



## Consultation Reply

Draft Policy Revisions

# Provisions of policy P35 of the Development Control Design Policy, Guidance and Standards 2015

17/06/2024

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Reference is made to the consultation process in relation to the review of policy P35 of the Development Control Design Policy, Guidance and Standards, 2015.

The objective of the consultation stated in the [public consultation webpage](#) is to “to provide a clearer and more consistent interpretation regarding the height and permissible number of levels across various street facades, excluding villa/bungalow areas. It will also enhance certainty and eliminate potential discrepancies resulting from varied interpretations of the policy.”

This consultation follows a [preliminary public consultation phase published on 19/02/2024](#) which had limited the scope to “the provisions entitled ‘Interpretation of building height limitations outside villa/bungalow areas’” in DC15.

The Kamra tal-Periti is hereby providing its position on the stated objective and the proposed text.



## Specific Feedback

	Current Text	Proposed Text	Comments
1	<p>A building shall not exceed the permissible height as established in the Local Plans, which shall be interpreted according to Annex 2 of this document. Such height shall be measured from the pavement level along the frontage of the building at the highest street level and will include the provision for any setback floors and services, as well as an obligatory 1-metre parapet wall on the exposed façades at the uppermost roof level (Figure 45). The only vertical structures that may be considered beyond the height limitation will be Wind Turbines (as defined within the Micro Wind Turbines policy), Telephony/ Communication Antennae and flagpoles. The height of the street façade is arrived at by deducting 3.4 metres from the maximum allowable height provided in Annex 2.</p> <p>Within the maximum height limitation, each floor shall have a minimum clear internal height in accordance with Sanitary Law.</p>	<p>A building shall not exceed the permissible height as established in the Local Plans, which shall be interpreted according to Annex 2 of policy P35. Such height shall be measured from the pavement level along the frontage of the building at the highest street level and will include the provision for any setback floors and services, as well as an obligatory 1-metre parapet wall on the exposed façades at the uppermost roof level.</p>	<p>a) It is unclear why the section about wind turbines, communication antennae, and flagpoles is being deleted. Does this mean they are no longer being permitted? Moreover, the original text made no mention regarding chimney-flues. This should be clarified.</p> <p>b) It is recommended that the ambiguity regarding the one-metre parapet wall be conclusively addressed. The ambiguity lies in the interpretation of whether the one-metre height is measured from the structural slab or the roof finish. In the Kamra's opinion, it should be from the finished level.</p>

<p>2</p>	<p><b><u>Interpretation of building height limitations outside villa/bungalow areas</u></b></p> <p>Where the proposed building has a street façade of at least 12 metres, the uppermost floor above such height will be setback from the street façade. Such setback will be determined using the sight line principle, provided that it is never less than 3 metres. A sight line is to be taken from a point at 1.6 metres height located at the opposite side of the street to the building height along the building alignment, and extended until it meets the maximum height defined in the Local Plans. Figure 46 illustrates the setback for the uppermost floor located above a street façade of 12 metres, 14.1 metres and 21.6 metres, for different street widths. Note that in the case of:</p> <ul style="list-style-type: none"> <li>• A street façade of 6.4 metres, where the total height is 9.8 metres – no more than three levels above highest pavement level will be allowed.</li> <li>• A street façade of 10.1 metres, where the total height is 13.5 metres – no more than four levels above highest pavement level will be allowed.</li> <li>• A street façade of 14.1 metres, where the total height is 17.5 metres – no more than five levels above highest pavement level will be allowed.</li> </ul>	<p>Where the proposed building has a street façade of at least 12 metres, the uppermost floor above such height will be setback from the street façade. Such setback will be determined using the sight line principle, provided that it is never less than 3 metres. A sight alignment is to be taken from a point at 1.6 metres height located at the opposite side of the street to the building height along the building alignment and extended until it meets the maximum height defined in the Local Plans. The proposed amendment explains the setback for the uppermost floor located above a street façade of 12 metres, 14.1 metres and 21.6 metres, for different street widths. Note that in the case of:</p> <ul style="list-style-type: none"> <li>• A street façade up to 6.4 metres, where the total height is up to 9.8 metres – three levels above highest pavement level will be allowed.</li> <li>• A street façade of more than 6.4 meters and up to 10.1 metres, where the total height is more than 9.8 meters and up to 13.5 metres – four levels above highest pavement level will be allowed.</li> <li>• A street façade of more than 10.1 meters and up to 14.1 metres, where the total height is more than 13.5 meters and up to 17.5 metres – five levels above highest pavement level will be allowed.</li> </ul> <p>For street facades higher than 14.1 meters, where the total height is more than 17.5 meters, the allowable number of levels above highest pavement level will be determined on the basis of the Sanitary Law and other provisions of the proposed policy document.</p>	<ul style="list-style-type: none"> <li>c) The original text included a heading stating that the ensuing text only applied to the development zone excluding villa/bungalow areas. It is trusted that the omission of this heading from the proposed amendment is solely a type-setting error, and that the proposed amendment will not also replace the current text under the headings <i>"Interpretation of building height limitations for villa/bungalow areas"</i> and especially <i>"Interpretation of building heights in Urban Conservation Areas"</i>. The building height policy for UCAs should remain unchanged.</li> <li>d) The proposed amendment does not otherwise bring about any noticeable change, other than to consolidate the interpretation that has been used by the PA since 2015.</li> <li>e) The reference to sanitary regulations as a key parameter in determining building height is particularly welcome given the ambiguity of interpretation over the years.</li> <li>f) Moreover, the reference to "other provisions of the proposed policy document" is also apposite given the various policies within DC15 that dictate that context is a key factor in establishing building heights.</li> </ul>
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## General Comments

The proposed amendment does not bring a material change to the status quo, provided that the building height for UCAs and villa/bungalow areas remains untouched, as assumed above. This assumption is being made in view of the text in the Phase 1 public consultation document referred to in the introduction to this document.

Nevertheless, the Kamra tal-Periti remains of the firm opinion that the planning system requires a major reform to move away from its dependence on development control policies to regulate development, and in favour of masterplans that produce comprehensive, researched, and thorough strategic plans for each of our towns and villages.

Moreover, the development control process itself, too, requires extensive reform. Poor quality buildings should not be approved, regardless of their compliance with the quantitative parameters in the various policy documents.

The Kamra calls on the government to enter into discussions with it on reforming the practice of architecture by forming a joint initiative to:

1. Develop a national architecture policy;
2. Set up design review panels to allow for projects to be assessed purely on architecture merit;
3. Develop an urban design development strategy;
4. Mandatory architectural design competitions for **ALL** publicly funded projects.

**END**