



31st March 1979

Fuel Depot Site

Development Brief

Public Consultation Draft
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1.0 Introduction

The Malta Environment and Planning Authority (MEPA) has been entrusted by Government to prepare a development brief for the 31st March 1979 Petroleum Depot site in Birzebbuga (see Map 1 for Local Context). The site lies within the Marsaxlokk Bay Local Plan area, which was approved by the then Planning Authority in January 1995. The site covers an area of about 38,320 square metres.

1.1 Background

1.1.1 Policy MB02 of the Marsaxlokk Bay Local Plan (MBLP) deals with the relocation of the petroleum depot from its current site, including the dismantling and removal of tanks, structures and jetty, and the treatment of any oil contaminated areas remaining on site. Other policies referred to in Section 5 and Appendix B provide the context for this development brief.

1.1.2 The Depot has been classified as a top tier establishment having quantities of dangerous substances exceeding the upper qualifying quantity, in terms of the Seveso II Directive. Furthermore, it has become increasingly difficult for the governmental agency to operate from Birzebbuga. Although the Enemalta Depot is close to the shore and convenient for the importation of fuel, some of the complementary structures such as the dolphin¹ and the berthing pier regularly need extensive maintenance and repair, being ageing structures.

1.1.3 Enemalta is not obliged to move out of the 31st March 1979 Depot installation before 2010². Enemalta uses this facility to store Grade 1 and

¹ Fuel loading/unloading facility located in the middle of the bay

² Information provided by Enemalta

Grade 2 fuels and is currently the only facility for Petrol and distribution facilities.

1.1.4 The compilation of this development brief benefits from internal and external consultation with key players like Enemalta Corporation, MEPA and B' Buga Local Council.

1.2 Purpose and Scope of the Brief

1.2.1 The main purpose of this Development Brief stems from the fact that Enemalta Corporation is committed to close down the 31st March 1979 Petroleum Depot situated in Birzebbuga due to its non conformity with EU standards. This depot is Malta's major storage facility for kerosene and petrol fuels, but constitutes a significant safety hazard for the surrounding residential area.

1.2.2 The scope of this Development Brief, therefore, is to give the potential interested parties clear planning guidelines as to the appropriate form and type of development expected by Enemalta Corporation and acceptable to MEPA. Appendix E outlines the detailed purposes and objectives of a Development Brief.

1.2.3 The Development Brief provides relevant background information including the setting out of the planning framework, highlighting site constraints, specifying policy guidance for the development and give requirements for the development of the site.

1.3 Strategic and Local Policy Context

1.3.1 The policy context is dominated by a site specific policy (i.e. Policy MB02) included in the approved MBLP, which was prepared under the aegis of

the Structure Plan. Other Structure and Local Plan policies (around fifteen) are considered to have a bearing on this site by focusing on interrelated issues such as transportation, public utilities, industry and building heights. These policies are reproduced in Appendix B.

1.3.2 The Structure Plan for the Maltese Islands (Planning Authority, 1990) includes a number of policies on Public Utilities and Industry which provide the context for the preparation of this Brief. Policy PUT4 states, "...Strategies will be developed for the safeguarding of essential supplies (particularly fuels...) and distribution systems to achieve minimum disruption in the event of natural, accidental and deliberate calamities." Policy IND 14 requires facilities for servicing the oil and gas industry to be established in the M'Xlokk Bay vicinity.

1.3.3 Policy MB 02 lends its support to the principle of relocation of the 31st March 1979 Petroleum Depot site but also to its eventual redevelopment. The policy encourages the long-term relocation of the Petroleum Depot, including the dismantling and removal of tanks, structures and the jetty; and the treatment of any oil contaminated areas remaining on site. The policy stipulates that no development permissions will be granted for any extension or intensification of use of the Depot (unless this is related to maintenance work or safety), whilst MEPA will co-operate with Enemalta in the identification of a suitable alternative location for the Depot. The policy however does not offer advice concerning the reuse of the Petroleum Depot because the Plan expected this issue to arise in the next review of the MBLP. The land use framework is now being provided within the context of this development brief.

