

L.N. 86 of 2025

**DEVELOPMENT PLANNING ACT
(CAP. 552)**

**Order for the Notification of Development
on Specified Locations, 2025**

IN EXERCISE of the powers conferred by article 55 of the Development Planning Act, the Executive Council, with the approval of the Minister responsible for the Planning Authority, has made the following order:-

1. The title of this order is the Order for the Notification of Development on Specified Locations, 2025. Citation.

2. (1) In this order, unless the context otherwise requires: Interpretation.

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

"Authority" means the Planning Board of the Planning Authority established by article 63 of the Act;

"calendar year" means a period of twelve (12) months commencing on the day on which the development or use or any related intervention therewith commences, according to whichever is the earliest;

"designated areas" means sites and areas identified by the Strategic Plan for the Environment and Development or subsidiary plans and policies, for protection, conservation or preservation of such sites or areas, 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.

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(2) Words and expressions used in this order which are not defined herein, shall have the same meaning as assigned to them in the Act.

Applicability.

3. (1) (a) Wherever reference is made to a specific period in this order, 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.

(2) (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 (30) metres shall not apply.

(b) In the case of an already existing building on property that is not Outside the Development Zone 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 6 shall replace any restriction that would otherwise be entailed by such scheduling or designation.

(c) In the case of property that is not Outside the Development Zone 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 6 shall 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 requirements of this order, whether explicit or implied,

the opinion of the Authority shall prevail.

4. (1) Development permission hereby granted for the Class of development described in Schedule I, shall be subject to the relevant provisions of the Development Planning (Health and Sanitary) Regulations, the Development Control Design Policy, Guidance and Standards, the Rural Policy and Design Guidance and all other relevant approved plans and policies in accordance the Act, exceptions, conditions, restrictions, rules, limitations and exclusions. The notification procedure in article 6 shall be required for the Class of development listed in Schedule I.

Permitted development.

S.L. 552.22.

(2) The granting of such a permission shall not imply, whether directly or indirectly, that permission is being granted for any other development which is ancillary to, or even indispensable or inevitable for the proper execution of the permitted development, nor does it exempt it from any other requirement according to law or consent from third persons, nor provide an exemption from liability or responsibility to any person breaching any provision of law, whether applicable during the execution of the permission or subsequent thereto or as consequential and involuntary damage caused.

(3) The permission granted in accordance with sub-article (1) shall not provide an exemption 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) This order shall not 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 on the basis of 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 licence issued in accordance with the Act; or

(iii) any decision taken on any application or request for such permit, clearance or licence.

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(b) This order shall not 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 licence required by the Act, or would prejudice the merits of an appeal from a decision thereon.

(5) The permission granted by sub-article (1) shall not authorise any development which:

(a) requires or involves the formation, laying out, substantial widening, expansion, extension or reconstruction of a means of access to an existing road. This exclusion shall not apply with regard to development permitted by Class 1 of Schedule I; or

(b) creates an obstruction to the vision 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. The requirement of a traffic impact statement shall not apply with regard to development permitted by Class 1 of Schedule I;

(d) in the case of any works connected with the development, that involve or include the demolition of, or may foreseeably cause direct or indirect damage to:

(i) any rubble wall or random uniform rubble;

(ii) any dry-stone or any other similar structures protected in accordance with the Act;

(iii) underground infrastructure;

(iv) caves;

(v) fossiliferous or infilled fissures;

(vi) archaeological remains;

(vii) existing historical buildings or monuments, or archaeological remains and natural stone paving; and, or

(viii) cisterns or water galleries;

(e) results in 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 may adversely affect any building or structure of historic value or cultural heritage value.

(6) Any works permitted in accordance with 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.

5. If the Authority is of the opinion that development described in Schedule I should not be carried out unless it is covered by a permit issued upon application, the Authority may by notice in the Gazette direct that the permit granted in accordance with article 4 shall cease to apply to the development.

Power to restrict permitted development.

6. (1) Development under this order 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). With this form there shall be attached three (3) copies of all the necessary plans and elevations, two (2) good-quality colour photographs properly representative of the site and any 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.

