

B 3604

L.N. 287 of 2013**ENVIRONMENT AND DEVELOPMENT PLANNING ACT
(CAP. 504)****Development Notification (Amendment) Order, 2013**

IN EXERCISE of the powers conferred by articles 61 and 62 of the Environment and Development Planning Act, the Prime Minister, after consultation with the Malta Environment and Planning Authority, has made the following Order:

Title.

1. The title of this Order is the Development Notification (Amendment) Order, 2013, 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 3 of the principle Order.

2. Paragraph (i) of subarticle (6) of article 3 of the principal Order shall be substituted by the following:

“ (i) 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 and Class 17 of Schedule I; or”

Amends the Index to Schedule I of the principle Order.

3. The Index to Schedule I of the principal Order shall be amended as follows:

(a) immediately after item Class 10 1(iii) thereof, there shall be added the following:

“1(iv) the reversible use of land for the parking of vehicles”

(b) item Class 17 shall be substituted by the following:

“Class 17 Development in Malta Industrial Parks and Malta Enterprise Zones

1 (i) The construction, alteration or extension of an industrial unit within Malta Industrial Parks and Malta Enterprise Zones.”

(c) immediately after item Class 17 1(i), there shall be added the following new Class:

“Class 18 Development by the Armed Forces of Malta

1. The carrying out of development by the Armed Forces of Malta”

4. Class 10 of Schedule I of the principal Order shall be amended as follows: Amends Class 10 of the principle Order.

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

“1. Subject to the provisions of articles 2 and 3 of this Class, the following development listed in paragraphs (i), (ii) and (iii) within development zone is permitted under this Class without any notification as established in article 5 (1). Where the site lies ODZ for development listed under paragraphs (i), (ii) and (iii), and within development zone for development listed under paragraph (iv), the notification procedure as established in article 5 (1) and (3) shall apply:”

(b) for sub-paragraph (i), thereof, there shall be substituted the following:

“(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 applied for by the same person or by different persons, provided that the land is fully restored to its pristine condition and any structure removed before the expiry of such thirty-day period;”

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

“(iv) the reversible use of land located within the development zone, with the prior clearance of the authority responsible for transport, for the parking of vehicles not being heavy goods vehicles, trailers, buses and coaches, as well as any temporary structures required for such use where the footprint of such

temporary structures does not exceed ten square metres and their height does not exceed three metres.

The notification required as established in article 5 (1) and (2) shall specify the period of time required for this use.

The land shall be fully restored to its pristine condition and any temporary structures removed before the expiry of the permitted period, unless it is renewed.

The use of such land shall be considered as permitted development until the temporary use, either individually or cumulatively, does not exceed a maximum of three years, including any renewals, whether the permitted use is applied for by the same person or by different persons.”

Substitutes Class 17 of Schedule I to the principle Order.

5. Class 17 of Schedule I of the principal Order shall be substituted by the following:

“Class 17

Development in Malta Industrial Parks and Malta Enterprise Zones

1. The following development is permitted under this Class subject to notification as established in subarticles (1) and (3) of article 5 provided that it is in line with existing sanitary regulations:

(i) the construction, re-development, alteration or extension of an industrial unit within Malta Industrial Parks and Malta Enterprise Zones, provided that:

(a) the predominant use of the industrial unit falls within one of the industrial, storage and distribution use Classes of the Use Classes Order, and includes any other use which is ancillary to the predominant use;

(b) the proposed development does not result in an industrial unit higher than fifteen metres measured from the highest street level along the external perimeter of the unit;

(c) the unit does not replace communal landscaped areas or communal car parking spaces;

(d) the proposed development, including the creation or formation of a new vehicular access or any changes to the highway boundary, shall have the prior approval of the Malta Industrial Parks or Malta Enterprise, where relevant;

(e) where necessary, the operations of the permitted development will be subject to an environmental permit in accordance with Part V of the Act;

(f) the height of the industrial unit and the materials shall have the prior approval of the authority responsible for Civil Aviation, where deemed relevant by the Authority.”

6. Immediately after Class 17 of Schedule I to the principal Order there shall be added the following new Class:

Adds Class 18 to Schedule I to the principle Order.

“Class 18

Development by the Armed Forces of Malta

1. Development carried out by the Armed Forces of Malta is permitted under this Class on land under the operational control of the same Armed Forces of Malta, subject to the notification procedure set out in subarticles (1) and (3) of article 5. 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. In both instances, this is subject to the following conditions:

(i) 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;

(ii) 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.”