1.3.4 The site also lies just outside B`Buga`s urban conservation area. Policy MB07 of the Plan seeks to protect the character and major townscape elements of these UCA`s whilst encouraging appropriate design solutions.

1.3.5 A number of transport oriented policies also relate to the site. Policy MB03 designates Triq Birzebbuga (Qajjenza Area) as a distributor road and Dawret il-Qalb Imqaddsa (along the site`s seafront flank), Triq San Gorg (lower part), Triq Birzebbuga and Triq Zaren Dalli (on the western side of the Depot) as local access roads. Policy MT07 restricts heavy goods vehicles and those carrying cargoes hazardous to third parties from making unrestricted use of roads within Birzebbuga. The policy allows for legal restrictions and traffic calming measures at appropriate locations along the seafront road (including the stretch contiguous to the Depot) so as to safeguard the recreational aspect along the promenade.

1.3.6 Policy MB08 regulates building height limitations, specifying that in general the height limitation be of three floors throughout and four floors on the seafront. The application of the floor area ratio principle may be considered as per Section 3.3.6. Policy MB26 postulates the reservation of adequate space for a passenger lift for every three or four storey residential development. Strategic Policy MU02 moreover emphasises that all new major building or development schemes and the construction of new road schemes, will be required to make provision for the collection, storage and use of surface water run-off.

2.0 Site Characteristics

2.1 Description

- 2.1.1 The 31st March 1979 Depot (vide Map 1 for the local context) occupies a large site of 38,320 square metres in a central part of Birzebbuga abutting the seafront, in between St George`s Bay and Pretty Bay (refer also to Policies MB09, MB10, MB11, MB13 and MS05 of the MBLP). The northern and western flanks run along Triq Santa Katarina and Triq it-Tankijiet respectively, whilst the eastern flank spreads along the promenade at Dawret il-Qalb Imqaddsa, alongside part of the southern flank.
- 2.1.2 Contours on the site are characterised by sloping terrain with a gradient from 7.5 metres to 3 metres in the west to east direction towards the coast. Two jetties are also located just off the site`s northern and southern flanks, one utilised exclusively by Enemalta to discharge petroleum from vessels and the other used by pleasure craft and fishermen.
- 2.1.3 Most of the site area is surfaced and currently being used for industrial purposes (vide Map 2 for details on current land uses). The site includes several tank storage facilities besides other amenities like fuel pumps, a sub-station, concrete ring road and administrative quarters. 14 road tankers are usually also parked within the facility, with maintenance and repair works to the vehicles being carried out within the site curtilage.
- 2.1.4 The Depot, which was built in the 1920s, is supplied via a finger pier occupying part of the seafront just opposite the Depot. The south eastern part of the Depot (i.e. the area closest to the promenade) is occupied by an administrative block alongside other workshops, offices and stores, some of which date back to the British period. All such facilities surround the filling points (acting as a fulcrum within the central open space upon

entrance into the premises) where Enemalta vehicles fill fuel to supply petrol stations. A water catchment underground reservoir, possibly contaminated, is located under the filling points.

2.1.5 The northern section of the Depot is dominated by the tanks, which store different types of fuels. This section, occupying 29,590 m² (or 77% of the entire site), is easily identifiable in view of the existing change in levels to accommodate elevated platforms and the surrounding ring road. There are nine tanks on site (refer to Table 1), each storing different types of fuel and having the following capacities:

Tank Number	Total Capacity (metric tonnes)	Fuel
1	7,000	Gas oil (diesel) tank
2 & 8	14,700	Jet A1
3 & 7	4,100	Unleaded Petrol
4,9 & 10 ³	8,900	Petrol
6	1,400	Not in use

Table 1: Capacity by Type of Fuel at 31st March 1979 Depot Installation.