(a) the responsible *perit*;

(b) the applicant;

(c) the precise location and full extent of the applicant's property, and the applicant's title over the property. Where

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considered necessary by the Authority, these shall be confirmed by a copy of the public deed which demonstrates 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 or entities, 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, which is also stamped and endorsed by the competent authority with a reference 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) Following the validation of the notification, the Executive Chairperson shall prepare a recommendation, within thirty (30) days from validation, on whether the application satisfies all the requirements of this order, which recommendation shall be referred for authorisation to the Chairperson of the Planning Board or his delegate who shall decide on whether to grant or refuse the authorisation of the notification by not later than seven (7) days from the referral of the recommendation.

(3) When deciding on the authorisation of the notification, the Chairperson of the Planning Board or his delegate shall apply the provisions of this order. Furthermore, when the Chairperson of the Planning Board or his delegate decides to refuse the authorisation, he shall provide the specific planning reasons provided by him.

(4) The Authority shall issue the decision by an electronic means of communication within seven (7) days from the decision on the authorisation for notification.

(5) When the authorisation for notification is granted, the Authority shall return one endorsed copy of all the plans submitted, clearly indicating that the works are permitted. In the event of any discrepancy between any approved plans and the relevant provisions of the order as communicated in the Authority's response, the latter shall prevail.

(6) If the works are authorised, such authorisation 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:

Provided that the applicant may request an extension of the period of validity of the authorisation which cannot exceed in aggregate another three (3) calendar years.

(7) Where development has been carried out without the notification required in accordance with sub-regulation (1), and that development complies fully with the relevant exceptions, limitations and conditions of this order, the notification of that development shall be deemed to be a notification in accordance with sub-regulation (1), except where otherwise provided in this order.

(8) Wherever development has been carried out without the notification required in accordance with sub-regulation (1), or a notification has been made and the Authority has not issued the authorisation within the periods specified in sub-articles (2) and (4), and such development:

(a) runs counter to policies, plans or legislation approved in accordance with the Act or the Environment Protection Act; or Cap. 549.

(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.

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

SCHEDULE I
CLASSES OF PERMITTED DEVELOPMENT

(article 4)

CLASS 1 – Development in zones administered by INDIS Malta Ltd or Malta Enterprise

(a) The demolition, excavation, construction, re-development, alteration or extension of an industrial unit or a unit for any purposes ancillary to the main industrial unit within industrial zones as indicated in the Subsidiary Plans and which are administered by INDIS Malta Ltd or Malta Enterprise, provided that:

(i) the predominant use of the industrial unit falls within one of the industrial, storage and distribution use Classes of the Development Planning (Use Classes) Order (S.L. 552.15), and includes any other use which is ancillary to the predominant use;

(ii) the proposed development does not result in an industrial unit higher than:

-the height stipulated in the relevant map in Schedule II; and

- fifteen (15) metres within all other zones administered by INDIS Malta Ltd or Malta Enterprise,

measured from the highest street level along the external perimeter of the unit;

(iii) the unit does not replace communal landscaped areas or communal car parking spaces as indicated in the Local Plans;

(iv) the unit whereby the development is being proposed does not in any way abut on or is adjacent to any property that is not administered by INDIS Malta Ltd or Malta Enterprise, as the case may be;

(v) the proposed development, including the creation or formation of a new vehicular access or any changes to the road boundary, shall have the prior approval of INDIS Malta Ltd or Malta Enterprise, where relevant;

