

SUPPLEMENTARY PLANNING POLICY GUIDANCE

Child Day Care Facilities



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1. INTRODUCTION

The Purpose of this Document

- 1.1 This document sets out a planning policy framework for assessing applications for the development of child day care facilities. The overall objective of this policy framework is to ensure that development is sited in the right location and in suitable buildings, that the needs of users are met, and that the amenity and character of the surrounding location are safeguarded.

Definition of Child Care

- 1.2 This policy note applies to all child day care facilities, nurseries, childminding facilities and /or entities that cater for children of under three years of age, whether home- or centre-based, and fall within Use Class 8 (Education) of the Use Classes Order (LN 53 of 1994) and its future revisions. Child day care facilities are primarily community care facilities and are therefore being considered separately from kindergartens.

Justification

- 1.3 It is essential that child day care facilities be viewed as offering a service in support of the community, in particular working parents and children. At present, such facilities do not have a specific policy framework, and are being assessed on the basis of the 1994 Kindergartens Policy, which does not consider the different characteristics, scale, impacts and activities related to child day care centres, when compared with kindergartens. It is therefore necessary to set out a specific land use planning framework for the assessment of development applications for child day care facilities, which are becoming an increasingly important pillar of the net of community care services supporting Maltese families and ensuring the welfare of Maltese children.

Development Permission

- 1.4 Development permission is required for:
- The erection and/or extension of a building to be used as a nursery or childcare centre;
 - The change of use of any other type of property to a childcare centre/nursery catering for children under three years of age, except in the case of child care facilities to be located in schools and kindergartens permitted under Class 8 of the 1994 Use Classes Order, which would not require an additional permit.

- 1.5 Home-based child day care facilities that meet the provisions of Use Class 1 (Dwellings) of the 1994 Use Classes Order,¹ and its future revisions,² do not require development permission.
- 1.6 For an application for development of a child day care centre to be accepted by the Malta Environment and Planning Authority (MEPA), it will have to be accompanied by a letter of no objection from the Department for Social Welfare Standards (DSWS) (or the incumbent Department), together with a copy of approved stamped plans from the same department.

2. POLICY CONTEXT

- 2.1 This policy recognises the need to:
- Encourage and promote the development of early childhood facilities in the community and at the workplace;
 - Use land and buildings efficiently; and,
 - To improve the quality of the urban and social fabric.

Structure Plan

- 2.2 In terms of the encouragement of social facilities, the Structure Plan, in para 9.17 notes that existing housing areas require additional services and facilities: for example kindergartens, primary schools, pastoral centres, convenient transport, accessible shops. It notes that the absence of these constrains women from taking their full part in the labour market now and in the future. Demographic forecasts suggest that the small increase (about 7%) of numbers of those of working age and the large increase in numbers of the elderly could create a shortage in the labour market. A greater contribution from women will help to ensure economic progress, and the existence of convenient suitable facilities will allow women to choose whether and when to seek employment. To this end, policy SOC 23 encourages both the public

1 Class 1 – Dwellings

Use as a resident, whether or not as a sole or main residence, by any of the following:

- (c) A resident concurrently with his or her occupation or business, provided that, in the opinion of the Authority, the occupation is compatible with the residential use, and it:
- (1) can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibrations, smell, fumes, smoke, soot, ash, dust, grit or visual impact; and,
 - (2) does not generate vehicular traffic or parking of a type or amount which is detrimental to the amenity of the area in which it is conducted; and,
 - (3) does not involve the presence on the premises of more than three persons engaged in the business (including the proprietors) or in consequence of the business, at any one time.'

2 It is proposed to amend LN 53 of 1994 (the Use Classes Order) so that a home-based provider would be able to cater for a maximum of six children.

and private sectors to provide community facilities, transport, and retail services in existing housing areas that lack such services and facilities.

- 2.3 The Plan also notes that the newer housing areas are deficient in the provision of local community facilities. Accordingly Policy SOC 24 states that provision will be made for an adequate range of community facilities in new housing areas.
- 2.4 The Structure Plan also contains policies that ensure the protection of environmental quality and residential amenity. Policy BEN 1 stipulates that development will not normally be permitted if the proposal is likely to have a deleterious impact on existing or planned adjacent uses because of, for example, visual intrusion, noise, vibration, atmospheric pollution, unusually high traffic generation, or unusual operating times.

