

Section:
Board No.:

APPLICATION No. PA/05472/24

1. Application Details:

Applicable DC Guidance: DC15
Press Date: 9 October 2024
Application Type: Full development permission

Applicant: Mario Ellul
Architect: Ellul, Perit Mario

Drawing Numbers: PA 5472/24/26A/101A/102A/106A/106B/106C/106D & 106E

Supporting Documents:

PA 5472/24/75A - SCH Conditions
PA 5472/24/112A - CRPD Accessibility Audit
PA 5472/24/116B - ERA Conditions
PA 5472/24/118A - Engineer's Report

Proposal: Refurbishment works at the quay of Wied iz-Zurrieq and surrounding areas. Redevelopment of ticket booth for Blue Grotto operators. Construction of public toilets and boatyard for local fishermen. Development of parking area and kitting area for scuba divers.
Location: Site at Wied Iz-Zurrieq, Triq Congreve, Qrendi

2. Representations:

Representations have been received.

Documents 51A to 51C:

1. Issues identified:

Lack of parking / kitting up space close to shoreline for Scuba Divers and swimmers in general;

Heavy traffic in touristic area frequented by locals and tourists alike;

Area in need of general upgrade;

Buses get stuck due to lack of space to turn in the narrow streets further down in the valley & the presence of private car parking.

2. Opportunities:

Improvement of facilities for Scuba divers and swimmers;

Improvement in traffic management, air quality and general area;

Improvement in facilities for general public;

Long-term income from improved business activities, parking fees and rental of facilities created.

3. Proposed project

Refer to drawing whilst reading explanation project points below:

Dig down the Top parking area, create two or three levels of public parking underground, top level being reserved only for electric / conventional buses/coaches on shuttle service from top of road to Triq il-Wied, and part of it may be turned into a garden / viewpoint / open restaurant, possibly linking to historic tower;

Link current road from top parking to lower parking via tunnel running from the lowest underground level to the Divers' / Swimmers parking area as explained in next point.

Dig down one underground parking (ensure at least 2m above sea level) and facilities level below current open area/garden/public bathrooms, to be used into a Divers' and swimmer's zone during peak season, shifting seaward infrastructure underground and apart from Tower, having a clear line of sight toward the sea. Seaward cliff must not be touched but possibly need to be re-enforced if damaged during the forming of the underground parking.

Divers' zone having dedicated vehicle parking spots, kitting up benches, underground showers / changing rooms, emergency clinic, maybe a dive centre or filling station. Provide light and air by having air/light shafts in current garden (re-landscaped to return to a more natural rather than concrete look) & using natural light diffusers.

Create Pedestrian / Emergency vehicle tunnel to sea level exiting in area at bottom of current stairs - 2 or 3 m higher than sea level, facing north to north west to reduce chance of waves rushing in when bad weather, and assisting for air circulation and light in underground parking.

Link Divers' Parking Zone to Boat maintenance/slipway area under current lower bit of the road. This would connect divers parking area to the boat's slipway at the bend, benefitting both special need divers to use the bottom part of slipway for water entry, swimmers and boat operators for improved access. The lower part of the road (just before stairs) could also be turned into underground boat storage closer to sea level, meaning less effort for storing boats out of the water & more space. Repristiniate natural valley side look instead of current tarmac.

Having increased logistical space, maybe finally consider a second wreck to the left when exiting the valley, sitting on 35 m sandy area, or a new artistic artificial reef using reef balls / sculptures that can withstand the elements in the area.

4. Benefits:

Shift diving tourists' traffic from Cirkewwa and create more diving opportunities in the south, which is an alternative in NW to East winds;

Improved traffic management in whole area of WIZ;

Improved dive site availability + facilities;

Increased accessibility for special needs scuba divers and non-divers;

Additional visitors' traffic for Bars & Restaurants in the area as well as pleasure boat rides;

Addition of a second wreck / artificial reef further improving choices & creating a new artificial reef, which if well protected, can attract and regenerate marine life. Other opportunities to create

underwater museum or art gallery, creating new and diversified attractions are possible. Protecting the area however is needed!

Possibility of boat transport services to land-inaccessible Western shore sites from quays at WIZ using defined channels to reduce risks of swimmers/boats collisions.

5. Cost and Funding:

Whole project estimated cost (layman estimate) - €20 Million, returned over several years thanks to:

Parking Fees for use of underground parking, which can be based on annual memberships for frequent visitors / dive centres / restaurant patrons or time-based for occasional users;

Dive centre space / facilities leasing fees;

Use of showers / changing room fees;

If current public toilets are moved underground a kiosk/restaurant with outdoor seating by the sea on the open terrace may be considered, using a part of open terrace with sea views on Filfla;

Elimination of road traffic access beyond top parking and underground parking improves possibility for pedestrianisation of roads in WIZ area and additional restaurant outdoor seating and regeneration of buildings, creating a family outdoor eating area for summer / nice weather periods, bringing in additional tax and table space rental revenue.

