

CIRCULAR PA 4/01

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INTRODUCTION

This Circular introduces the Environmental Impact Assessment Regulations 2001, and outlines recent changes to two adopted policies - Policy and Design Guidance Fish Farming and Development Control Policy and Design Guidance (DC 2000). It then sets out the procedure to be followed where development which is permitted by the Development Notification Order 2001 requires sanitary endorsement. Finally the Access For All requirements for industrial buildings, as agreed by the KNPD and MDC, are reproduced, and the new maps and geographic information available on the Authority's web site are highlighted.

1 ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS 2001

Introduction

- 1.1 The Environmental Impact Assessment (EIA) Regulations 2001 (legal notice 204/2001) came into force on 11 September 2001, except for Part VI concerned with the Registration of Consultants which will come into force at a later date.
- 1.2 A summary of the content and of the main provisions of the Regulations (particularly those concerned with the development permission application process) follows below. The full text can be viewed on the Authority's web site (<http://www.pa-malta.org>) or on the EIA web site (<http://www.eia-malta.org>). A number of information and training seminars will be held over the next month or so and details will be announced in due course. Further guidance, especially on the form and content of EIAs, will be issued in the near future.

Overview

1.3 The Regulations reflect the need to take account of developments in the field and to update and align EIA procedures with EU directives. In brief, the significant changes from the requirements set out in Policy and Design Guidance Environmental Impact Assessment Procedures (1994) are

- ◆ clarification of roles and responsibilities in the process (the PA and the Environment Protection Department (EPD) are the competent authorities; the PA acts as the clearing house for the whole process – all communication and notifications to be issued by or forwarded to the PA)
- ◆ introduction of more flexibility (in relation, for example, to the Terms of Reference for EIAs and the need for an Environmental Planning Statement)
- ◆ greater public accountability and justification (e.g. public access to Terms of Reference; requirement to give detailed reasons for acceptance or non-acceptance of EIA recommendations and a detailed justification for the decision on Schedule I projects)
- ◆ more communication & notifications (including publication of applications requiring EIA; notification of public hearings and of the availability of Environmental Statements)
- ◆ greater public participation (such as public meetings on scoping; an extended public consultation phase)
- ◆ need for a Project Description Statement (PDS) (to be submitted with all applications for development specified in Schedule 1)
- ◆ clear time limits for specific stages of the process
- ◆ more consideration of transboundary effects
- ◆ provision for the registration of Consultants
- ◆ emphasis placed on best practice

Content of Regulations

1.4 The Regulations are arranged in the following parts

- Part I - General Provisions
- Part II - Types of EIA
- Part III - Full EIA (requiring an Environmental Impact Statement (EIS))

- Part IV - Limited EIA (requiring an Environmental Planning Statement (EPS))
- Part V - Transboundary Effects
- Part VI - Register of Consultants
- Part VII - Enforcement
- Part VIII - Miscellaneous Provisions
- Part IX - Transitory Provisions

1.5 Schedule 1 sets out those types of development which require a full EIA through the preparation of an EIS (Category I projects) and those which require a limited EIA through the preparation of an EPS (Category II projects).

Summary of Time Limits

1.6 The main time limits for various parts of the process are

- | | |
|--|---------------------------------|
| Screening process & notification | - 4 weeks |
| Applicant accepts to undertake EIA | - 30 days |
| Scoping consultation | - 21 days |
| Public participation during scoping | - 21 days |
| Review by Govt. Departments | - <i>minimum</i> 30 days |
| Notification of Public Hearing | - 15 to 30 days |
| EPD to inform PA, consultants and consultees of date of public hearing | - <i>minimum</i> 15 days before |
| Public consultation after public hearing | - 7 days |
| EPD submits public comments | - 15 days after public hearing |