Supplementary Planning Guidance

Kindergarten Policy

- 2.5 MEPA's May 1994 kindergarten policy applies to pre-school education facilities for children, including day nurseries and play schools. It does not apply to child minding facilities and creches. Three categories of development are set out, related to the impact kindergartens are expected to have on the surrounding area, and specific guidelines are given for each category.

Local plans

Land Use Designations

- 2.6 Through the local planning process, a series of land use designations have been created to protect and enhance the character of Malta's settlements. The principal land designations identified by the Local Plans include Town Centres and Neighbourhood Centres, Entertainment Priority Areas, Tourism Zones, Residential Areas, Residential Priority Areas, and Micro-enterprise Parks, which are indicated on the appropriate Area Policy Maps for each Local Plan.
- 2.7 **Town Centres** are those parts of an urban settlement that are characterised by a diverse mix of land-uses with business activities, especially retailing, dominating. They are a magnet for considerable volumes of pedestrians and vehicles. They also contain a high concentration of jobs and may include social and community institutions and facilities. Within town centres change of use from either retail or offices or food and drink outlets to child care centres is prohibited.

- 2.8 **Neighbourhood Centres** are also designated in Local Plans to accommodate a planned approach to the provision of local retail and other services in new and expanding housing areas.
- 2.9 **Entertainment Priority Areas**, although also business zones, have a unique “feel” because they are the locations where uses such as bars, restaurants, and nightclubs, gravitate. They are also areas that attract high numbers of visitors and thus have high levels of outdoor activity. These areas come to life during the evenings and can attract large numbers of pedestrians. Uses such as child day care centres will not be objected to, but the preference will be for entertainment.
- 2.10 **Tourism Zones** are areas where there is a regular and significant presence of tourists due to a concentration of tourism accommodation, leisure facilities and/or visitor attractions. Most important is the quality of the tourism product since these zones are the flagships for high quality tourist accommodation facilities, which need to be supported by a range of amenities including quality entertainment and leisure uses, and innovative visitor attractions. Child day care centres are considered compatible with other uses in tourism zones.
- 2.11 **Residential Areas** make up the major parts of urban areas and are dominated by residential uses, especially on levels above ground floor. The activities at ground floor however, tend to be a mix of uses and include shops and offices, mostly of a local scale and serving local need, spread throughout the predominantly residential area. Some garage businesses can also be found. The predominantly residential character of these areas is to be retained and protected by ensuring that only those non-residential uses which do not have an adverse impact on the amenity of residential areas are permitted, thus low and medium impact child day care centres are considered compatible with other uses residential areas.
- 2.12 **Residential Priority Areas** are areas exclusively used for residential purposes and can be found within the wider Residential Areas. They are distinct because of particular building design (for example detached dwellings), lower densities (bungalow areas) and appreciable landscaped areas within individual sites. The location of businesses in these areas can have a serious impact on the amenity of the area, and child day care centres are not considered compatible with the residential uses in such areas.
- 2.13 **Industrial Zones** are designated in the Local Plans in order to promote the growth of the manufacturing sector by ensuring an adequate distribution of designated areas that are safeguarded for industrial and warehousing use. In such areas emphasis is placed on regulating industrial uses, to ensure that the environmental impacts of proposed industrial developments occur at acceptable levels. Programmes and initiatives to improve the environment in these areas are encouraged and child day care centres are considered compatible with the

employment uses in such areas, provided environmental conditions are acceptable.

- 2.14 The Local Plans aim to provide land for small and medium sized enterprises, especially micro-enterprises, by designating **Micro-enterprise Parks**, where a need has been identified and where suitable locations that do not cause adverse environmental impacts or loss of amenity could be identified. The Local Plans take on board the land allocations that have been made through the SMEs (Micro-Enterprises) Site Selection Exercise of 2004 and its future revisions.

Other government policy

Early Childhood Development and Care Standards

- 2.15 The Ministry for the Family and Social Solidarity and the Ministry for Education have adopted a set of national standards in order to provide a framework and national standards for the provision of day care services offered to children aged up to three years. The 'Early Childhood Development and Care – A guide to principles, standards and regulation' was published in July 2004 in the context of changing labour market trends, where the requirement for families with young children to have a choice and equality of opportunity in the work place, and to have access to services that support this choice and opportunity, has become essential. Research has demonstrated also that the range and quality of events in a child's early years have a direct impact on the child's personal and social development, affecting also his or her future achievements at school and later on in life. Therefore, setting and achieving high standards in early child care provision is seen as an investment in the well being of future citizens, as well as the general economic competitiveness of the Maltese nation.

