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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

10 January 2017

Dear Sir,

Re: Marsa Park Local Plan Review

Reference is made to the public consultation process regarding the Partial Review of the Grand Harbour Local Plan of 2002, Marsa Park Site. The following are the comments of the *Kamra tal-Periti*:

General comments:

The manner in which this area of Marsa has been chosen for a Partial Review, and the piecemeal approach in which these Partial Reviews are being carried out, does not foster good planning. Instead of having a national strategy for planning, the Authority seems to be taking different approaches to different areas, for example by carrying out a Local Plan Review for the Marsa Park Site, while on the other hand taking the approach of a Development Framework / Masterplan for the Paceville Area. It is not clear what criteria are being considered to determine the approach for each locality.

It was reported in the press this week 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*”.

In addition it must be noted that the published draft states that “*the SPED identifies Marsa Park as a Business Hub with the aim of promoting the regeneration of the Marsa area which has experienced urban decay. The area has the potential for regeneration and the improvement of the general environment of the area. The anticipated commercial development serves as an impetus to improving the quality of the area.*”

Even according to SPED, the development of the Marsa Park site should be linked to the regeneration of Marsa, the town itself, and should therefore not be treated in isolation. Marsa has suffered for several decades from an evident lack of planning. Its land side borders consist primarily of large main arterial roads designed solely for the efficient passage of vehicles. It is evident that these roads isolate the town from, rather than connecting it to, the surrounding territory.

This has led to the degradation of Marsa's urban environment, to the proliferation of undesirable uses and to the lack of attractiveness of the Town for residential purposes. This trend needs to be reversed.

The proposed Local Plan Review shows no evidence that the proposed type and scale of commercial development may lead to the reversal of Marsa's fortunes, nor does it outline how the Marsa community may eventually benefit from any development envisaged. No measures are included in the plan to support and strengthen the local community, and provide for their needs. Nothing in the proposal will make Marsa any more attractive as a residential town once again. Measures to shield the community from the effects of the traffic are also ill-considered or inadequate.

The Planning Authority should be responsible for a comprehensive plan which ought to include community needs, road transport re-alignment, environment improvement and flooding mitigation measures. These should be integral components of any planning proposal for the future regeneration of Marsa and the Marsa Park. It is the Planning Authority's duty to include improvements in these aspects, to carrying out the necessary studies with the authorities concerned and integrate them into the plan. The problems cannot be left in the hands of the developers of the separate parcels of land. Tackling the major infrastructural, social and structural problems which affect the site should precede any proposals for the redevelopment of the Marsa Park site. This is the hallmark of good planning. The Marsa Park review should not be released until long term solutions for these issues are sought and taken on board.

The junction between *Triq Dicembru Tlettax* and *Triq Aldo Moro* is a no man's land, and should have no place in a regenerated Marsa town. The entrance to Marsa from the south needs to be restudied as part of this process, and the southern edge of the town, so poor yet so prominent, should be re-planned. The current termination of Marsa's main street in what is nothing but a complex traffic junction is a major part of the issues that Marsa faces. Other issues include the lack of access to the waters of the harbour, poor quality of the urban environment, lack of public open leisure space and the haphazard juxtaposition of often incompatible uses all of which lead to degraded properties within the town.

Marsa's main street has been severely downgraded, sadly denying Marsa its proud heritage and status within the grand harbour area. Terminating the street in a series of tall commercial developments will do little to help upgrade it. This should be one of the principle drivers of the Marsa Park review, if it is to achieve its goals for the regeneration of Marsa Town.

A solution should be sought for the connection between *Triq Dicembru Tlettax* and *Triq Aldo Moro* (and possibly the roads themselves) to be shifted above or below grade. The potential for Marsa of this move is too significant for the possibility to be completely ignored by the Planning Authority.

The Review must be seen in the light of SPED, which envisages a drive to regenerate Marsa. Failure to do so would render the SPED a useless document not worth the paper it is written on, and would render the Review process entirely futile since it fails to achieve the objectives of the SPED.

The Review process should therefore not take the Local Plan's current proposals as a status quo, but should be taken as an opportunity to propose serious relevant and effective solutions to help Marsa's complete regeneration.