Part II Types of EIA

1.7 Part II sets out the circumstances in which an EIA is necessary. The main provisions are

- ◆ applications for development falling into Category I should be accompanied by a PDS and if one is not submitted, the determination period does not begin until it is submitted
- ◆ the PDS should include
 - (a) details of the person wishing to carry out the development;
 - (b) an explanation of the nature of the opportunities and problems being addressed by the development, and of its general economic, social and environmental objectives;
 - (c) a description of the general strategy employed, and of the production processes and operational methods to be used, and any alternative methods considered, in reaching the social, environmental and economic objectives of the development;

- (d) an indication of the proposed timing of the project and why this timing was preferred;
 - (e) an indication of whether the project is economically viable;
 - (f) the location of the proposed development with site boundaries clearly shown on a map;
 - (g) a brief indication of the alternative uses and locations considered, including suitable alternative locations and sites for the proposed development and alternative uses or arrangement of land uses, on the proposed site;
 - (h) a description of the physical characteristics including size, scale, design and phasing of the development using models, photographs, diagrams, plans and maps where appropriate;
 - (i) a description of present land uses and environmental characteristics of the site;
 - (j) a brief description of surrounding land uses, their nature, their extent and their environmental characteristics;
 - (k) a description of the services, water, foul water sewers, surface water drainage, including storm water drainage, and energy sources available on site;
 - (l) estimates of the number of persons to be employed with estimates for each phase of the development;
 - (m) the nature and quantities of raw materials to be used, and wastes generated during construction and operation; the proposed method of storage or handling of materials and wastes, and machinery needed during both the construction and the operational phases;
 - (n) access arrangements, parking requirements and parking arrangements on and off the site, during both construction and operation;
 - (o) proposals for mitigating the negative effects of the development.
- ◆ the Authority may refuse development permission for development set out in the Schedule without requiring an EIA in a number of circumstances, including where the proposed development is clearly counter to adopted policies or the PDS gives sufficient information to demonstrate unacceptable impacts
 - ◆ an EIS may be required for a project falling within Category II if it is considered likely to have significant impacts which can not be sufficiently assessed through an EPS or a normal application
 - ◆ an EIS or an EPS may be required for a project which does not fall to either Category again if it may have significant impacts which can not otherwise be adequately assessed
 - ◆ an EPS may not be required for a project if the PDS has sufficiently addressed environmental issues and provided sufficient information to determine the application

- ◆ once it has been determined that an EIA is required and the applicant has been so informed, the determination period for the application is suspended and does not begin to run again until a satisfactory EIA is received

Part III Full EIA (requiring an EIS)

1.8 This Part deals with

- ◆ the procedure for formulating the Terms of Reference
- ◆ the form and content of a EIS which should
 - (a) describe the development including all ancillary facilities;
 - (b) describe the extent of the existing environment likely to be affected by the proposed development;
 - (c) identify and assess the effects of the proposed development on the existing environment;
 - (d) design mitigation measures;
 - (e) formulate monitoring and auditing requirements; and
 - (f) contain a non-technical summary of the environmental impact statement.

Specific requirements for these are given in further detail in the Regulations

- ◆ the process, with the preparation of a draft EIS on which consultation with government agencies takes place, followed by a review by the PA and EPD; amendment (where necessary) of the statement and preparation of a final draft EIS; certification; public consultation, including a public hearing; incorporation of public comments in, and where necessary revision of, the EIS; submission of the final EIS to the Authority
- ◆ copies of the final EIS to be available for sale at cost and also available for public inspection

Part IV Limited EIA (requiring an EPS)

1.9 The form, content and procedure for an EPS is similar to that for an EIS except that there is no public hearing and the EPS is more limited in nature than an EIS.

Part VI Register of Consultants

- 1.10 As noted earlier, this part will come into force at a later date. It covers the form and content of the Register of Environmental Impact Assessment Consultants; and the registration and certification process. Except in very limited circumstances, no person may act as an impact assessor or environmental impact assessment co-ordinator unless registered in the Register of Environmental Impact Assessment Consultants.

