



GOVERNMENT OF MALTA

# Government response to the consultation on Review of the Development Notification Order, Second Revisions, 2017

*17 August 2017*

Ministry for Transport, Infrastructure and Capital Projects

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# Executive Summary

## Introduction and overview

On the 30th of June 2017 the Planning Authority published for consultation the second amendment of 2017 to the Development Notification which related to the inclusions of the further Classes of permitted development relating to development on the site of the Corradino Correctional Facility and development carried out by the Malta Police Force.

This document is the Government Response to this consultation and sets out the Government's decisions on these matters.

## Responses to the consultation and process used to seek stakeholder views

The consultation concluded on the 17th of July 2017 and the revisions were publicised through adverts on web sites and the press. Four responses were received from NGOs and one Government Agency.

The following is a summary of the consultation responses received. We would like to thank all those who took the time to respond to the consultation and participate in stakeholder meetings around the consultation exercise.

## Summary of responses and decisions

Total of feedback received: 4  
Total of feedback received by individuals: 0  
Total of feedback received by organisations: 4  
Total of feedback submitted through online form: 0  
Total of feedback submitted through post: 0  
Total of feedback submitted through email: 4  
Total of feedback submitted through social network: 0

## Contact Details

If you have any questions regarding this response, please contact:  
[onlineconsultations@msdc.gov.mt](mailto:onlineconsultations@msdc.gov.mt)

## Detailed overview of responses and the Government's response

The following section provide a brief summary of the initial proposals and the responses received, before setting out the final decision that has been made.

## Conclusion and way forward

The amendments have been published in LN199 of 2017.

Review of the Development Notification Order

Second Revisions, 2017

**Public Submissions**

### Public Submissions

<b>Ref</b>	<b>Respondent</b>	<b>Date</b>	<b>Summary of Comments Received</b>	<b>PA Response</b>
DNO (R2) – 1/17	Claire Bonello	30/06/17	<p>I write with reference to the proposed addition of two new categories to the Development Notification Order to cover development related to the Corradino Correctional Facility (CCF) and by the Malta Police Force.</p> <p>I propose that if the proposed development is on an ODZ area, Area of Ecological Importance, UCA, within the public domain or a scheduled property then specific, positive clearance must be obtained from the Superintendent For Cultural heritage, ERA as well as the ENGO representative on the Planning Authority Board. In the lack of a response from the abovementioned entities, clearance or acceptance must not be presumed as otherwise we will be in the farcical situation where the entities which are supposed to be scrutinising these applications simply ignore them and there is no scrutiny at all.</p>	<p>The public consultation draft of the Development Notification Order has been amended to require prior clearance from ERA for development proposals by the Malta Police Force on sites located ODZ.</p> <p>The Order does not permit development without the prior clearance from ERA and the SCH as the case may be.</p>
DNO (R2) – 2/17	Alexander Bonanno obo ERA	17/07/17	<p>ERA welcomes the opportunity to comment on the proposed amendments to the DNO S.L. 552.08, namely the addition of new categories for development notification order.</p> <p>ERA also welcomes the proposed additions to 3(i)(a) and 4(i)(a), which recognises the requirement for clearance by ERA on environmentally protected areas, along with sites of heritage importance.</p> <p>ERA is requesting that in those cases where the development</p>	<p>The public consultation draft of the</p>

			<p>related to the Corradino Correctional Facility and the development by the Malta Police Force is required for national security reasons, ERA is also informed of the waiver of the notification procedure.</p> <p>ERA is further requesting that for development by the Malta Police Force, clearance from ERA is not limited solely to areas declared as protected under the Environment Protection Act but widened to include areas affecting the integrity of such protected areas; other environmentally sensitive sites and areas which are not formally designated, such as coastal areas, natural habitats, cliffs, ridges, valley systems and watercourses; and areas affecting species protected under the same Act.</p> <p>ERA also noted that it has reporting obligations to the Commission under the Habitat directive and the EIA Directive; therefore, breaches of the domestic legislation (549.44 and 549.46) citing national security have to be fully explained and justified.</p> <p>It is suggested that in all cases of national security situations, (not only those related to Police Force), ERA should also be informed, besides the Planning Authority.</p> <p>Developments requires for national security reasons shall not be automatically exempted from an EIA assessment, but should respect the regulations set under S.L. 549.46 of the EIA Directive.</p>	<p>Development Notification Order has been amended to require that ERA is informed</p> <p>The public consultation draft of the Development Notification Order has been amended to require prior clearance from ERA for development proposals by the Malta Police Force on sites located ODZ.</p>
DNO (R2) – 3/17	Marie Therese Camenzuli obo Kummissjoni Ambjent	17/07/17	The Kummissjoni Interdjocesana Ambjent (KA) is hereunder presenting its comments on the above amendment which aims to introduce two new classes, namely “Class 20 – Development related to the Corradino Correctional Facility” and “Class 21 – Development by the Malta Police Force”.	