N.B. Tank 5 was not constructed by Enemalta. Aircraft use Jet A1, whilst diesel is used for industrial purposes and by automobiles. Vehicles run on lead replacement and unleaded petrol, whilst fuel oil is used to generate electricity at the Marsa and Delimara Power Stations.

³ These three tanks are nowadays used to store unleaded fuel too since leaded fuel is not imported any longer and lead replacement petrol is derived from unleaded petrol.

2.2 *Local Context*

- 2.2.1 The resident community over the years has become increasingly hostile to this industrial installation due to the potential danger and the environmental pollution (smell of petrol, leakage to the sea, high traffic generation) that have been attributed to the plant. Siltation within the part of the bay opposite the plant has occurred in the past, and impacted amongst others on bathing activity in the area and the fire fighting equipment at the Depot, which requires constant and increased maintenance to function appropriately.
- 2.2.2 The Depot site, located entirely within scheme, is surrounded on three sides by housing including town houses, maisonettes and apartments. Access into the site is currently limited to the main entrance and an additional entrance, both located along the promenade, yet the broadly grid-iron configuration of surrounding streets allows for easy additional potential access upon redevelopment. Building height limitations as set out in the MBLP allow for three floors around and within the Development Brief site and four floors along the seafront (refer to Map 3).
- 2.2.3 The seaside houses of character along Dawret il-Qalb Mqaddsa contribute towards an attractive streetscape and form part of Birzebbuga's Urban Conservation Area (vide Policy MB07 of the MBLP) alongside other residential development which is partly contiguous to the Depot boundary on the south-western side. Some of these seaside houses of character are scheduled Grade 2 (refer to Map 4). Backyards and shafts of maisonette/apartment type of developments on the other hand overlook and abut onto the northeastern flank of the Depot.
- 2.2.4 A number of retail, mainly small shops, and catering outlets are interspersed especially along the promenade and the inner town core off

Pretty Bay. Also important are the Grade 1 scheduled Bush Gorbachev Monument and the Gzira Battery located along the promenade just off the Depot's eastern and southern boundaries respectively. Known additionally as Pinto Battery, the latter is a military structure constructed in 1715-1716 and consisted of a semi-circular gun platform surrounded by a ditch and fitted with a parapet⁴. A large blockhouse fitted with a triangular redan sealed off the gorge of the battery. The battery nowadays needs restoration and has for several years been used as a bar.

2.2.5 A private storage/warehousing facility for oil drums (mainly storing lubricating oils in 45 gallon drums) owned and operated by the private sector is also located to the north west of the battery. This facility lies contiguous to the Enemalta Depot's administration block and the area occupied by pumps serving the filling points. Unlike the 31st March 1979 Petroleum Depot, it has not been identified as a hazardous installation, within the context of the Seveso II Directive. Nevertheless, its location within a residential area just off an attractive part of the seafront, and contiguous to the development brief site, has an adverse bearing on the potential attractiveness of the Depot site.

2.3 *Constraints*

2.3.1 The Depot site has significant development and regeneration potential, necessitating the need to consider individual planning proposals within a wider development context that takes into account the overall potential of the area. It is a prime site, which has a potential from a commercial and real estate perspective especially due to its magnitude and coastal location.

⁴ Spiteri Stephen C., "Fortress of the Cross", Heritage Interpretation Services, 1994.

2.3.2 Site constraints however do exist. The Depot has been identified as one of Malta's top tier hazardous installations keeping dangerous substances, within the framework of the Seveso II Directive (refer to Appendix C). MEPA's draft "Major Accident Hazards and Hazardous Substances Planning Supplementary Policy Guidance" (November 2003) sets out a planning policy framework, including consultation zones, for implementing the land use planning objectives of the Seveso II Directive through the control of development involving hazardous substances and of development close to installations using/keeping hazardous substances. The approach to this policy in determining whether there would be harm to the general public is based on the methodology used by the United Kingdom's "Health and Safety Executive" (HSE) and follows extensive consultation with local major players including the Occupational Health and Safety Authority (OHSA), the Civil Protection Department and MEPA itself.

