

**L.N. 457 of 2011**

**ENVIRONMENT AND DEVELOPMENT PLANNING ACT  
(CAP. 504)**

**Development Notification (Amendment) (No. 2) Order, 2011**

BY VIRTUE of the powers conferred by article 63 of the Environment and Development Planning Act, the Malta Environment and Planning Authority has made the following Order:

Title.

**1.** The title of this Order is the Development Notification (Amendment) (No. 2) Order, 2011, and it shall be read and construed as one with the Development Notification Order, 2007, hereinafter referred to as “the principal Order.”

L.N. 115 of 2007.

Amends article 2 of the principal order.

**2.** Sub-article (1) of article 2 of the principal Order, shall be amended as follows:-

(a) for the definition “Act” there shall be substituted the following:

“ “the Act” means the Environment and Development Planning Act;”;

(b) for the definition “environmental impact assessment” there shall be substituted the following:

“ “environmental impact assessment” means an environmental planning statement carried out in accordance with the Act;”;

(c) for the definition “environment planning statement” there shall be substituted the following:

“ “environment planning statement” means an environmental planning statement carried out in accordance with the Act;”;

(d) in the definition “scheduled property”, for the words “articles 46, 47 and 48 of the Act.” there shall be substituted the words “articles 81 and 82 of the Act.”; for the words “Environment Protection Act” there shall be substituted the word “Act”.

**3.** Article 3 of the principal Order shall be amended as follows:- Amends article 3 of the principal Order.

(a) in sub-article (4) thereof:

(i) in sub-paragraph (i)(a) thereof, for the words “Part IV” there shall be substituted the words “Part V”;

(ii) in sub-paragraph (ii)(a) thereof, for the words “Part IV” there shall be substituted the words “Part V”;  
and

(iii) in sub-paragraph (ii)(c) thereof, the words “or by the Environment Protection Act” shall be deleted;

(b) in sub-article (5) thereof, the words “or the Environment Protection Act” shall be deleted; and

(c) in sub-article (7) thereof, for the words “article 39A” there shall be substituted the words “article 77”.

**4.** In sub-article (4) of article 5 of the principal Order, immediately after the words “Where development” there shall be added the words “other than in the case of a development listed in the Sixth Schedule to the Act,”. Amends article 5 of the principal Order.

**5.** The Index to Schedule I of the principal Order shall be amended as follows:- Amends the Index to Schedule I of the principal Order.

(a) item Class 1(viii) shall be substituted with the following:-

“1(viii) The installation of LPG storage tanks.”;

(b) immediately after item Class 10 1(ii) thereof, there shall be added the following:-

“1(iii) The reversible use of land, by Government entities, Local Councils and other public entities appointed thereby”;

(c) immediately after item Class 16 2 thereof, there shall be added the following new Class:

“Class 17 Development related to Malta Industrial Parks Ltd. (MIP) Industrial Zones

1(i) The construction, alteration or extension of an industrial unit within a Malta Industrial Parks Ltd. industrial zone.”.

Amends Class 1 of Schedule I of the principal Order.

**6.** Class 1 of Schedule I of the principal Order shall be amended as follows:-

(a) for sub-paragraph 1(viii) thereof, there shall be substituted the following:-

“1(viii) The installation of LPG storage tanks to an existing building and entirely within its curtilage, subject that the LPG tanks shall:

(a) where the tank is located above ground, it shall not exceed a capacity of 1250 litres;

(b) where the tank is located wholly underground, the capacity shall not exceed 4050 litres;

(c) if the site falls within scheduled property or located ODZ, it shall be installed totally underground;

(d) where the tank is installed in the front garden, side gardens and backyards, internal yards and shafts the applicable provisions of Development Control Policy and Design Guidance shall apply;

(e) not be located on the roof of existing building; and

(f) the installation of LPG tank shall be subject to clearance from Malta Resources Authority:

Provided that where the development lies within scheduled property, in designated areas, in UCAs or ODZ, the notification procedure established in articles 5(1) and (3) shall apply. The development contained in this paragraph is not

permitted in the Urban Conservation Areas listed in article 5 of this class.”;

(b) immediately after sub-paragraph 5(vi) thereof, there shall be added the following:-

“(vii) LPG storage tanks as permitted in Class 1 article 1.”.

**7.** In Class 8 of Schedule I to the principal Order, sub-paragraph 2(iv) thereof shall be amended as follows:-

Amends Class 8 of Schedule I of the principal Order.

(a) for paragraph (a) thereof, there shall be substituted the following:-

“(a) is sited in an agricultural holding of not less than one tumolo on which there are no other reservoirs”;

(b) paragraphs (d) and (e) thereof shall be deleted; and

(c) immediately after paragraph (c) thereof, there shall be added the following new paragraph:-

“(d) the reservoir shall be constructed wholly underground with its finished roof level at least 0.75m below soil level and shall not exceed a total area of 100m<sup>2</sup>.”.

**8.** In Class 10 of Schedule I to the principal Order, immediately after sub-paragraph 1(ii) thereof there shall be added the following new sub-paragraph:

Amends Class 10 of Schedule I of the principal Order.

“(iii) 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 as well as any temporary structures required for such use for not more than three calendar months yearly, provided that the land used is fully restored to its pristine condition and any structures are removed before the expiry of such period, except for sites located in scheduled property.”.

**9.** Immediately after Class 16 of Schedule I to the principal Order there shall be added the following new Class:

Adds new Class to Schedule I of the principal Order.

**“Class 17**  
**Development related to Malta Industrial Parks Ltd. (MIP)**  
**Industrial Zones**

1. The following development is permitted under this Class subject to notification as established in sub-articles 5(1) and 5(3) of this Order:

(i) The construction, alteration or extension of an industrial unit within a Malta Industrial Parks Ltd industrial zone provided that:

(a) the industrial zone is covered by a Full Development Permit in terms of Part V of the Act which includes all the details related to the construction of the specific industrial units;

(b) the proposed development shall be approved in advance by the Malta Industrial Parks Ltd;

(c) where necessary the operations of the permitted development will be subject to an environmental permit in accordance with Part V of the Act.”.



