent authority responsible for the protection of the natural environment.

Development under this Class shall be subject to the notification procedure set out in article 5(1) and (3). However such notification procedure is not required where in the opinion of the Minister responsible for Immigration, the development is urgently required for humanitarian, security or other relevant reasons and the Authority is informed accordingly.

CLASS 19 - Filming and Activities

- (i) Filming operations including the construction or installation of any ancillary, temporary structures and/or equipment on the site, provided that all constructions and installations are completely removed from the site, and the site is fully reinstated to its pristine condition, prior to the expiry of the time period allowed for the operations.
- (ii) Occasional activities, excluding scientific research and occasional activities which are not considered as development in terms of the Act, for not more than one calendar week by the same person, company or organisation including the construction or installation of any ancillary structures and/or equipment on the site provided that these are completely removed from the site by the permitted time of cessation of the activity.
- (iii) Offroading events in a locality which is marked as an offroading site by means of signs approved under the Traffic Signs and Carriageway Markings Regulations:

Provided that:

- (a) the Environment and Resources Authority shall be consulted by the Authority upon receipt of the notification request and the Environment and Resources Authority shall reply within the period specified in the consultation notice which shall in no case be less than 7 days and in case of no reply, the Environment and Resources Authority shall be deemed as having no objection to the proposal;
- (b) when an authorisation or an appropriate assessment is required under the Flora, Fauna and Natural Habitats Protection Regulations (S.L. 549.44) the provisions of article 5(3) which require the Authority to respond in writing to a notification within thirty days from the validation of the notification shall not apply;
- (c) the Authority may impose conditions, including Bank Guarantees and Planning Contributions as set out in the Act, it deems appropriate in its decision notice to safeguard any interest of acknowledged importance.

Development under this Class shall be subject to the notification procedure established in article 5(1) and (3).

Class 20 Development related to the Corradino Correctional Facility"

- (a) Development carried out by the Director of the Corradino Correctional Facility on land designated for the same Corradino Correctional Facility in a subsidiary plan approved in terms of the Act, provided that:
 - (i) when the development is located on designated areas or scheduled property, it shall be subject to prior clearance by the Superintendent of Cultural Heritage and, by the Environment and Resources Authority in the case of areas declared as protected under the Environment Protection Act;
 - (ii) the proposed development is recommended by the Minister responsible for the Prisons;

- (b) Development under this Class shall be subject to the notification procedure set out in article 5(1) and (3). However such notification procedure is not required where in the opinion of the Minister responsible for Prisons, the development is required for national security reasons and the Authority, the Superintendent of Cultural Heritage and the Environment and Resources Authority are informed accordingly.

Class 21 Development by the Malta Police Force

- (a) Development carried out by the Malta Police Force on land under the operational control of the same Malta Police Force, provided that:
 - (i) when the development is located on designated areas or scheduled property, it shall be subject to prior clearance by the Superintendent of Cultural Heritage and by the Environment and Resources Authority in the case of areas declared as protected under the Environment Protection Act and in the case of areas located Outside the Development Zone;
 - (ii) the proposed development is recommended by the Minister responsible for the Malta Police Force;
- (b) Development under this Class shall be subject to the notification procedure set out in article 5(1) and (3). However such notification procedure is not required where in the opinion of the Minister responsible for the Malta Police Force, the development is urgently required for national security reasons and the Authority, the Superintendent of Cultural Heritage and the Environment and Resources Authority are informed accordingly.

Class 22 Existing Development Related to Malta's Culture and Tradition

- (i) Existing fireworks factories, including their operations, provided that the fireworks factories, including the footprint of their built structures and their operations, have been in existence since, or before, the year 1994 and the same fireworks factories, including the footprint of their built structures and their operations, were still in existence in 2016, as evident from the relative aerial photography of the Authority and upon submission of proof of actual use of the site as a fireworks factory in the aforementioned years.
- (ii) Development under paragraph (i) shall be considered permitted development:

Provided that the provisions of article 3(5) of the principal order shall not be applicable to such class:

Provided further that the provisions of the Sanitary Regulations, the relevant provisions of the Development Control Design Policy, Guidance and Standards, the Rural Policy and Design Guidance and all other relevant approved plans and policies under the Act, exceptions, conditions, restrictions, rules, limitations and exclusions currently in force, shall not be applicable for this Class.