2 AMENDMENTS TO POLICY AND DESIGN GUIDANCE - FISH FARMING

- 2.1 Amendments to this policy (adopted in May 1994) have recently been approved by the Minister following Planning Authority approval on 3 May 2001.
- 2.2 The policy originally proposed 6 search areas for marine aquaculture units, based on shelter from prevailing winds, as an interim measure pending impact monitoring and a review of the policy. All these areas have proved to be unacceptable because of serious potential environmental impacts and conflicts with bunkering areas, shipping or yachting. ***These search areas have now been deleted from the policy.***
- 2.3 The other amendments are
- (i) Apart from those applications currently being processed, no further applications from farms close to shore (less than 1 nautical mile or less than a water depth of 50m, whichever is the lesser) will be considered by the Planning Authority until the National Aquaculture Policy mentioned below is formulated.
 - (ii) Work on a National Policy on Aquaculture is to be immediately undertaken, in collaboration with the Department of Fisheries, the National Aquaculture Centre, the Malta Maritime Authority, the Malta Development Corporation, the Environment Protection Department and the Malta Tourism Authority (it is hoped to complete this policy by the end of February 2002).
 - (iii) Further action will be taken to bring all existing fish farms into compliance with their permits. Specific remedial action to be taken within specified time frames will be identified for each farm.

3 AMENDMENT TO DEVELOPMENT CONTROL POLICY AND DESIGN GUIDANCE 2000 - STAIRWELLS

- 3.1 This amendment of DC 2000 was approved by the Planning Authority on 5 July 2001. It fills a policy gap which has been causing some difficulties.
- 3.2 Although DC 2000 addressed stairwells on detached or semi-detached dwellings (in policy 10.6) and residential rooms, which may include a stairwell, on the roof of terraced houses and units with not more than two maisonettes (in policy 10.7), it did not give specific guidance for flats and multiple maisonettes, or for other types of building. In particular it was unclear how far a stairwell should be set back from the facade.
- 3.3 ***A new policy 10.10 has been added*** specifying a minimum set back of 1.8 metres, except in specific circumstances as noted in (b) and in the explanation of the policy which follows it. The policy is -

Stairwells - all buildings except detached and semi detached dwellings

10.10 A stairwell/stairhood may be permitted on the roof provided that

- (a) **it does not exceed an internal height of 10 courses (2.8 metres) and does not exceed an external height of 12 courses (3.4 metres) measured from the external roof level;**
- (b) **it is set back at least 1.8 metres from the facade(s) of the building (as shown in Diagram 10.10a), except where it**
 - (i) **is designed as an integral part of the facade;**
 - (ii) **has a sloping roof, in which case the point at which the stairwell roof exceeds 4 courses above roof level shall be not less than 1 metre from the facade(s) (as shown in Diagram 10.10b);**
- (c) **it does not exceed an area of 14 square metres measured externally; and**
- (d) **the design and materials used are compatible with the remainder of the building and with the general character of the area.**

In many cases it is desirable to gain access to the roof of buildings. Stairwells are likely to have a limited visual impact on the streetscape, provided they are adequately setback from the facade (or facades, where a building is on a corner site) and limited in size. Many can be constructed with a sloping roof, which starts to rise from parapet height 1 metre back from the facade. Alternatively they can be designed as an integral part of the building facade and provide a feature of interest. In particular they can provide a 'capping' to a design feature which emphasises that part of the facade containing the entrance to the

building, by slight projection or recessing, or by the use of different materials or treatment, and which is taken up to roof level.