Document 52A:

This document consists of a petition signed by a number of persons, who disagree with the plans as presented.

Documents 65A & 66A:

I strongly object for this proposed development:

- 1. Overdevelopment of the shoreline;*
- 2. Losing the natural characteristics of the area;*
- 3. Heavy commercialisation of the area bringing on less safety to bathers, swimmers, snorkellers, divers;*
- 4. Less parking space;*
- 5. Given this is a prime dive site in Malta it will create a negative impact to the diving industry.*

Document 68A from Qrendi Local Council:

The Qrendi Local Council wishes to table its concern in regard to the application, namely:

- 1. As the footprint has not changed, why has there been a reduction in parking / kitting up bays in Triq Congreve;*
- 2. The Qrendi Local Council notes that a public latrine, as sited in the application, does not:*
 - (i) Meet Health and Safety issues due to its close proximity to the operational boat winch and the steel wire rope hauling boats out of the water;*
 - (ii) The latrine poses a challenge to wheelchair users as regards to the steep gradient to and from the facility;*
 - (iii) There is no access to the diver's kitting area in Triq Congreve from the proposed latrine;*

3. *The low course wall in Triq Congreve has not been extended to the boat winch at the top of the boat wooden sleeper slope and poses a safety hazard, as does the rock outcrop that restrict vehicle passage in the same area.*

4. *The Qrendi Local Council is most interested in learning more on the work method statement as well as to the actual management of the proposed site during the works in regard to the interests of the diving patrons using the site in question.*

In view of the above, the Qrendi Local Council is registering its interest in the application.

DMD Comments:

The comments from the Local Council and the representations have been noted and the acceptance of the development is explained in the DPA Report.

3. Notes To Committee:

- 3.1 Prior to the issuing of the permit, the architect is to provide a clearance from the Environmental Health Directorate.

4. Case Officer's Report:

4.1. - SUMMARY OF ISSUES:

The proposed development is deemed **acceptable** as it aims to demolish and redevelop by upgrading the existing amenities in this tourist area. The main consultees found no objection to the proposal and ERA outlined a number of conditions. The proposed interventions will improve the existing amenities, comply with criteria (f) of NWLP NWQD 3 and hence acceptable from an environmental and planning point of view.

4.2. – PROPOSAL:

This application for 'Full Development' permission involves the refurbishment works at the quay of Wied iz-Zurrieq and the surrounding areas, redevelopment of ticket booth for Blue Grotto operators, construction of public toilets and boat-yard for local fishermen and development of parking area and kitting area for scuba divers.

4.3. - SITE DESCRIPTION:

The site, covering an area of approximately 1,750m² is located outside the limits of development, within an area known as Wied iz-Zurrieq in Qrendi. The consists of the ramp, stairs and ticketing booth in the lower part of this area (see site plan in document 26A and photos in document 1L).

4.4. - SITE HISTORY:

4.4.1. – Previous Permits:

PA 2087/04 - *Minor embellishment works at Wied iz-Zurrieq, works including resurfacing of existing jetty, scarifying footpath along existing ramp, temporary canvas shelter (summer season), signage,*

lighting, construction of boat parking steps, concrete making good in fisherman's area, reconstruction of existing stairs to sea and handrails.
Granted on 27th March 2007.

PA 3925/16 - *Minor maintenance work on passageway at Wied iz-Zurrieq Qrendi.*
Granted on 14th March 2017.

PA 5885/25 - *To excavate and construct sewage pumping station.*
Granted on 2nd December 2025.

4.4.2. – Planning Constraints:

Area of Ecological Importance – Coastal Cliffs.
Area of High Landscape Value – Coastal Cliffs.
Outside Development Zone.
Mobile Radio Base Stations.

4.5. - POLICY CONTEXT:

Northwest Local Plan, 2006
Rural Policy and Design Guidance, 2014
SPED, 2015

4.5.1. – SPED Policies:

Map 1 – Spatial Structure and Coverage of the SPED
Coastal Zone- Terrestrial Limit

Map 2A – Strategic Proposals
Area of High Landscape Protection
Predominantly Rural Coast

Thematic Objective 1: To manage the available potential space and environmental resources to ensure that socio-economic development needs are met whilst protecting the environment by safeguarding prime tourism sites.