			<p>The KA would like to register its reservations about these amendments, since they aim to remove developments from public scrutiny. Lack of proper scrutinization by the relevant authorities may result in (i) undesirable effects of such developments on the communities that reside close to such proposed developments and/or (ii) negative impacts on scheduled properties where such developments would be located.</p> <p>The proposed amendments are similar to the Class 17 wording which relates to works by the Armed Forces. There has already been controversy in 2013 related to a development by the Armed Forces of Malta at Haywharf<sup>1</sup>. Had such development been subjected to the full planning process, it could have resulted in a lesser impact on the bastions or could have even caused the development to be located elsewhere.</p> <p>Lack of planning by Government entities and departments should not be rewarded by exempting such entities and departments from the full planning process. Such entities and departments should be the ones to lead by example. One has to remember that the Police General Headquarters stand on the bastions, and therefore any developments there which may be allowed by the proposed amendment may have negative impacts on the visual integrity of the bastions.</p>	<p>The relevant authorities ie the PA, ERA and the SCH will still be able to scrutinise the proposals as the permitted development is subject to the notification procedure.</p> <p>This proposal was still assessed and subjecting it to a full planning process may not have necessarily resulted in a different project.</p> <p>Any impacts on the visual integrity of the bastions through proposals on the General Headquarters of the Police will still be assessed by the SCH and a notification can only be accepted if accompanied by a prior clearance from the cultural heritage agency.</p>
DNO	Simone Vella	17/07/17	Reference is made to the proposed amendments to the	

<sup>1</sup> <https://www.timesofmalta.com/articles/view/20150616/local/stop-haywharf-work-environment-ngos.572701>

<p>(R2) – 4/17</p>	<p>Lenicker obo Kamra tal- Periti</p>	<p>Development Notification Order (DNO) and specifically regarding the introduction of two new Classes of development.</p> <p>Once again, the <i>Kamra tal-Periti</i> notes with deep regret that the Planning Authority persists in failing to consult directly with the primary stake-holders on these proposed amendments to the DNO Class Order. The obligation for consultation with the <i>Kamra</i> and with the Chamber of Planners has been entrenched in planning legislation for decades, and has been reiterated in the recent Development Planning Act. The <i>Kamra</i> fails to understand why the Planning Authority persists in ignoring its obligations at law, in a manner which is, to say the least, unacceptable. This lack of correct procedure in pushing forward these amendments leaves no option but to speculate that these are being presented in order to facilitate some yet to be announced development which would not normally have been permitted without the checks and balances afforded by the Full Development Process.</p> <p>The very concept, that whole classes of development are so important that they should be allowed without due process and oversight, betrays a worrying and persisting ignorance of the purpose of development planning and planning control. The ultimate objective of the planning process is the creation of an urban and rural environment of higher quality. The ultimate beneficiary of an environment of higher quality is the citizen; and the citizen has the right to an environment of a high quality whether he works in, or lives adjacent to, any class of development, be it industrial, health-related, military, and now police and correctional facilities.</p>	<p>The provisions of article 55(3) of the Development Planning Act (Cap 552) have been followed by the Planning Authority in the drafting of this amendment to the Development Notification Order.</p> <p>The very concept of permitted development has been entrenched in law since 1992.</p>
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		<p>the Prisons and the Police Force. The complete disregard of the surrounding context manifested by the Authorities and the Minister responsible for the AFM with regard to the Hay Wharf building are a clear warning sign of what can happen when the floodgates are opened for unchecked development which takes place in our historic and natural landscapes.</p> <p>Moreover, it is to be noted that the DNO process is the only planning application process which does not involve public consultation, and therefore members of the public will have no opportunity to participate in the planning process and to submit their views, objections, and suggestions. These amendments, which do not set any sort of limitation on the size or type of development that may be undertaken through this process, open the door for serious abuse if additional safeguards are not included.</p>	<p>The revised DNO of 2016 included a much more restricted range of permitted development than its predecessor specifically to enable public participation on that development which was removed from the DNO. However, it has been determined that the function of these two agencies, Corradino Correctional Facility represented by the Director and the Malta Police Force justify facilitation of the planning process provided the appropriate level of scrutiny from the PA, ERA and the SCH are still in place.</p>