Class 23 Development by the Civil Protection Department

- (a) Development carried out by the Civil Protection Department on land under the operational control of the same Civil Protection Department, provided that:
 - (i) when the development is located on, or contiguous to, designated areas or scheduled property, it shall be subject to prior clearance by the Superintendent of Cultural Heritage and by the Environment and Resources Authority in the case of development located on, or contiguous to, areas declared as protected under the Environment Protection Act and in the case of development located on, or contiguous to, areas Outside the Development Zone;
 - (ii) the proposed development is recommended by the Minister responsible for the Civil Protection Department;
- (b) Development under this Class shall be subject to the notification procedure set out in article 5(1) and (3). However such notification procedure is not required where in the opinion of the Minister responsible for the Civil Protection Department, the development is urgently required for national security reasons and the Authority, the Superintendent of Cultural Heritage and the Environment and Resources Authority are informed accordingly.

Class 24 Class 24 Greening projects by Government agencies, Local Councils and other entities appointed by them

- (a) The formation of urban greening projects within the development zones on land designated for public recreational use in the respective Local Plans, including on schemed roads and public open spaces;
- (b) The formation of urban greening projects within the development zone on land designated for any other use in the respective Local Plans;
- (c) The formation of greening projects located outside development zone on land designated for public recreational use in the respective Local Plans:

Provided that the greening projects shall only include the following works:

- (i) the installation of playground equipment, fitness, and sports equipment, along with art installations;
- (ii) demountable installations, which may include CCTV and lighting equipment;
- (iii) vertical structures and shading devices, which may be accessible;
- (iv) excavation of underground reservoirs intended for the irrigation of the proposed vegetation and other related uses to greening projects;
- (v) taking up of existing land surface and resurfacing with materials such as permeable paving blocks;
- (vi) installation of flooring systems and hard landscaping;
- (vii) installation of vertical greening structures, including against public buildings or government owned residential blocks, but excluding buildings which are designated or located within scheduled areas;
- (viii) installation of features and structures for the purpose of the

- greening project (seating areas, security and or control rooms, sanitary facilities, etc.);
- (ix) installation of demarcation walls and gates;
- (x) interventions and planting of trees, including the related irrigation systems;
- (xi) removal of existing paved or hard-surface areas and, or existing artificial structures, or their replacement with soil or soft landscaping; and
- (xii) removal of redundant infrastructure (including poles, brackets, cables, pipework, etc.) and, or the replacement of such infrastructure with facilities laid underground within the foot print of existing streets or pavements:

Provided further that:

