

# **CIRCULAR PA 3/99**

- 1 THE BUILDING LEVY RATES (AMENDMENT) (No. 2)  
REGULATIONS 1999**
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## **INTRODUCTION**

This Circular sets out in detail the changes to the Building Levy Rates Regulations, which were deemed to have come into effect on 22 June 1999.

It also outlines the changes to practice, which will come into effect on 1<sup>st</sup> January 2000, to take account of the imminent adoption of the Equal Opportunities (Persons With Disability) Act.

The amendments to the Advertisement (Regulation) Order 1993, which came into force in November, are then explained. Finally, this Circular describes the consultation requirements of Enemalta which have recently been reviewed.

## **1 CHANGES TO THE BUILDING LEVY**

- 1.1 The Building Levy Rates (Amendment) (No. 2) Regulations, 1999 (LN 131 of 1999) have introduced a change in the method of calculating the floorspace in commercial buildings for both the Development Permit Fee and the Infrastructure Services Contribution. These regulations are deemed to have come into force on the 22<sup>nd</sup> June, 1999, having been published on 30<sup>th</sup> July 1999.

1.2 The previous method of calculating the floorspace was to ascertain the floor area of the largest floor in a building and multiply that by the number of floors in the building. This method has now been replaced. The floor area to be used for calculating the Building Levy due is the total **actual** floor area in the building. The floorspace on each floor should therefore be measured (taking into account the definition of floor area in regulation 2) and totalled to give the floorspace in the building. As noted, this applies to the Development Permit Fee and to the Infrastructure Services Contribution.

## 2 ACCESS FOR ALL - EQUAL OPPORTUNITIES (PERSONS WITH DISABILITY) ACT

- 2.1 This Act has significant implications for the accessibility of buildings. It will make it unlawful for a person with a disability to be discriminated against by the refusal of access to, or use of, any premises, or any facility within a building, that the public or a section of the public is entitled or allowed to enter or use.
- 2.2 The Act will come into force early in 2000, but **from 1<sup>st</sup> January 2000**, the Planning Authority **will assess applications** for new buildings or for changes of use to buildings to which the public have access **to ensure that they are accessible and meet the requirements for Access For All**. This applies to the types of buildings set out below

Types of Buildings	Examples
<b>Industrial</b>	<ul style="list-style-type: none"> <li>■ any 'factory' or building used for industry</li> </ul>
<b>Caring</b> – including institutional establishment used for living accommodation, treatment or care of persons suffering from illness or persons with disability	<ul style="list-style-type: none"> <li>■ hospital</li> <li>■ nursing home</li> <li>■ children's home</li> <li>■ old persons' home</li> <li>■ health centre</li> <li>■ clinic</li> <li>■ doctor's surgery/consulting rooms</li> </ul>
<b>Offices</b> (not private except banks) - premises used for administrative or clerical work, handling money	<ul style="list-style-type: none"> <li>■ banks</li> <li>■ public offices</li> <li>■ Government departments</li> <li>■ local council offices</li> </ul>

- Places of assembly -** premises used for social, sport, entertainment, culture, public worship, education etc. purposes
- theatre
  - public library
  - hall or other building for public resort or social purposes
  - sports hall
  - gym
  - football stadium or ground
  - cinema
  - disco
  - night club
  - wedding hall
  - residential and non residential school
  - other educational establishment (e.g. university, special schools etc.)
  - place of public worship
  - hotels and building complex offering facilities of a social/recreational nature (such as bar, club, restaurant, premises used for the sale to members of the public of food or drink for consumption on the premises)
- Shops** (large or part of complex)
- supermarket
  - shopping centres with four or more shops having a common access for shoppers

2.3 The Authority will consult with the National Commission for Persons with Disability (KNPD), who will vet plans and issue final certification that the building is accessible. Architects should note that Development Permission cannot be granted for proposals that fail to obtain KNPD approval.

2.4 **It is therefore important that plans should clearly indicate the specific provisions which are to be made to cater for persons with disability.** Drawings should show the following (where applicable), with the necessary annotation

- reserved parking facilities
- passenger drop-off points
- entrances and exits
- ramps (where necessary) indicating the gradients that will be achieved
- lifts (including the size of the lift/shaft)
- WC facilities

2.5 The more general requirements of accessibility, in relation, for example, to the width of doors or corridors, can be checked by scaling from the floor plans. Here again though annotation may be

appropriate, and the plans should be sufficiently accurate to enable precise scaling off.

- 2.6 To facilitate the consultation process, and the checking of plans by the KNPD, **the requirement for plans** to accompany applications relating to buildings to which the public or a section of the public has access **will increase from 6 to 7 copies.**
- 2.7 Whilst the specific requirements outlined in paragraphs 2.4 and 2.5 are vital if accessibility is to be achieved, full accessibility depends on the correct detailing of items such as railings, finishes, ironmongery, signage etc. Most of these can not be checked at the planning stage and so should be considered by architects at the detailed design stage. It is thus important to note that the granting of a development permission by the Planning Authority does not necessarily mean that the responsibilities of architects and developers under the Equal Opportunities (Persons With Disability) Act have been fulfilled.
- 2.8 Completed buildings will be inspected by representatives of the Commission to ensure that the necessary provisions have been made.
- 2.9 Advice and guidance can be obtained from the KNPD, and architects and developers are encouraged to make use of the Commission's expertise. The Commission also has a specialised library on accessibility at its offices in Centru Hidma Socjali in Sta Venera, which architects may draw upon. Guidance is also contained in the Planning Authority's Policy and Design Guidance - Access For All. Internet links to web sites giving useful information on the subject are available on the Planning Authority web-site at <http://www.pa-malta.org>.

