

L.N. 152 of 2004

**DEVELOPMENT PLANNING ACT
(CAP. 356)**

Development Notification (Amendment) Order, 2004

BY VIRTUE of the powers conferred on it by article 31 of the Development Planning Act, the Malta Environment and Planning Authority, in consultation with the *Kamra tal-Periti*, has made the following order:

1. The title of this Order is the Development Notification (Amendment) Order, 2004 and shall be read and construed as one with the Development Notification Order, 2001, hereinafter referred to as “the principal order”. Citation.
L.N. 126 of 2001.

2. (1) In Class 4 of the Schedule to the principal order, there shall be added the following: Amends Class 4 of
the Schedule to the
principal order.

“1. The following development is permitted development under this Class without the requirement for notification as specified in Article 6(1) of this order:

The erection, placing, maintenance, alteration or other improvement of waste receptacles, including waste separation bins or similar containers, subject to the following conditions:

(a) In the case of waste separation bins, each receptacle shall not exceed 1.5 metres in length, 1.5 metres in width and 2.0 metres in height;

(b) All waste separation bins are to be clearly colour-coded and clearly labelled according to the respective category and type of waste. Such colour coding and labelling is also subject to any additional standards and specifications that may be required by the Malta Standards Authority or by any other competent authority;

(c) All receptacles, other than those intended for bulky refuse or for inert waste, shall be equipped with an appropriate lid or other seal to ensure that the facility is odour-proof and

pest-proof and does not give rise to any hazard or nuisance to users and, or nearby properties;

(d) Wherever a pavement or similar pedestrian walkway exists, all openings of the receptacles shall face the pavement or walkway only;

(e) Where the receptacles cannot be placed directly on a road or pavement and, or where a suitable surface does not already exist, they may be placed on a flat platform with a height of not more than 0.15 metres above road level and no larger than the footprint required for the receptacles. The platform shall be adequately drained, finished in suitable materials, and maintained so as to: minimise visual impact, facilitate cleaning, and prevent accidental or runoff-induced pollution of the surrounding land;

(f) The location of the facility shall not require the removal of, or damage to, existing trees, random rubble walls (*ħitan tas-sejjeħ*) and similar structures, natural rocky surfaces, archaeological sites, or any structures or features beyond the land area occupied by an existing road carriageway or pavement or similar paved area;

(g) At least one reserved bay for loading and unloading shall be provided on site, to accommodate one collection vehicle and, or one vehicle using the facility, without reducing the vehicular capacity and the net width of the carriageway to less than 4.8 metres;

(h) The receptacles shall allow at least 1 metre of unobstructed pavement width;

(i) Prior clearance shall be required from the Malta Transport Authority for all interventions that obstruct or affect a road, pavement or pedestrian crossing;

(j) Access for all is to be provided, to the satisfaction of the *Kummissjoni Nazzjonali Persuni b'Dizabilità*, for all public facilities;

(k) Any signs related to the facility shall conform to the specifications contained in the Advertisements (Regulation) Order, 1993, shall not be illuminated, and shall not exceed 2 metres in height and 1.5 metres in width;

(l) The site and its environs shall at all times be maintained in a clean condition, to the satisfaction of the respective Local Council; and

(m) All waste shall be collected from the bins regularly to the satisfaction of the respective Local Council, so as to prevent overfilling, and shall only be disposed of in a recycling plant, waste handling facility or landfill that is approved by the Malta Environment and Planning Authority for the purpose and that is covered by all the required permits and operating licences.

Provided that any development described in this article 1 of this Class shall not be permitted development in the following locations:

(i) On or within 30m of a scheduled property or within a designated site or area, except where the scheduled property or designated area incorporates a whole town or village or a substantial part thereof;

(ii) Within UCAs, unless the facility is adequately and sensitively screened so as to mitigate its visual impact to the Authority's satisfaction;

(iii) ODZ, unless the site abuts a road which forms the edge of a Temporary Provisions Scheme or the site is located within the legal footprint of an existing official car park. Provided that the facility shall:

- be directly accessible without difficulty from such road or car park, without any need for a new or modified access or any other site engineering operations;

- be entirely confined to the land area occupied by an existing vehicular carriageway or pavement or similar paved area;

- be located in such a manner as not to entail or require any overflows or trampling beyond such land area, or any damage to trees or natural habitats;

- not be located where visual or other environmental impact, or accidental or runoff-induced pollution of the surrounding land, can foreseeably result;

- not be located at a site which may suffer economic damage in the event that any bin may catch fire;
- be adequately and sensitively screened so as to mitigate its visual impact to the Authority's satisfaction; and
- not be illuminated.

(iv) Along an arterial or distributor road, or within 30 metres of a junction abutting an arterial or distributor road, or within 30 metres of a roundabout abutting an arterial or distributor road, unless the facility is only accessible through a service road, safely and to the satisfaction of the Malta Transport Authority; and

(v) Within 5 metres of a dwelling:

Provided further that in the case of paragraphs (i), (ii) and (iii) above, as well as within a distance of 30 metres from the shoreline, the development shall only be permitted if the developer has complied with the procedure of notification specified in Article 6(1) of this order and the Authority does not, within 30 days of such notification, give to the developer a notice in writing that the development requires a development permission in accordance with Part IV of the Act.”.

(2) Article 1 of Class 4 in the Schedule to the principal order shall be re-numbered as Article 2.

(3) Subparagraph (i) of Article 2 as renumbered of Class 4 of the principal order shall be substituted by the following:

“(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;”.