Thematic Objective 4: To seek to ensure that existing strategic infrastructure is safeguarded and that provision is made for infrastructure (water, electricity, sewers, fuel storage, telecommunications) to sustain socio-economic development needs whilst encouraging the Best Available Technology and protecting the environment.

Thematic Objective 5: To ensure that existing recreational resources are protected, enhanced and accessible, and to facilitate the provision of new recreational facilities to improve social cohesion, human health, air quality and biodiversity.

Thematic Objective 6: To safeguard environmental health from air and noise pollution and risks associated with use and management of chemicals.

Thematic Objective 8: To safeguard and enhance biodiversity, cultural heritage, geology and geomorphology.

Coastal Objective 1: To prioritise uses that necessitate a location on the coastal zone and marine area in a manner which minimizes user conflicts, does not accelerate coastal erosion, protects biodiversity, cultural heritage, landscapes and visual access to them, public access and use and increases resilience to climate change impacts.

Coastal Objective 3: To ensure that existing coastal recreational resources are protected, enhanced and accessible and to facilitate the provision of new recreational facilities which do not restrict or interface with physical and visual public access of the coast and in a manner, which does not have an unacceptable adverse impact on protected areas, species and areas of high landscape sensitivity.

Rural Objective 2: To ensure that existing rural recreational resources are protected, enhanced and accessible and to facilitate the provision of new recreational facilities which enhance the public's rural experience in a manner which does not have an unacceptable adverse impact on protected areas, species and areas of high landscape sensitivity.

Rural Objective 4: To protect and enhance the positive qualities of the landscape and the traditional components of the rural landscape.

Rural Objective 5: To rehabilitate, upgrade and regenerate deteriorating natural environments on the basis of their type and location.

4.5.2. – North-West Local Plan Policies:

Map 73 - Northwest Local Plan Wied iz-Zurrieq, Qrendi.

Site is designated as an Area of High Landscape Value, subject to Policy NWQD 3 (Wied iz-Zurrieq Area Policy).

NWQD 3 - Wied iz-Zurrieq Area Policy

There is a presumption against further development in this area, as indicated on Map 73, except for the upgrading of the tourist product, a coastguard station and the provision of a new police station. All development shall be of a scale and character in keeping with this rural coastal settlement. MEPA in conjunction with the Local Council will prepare a design brief to ensure the area is improved in a way which meets this key objective. Upgrading of existing commercial shop fronts will be encouraged in order to enhance the character of the area, and any improvements should incorporate traditional design features and use of local materials. The use of modern materials such as aluminium, plastic and similar material will be discouraged. MEPA will actively seek the removal of unsightly masts and pylons by the provision of underground services. Development outside scheme boundary shown on Map 73 will not be permitted, except for:

- a) Upgrading the public garden using indigenous vegetation and materials while ensuring public access is retained;*
- b) Utilising an area adjacent to Ta` Xuta Tower for informal recreation;*
- c) Change of use of the Tower to an appropriate tourist facility;*
- d) Provision for the increased capacity of the car park including the provision of adequate facilities for a waste disposal collection area;*
- e) Provision of a new police station;*
- f) The provision of underground changing facilities for divers, the provision/enhancement of a coastal footpath.*

4.5.3 - Rural Policy and Design Guidance:

Policy 1.2A - National Policy Projects:

Any project of national interest arising from National Government Policies which departs from the policies formulated in this document shall be assessed on its own merits subject to consultation with the Departments/Authorities/Committees concerned.

Policy 1.2G - Protected Areas, Special Areas of Conservation and Special Protected Area:

Proposed developments which would have an unacceptable adverse environment, landscape, cultural or archaeological impact will not be permitted.

4.6. – CONSULTATIONS:

The table hereunder indicates the list of consulted departments and clearances submitted.