2.3.3 Underground contamination through fuel infiltration has also occurred in the past. Past studies undertaken by Enemalta point towards a concentration of such contamination in the area surrounding Tank 4 that measures approximately 4,000 m². Enemalta has since undertaken a detailed and regular monitoring exercise and has managed to extract (through appropriate pumps) most substances from the underground terrain underneath its premises. The site is however still not fully decontaminated, even though the volume of substances extracted has decreased sharply in recent times.

2.3.4 There are no particular features of ecological importance within the site, although a number of trees (araucaria, phoenix, ficus nitida, olive and pomegranate trees) have been noted on site (refer to Map 4 for their exact location). The araucaria trees are quite mature and are not transplantable, whilst the ficus nitida and phoenix species (the latter being a palm tree) are both transplantable. A number of young olive trees

have also been planted close to the main entrance, and these could be relocated due to their tender age. Some pomegranate trees (*punica granatum*) were observed within the small vacant field owned by Enemalta at the back of the site. Both the olive and pomegranate species are protected by LN 12/01 (refer to paragraph 7.16 of the legal notice).

2.3.5 A number of British Colonial Period buildings currently used as offices, stores or workshops are also present on site (refer to Map 4). These are not graded in terms of the MEPA's existing scheduling classification. The Heritage Advisory Committee has advised that these structures may be demolished.

3.0 Development Guidelines

3.1 Objectives

3.1.1 The development brief is guided by the following objectives:

- to adhere to the existing planning framework as highlighted in the Structure Plan and Marsaxlokk Bay Local Plan.
- to maximize the development potential of the site whilst at the same time encourage provision for social and community facilities.
- Provide an urban green lung for the area.
- to facilitate a comprehensive development of the site whilst ensuring that the development does not generate any adverse impacts on the local highway network.
- to facilitate an early rehabilitation of the hazardous 31st March 1979 Depot site by dismantling and removing the tanks and structures, besides treating any oil contaminated areas on site.
- to encourage a high standard of urban design whilst ensuring that the development safeguards the amenities of the nearby Urban Conservation Area, besides enhancing the quality of the coastal foreshore.
- to accommodate leisure, catering and retail components that would diversify the current product offer and further complement the existing urban fabric in the predominantly residential quarters around B`Buga.

3.2 *Land Use Framework*

- 3.2.1 In view of the past history (see Appendix A for planning history of site) and complexity of the site (due to its possible contamination), MEPA has adopted a more flexible approach, through the development framework highlighted in this Brief, by setting maximum thresholds of developable floor space rather than zoning specific areas within the site for defined uses. This should enable the architectural firm to come up with alternative proposals based on the broad guidelines of the Brief, and would allow them more freedom of expression and creativity in order to provide a better quality oriented environment.
- 3.2.2 In view of the extensive footprint area of this site, it is possible to provide an innovative framework that addresses contemporary issues such as urban design, visually pleasing streetscapes, landscaped open spaces, waste separation and sustainability factors like solar energy.
- 3.2.3 A detailed description of the proposed land uses together with the principles guiding acceptable development follows.

