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K A M R A T A L - P E R I T I

To support members of the profession in achieving excellence in their practice of architecture and engineering in the interest of the community

Our Ref: 7/7

21st March 2016

The Hon.Dr.Deborah Schembri,
Parliamentary Secretary
Parliamentary Secretariat for Planning and
Simplification of Administrative Processes
Auberge de Castille
Valletta

Dear Hon Dr Deborah Schembri,

On behalf of the Council of the *Kamra tal-Periti*, I would like to, in the first instance, thank you for honouring Government's obligation to consult with the *Kamra tal-Periti* on matters which affect the profession. As a follow up to these meetings, the *Kamra* would like to raise a number of matters for your consideration and further discussion.

Now that the Development Planning Act is about to be enacted, the *Kamra* proposed the establishment of a working committee to serve as a feedback loop between the legislator, the Authority and the profession. Regular meetings should be held to ensure that there is constant dialogue in order to ensure a smooth transition.

However, the *Kamra* also wishes to bring to your attention the following matters which it feels require urgent discussion, even prior to the coming into force of the Act.

1. Design Advisory Committee

As already communicated to your advisors, the *Kamra tal-Periti* strongly disagrees with the introduction of the Design Advisory Committee as stipulated in the Act. This Committee as proposed in the Act goes

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completely against the concept which had been proposed by the *Kamra* in recent years and which had received support from both main political parties. The *Kamra's* proposal contemplated the introduction of Design Review Panels which would be independent of the planning process and of the Authority, which would constitute a system of peer review, which would be obligatory for public projects and voluntary for other projects and which would take a holistic approach towards reviewing the quality of project brought before the Panels in the interest of society at large.

It is the *Kamra's* opinion that the Design Advisory Committee as contemplated in the Act will not achieve any of the aims that the *Kamra* and its members hold dear, and will rather end up being yet one other bureaucratic process which has no real impact on the quality of the built environment.

In view of the above, the Council of the *Kamra tal-Periti* respectfully asks the legislator, through your office, not to bring into force the Article setting up this Committee, in order to allow for adequate time to reach consensus on this matter. In addition, the *Kamra* proposes to set up a meeting with your good self and your advisors in order to have the opportunity to explain its proposals in adequate detail for your consideration.

2. Building Regulation Committee

It is understood that the provisions of the Act which will establish the proposed Building Regulation Committee within the new Authority will not be brought into force immediately, and that the current Building Regulation Board and Building Regulation Office will continue to function for the time being. This is a welcome interim approach, since it is the opinion of the *Kamra tal-Periti* that the building regulation function, which primarily concerns the regulation of the construction process and detailing of buildings, should not be merged with the planning function which primarily concerns issues of land use, building volume and public amenity.

In view of this, the *Kamra tal-Periti* proposes that the Act is appropriately amended to retain these functions as separate, and that the appropriate measures are taken to strengthen and enhance the role of the Building Regulation Board and the Building Regulation Office.

3. New application procedures

Following our recent meetings, the *Kamra tal-Periti* has submitted to your advisors its comments on the draft Legal Notice which will replace LN 514 of 2010. These comments are attached hereto for your perusal. We look forward to receiving an updated draft of the Legal Notice prior to its publication.

In addition to the above mentioned comments, and following the information meeting of the 14th March, the *Kamra tal-Periti* would like to propose the following:

- It is important that adequate provision is made to ensure that the Legal Notice conforms with the requirements of the Services Directive, particularly regarding the provision of cross-border services.
- Sub-article 1(3)(i) may be better worded as: "*... and which do not include the mobile number and, or email address of the applicant or his representative, who is not also the Perit responsible for the application, the applicant shall ...*"
- Sub-article 1(3)(ii) may be better worded as: "*... to indicate to the Authority whether the applicant wishes to continue with the processing of the application; if such intention is confirmed, then the application shall be processed under the provisions of these regulation, and if no such confirmation is forthcoming then the application shall be deemed as tacitly withdrawn.*"
- In the definition of "*material change*", item (g) should be re-written since it is not clear what falls within the area subject to additional constraints, whether it is the site, or the new position of the development within the site - the subject of "*would fall*" in the draft is the "*change*".
- Sub-article 13(2)(ii) may be better worded: "*whenever the Minister communicates to the Authority that a particular policy is being revised, which intention has been notified to the public by the Authority by means of a publication on its official website, if the Planning Board receives a request from the Perit or the applicant, within the period established in sub-regulation (5) of regulation 12* "
- Better definition of "*licenced builder*" is required, and allowance must be made for contractors who operate in other trades such as steelwork fabrication and/or erection.

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- Schedule 2 Type 1 (10) should read: "*Swimming pools not within scheduled property, nor within UCAs nor within archaeological buffer zones*"
- Schedule 2 Type 11 be changed from "*All applications for a renewal of permission*" to "*Applications for a renewal of permission and that are still fully compliant with policy in force at time of application*".
- Correction of site applications could fall under Schedule 2 as long as the change in site is not affected by different zoning or policies.
- Pre-submission meetings are to be encouraged, and minutes of these meetings are to be maintained.

4. Development Notification Order

It is understood that the legislator intend to amend the Development Notification Order. The *Kamra tal-Periti* would like to take this opportunity to remind the legislator of its obligation at law that such Orders are "*made and reviewed by the Authority after consultation with the Chamber of Architects and the Chamber of Planners.*" While noting with displeasure that the current disposition of the law has been changed through Article 55 of the Development Planning Act to require the Authority to consult with the *Kamra tal-Periti* only within the public consultation period, it is respectfully requested that prior consultation is carried out, as is currently being undertaken with your office on other matters.

While trusting that the above comments and concerns meet your positive consideration, the *Kamra tal-Periti* offers its availability to discuss these matters at your earliest convenience.

Yours sincerely,


 Prof. Alex Torpiano
 Vice-President, Council *Kamra tal-Periti*

CC Hon Minister Joseph Mizzi
 Mr Johann Buttigieg

Encl: Copy of comments re LN514/2010 replacement

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