Diagram 10.10a

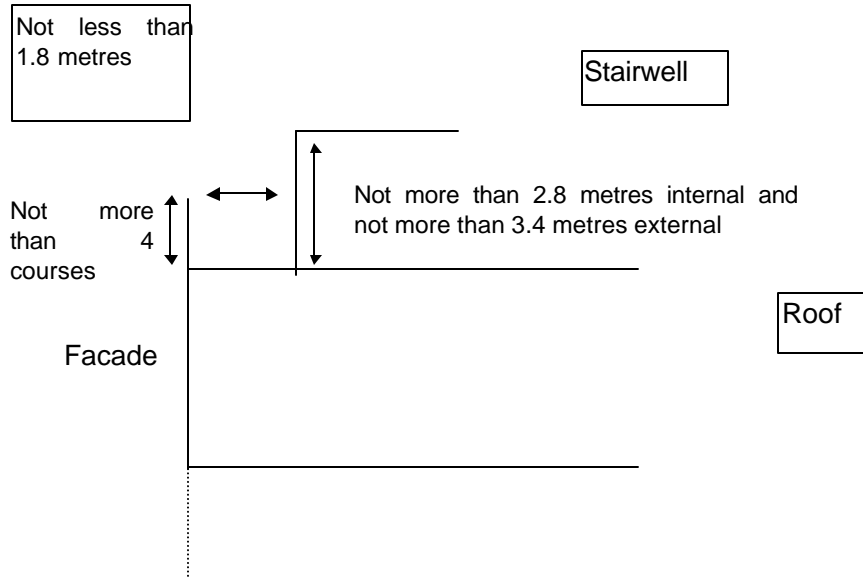
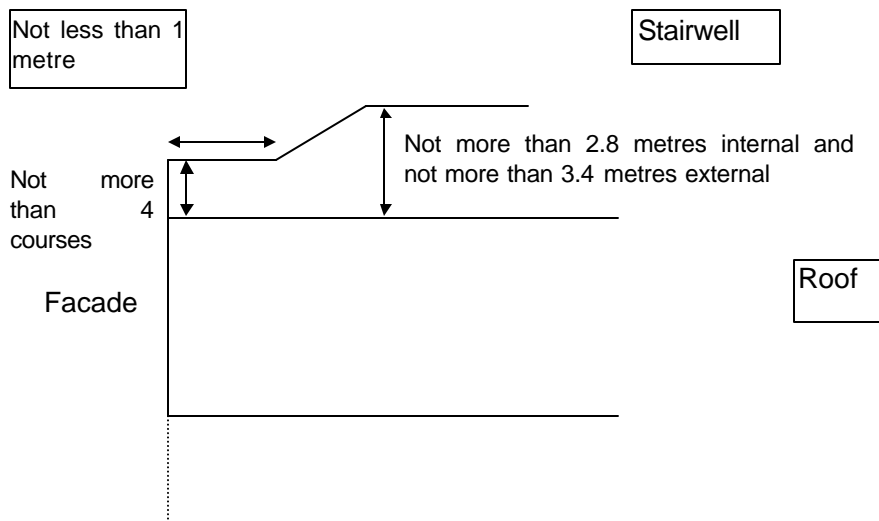


Diagram 10.10b



3.4 **Policy 10.7 Residential Rooms on the Roof of Terraced Houses and Maisonette Development** which deals with stairwells in terraced residential development **has been amended** to reflect the set back of

1.8m. A new criterion (a) has been added (and the remainder of the criteria renumbered), as follows

(a) where the room is, or includes, a stairwell, the stairwell or the part of the room which forms the stairwell shall meet the requirements of policy 10.10;

3.5 The full text of DC 2000 and of the report discussing these amendments is available on the Authority's web site (see The Official Manual - Supplementary Guidance).

4 DEVELOPMENT NOTIFICATION ORDER PROCEDURES

4.1 A number of types of development which are permitted by the Development Notification Order 2001 also require sanitary endorsement (for details see the DNO Information page on the Authority's web site, which contains a simplified checklist as well as the full text of the Order).

4.2 Where ***development requires notification, a reply from the Authority and sanitary endorsement***, the fee required is Lm 25 (Lm 15 notification fee + Lm 10 sanitary endorsement fee). If the development meets the requirements of the DNO, then the clearance letter is issued jointly by the DNO Officer and the Sanitary Engineer.

4.3 For ***development requiring notification (but no reply from the Authority) and sanitary endorsement***, the fee required is Lm 15 (Lm 5 notification fee + Lm 10 sanitary endorsement fee). As a DNO response is not needed, the Sanitary Engineer will issue sanitary endorsement or rejection on sanitary grounds.