3.3 Possible Land Uses

3.3.1 The Development Brief site has a footprint of approximately 38,320 square metres. The underlying schedule outlines the desired type of uses for built (A) and unbuilt (B) spaces:

A. Built

- **Dwellings** (in accordance with Class 1 of the Use Classes Order, 1994, as amended).
- **Non-Residential Institutions and Educational Uses** (in accordance with Classes 7(a)(b)(d) and 8 of the Use Classes Order, 1994, as amended).
- **Food, Drink** (in accordance with Class 6 of the Use Classes Order, 1994, as amended).
- **Shops** (in accordance with Class 4 of the Use Classes Order, 1994, as amended).
- **Supermarket** (not to exceed 2000 square metres of retail sales area).
- **Other uses may be considered provided that they do not affect negatively the immediate neighbourhood. (Industrial uses are excluded).**
- **Underground Parking facilities.**

B. Unbuilt:

- **Green areas** (landscaping, circulation and amenity⁵ areas). Equivalent to a minimum of 25% of the entire site.
- **Public Urban Open Spaces** (such as public gardens and playing fields). Equivalent to 25sqm per dwelling.

⁵ Areas with an open character, such as front gardens and landscaped passageways, interspersed between the various developments

Housing Mix

- 3.3.2 A mix of terraced houses, maisonette and apartment type of dwellings is encouraged within this site. This will ensure that a range of dwelling sizes is accommodated, besides widening the choice of housing in the area. Public urban open spaces and landscaped areas should be provided interspersed with the housing units.
- 3.3.3 An exercise was carried out to identify an optimum level of housing density that allows for a reasonable return on investment after deducting the considerable costs associated with the project (refer also to Section 3.4). Five large established housing blocks with varying residential densities were examined, each with different residential densities according to their location in different parts of B`Buga (that is along the promenade east of St George`s Bay, behind the Enemalta site, within the Urban Conservation Area, at the Tal-Papa Housing Estate and between San Patrizju Promenade and Il-Ghirgjen). It results that the average residential density of the five blocks is in the region of 120 units per hectare. **Such a figure will be used as a qualitative indicator when assessments of the proposed residential densities are carried out.**
- 3.3.4 Although this figure of 120 units departs from the recommendations included in MEPA`s Housing Topic Paper (which identifies B`Buga`s residential density at 36 units per hectare), it should be emphasized that the latter figure refers to the entire land area within scheme, which therefore includes all roads, gardens and public amenities. A more focused approach based on the sample analysis of the selected blocks is deemed to be more relevant when establishing the appropriate residential density for this site, more so in view of the need to strike a balance between project feasibility and qualitative issues.

3.3.5 Furthermore, MEPA's Housing Topic Paper (2002) lists a number of housing quality issues which, together with the established MBLP policies (that is MB08, MB26 and MU02), should form an integral part of the proposals for this site:

- room sizes should be comfortably large and all dwellings that are not for social housing purposes should exceed the minimum floor space standards⁶ indicated in MEPA's Policy and Design Guidance 2000 and its subsequent amendments.
- the scheme should be well designed to provide adequate light and brightness within the dwellings. It should be ascertained however that the provision of light through large windows will not give rise to the overlooking of habitable rooms. Privacy should also be protected by avoiding overly dense developments. Section 12.3 of the Policy and Design Guidance 2000 specifies that a minimum separation of 6.5 metres should be provided between the main windows of living rooms, kitchens and bedrooms, where these overlook another dwelling. All dwellings **should exceed** the minimum separation standards indicated above.
- the use of unlit recesses and "dead" spaces should be avoided. Section 12.2 of the Policy and Design Guidance 2000 states that any new developments to include buildings, access ways, parking areas, public spaces and the external general environment should be designed in such a way as to help create a safe and secure environment and to reduce the opportunities for crime.
- the environmental impact of dwellings should be mitigated (refer also to the subsection "Building Requirements" in Section 3.5). This should be achieved through energy and resource efficiency. Measures

⁶ Space standards set out are net and exclude circulation space.

should include passive heating and cooling derived from design, allowing maximum use of daylight, air circulation and through breezes, insulation of roofs, walls and apertures, prevention of humidity and the use of construction materials that are produced in environmentally friendly ways, such as recycled stone. Energy efficiency should also be promoted through the use of home-based renewable energy sources such as solar energy (through solar panels or photovoltaic cells).

