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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

The Director of Planning
Planning Authority
St Francis Ravelin,
Floriana

30 March 2017

Dear Sir,

Re: Partial Review of the South Malta Local Plan – Area at Ғal-Mula, Żebbuġ

Reference is made to the public consultation process regarding the Partial Review of the South Malta Local Plan of 2006, specifically regarding the area known as Ғal-Mula in Żebbuġ. The following are the comments of the *Kamra tal-Periti*:

General comments:

The *Kamra tal-Periti* has already had occasion to comment on the manner in which different areas of Malta and Gozo are being chosen for Partial Review, and the piecemeal approach in which these Partial Reviews are being carried out, which does not foster good planning. Instead of having a national strategy for planning, the Authority seems to be taking different approaches to different areas, and it is not clear what criteria are being considered to determine the approach for each locality.

It was reported in the press earlier this year that the overall review of the Local Plans is not likely to take place before the next General Election. However, in truth, the Planning Authority is undergoing several Local Plan Reviews which are being carried out in a piecemeal fashion. This is unacceptable, and clarity should be provided. The *Kamra tal-Periti* strongly advises the Planning Authority to refrain from this mode of “*planning*”.

Specific comments:

It is evident that the area of Ғal-Mula is the victim of certain planning decisions taken in the past which have resulted in the creation of a community of residents and industrialists,

both trying to co-exist, and where each has legitimate expectations to, on the one hand, enjoy a tranquil living environment that is free from deleterious impacts on the residents' health and quality of life and, on the other hand, to carry out their operations and industrial activities in accordance with planning permits and trading licences.

Predictably, the co-existence of these diverse expectations within a restricted area has led to a situation of conflict between the two sectors, and it appears difficult to resolve these solely through a review of the Local Plan, particularly since legally permitted operations will continue to exist until such time as the owner decides to redevelop the property in question.

The following are the specific comments of the *Kamra tal-Periti* on the proposed draft amendments to the Local Plan:

- (1) In the first instance, it is evident that the discord between the residents and industrialists, which has led Government to propose amendments to the Local Plan, is primarily a result of lack of enforcement of other regulations which are not necessarily related to planning. There is clearly a dichotomy between the principles which planning policy intends to achieve in this area, and what is happening in actual fact on the ground as a result of lack of adherence to operational regulations, health and safety regulations and other issues related to congestion, parking, cleansing and operating times. It is therefore the *Kamra's* opinion that the first, and more urgent approach, required in this area is for Government to undertake a comprehensive study of the existing situation, to ensure that all activities in the area are in accordance with all relevant regulations and to increase monitoring and enforcement in the area in order to safeguard the residents' interests and also those of the economic operators who will benefit from a more holistic and comprehensive approach from all the Authorities concerned.
- (2) Whereas the SPED aims to bring about cohesion between the various ministries and departments with an aim towards achieving environmental sustainability, it is clear from the discussions held as part of the Parliamentary Standing Committee consultation process with the Superintendent of Public Health, the OHSa, the police, Transport Malta and the Local Council, that there is great fragmentation of responsibilities, particularly regarding enforcement. There is also a significant lack of resources to maintain an effective level of regulation across all industries. Overall, there is no attempt at co-ordination of efforts across these entities to address the problems which are causing detriment to the health and well-being of the residents and commercial operators in the area.
- (3) The SPED states as one of its main goals, that it should seek to ensure that *"sectoral policies, activities and inputs are integrated and coordinated with each other, combining the inputs of all disciplines and groups."* This is clearly not happening, and the proposed amendments to the Local Plan make not contribution towards achieving this goal.
- (4) In *Triq Dun Bartilmew Attard*, the Planning Authority is proposing the imposition of a 6.5m setback *"for the provision of additional on-street parking or soft landscaped areas"*, and that any loss of developable floorspace will be

compensated by additional floorspace above the height limitation. This is completely unacceptable from a streetscape point of view. The draft states that *“the additional space above height limitation will need to be assessed in terms of its visual impact on the surroundings”*. It is submitted that, rather than allowing for a case by case decision, the Planning Authority should propose a change to the height limitation for the block concerned by not more than one additional floor, in order to be able to properly establish and regulate the overall building heights that would result, rather than risk the haphazard addition of built volume that would be dictated by the individual plot parameters. Furthermore it should be made clear that such additional height is being permitted only in lieu of the setback, and that no future redevelopment of such setback would be able to rise to the additional height.

- (5) In addition to this, strict adherence to parking standards should be imposed on this area, and CPPS or UIF contributions should not be permitted to offset parking shortfalls.
- (6) The Residential strip along *Triq Bartilmew Attard* does not seem to make any sense from a planning point of view, although this proposal seems to be prompted by the current situation on the ground. From a planning viewpoint, this strip should be zoned as Commercial, as is the rest of the street.
- (7) The Map attached to the draft policy makes reference to Local Plan Policy SMCM 06, which is not being amended by the draft. This policy permits primarily retail uses at ground floor level, with residential units or offices at the upper floors. This policy also permits the location of business and light industry. This appears to be in conflict with the stated aims of the draft.
- (8) The Map also makes reference to Local Plan Policy SMCM 08 regarding industrial sites which, however, does not include the area under review as one of the applicable areas. This policy also includes uses which do not appear to be contemplated by the draft under review.
- (9) The schemed road which is proposed to be removed is, based on the aerial photos available on the Planning Authority GeoServer, already mostly formed. It is therefore unclear what this proposal is seeking to achieve.

In summary, in an urban area such as this which manifests clear complicated and conflicting land uses, the only planning mechanism that can address these issues is urban regeneration which is based on public participation and consultation, in a manner which is holistic and comprehensive.

It is also to be noted that, in proposing an amended plan for the area, the Planning Authority and Government have acknowledged the dire need for regeneration of this area. Therefore, the continued issuance of permits in this area on the basis of the current Local Plan which will only serve to exacerbate the current problems should be curbed.