ERA	<p><u>Document 74A:</u></p> <p><i>Site Context and History</i></p> <p><i>The site forms part of a scheduled Level 2 Area of Ecological Importance (Coastal Cliffs) and an Area of High Landscape Value. The site also falls within the Natura 2000 sites, designated as Special Area of Conservation (SAC) and Special Protection Area (SPA) via Government Notice 1522 of 2019 and 618 of 2018:</i></p> <p><i>MT0000024 - Rdimijiet ta' Malta: Ir-Ramla tac- Cirkewwa sal-Ponta ta' Bengħisa, designated as Special Area of Conservation (SAC) via Government Notice 1522 of 2019; and MT0000031 - Rdimijiet ta' Malta: Ix-Xaqqa sa Wied Moqbol, designated as Special Protected Area (SPA), via Government Notice 618 of 2018.</i></p> <p><i>Environmental Assessment</i></p> <p><i>Although in principle ERA is not adverse to the proposal, the following clarifications are to be provided for further assessment.</i></p> <p><i>Environmental Impact Assessment</i></p> <p><i>The proposal qualifies for further assessment in terms of 6.0: Development on the coast or at sea (including ports), of the Environmental Impact Assessment Regulations (S.L. 549.46). In this respect, a Project Description Statement (PDS) is required. The PDS should follow the specifications of Regulation 12 and Schedule II of the same Regulations, and should be sent directly to ERA in digital format at the following e-mail address: eia.malta@era.org.mt.</i></p> <p><i>The PDS should also include the following:</i></p> <p><i>Photomontages of the proposed development showing clearly the surrounding site context. Each photomontage shall be clearly explained and taken from realistic strategic viewpoints.</i></p> <p><i>Details on how works during construction/excavation phases will be carried out to ensure that there is no damage to the natural surroundings, overfills and/or vehicular manoeuvring beyond the development site.</i></p> <p><i>Noting that on level -1, a sewer pump is being proposed, further details are to be provided indicating how sewage will be disposed of and any connections required and including any contingency measures to prevent sewage overflow onto the coast or into the sea in event of power cuts, malfunctions and breakdowns.</i></p> <p><i>A copy of the updated drawings for the proposed development (together with relevant e-Apps references) in clear resolution and using conventional colours.</i></p> <p><i>Assessment in terms of the Flora, Fauna and Natural Habitat Protection Regulations. Since the site lies within the Natura 2000 site, screening for Appropriate Assessment (AA) will be carried out once the above information is submitted.</i></p> <p><i>Architect informed and submitted the relative information. ERA was reconsulted.</i></p>
-----	--

Document 111A:

ERA is undertaking EIA screening in line with the provisions of the EIA Regulations (S.L. 549.46). In this regard, the submissions of a Project Description Statement (PDS) along with updated drawings, sewage details and construction/excavation details have been noted. For further assessment, the following is required:

Photomontages of the proposed development showing clearly the surrounding site context.

Each photomontage shall be clearly explained and taken from realistic strategic viewpoints (document 74A).

Architect informed and submitted the relative information.

ERA was reconsulted.

Documents 116A, 116B & 116C:

The PDS was reviewed, and the proposed development was screened in terms of the Environmental Impact Assessment Regulations (S.L. 549.46), the Flora, Fauna and Natural Habitats Protection Regulations (S.L. 549.44) and the Water Policy Framework Regulations (S.L. 549.100).

The proposal involves the refurbishing and redevelopment of the ticketing booth, boat storage and quay at Wied Iz-Zurrieq.

1. Environmental Impact Assessment Regulations (S.L. 549.46)

The proposal falls within the scope of Schedule I of the Environmental Impact Assessment Regulations (S.L. 549.46), notably Category II Section 6.3.2.3 Development on the coast or in the sea, not covered by Category I, with a footprint of 500m² or more. Screening (Annex I) concluded that the proposed development does not require an EIA in accordance with Regulation 15 of S.L. 549.46.

2. Flora, Fauna and Natural Habitats Protection Regulations (S.L. 549.44)

The proposal is not expected to have any significant impacts on the integrity of the habitats, species and the Natura 2000 sites as a whole. No further assessment in terms of the Flora, Fauna and Natural Habitats Regulations, 2006 (S.L. 549.44) is considered necessary.

3. Water Policy Framework Regulations (S.L. 549.100)

The proposal does not involve any operational discharges to sea and the effects during to the construction phase will be localised and contained through the use of preventive containment measures. In this regard, the project is not expected to result in a modification of the characteristics of the water body or affect the ecological status of water body MTMTC 108 – L-Irdumijiet ta' Malta.

4. Recommendation

ERA does not object to the proposal from an environmental point of view. The conditions annexed with this document (Annex II) are to be included as part of the development permit.

Supporting Document 5472/24/116B

SCH

Document 75A:

Cultural Heritage Context

The site in question partly:

Extends into the Development Zone of Qrendi;

Lies within the Outside Development Zone;

Lies within an Area of High Landscape Value (AHLV) intended to safeguard the natural landscape of the coastal cliffs of various areas;

Lies with an archaeologically sensitive due to remains recovered from the seabed such as an iron cannon, amongst others.

Proposal

The proposal is for refurbishment works at the quay of Wied iz-Zurrieq and its surrounding areas.

Assessment

The Superintendence of Cultural Heritage (SCH) has assessed this application from a cultural heritage perspective noting that most of the site footprint is on land.

This office notes that the area that stems into the water (beyond the existing footprint) is archaeologically sensitive with discoveries made in the area, such as an iron cannon.