- adequate spaces should be reserved for the storage of bins for waste separation. Such spaces could be outdoor or indoors.
- noise relating to the control of traffic, parking and pollution is a major issue for residential quality, and every effort should be paid to adequately control noise pollution. Another source of noise is amplified music played in the open air, especially in the tourist season. The design should seek to mitigate such bad neighbourliness through a number of measures that should include an adequately screened buffer between all dwellings (even off site) and the leisure/food and drink outlets proposed on site.

3.3.6 It should be ascertained that all built structures (not only housing) should encourage contemporary architectural language that may include the floor area ratio principle where the height does not exceed six floors, since higher development would not be in keeping with the existing urban skyline. Modern and innovative concepts will be favoured, as opposed to traditional layouts and designs, so as to give the site a distinctive character. The use of modern materials such as steel and attractive colour schemes for facades may be used, whilst all dwellings should be accessible for people having special needs. Proposals should also take into account the need to mitigate any traffic generation and parking problems resulting from the development (refer also to the subsection "Parking Standards" in Section 3.5).

Non Residential Institutions and Educational Uses

- 3.3.7 Should the developer wish to provide space for social and community facilities within the overall scheme, such space would be compensated by an equal amount of additional floor space dedicated for the other uses. Provision for community facilities could include a child-care centre/day nursery (refer also to paragraph 3.4). A TEFL language center would also be considered favourably, especially since such an amenity is broadly unavailable in southern Malta and could also boost the local tourism industry. Such facilities are in accordance with Class 8 of the Use Classes Order, 1994, as amended.
- 3.3.8 A child care centre/day nursery is lacking within Birzebbuga and should prove quite popular with the locality's residents, especially since it is envisaged that the seaside village's population will increase markedly with the completion of the afore-mentioned developments and the likelihood that the majority of such housing will be taken up by young couples. The proximity of the Hal Far Industrial Estate and the lack of such facilities within the estate are other factors, which accentuate the need for such facilities.
- 3.3.9 Land uses in accordance with Classes 7(a)(b)(d) of the Use Classes Order, 1994, will also be considered favourably. In particular, developers can allocate a small display area for photography, fittings and equipment (possibly reutilizing an existing building) that recounts the history of the site. This informative facility, which should be accessible free of charge to the general public, should illustrate the different technologies introduced over the years and should be considered as a token conservation of the former industrial use of the site.

Food and Drink

- 3.3.10 Food and drink outlets are allowed on site, in accordance with Class 6 of the Use Classes Order, 1994, as amended. Within the parameters set out in this development brief, MEPA encourages the development of a well-planned food court that would be the focal node of a relaxing, pleasant and pedestrianised environment. The food court should include pockets of small scale food and drink outlets with outdoor landscaped areas accommodating tables and chairs made of suitable materials and aesthetically acceptable. Developers need to ensure that the design allows for free access around the site through the designation of landscaped passageways and other public urban open spaces.
- 3.3.11 The existing jetty opposite the main entrance of the Depot could also serve as a walkway for a catering facility perched in the middle of the bay at the seaside end of the pier. Although Policy MB02 states that the jetty should be dismantled, it is acknowledged that the existing jetty structure presents an ideal redevelopment opportunity that would enable the further diversification of the locality's leisure offer. Notwithstanding the policy advice, therefore, MEPA will seek to convert such a structure, which has the potential to become a prominent landmark in B`Bugha due to its attractive location and views.
- 3.3.12 Developers would be expected to ensure that the servicing of these activities is carried out from within the curtilage of the site and that the overall development does not give rise to parking problems as a result of increased traffic generation (refer also to sub-section "Parking Standards within Section 3.5).