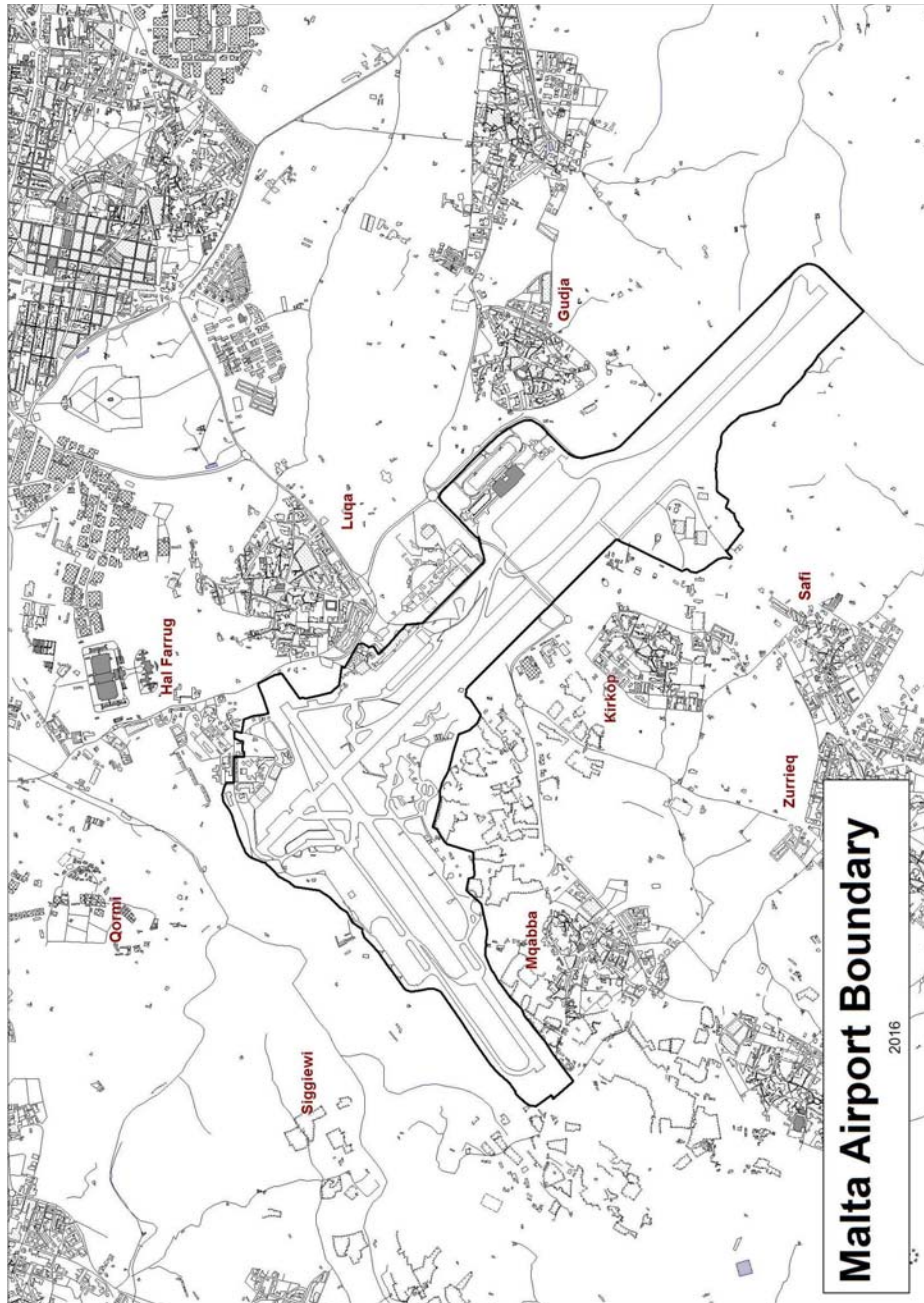
- (a) prior approval shall be obtained from the Superintendent of Cultural Heritage for sites within Urban Conservation Area, Scheduled sites and sites within Scheduled Building Settings;
- (b) prior approval shall be obtained from the Authority for Transport in Malta for sites falling within the boundaries of schemed roads;
- (c) prior approval shall be obtained by the Environment and Resources Authority;
- (d) for all cases, prior approval shall be obtained from Project Green:

Provided further that for development under this Class, the relevant provisions of the Rural Policy and Design Guidance and all other relevant approved plans and policies under the Act, exceptions, conditions, restrictions, rules, limitations and exclusions currently in force, shall not be applicable:

Provided further that development under this class shall be subject to the notification procedure established in sub-articles (1) and (3) of article 5, except for where the greening project is by Project Green.

SCHEDULE II
Malta Airport Boundary

Substituted by:
L.N. 4 of 2017.



SCHEDULE III
INDIS Malta Zones

Added by:
L.N. 281 of 2021.
Amended by:
L.N. 37 of 2023.

Deleted by Legal Notice 85 of 2025.
