

L.N. 248 of 2014

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

Development Notification (Amendment No. 2) Order, 2014

IN EXERCISE of the powers conferred by article 63 of the Environment and Development Planning Act, the Minister for Sustainable Development, the Environment and Climate Change and the Parliamentary Secretary for Planning and Simplification of Administrative Processes, after consultation with the Malta Environment and Planning Authority, have made the following Order:-

Citation.

S.L. 504.80

Amends
Scheule I of the
principal Order.

1. The title of this Order is the Development Notification (Amendment No. 2) Order, 2014, and this Order shall be read and construed as one with the Development Notification Order, hereinafter referred to as "the principal Order".

2. Class 10 of Schedule I of the principal Order shall be amended as follows:

(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), (iii) and (iv) within development zone is permitted under this Class subject to the submission before the Authority of a formal written request by the person intending to carry out the relative development which must indicate the specific site to be used for the relative development and the specific period of the calendar year in which such development shall be carried out. Where the site lies ODZ for development listed under paragraphs (i), (ii), (iii) and (iv), and within development zone for development listed under paragraph (v), the notification procedure as established in article 5(1) and (3) shall apply:";

(b) for sub-paragraph (i) of paragraph 1 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 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;"

(c) sub-paragraph (iv) of paragraph 1 thereof shall be renumbered as sub-paragraph (v);

(d) sub-paragraph (iii) of paragraph 1 thereof shall be renumbered as sub-paragraph (iv), and shall be substituted by the following:

"(iv) 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 four calendar months yearly, 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;"

(e) sub-paragraph (ii) of paragraph 1 thereof shall be renumbered as sub-paragraph (iii);

(f) immediately after sub-paragraph (i) of paragraph 1 thereof, there shall be added the following:

"(ii) For any land located within a distance of 100 meters from the same land originally permitted for a specific temporary use in terms of sub-paragraph (i), the Authority shall have the discretion to extend the thirty (30) day period for the same or similar use as originally permitted upon the receipt of a formal written request for such extension to be submitted to the Authority by the intended user of the relative land prior to the expiration of the thirty-day period mentioned in sub-paragraph (i), provided that:

(a) Any requested 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 period requested for extension need not necessarily refer to the thirty day period immediately following the previous period; and

(b) The Authority is satisfied that the request for 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 subparagraph 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;"; and

(g) in paragraph 2 thereof, for the words "other than as provided in paragraph (ii)", there shall be substituted the words "other than as provided in paragraph (iii)".