Recommendations and/or Conditions

Whilst not opposed to the proposed works, this office recommends that works that may fall into the footprint outside the existing platform (including dredging, etc.) is to be archaeologically monitored in keeping with the Archaeological conditions.

Supporting Document 5472/24/75A

TM	<p><u>Document 67A:</u> <i>Transport Malta is of the opinion that the proposal in caption should be assessed in line with Planning Authority's DC 2015 Guidelines and/or relevant policy documents. The proposed development should be within the official scheme alignment, UCA building line and/or the established site boundary and should not encroach onto the public road space. Should there be any transport related queries not covered by the current policies and guidelines please advise.</i></p>
WSC	<p><u>Document 47A:</u> <i>Outlined the Legal Requirement for the proposal.</i></p>
AIS	<p><u>Document 58A:</u> <i>Application is ODZ and does not require setting out. Block plan submitted needs to be included with approved plans, for monitoring purposes should this application be approved.</i></p>
Enemalta	<p><u>Document 73A:</u> <i>Enemalta requested the electrical load breakdown.</i></p> <p>Architect was informed and submitted the relative information. Enemalta was reconsulted.</p> <p><u>Document 90A:</u> Enemalta submitted their no objection to the proposal.</p>
EHD	<p><u>Document 76A:</u> <i>Kindly be informed that our comments cannot be given as yet, since we didn't receive all the necessary information from the architect.</i></p>

	<p>Architect was informed and submitted information. EHD was reconsulted.</p> <p><u>Document 110A:</u> <i>Kindly be informed, that since the applicant's architect has not forwarded to our end the requested declarations, the approval cannot be granted from our end.</i></p> <p>In view of the above, the DMD is recommending that the executable permit is issued after that the clearance from EHD is obtained.</p>
MTA	<p><u>Document 77A:</u> <i>The proposal has been reviewed with no objections raised; however, any changes to the project should be communicated to the Malta Tourism Authority.</i></p>
CRPD	<p><u>Document 112A:</u> No objection subject to conditions. Supporting Document 5472/24/112A</p>
SEO	<p><u>Minute 120:</u> <i>Proposal on drawings is in line with S.L. 552.22, provided that engineer's report forms part of the approved documents. Condition FCC to be included.</i></p>
LC	<p><u>Document 68A:</u> The Qrendi Local Council submitted their interest in the application with a number of comments. Refer to 'Summary of Representations' above in this DPA Report.</p>
CPD	8th November 2025 - No response - Considered as a 'no objection'.
OHSA	

4.7. - DISCUSSION:

4.7.1. – Principle of Development:

This full development application proposes the refurbishment works at the quay of Wied iz-Zurrieq and surrounding areas, redevelopment of ticket booth for the Blue Grotto operators, construction of public toilets and boatyard for local fishermen and parking area and kitting area for scuba divers.

Located outside development zone, the proposal was assessed using the Rural Policy and Design Guidance, 2014 (RPDG 2014), the Northwest Local Plan and the Strategic Plan for Environment and Development (SPED) documents.

NWLP Map 73 – Wied iz-Zurrieq, Qrendi outlines the zoning and various uses for this particular locality, with specific Policy NWQD 3 applicable. The proposed development will replace and improve the existing deteriorated facilities, thus complying with criteria (f) of the aforementioned policy, which outlines for *“the provision of underground changing facilities for divers, the provision/enhancement of a coastal footpath”*. Therefore, the proposal is acceptable in principle from a planning point of view.

4.7.2. – Assessment:

In relation to the SPED Policy, Rural Objective 3 guides developments which are either justified to be located in the Rural Area in approved Government policies, plans or programmes, or are incompatible with urban uses and where alternatives are not possible. This should be done while still ensuring the improvement of the quality of the rural environment.

This proposal is considered as an important improvement to the existing facilities for the Blue Grotto tours, divers and the public in general. The necessary infrastructure is confined on already disturbed land and is not detrimental to the existing surrounding landscape, thus in line with the requirements and guidance set by Rural Objective 4.

4.7.3. – Access:

The proposal involves the demolition of an existing staircase and its reconstruction. This staircase is one of a series of accesses leading to a public open recreational space facing the sea. The Directorate finds no objection to the demolition and reconstruction of this staircase.

4.7.4. – Consultations:

As noted in the Table in Section 4.6 further up in this DPA Report, there was extensive communication between the architect, ERA and EHD.

ERA assessed the architect's submissions and outlined their positive comments and conditions (refer to documents 116A & 116C and Supporting Document PA 5472/24/116B). It is to note that ERA Condition Number 3 of Supporting Document PA 5472/24/116B requires that no works shall commence until the submission and approval of a Works Method Statement by ERA. Hence, the executable permit will not be issued until clearance from ERA has been obtained.