(vi) the height of the industrial unit and the

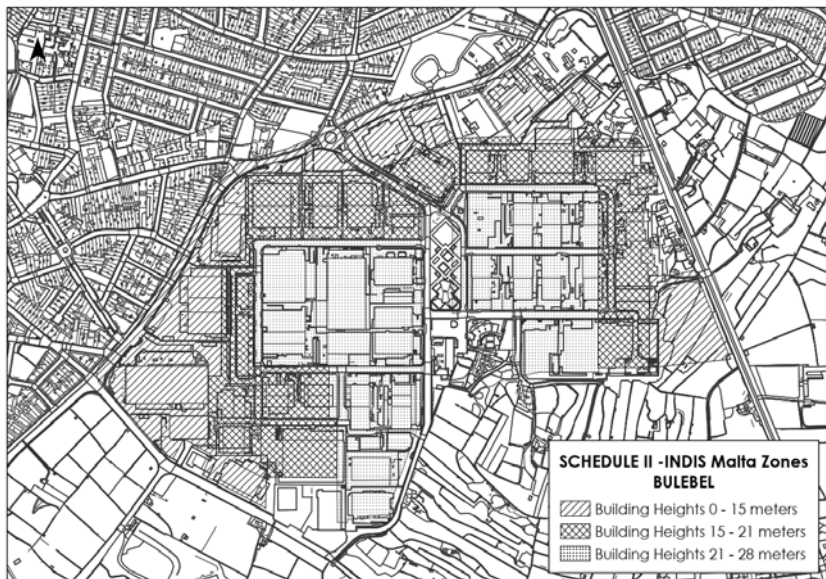
materials shall have the prior approval of the authority responsible for Civil Aviation, where deemed relevant by the Authority;

(vii) it shall be subject to prior clearance of the Building and Construction Authority;

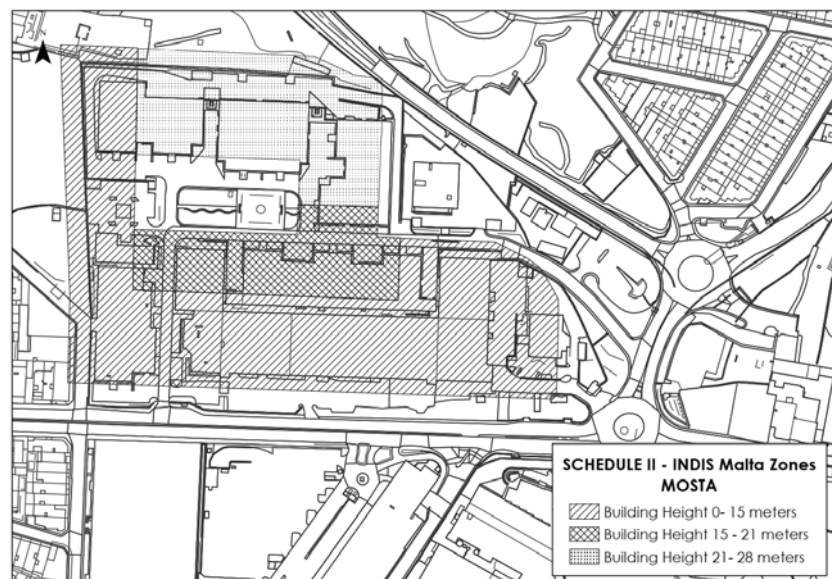
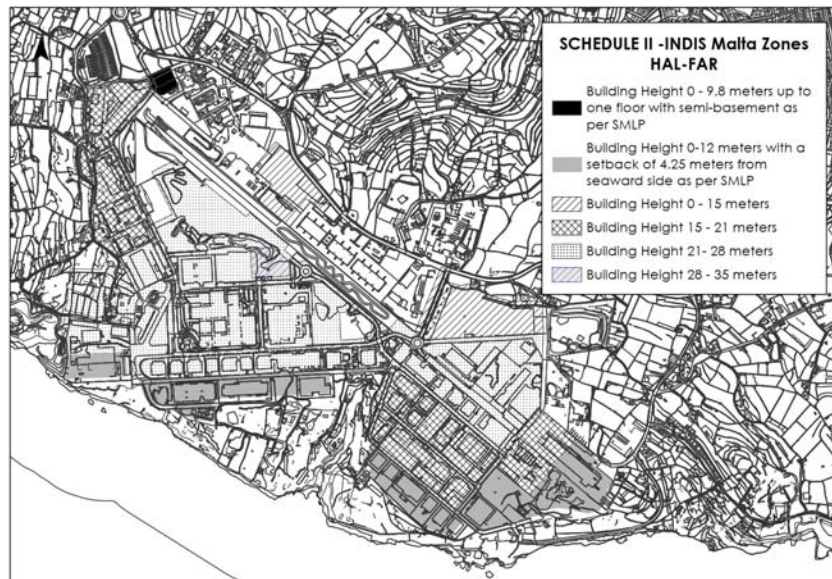
(viii) where the applicant is not INDIS Malta Ltd or Malta Enterprise, it shall be subject to prior clearance of INDIS Malta Ltd or Malta Enterprise, as applicable.