Specific comments:

- (1) The policy as drafted states that all proposals will be required to maintain a 20% "*landscaped open space*". This is acceptable and desirable, in principle, for small- and medium-scale developments, although there needs to be clarity on how such open space should be set out. Is it to be publicly accessible? Can it be confined to the back yards of the individual developments? The policy is not all clear in this regard. The 20% landscaping requirement must be qualified further, including the requirement that it is to be publicly accessible and/or located on the street-side of the development in order to improve the amenity of the area. It has to be kept in mind that maintaining a 20% landscaped open space, is effectively promoting 80% site coverage, whereas even in small scale developments, conventional limits on site coverage vary between 40% and 60%. Why is the site coverage limit being raised to such a high level?
- (2) It is not clear how the 20% soft landscaping requirement would be applied if an application is submitted under the FAR rules. Which one would override? The 20% of the Local Plan or the 50% of the FAR? The Local Plan bears greater legal weight than the FAR. In accordance with the discussion within the Parliamentary Committee held on the 12th December 2016, it was understood that the developable floor-space should be calculated on the basis of the site area less the 20% imposed by the policy, and the development was then to provide an additional 50% of the remaining site area as open space. For the avoidance of any misinterpretation, the *Kamra* insists that this is clearly stated in the revised Local Plan.
- (3) Furthermore, it must be clarified in the Local Plan text that the open space should be calculated on the basis of the site area excluding any parts of the site that need to be taken up as road area in accordance with the alignment requirements.
- (4) Furthermore, and notwithstanding the above comments, it is unacceptable that the Local Plan does not specify a skyline policy (similar to what was proposed in the Paceville Development Framework). This area lies on the outskirts of Valletta, and without a suitable skyline policy we run the risk of mega high-rise projects being proposed for the area, without any means to effectively control their height and their resultant impact on the Grand Harbour area.
- (5) The policy is proposing that "*Infrastructural utility requirements such as power supply, water supply, sewers (foul and storm-water, including reservoirs), and telecommunications should be addressed through consultation with the relevant*

utility providers and regulators. Services should preferably be located underground or in internal spaces within the buildings and if located at roof level, their screening should be an integral part of the architectural design of the building, within the context of criteria (ii) and (iii) above, on building Height and Appearance. Space for communal utility facilities provision will be offset in floorspace over and above the allowable height.

This requires some clarification. It is being understood that the intent of this requirement is that if, for example, an applicant provides for a communal power distribution cabinet or a garbage collection point within the building, the floorspace occupied by this can be added to the maximum GFA as usable floorspace. The Kamra is of the opinion that the benefits of this proposal seem to far outweigh the perceived “losses” being suffered by the developer by providing common garbage collection points. In truth, providing a common garbage point, as an example, is already advantageous to the developer in terms of space, as compared to providing a number of garbage collection points. We therefore fail to see why the developer ought to be compensated for doing what is, in any case, sensible even to him.

In addition, the following clarifications are requested:

- Define "*communal*"... a substation serving more than one development might be considered as common, but scarcely communal; and if it is only serving one specific development would this qualify it as "*communal*";
- There needs to be more clarity as to what is understood by the term “communal” as against “common”? Should there be some form of notarial agreement submitted to the Authority to prove that such areas will be in fact “communal”?
- The Plan should clearly exclude utility areas which are located underground from being offset by above-ground GFA.
- A cap should be introduced, as there is the risk that areas are labelled as utility areas simply to qualify for increased floorspace, but then, in reality, or over time, revert to use as commercial spaces, thus undermining the purpose. The cap could be in the form of a % of overall floorspace or a quantitative measure in sqm.
- Clarify that this is for utilities only (i.e. reception areas, lift and stairwells, common toilets, shafts, etc are excluded). Definitely reservoirs should be excluded at all costs as these have huge volumes and are a legal requirement. It would not be amiss to clearly define the term “*utilities*”.
- The phrase “*space ... shall be offset in floorspace over and above the allowable height*” must be clearly defined. Good planning should not be about compensation – if a skyline is being defined by the policy, then that skyline should not be breached in order to give the developer some perceived advantage for providing utility area which, often times, are required by law, policy of regulation. Furthermore, this is creating an uneven playing field across the country since, to our knowledge, this is the only area within Malta where this compensatory approach is being promulgated. We are convinced that this proposal is not a good one.

(6) The policy does not seem to address flooding issues, which are prevalent in the area. It is suggested that these are addressed in the policy, through, for example, a

clear reference to the legal obligation to provide adequately sized reservoirs and to the utilisation of the water collected in such reservoirs in accordance with the provisions of Technical Guidance F.

- (7) The reference to statements such as promotion of "*urban employment*" is rather useless, given that urban employment implies urban areas, which in turn implies the creation of communities. This results, then, in a lack of clarity of how "*ancillary land uses*" will be promoted.
- (8) The section on "*environmental sustainability*" is rather insipid. The requirements set out in this section are merely a reflection of what is already required under the various legislative provisions and other policies. If we are to take environmental sustainability seriously, this section should be further elaborated on and clear requirements established.
- (9) The paragraph on "*Appearance*" states that "*Innovative design approaches which enhance the quality of the buildings and the spaces between them will be encouraged*". This is acceptable in principle, however the term "*innovative*" is widely open to interpretation, and there is no structure in place to determine what is innovative and what is not. It is suggested that the term "*innovative design*" is replaced with "*quality-driven design*".