In relation to the clearance from EHD, which the architect had not yet obtained during the processing of this application, the DMD is recommending that the executable permit is issued after that the clearance from EHD is obtained.

4.8. – CONCLUSION:

The Development Management Directorate is recommending an approval.

5. Recommendation: GRANT - subject to the following conditions:

1 RESERVED MATTER

Details showing of finish of boundary wall facing southwards endorsed by the Environment and Resources Authority, shall be submitted to the Planning Authority for approval within six (6) months from the issuing of this development permit.

2 The development hereby permitted shall be subject to Compliance Certification, verifying that the development has been carried out in full accordance with the approved drawings, documents and conditions imposed in this development permission, except where such conditions are enforced by other entities. Prior to the commencement of use or prior to the issue of any compliance certificate on the whole or any stand-alone planning unit of the development hereby approved, the applicant shall submit to the Planning Authority, in relation to the whole or that unit of the development:

(i) Clearance from the Commission for the Rights of Persons with Disability verifying that the development fully satisfies the accessibility standards and/or any conditions imposed by the Commission in supporting document PA 5472/24/112A. This clearance shall only be required and submitted in relation to the part of the development which is specifically referred to, if it is the case, in the supporting document.

*Note: Should a compliance certificate be requested for a planning unit not comprising the whole approved development, a Bank Guarantee of **EUR 25,000** in favour of the CRPD, shall apply to ensure that CRPD clearance is obtained.*

(ii) Certification by an engineer confirming that the development fully satisfies the requirements specified in supporting document PA 5472/24/118A.

3 a) Existing random rubble walls shall be retained and maintained in accordance with the Rubble Walls and Rural Structures (Conservation and Maintenance) Regulations (Legal Notice 160/97 as amended by Legal Notice 169/04).

b) In case alterations to existing random rubble walls are being approved, these shall be carried out in a traditional manner (loose, unhewn random rubble stones which stand by gravity and friction without the use of mortar). Unless specified on the approved drawings, the height of any boundary wall shall not exceed 1.2 metres along its whole length, provided that where there is a difference between the levels on either side of the wall, the overall height of the wall shall not exceed 2.4 metres from the lower level and 1.2 metres from the higher level, at any point along its length.

c) New boundary walls are to be constructed in random-sized irregularly shaped rough dressed stones using the same traditional construction methodology of rubble walling. Unless specified on the approved drawings, the height of any new boundary wall shall not exceed 0.6 metres along its whole length from the existing site levels. No boundary walls other than those indicated on drawings are to be added.

d) The development does not grant consent for any new access routes (and/or modification of existing access routes) beyond the land area approved for development. Unless otherwise indicated, any ramps shall be constructed and finished in beaten earth / compacted soil.

e) Where trenching is required, works covered by this permission shall be restricted to trenching (and cable laying) within the confines of the existing road carriageways as indicated on the approved drawings. The applicant shall also be responsible for ensuring that:

- (i) operations do not cause or entail damage to any trees (including their roots), buildings, bridges, rubble walls (hitan tas-sejjieh), or exposed rock, or to any land, property, habitats or features beyond such road carriageways;
- (ii) all material, structures, vehicles and machinery used for, or generated by, the works are entirely confined to the land area occupied by the existing road carriageways, and no overspills or trampling beyond such land area are allowed to occur;
- (iii) all the land surface affected by trenching operations is immediately reinstated to its pristine condition once the works have been completed;
- (iv) no overhead wiring is installed; and
- (v) in the case of trenching for electricity cables, the development shall also include the removal of all existing overhead wiring and ancillary poles/masts throughout the site.

f) This permission does not grant consent for the erection of distribution poles and overhead lines. No new distribution poles or overhanging electricity cables are to be erected to supply electricity to the building hereby approved. The electrical connection of the building hereby approved to the nearest electricity source shall be provided through adequate underground ducts, installed at the applicant's expense, to the satisfaction of the Planning Authority. This applies to other services to be installed that would require the erection of poles or other supports. Unless indicated on the approved drawings of this permission, a separate application/notification needs to be submitted to obtain the necessary approval.