4.4 Where ***development does not require notification but requires sanitary endorsement***, the fee required is Lm 10 (sanitary endorsement fee only). The Sanitary Engineer will issue sanitary endorsement or a rejection on sanitary grounds. For these types of development, only the following details are required

- standard plans
- site plan
- in the case of development adjacent to backyards and internal yards, dimensions and a clear indication of the number and use of the floors abutting the yard

4.5 Details of all cases are logged and plotted on the Authority's information system and a case number assigned (for cases requiring only sanitary endorsement, the prefix is SE). The status of cases can be obtained from the on-line search services on the Authority's web site. An information service on the requirements for sanitary endorsement is also provided - contact Frans Micallef by phone (tel. 2290 1063 or 240976 ext.1063). or at the counter of the Planning Shop.

5 ACCESS FOR ALL - INDUSTRIAL DEVELOPMENT

5.1 The National Commission for Persons with Disability (KNPD) and MDC have agreed on how the Access For All guidelines should be applied to new industrial development. This agreement is summarised below.

- 1 New industrial developments, including extensions, modifications, etc., shall conform to the Access For All guidelines, as specified below.
- 2 For the purposes of this agreement, industrial premises do not include
 - a) trade establishments meaning small garage premises, used by mechanics, panel builders and similar trades; and
 - b) craft establishments (discussions on these are still on-going)
- 3
 - a) industrial development of new large premises (greater than 300 sq. m. footprint area) shall be fully accessible to all
 - b) industrial development of new small premises (less than 300 sq. m. footprint area) shall
 - i) have the ground floor fully accessible to all;
 - ii) if the building extends to a second level only, this development shall have a lift shaft conforming to the Access for All guidelines, thus allowing the possibility of installing the actual lift when need arises;
 - iii) if the building extends to more than two levels, this development shall be fully accessible to all.
 - c) Applications for extensions, modifications, etc. of existing industrial premises shall
 - i) have the ground floor fully accessible to all;
 - ii) if the building extends to a second level only, this development shall be exempted from having a lift shaft or a lift;
 - iii) if the building extends to a third level only, this development shall have a lift shaft conforming to the Access for All guidelines, thus allowing the possibility of installing the actual lift when need arises;
 - iv) if the building extends to more than three levels, this development shall be fully accessible to all.

- 4 The above does not include areas where a service is provided to the public. In such cases, this part of the development shall conform to the Access For All guidelines.
 - 5 For all industrial buildings (both new and existing) one lift, used both for passengers and industrial, shall be considered to meet the Access For All requirements.
 - 6 All other existing industrial premises shall be modified to meet Access For All guidelines and this agreement only if and when the need arises.
- 5.2 It is intended to review this agreement not later than 2 years from 15 June 2001.

6 MAPS AND GEOGRAPHIC INFORMATION ONLINE

6.1 The Planning Authority, as part of its effort to offer enhanced services, is launching an on-line Geographical Information System (GIS). This will be available through the Planning Authority Web Site: **www.pa-malta.org**. These services will be available on a trial basis for the coming weeks.

6.2 The new on-line facilities allow users to browse maps and photography as well as records of permits, enforcement actions, and scheduled property. In order to facilitate browsing through the maps, pan and zoom features are available and users measure distances interactively.

6.3 Search facilities have been included in the GIS system for easy access to data. Users can search by location, based on local Council and Street Name (or part thereof), the map will focus on the location desired. Other searches are available to locate sites related to Planning Applications, Enforcements, Development Notifications and Scheduled Property. Once a particular site is located, information can be retrieved by first clicking on the Information button and then clicking on the site.

6.4 Site plans can be generated and downloaded for printing on the user's computer. Charges for purchase of site plans will be Lm 0.50 per plan and payment will be effected through the Authority's on-line payment facility,



Godwin Cassar
Director of Planning
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