



THE PROFESSIONAL CENTRE
SLIEMA ROAD
GZIRA GZR 1633 - MALTA

TEL./FAX. (+356) 2131 4265
EMAIL. info@kamratalperiti.org
WEBSITE. www.kamratalperiti.org

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

Development Notification (Amendment) Order, 2020

PUBLIC CONSULTATION PROCESS

COMMENTS BY KAMRA TAL-PERITI

06 NOVEMBER 2020



THE PROFESSIONAL CENTRE
SLIEMA ROAD
GZIRA GZR 1633 - MALTA

TEL./FAX. (+356) 2131 4265
EMAIL. info@kamratalperiti.org
WEBSITE. www.kamratalperiti.org

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

Development Notification (Amendment) Order, 2020

PUBLIC CONSULTATION PROCESS

COMMENTS BY KAMRA TAL-PERITI

On the 23rd October 2020, the Planning Authority stated that it *“is proposing to amend Class 16 of the Development Notification Order. DNO applications are for any proposed developments which are deemed compatible with the area in which they are being carried out. The main changes relate to substituting the words “Malta Industrial Parks” to “zones administered by INDIS Malta Ltd” and replacing the “fifteen metres” height with “the height stipulated in the relevant map in Schedule III, and by fifteen metres within all other zones administered by INDIS Malta Ltd and Malta.”*

The following are the comments of the *Kamra tal-Periti* as part of the public consultation process:

1. The Planning Authority’s persistence in ignoring its obligations at law to consult primary stakeholders about proposed changes to the Development Notification Order can only lead to speculation that these are being presented to facilitate some yet-to-be announced development. Sure enough, just one day before the consultation process closed, Government announced¹ an investment of €470 million in various industrial areas to be led by INDIS Malta Ltd. It is therefore apparent that this consultation process is nothing more than a formality to satisfy the requirement to consult with the public.
2. The nature of the relationship between Malta Industrial Parks and INDIS Malta Ltd was also announced on the 5th November 2020, just one day before the public consultation process closed. How the public is expected to comment on the proposed changes when the nature of this relationship was not as yet public is left to the reader’s imagination. The website of INDIS Malta Ltd states that *“Malta Industrial Parks Ltd has launched its new corporate identity following a holistic rebranding exercise that also comprises a change in the name of the organization to INDIS Malta Ltd.”*
3. The proposed change to the Order will, if approved, mean that certain parts of our industrial areas may be developed up to a height of 28m without the need of a Full Development Application process. This will mean that no public consultation will be

¹ <https://www.gov.mt/en/Government/DOI/Press%20Releases/Pages/2020/November/05/pr202188.aspx>

carried out on such proposed developments, and that the checks and balances afforded by the Full Development Application process will be bypassed.

4. It is to be noted that the DNO is not some form of application as the consultation text seems to imply. The Development Notification Order stipulates various developments which are considered, *a priori*, as “permitted development”, and establishes that in such cases the Planning Authority need only be notified of the intention to carry out such development. Through the proposed changes, the Planning Authority is effectively giving a *carte blanche* to large scale developments, thus circumventing the standard planning process.
5. The Strategic Plan for the Environment and Development (SPED) states:

On the basis of an average employee to floorspace ratio of 1:103 sqm (Malta Enterprise) and average site coverage of 60%, the 3030 additional persons in industry would require 52 hectares of land. In 2006, 502.4 hectares of land was available for industrial development of which 34% was vacant (170.1 hectares). MEPA data shows that between 2006 and 2012 around 3.5 hectares of land was taken up for industrial development per year. Even in the absence of recent accurate data on vacancy rates for industrial buildings, the need for land (52 hectares) can be met by the still remaining vacant land within designated industrial areas. However, for the country to react flexibly to specific request and exploit immediate opportunities for investment in industry and address issues of immediate availability of land, it needs to have an adequate landbank at a national level and in appropriate locations.

It is clear, therefore, that this sudden increase in permitted industrial space goes against these basic tenets of the SPED. The basis on which there is purportedly some sudden demand for industrial and business uses is nowhere stated in the public consultation published by the Authority. Furthermore, it is evident that no Environmental Impact Assessments, Strategic Environmental Assessments, Traffic Impact Studies, and other similar studies have been undertaken to allow the Planning Authority to come to conclusion that such additional development in our industrial areas is required, and what its potential impacts will be.

In this sense, the *Kamra tal-Periti* submits that this proposed amendment of the Development Notification Order is in direct conflict with the SPED since it is short-circuiting the planning process rather than adopting “an integrated planning system that ensures the sustainable management of land and sea resources together with the protection of the environment.”

In conclusion, the *Kamra tal-Periti* submits that the proposed changes are unacceptable, and that a proper consultation process with the necessary studies should be undertaken.