4 a) This development permission is valid for a period of FIVE YEARS from the date of publication of the decision in the press but will cease to be valid if the development is not completed by the end of this validity period.

b) This permission relates only to the development as specifically indicated on the

approved drawings. This permission does not sanction any other illegal development that may exist on the site.

c) A Commencement Notice is to be submitted to the Planning Authority, by the perit on behalf of the applicant, at least FIVE DAYS prior to the date of commencement of works or utilisation of the permission. Failure to submit the Commencement Notice (with all fields correctly completed) or failure to submit it within the required timeframe shall invalidate the Notice and shall result in the imposition of fines according to Schedule D of S.L. 552.25, or its amendments, or its replacements. In addition, **if the applicant fails to submit the Commencement Notice or the Commencement Notice submitted is invalid, the relative permission shall be considered as never having been utilised** - Article 72(4) of the Development Planning Act (Cap. 552). No commencement notice is required for development, or part thereof, which is being sanctioned.

d) Copies of all approved drawings and documents shall be available for inspection on site by Planning Authority officers at all reasonable times.

e) The development shall be carried out in complete accordance with the approved drawings, documents and conditions of this permission. Where a matter is not specified, then the conditions of this permission and of Development Control Design Policy, Guidance and Standards 2015 shall apply.

f) Before any part of the development hereby permitted commences, the enclosed green copy of this development permission shall be displayed on the site. This must be mounted on a notice board, suitably protected from the weather and located not more than 2 metres above ground level at a point on the site boundary where it is clearly visible and can be easily read from the street. The copy of the permission must be maintained in a good condition and it shall remain displayed on the site until the works are completed.

g) All building works shall be erected in accordance with the official alignment and official/existing finished road levels as set out on site by the Planning Authority's Land Surveyor. A Setting Out Request must be submitted to the Land Survey Unit of the Planning Authority, prior to the commencement of works on site, when the setting out of the alignment and levels is required.

h) No steps, ramps or street furniture are to be constructed on or encroached onto the public pavement or road.

5 **Conditions imposed and enforced solely by other entities**

A. Where construction activity is involved:

(a) the applicant shall:

(i) **Appoint a Project Supervisor for the Design Stage and a Project Supervisor for the Construction Stage** and any such appointment shall be terminated, changed or renewed as necessary. The same person may be appointed to act as project supervisor for both the design and construction stage, if that person is competent to undertake the duties involved and

(ii) **Keep a health and safety file** prepared by the Project Supervisor for the Design Stage.

(b) When the construction works related to this application are scheduled to last longer than thirty working days and on which more than twenty workers are occupied simultaneously, or on which the volume of work is scheduled to exceed five hundred

person-days, the project supervisor **shall communicate a prior notice to the Occupational Health and Safety Authority (OHSA) at least four calendar weeks before commencement of works.**

- (c) The Project Supervisor for the Design Stage shall **draw up a health and safety plan** which sets out the occupational health and safety rules applicable to the construction activities concerned, outlining the measures to ensure cooperation between different contractors and shall also include specific measures concerning occupational risks that may be present at this site.
 - (d) It is the responsibility of the permit holder to ensure that development is carried out in accordance with the provisions of the Environmental Management Construction Site Regulations, S.L. 623.08. Any hoarding shall be erected in accordance with Schedule 2 of the same Regulations.
 - (e) New development on vacant or redeveloped sites shall be provided with a water cistern to store rainwater run-off as required by the Energy Performance of Buildings Regulations, S.L. 623.01.
 - (f) Where an officially schemed street bordering the site is unopened or unformed, it shall be opened up and brought up to its proper, approved and official formation levels prior to the commencement of any development hereby being permitted. The length of the road to be so levelled shall extend from any existing schemed road opened to the public to the extreme end of the frontage of the building to be erected, in line with Regulation 16 of S.L. 499.57.
- B. Where the development concerns a change of use to a place of work, the applicant shall obtain a Perit's declaration that the building conforms to the requirements of S.L. 424.15.**

C. Where the development concerns a place of work:

The applicant shall:

- (a) obtain a Perit's declaration that the necessary requirements arising out of S.L. 424.15 have been included in the plans and drawings; and
 - (b) obtain a Perit's declaration that the building conforms to the requirements of S.L. 424.15.
- D.** The development is to strictly adhere to the 'Design Guidelines on fire safety for buildings in Malta' to ensure that all Fire Safety measures and provisions are addressed as indicated in the Design Guidelines on Fire Safety for Buildings in Malta, published by the DCID in 2004, (or other relevant standard, provided it is approved by the Civil Protection Department), Policies, and the Laws and Regulations of Malta.

E. Conditions imposed and enforced by Water Services Corporation:

- (a) Prior to laying of water and wastewater services in the road, the development shall comply with the requirements of S.L. 499.57 Part III (Roads in inhabited Areas) Clause 12.
- (b) The applicant shall ensure that rain water and/or run-off collection from roofs, yards, balconies (and any other exposed areas) is being managed such that **no** rainwater, including overflow pipes (by pumping or gravity system), even from water storage reservoirs and/or oil interceptors, are connected to the WSC sewage network.