National Action Plan on Inclusion (NAP/Inclusion)

- 2.16 Following the signing of a Joint Memorandum on Social Inclusion (JIM) between Malta and the European Commission in December 2003, the Malta National Action Plan on Poverty and Social Exclusion 2004-2006 was submitted in July 2004. The National Action Plans are means of translating the Common Objectives on poverty and social exclusion, which have been agreed upon by Member States as part of the social inclusion process, into national policies and programmes. This Plan includes concrete activities planned for the period 2004-2006. Reflecting the four Nice Objectives, the NAP/Inclusion has identified 12 key priorities. Through the preparation of the NAP/Inclusion in line with the EU common objectives, as endorsed by the Copenhagen European Council, the NAP/Inclusion has linked existing policies to ensure that all policy areas, including the use of Structural Funds, have the issues of poverty and social exclusion mainstreamed into them.

National Action Plan on Employment (NAP/Employment)

2.17 The National Action Plan on Employment, which was submitted to the EU in October 2004, ensures that Malta's Employment Strategy is in line with the EU Lisbon Strategy criteria. It was prepared in accordance with the employment objectives and guidelines adopted by the European Council and it portrays the current labour market situation, significant developments and the mapping of Malta's way forward towards the Lisbon Targets through the adoption of the European Employment Strategy (EES). The NAP/Employment is structured to respond to the three main objectives of the European Employment Strategy, which are: full employment; quality and productivity at work; social cohesion and an inclusive labour market. The NAP/Employment has outlined measures, including ones related to child day care, to assist women to take a more active role in the work force.

3. PLANNING POLICY CONSIDERATIONS FOR CHILD DAY CARE CENTRES

Introduction

- 3.1 This section reviews the principal land use planning considerations that emerge in relation to the provision of child day care centres. They fall into the following thematic areas:
- Location;
 - The suitability of the premises;
 - The scale of development and its potential impact on neighbours.

Location

- 3.2 It is desirable to locate child day care centres in residential areas as this facilitates their accessibility and underscores the importance of childcare facilities as a community service. It is also desirable for working parents to have easy access to child care centres close to their place of work. Preferred locations for child day care centres are therefore in urban areas, either in Residential Areas or Employment Hubs. Employment Hubs encompass a range of areas designated in the Local Plans, including Town Centres, Industrial Zones, Micro-enterprise Parks, Tourism Zones and Entertainment Zones.
- 3.3 Besides the general area where premises should be located, it is important to ensure that the location is suitable for the purpose of care of young children. Locations on arterial and distributor roads or other heavily trafficked roads are not considered suitable for the purpose of a child day care centre due to the presence of undesirable levels of chemical pollution and noise, as well as risk of traffic accidents.

Suitability of the Premises

- 3.4 The suitability of the premises is related to the size and layout of the premises and the number of children under care in that premises. Suitability of the premises will primarily be assessed by the DSWS. This policy therefore concerns only land-use planning issues related to the suitability of the premises. From the land-use perspective, therefore, suitability of the premises for child day care activities rests on two factors:
- The suitability of the **building** itself, and
 - The suitability of the actual **site** proposed for the development.

Suitability of the Building

- 3.5 The maximum number of children together with the corresponding number of carers to use the centre will be determined by the DSWS during the initial consultation phase that takes place between the applicant and the Department.
- 3.6 Terraced houses, maisonettes and detached properties in appropriate locations may all be considered for the use of child day care centres, provided that they satisfy the requirements of this policy. Detached properties may have the added advantage in so far as they are more likely to be able to provide outside play areas and to accommodate on-site parking.
- 3.7 It is important to protect the amenity of the surrounding area. Due to the impacts on neighbours of child day care activities, premises forming part of a block of flats³ are not considered appropriate for this type of use.
- 3.8 In accordance with the Equal Opportunities (Persons with Disability) Act (Cap. 413), MEPA will ensure that all proposals for the development of child day care centres will be accessible for all, including persons with a disability and the mobility impaired.
- 3.9 It is also important that where the child care centre is to be located within a historic building, any proposed development would respect the heritage value of the building.

Suitability of the Site

- 3.10 Child day care centres should be located outside areas that may include other uses that generate noise, disturbance, heavy traffic flows and inferior air quality, since these would detract from the high quality environment necessary for the care of young children. Some industrial areas could be considered appropriate sites given that they address the issues raised above. Child day care centres on the site or within the buildings of large-scale employers would also be acceptable as long as they satisfy the requirements of this policy.