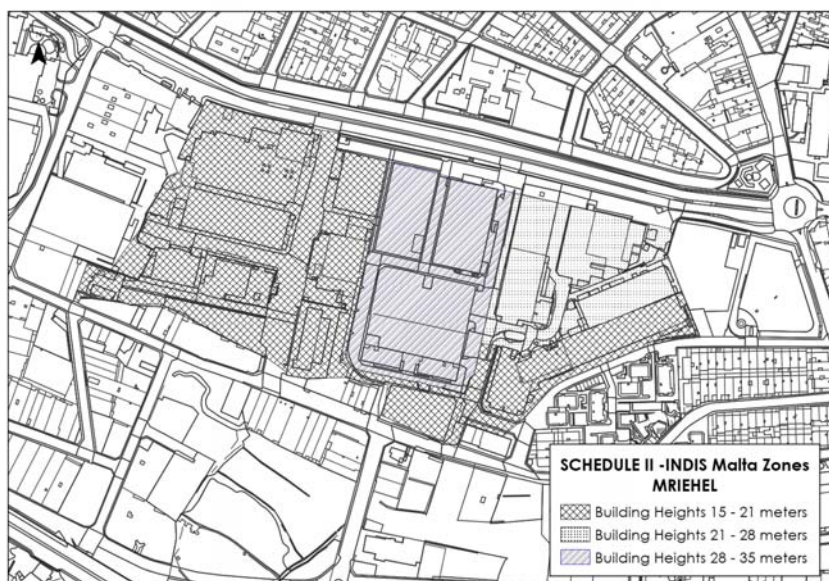
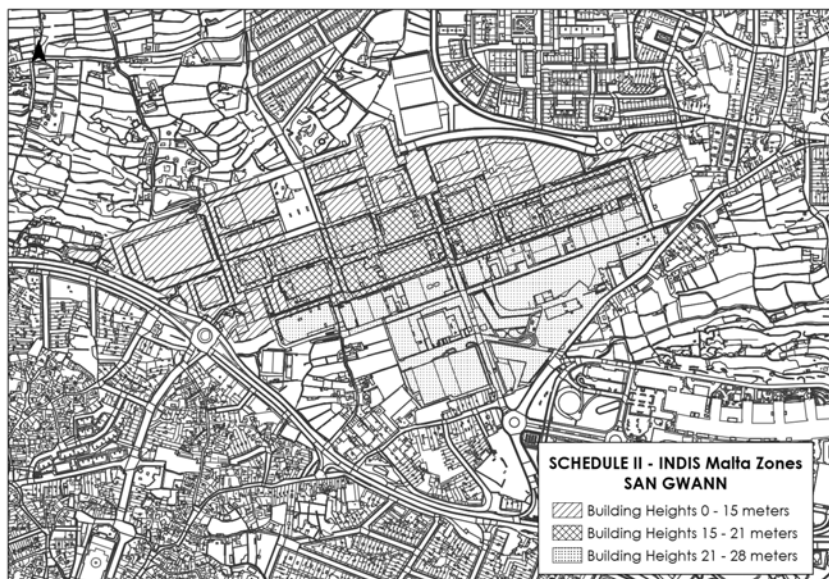
(b) The construction, redevelopment, alteration or extension of a unit (eg. substation etc.) for any purpose ancillary to the main industrial use within zones administered by INDIS Malta Ltd or Malta Enterprise, provided that sub-items (i) to (viii) under item (a) of this Class shall apply *mutatis mutandis*.

SCHEDULE II INDIS Malta Ltd Zones



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