- (c) For all kinds of development, developers are to safeguard the Wastewater Network Infrastructure and make sure not to damage or dispose of any building/construction materials inside the existing Drainage House Connections (concrete, dewatering etc).
 - (d) For all developments falling within the different Classes of the Development Planning (Use Classes) Order (S.L. 552.15), developers are requested to submit floor plans (1:100), signed by a warranted Perit or Engineer, of the separate rainwater and wastewater drainage systems, for verification and approval by the Water Services Corporation, via email at pa.clearances@wsc.com.mt within 30 days from the publication date of the permission.
 - (e) Developers are advised to view requirements set out in:
 - (i) Sewage Discharge Control Regulations S.L. 545.08.
 - (ii) S.L. 499.57 Part III (Roads in Inhabited Areas) Clause 12.
 - (iii) DC15 paragraph 4.3.3 Provision of Water Reservoirs and Second-Class Water Policy P47.
 - (iv) Building Regulations Technical Guide Document F where these apply to the proposed development.
 - (f) Developers are advised to check the invert level to the sewer main with the Water Services Corporation as they would have to make their own arrangements where a gravity service connection is not possible. In these cases, the architect has to indicate the solutions envisaged and to indicate on the plan what needs to be carried out and obtain approval from WSC. Developers are further reminded that connection of storm water into main sewers is not allowed.
- F.** In the event of an accidental discovery in the course of approved works, any cultural heritage feature discovered should not be damaged or disturbed and the Superintendence is to be immediately informed of such discovery. Any cultural heritage features discovered are to be investigated, evaluated and protected in line with the Cultural Heritage Act 2019 (CAP. 445). The discovery of cultural heritage features may require the amendment of approved plans.
- G.** Any fissures (dagħbien), caves, caverns, hollows, geological faults, Quaternary deposits or other features of potential geological, geomorphological and/or palaeontological interest which are discovered must be reported immediately to the Environment and Resources Authority (ERA). No further works or activities must take place until the respective investigations have been completed, and thereafter works shall proceed strictly in line with the terms established by ERA. The approved development may need to be amended so as to accommodate in situ preservation of the discovered features.
- H.** This development permit does not authorise any storage of substances listed in Occupational Health and Safety Authority Act (CAP. 424) – Control of Major Accident Hazards Regulations, 2003, as amended, in quantities that would render this site an establishment within scope of these regulations.
- I.** For any non-residential uses hereby being approved, prior to commencement of any works on site or any eventual permitted change of use, the applicant shall be required to contact the Environment and Resources Authority to obtain any necessary operational permit or registration. This requirement does not apply to Class 2B, 2C, 4A and 4B uses as listed in the Development Planning (Use Classes) Order 2014, or its subsequent amendments.
- J.** The conditions imposed and enforced by the Superintendent of Cultural Heritage are

at supporting document PA 5472/24/75A. The architect/applicant is required to contact the Superintendent of Cultural Heritage, throughout the implementation of the development hereby approved, to ensure conformity with the imposed conditions.

- K. The conditions imposed and enforced by the Environment and Resources Authority are at supporting document PA 5472/24/116B. The architect/applicant is required to contact the Environment and Resources Authority throughout the implementation of the development hereby approved, to ensure conformity with the imposed conditions.

An eventual development permission would also be issued subject to the following standard text:

In terms of Article 72(3) of the Development Planning Act, 2016, the execution and validity of this permission is automatically temporarily **suspended** and no works as approved by the said development permission may commence before the lapse of the time period established in Article 13 of the Environment and Planning Review Tribunal Act. In the event that an application is submitted before the Environment and Planning Review Tribunal requesting the suspension of the execution of the permission, this permission will remain so suspended until the Tribunal otherwise decides in accordance with the Environment and Planning Review Tribunal Act.

Where the approved drawings and/or documents are dimensioned, then the declared dimensions shall prevail over the actual size as depicted on the approved drawings and/or documents.

This development permission does not remove or replace the need to obtain the consent of the land/building owner to this development before it is carried out. Furthermore, it does not imply that consent will necessarily be forthcoming nor does it bind the land/building owner to agree to this development. Where the land/building is owned or administered by the Government of Malta a specific clearance shall be obtained from the Lands Authority prior to the execution of this development permission.

This development permission is granted saving third party rights. This permission does not exonerate the applicant from obtaining any other necessary permission, license, clearance, or similar requirement emanating from any other law or regulation, nor from procuring any other certification or insurance that may be required.

This report has been prepared and endorsed by the Development Management Directorate to the attention of the Planning Board.

-PARepEndorsed-