### **3 THE ADVERTISEMENTS (REGULATION) (AMENDMENT) ORDER 1999**

- 3.1 The Advertisements (Regulation) (Amendment) Order 1999 (LN 191 of 1999) came into force on 9<sup>th</sup> November 1999. It amended the Advertisements (Regulation) Order 1993. The main amendments are
  - 1 the introduction of an exemption from the need for consent for a category of temporary commercial advertisements, subject to a notification procedure;

- 2 the widening of the responsibility for the removal of unauthorised advertisements;
- 3 a requirement to display of the permission number on signs and advertisements.

These are described in more detail below.

### ***Temporary commercial advertisements***

- 3.2 Temporary, commercial advertisements (advertising or announcing, for example, commercial products or events) may now be displayed without permission for a period of **not more than 28 days**, as long as they are not illuminated and not larger than 20 square metres.
  - 3.3 The **Authority must be notified**, in writing, of the intention to put up the advertisement, **not less than 14 days before the date on which it is to be displayed**. A letter should be submitted setting out the name/address of the person wishing to display the sign, the length of time for which it is to be displayed; and the nature or purpose of the advert. This notification should be accompanied by
    - a site plan showing where the advertisement is to be placed;
    - a photograph of the site;
    - a drawing of the advert showing its dimensions, materials, and the form and construction of any supporting structure; and
    - the fee (Lm 5 per square metre - subject to a minimum of Lm 10).
  - 3.4 The Authority may decide and give notice in writing, within 14 days of receiving the notification, that, in the interests of public safety, the siting of the advertisement is not acceptable and that it requires a formal consent.
  - 3.5 If the Authority does not decide the advertisement requires a formal consent, then it becomes permitted for the temporary period.
  - 3.6 Where these adverts are to be fixed to structures (including poles, pylons, etc.) other than purpose built supporting structures, the consent of the owner of the structure must be obtained.
- ### ***Other temporary signs***
- 3.7 The period for which other temporary signs may be displayed has been increased from **21 to 28 days**.

### ***Additional powers of enforcement***

- 3.8 The Authority may now immediately remove those temporary advertisements which are in a dangerous location, unsightly, displayed without notification or displayed beyond the permitted period. It can also take action against the company, organisation or other body to which the advertisement refers, in addition to, or instead of, the owner of the land, where it is more expedient to do so or where it is not possible to discover the identity of the owner. The company, organisation or other body to which the advertisement refers is now also responsible for paying the expenses incurred by the Authority in removing any adverts which have not been removed at the end of the period for removal specified in an enforcement notice.
- 3.9 Where the Authority serves a notice requiring the removal of advertisements, the period for compliance with the notice has been reduced from fifteen days to three days.

### ***All advertisements to bear the permit number***

- 3.10 **All advertisements must now carry the number of the permission.** This will make it easier for enforcement officers to ascertain if a sign is covered by an express advertisement consent. Normally where the advertisement is free-standing, the number should be painted or otherwise displayed on the back of the advertisement structure. The number should, in every case, be permanent, clear and legible and visible from an area to which the public have access.

### ***No exemption from the requirements of other legislation***

- 3.11 It should be noted that any consent or clearance given by the Authority in accordance with the Order (whether a formal advertisement consent or a clearance for temporary adverts permitted without formal consent) does not give exemption from any other requirement for permission or consent under other legislation. This applies in particular to the display of temporary adverts on various structures, where the consent of the Local Council may be required (under bylaws), as well as that of the owner of the structure.

## **4 CONSULTATION WITH ENEMALTA**

- 4.1 The Planning Authority consults with Enemalta to ensure that the that the power requirement of the development can be met, and that the infrastructure in the area can accommodate the development or other likely development. This may point to the

need for the upgrading of the infrastructure, including the need for the provision of new substations. Consultation also helps Enemalta identify those cases where on site substations are necessary.

4.2 Consultation is undertaken in the following cases:

- Bulk load commercial/industrial developments which include, for example, hotels, factories, restaurants, schools, hospitals, churches, office blocks, sporting facilities, large showrooms, etc.
- Multiple level parking facilities and buildings with more than 12 parking spaces.
- Developments which include more than 12 maisonettes or apartments
- Buildings which are more than 4 storeys in height.

4.3 It is **important** that, for these types of applications, the **item in question 25 of the application form on the power requirements of the development is correctly completed**. This will be checked by the vetters on the initial vetting of submitted applications and architects will be asked to supply this information if this item is not filled in.

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14th December 1999