The Scale of Development

3 The Building Levy Rate Regulations (LN 6 of 1993) under the Development Planning Act, 1992 (Act 1 of 1992) define a flat as follows: "flat" means a single family dwelling unit occupying the whole or part of one floor of a building which contains several similar units none of which has its own separate entrance from the street but share a common access therefrom.'

- 3.11 The scale of development of a child day care centre is a key determinant of the centre's impact on adjacent properties in terms of traffic and noise generation. However most centres are small enough for these impacts to be minor. Depending on their impacts, child day care centres may be classified into three broad categories:
- Low impact (up to 15 children);
 - Medium impact (between 16 and 25 children)
 - Significant impact (over 25 children).

Traffic Generation and Car Parking

- 3.12 In general all proposals must be acceptable in terms of their traffic generation and provision for car parking. Sites should have good accessibility to the main road network and adequate width and capacity in the vicinity to accommodate the likely traffic flow. However different parking criteria apply depending on whether the scale of development is considered of low, medium or significant impact.

Low Impact Development

- 3.13 Unlike school facilities, children and their parents making use of the child care service will not be entering or leaving the childcare centre all at once. The opening hours of the childcare centre will be flexible enough to cater for the different needs of parents, especially those of working parents. Thus, it is highly unlikely that centres catering for 15 or less children will generate any negative impact related to traffic generation. Therefore centres considered to be of limited impact development (that is, those that cater for not more than 15 children), will not be required to provide any car parking spaces.

Medium Impact Development

- 3.14 In the case of child day care centres catering for between 16 and 25 children (that is, medium impact developments), it is unlikely these that would generate significant negative impacts related to traffic generation. Therefore centres considered to be medium impact development will not be required to provide car parking spaces. A drop off for children situated close to the site entrance should be provided as approved by the Malta Transport Authority; with exceptions such as cases of facilities in pedestrian areas.

Significant Impact Development

- 3.15 In the case of centres with more than 25 children, which are considered significant impact development, traffic generation impacts are considered to be more serious. In this case, parking facilities for members of staff should be provided at a ratio of one space for every three staff members, plus the additional provision of a drop off

located close to the site entrance as approved by the Malta Transport Authority, for every 25 children.

4. CHILD DAY CARE FACILITIES POLICY

The Malta Environment and Planning Authority will favourably consider applications for the development of child care centres subject to the following criteria:

a) **Location**

Child day care centres shall:

- i. **be located in urban areas, either in Residential Areas or in Employment Hubs (including Town Centres, Industrial Zones, Micro-Enterprise Parks, Tourism Zones and Entertainment Zones) as defined in Local Plans and as indicated in Matrix 1;**

	Residential Priority Area	Residential Area	Employment Hub
Low Impact (<=15 children)	NA	A	A
Medium Impact (>=16 and <=25 children)	NA	A	A
Significant Impact (> 25 children)	NA	NA	A

A=Acceptable NA= Not Acceptable

Matrix 1: Acceptable Locations for Child Day Care Centres

- ii. **not be situated on arterial and distributor roads or other heavily trafficked roads;**
- iii. **be located outside areas that may include other uses that generate noise, disturbance, heavy traffic flows and inferior air quality, since these would detract from a suitable environment conducive to the care of the child. Some industrial areas could be considered appropriate sites given that they address the issues raised above. Child day care centres on the site or within the buildings of large-scale employers would also be acceptable as long as they satisfy the requirements of this policy.**

b) Suitability of the Premises⁴

- iv. be situated in terraced houses, maisonettes or detached properties;**
- v. not be situated in a block of flats;**
- vi. be accessible for all;**
- vii. where the child care centre is to be located within a historic building, respect the heritage value of the building.**

c) The Scale of Development

- viii. when they concern proposals considered to be of low impact (that is, those that cater for 15 or less children), not be required to provide car parking spaces;**
- ix. when they concern proposals considered to be of medium impact (that is, those that cater for between 16 and 25 children), not be required to provide car parking spaces. However, a drop off for children situated close to the site entrance should be provided as approved by the Malta Transport Authority, with exceptions such as cases of centres in pedestrian areas;**
- x. when they concern proposals considered to be of significant impact (that is, those that cater for over 25 children), be required to provide on site parking facilities for members of staff at a ratio of one space for every three staff members plus the additional provision of one drop off situated close to the site entrance as approved by the Malta Transport Authority, for every 25 children.**

Note: planning permission for the development of child care facilities does not in any way automatically entitle the applicant to convert to any other commercial activity on that site.

4

Suitability of the premises will primarily be assessed by the DSWS. The above policies are related to planning issues only.