Neighbourhood/Speciality Centre and Supermarket

3.3.13 Retail provision within the overall scheme is to achieve a twofold economic objective at a local level. There is a potential to improve local retail services and promote and diversify tourism on an appropriate scale in B'Bugha. A neighbourhood centre provides for a wide range of services, including: newsagents, post offices, health centres, chemists, and play areas complementing the proposed scheme. A speciality centre provides scope for extending the attractions of the existing town centre whilst achieving physical regeneration and creating a new visitor attraction which contributes to the overall tourist product. The proposed development may also include a supermarket. These commercial uses and scale would complement the B'buga Town Centre.

3.3.14 There is no clear size threshold for a neighbourhood centre, although it should incorporate a small cluster of between 4 and 12 shops, primarily selling convenience goods or providing retail services (e.g. hairdresser, dry cleaners, video hire) together with other social and community services for the immediate neighbourhood. Whilst acceptable speciality centre land uses are shops (which cater for tourists), in accordance with Classes 4 of the Use Classes Order, 1994, as amended, and a supermarket that does not exceed 2000 square metres of retail sales area. All retail outlets should comply with the provisions included within MEPA's "Interim Retail Planning Guidelines" (2004) and with any relevant section of the Policy and Design Guidance 2000 and its subsequent amendments (design, access, amenity, etc).

Public Open Spaces & Landscaping

3.3.15 One of the principal components of neighbourhood quality is public open space provision. The erosion of open spaces, gardens and play spaces for children in many urban areas directly affects residential quality.

3.3.16 MEPA's Leisure and Recreation Topic Paper (2002) indicates that provision of formal recreational spaces in Birzebbuga is 1.7 square metres per person⁷. This compares lowly with the national average for the Maltese Islands of 2.4 square metres per person.

3.3.17 Although Birzebbuga embraces an attractive promenade, which stretches from one side to the other of the coastal town (whose area is not included in the above figure), provision of open spaces is still low. The scheme for the development brief site should therefore include a minimum provision of 25 square metres per dwelling in terms of public urban open spaces (that should include a formal public garden and children's playing field) whilst not less than 25% of the total site area for green areas (landscaping, circulation spaces and amenity areas). The thrust of the public urban open spaces should be on garden type, clustered (as opposed to fragmented) open spaces that are accessible to the general public and that complement and blend well with the landscaping, amenity spaces and streetscapes forming part of the proposed scheme. Landscaped areas should be planned around the entire site, not only in the area designated for commercial uses.

3.3.18 As regards existing landscaping, the developer should as much as possible seek to retain the araucaria species due to its mature age, whilst the phoenix species could be transplanted. The olive trees are on the other hand still very young, so their transplantation should also be sought. Since

⁷ this refers to formal spaces such as public gardens, open spaces with seating provision and playing fields but does not include sports facilities, promenades, piazzas and those small areas designated as public open spaces within the Temporary Provisions Schemes.

the pomegranate trees, like the olive trees, are protected by LN 12/01, a prior permit should be sought from the Department of Agriculture and Nature Protection Unit within MEPA if their uprooting is inevitable.

3.4 Planning Gain

3.4.1 The notion of “planning gain” is implemented through a planning obligation and refers to works which would benefit the proper planning of the area. Planning gain is imposed by MEPA on a developer in connection with a grant of development permission, and has been legally enshrined in Article 40 of the Development Planning Act 2001.

3.4.2 The embellishment through appropriate hard and soft landscaping of the open space currently used as a parking area around the Bush-Gorbachev monument is also required, besides the displacement of the existing parking lots onto the Depot site (refer also to paragraph 3.5.23). The developer will be expected to ensure that the site is free of any fuel contaminants (particularly the site around Tank 4). Development according to the identified land use framework will only be allowed once the site is free of any fuel contaminants.

3.4.3 The redevelopment will allow the upgrading of a large site which over the years has assumed an increasingly industrial character, even though it is just outside Birzebbuga’s urban conservation area. The existing residents in nearby quarters stand to gain through an improved quality of life and additional public urban open spaces, whilst environmental quality will also benefit since the risks of marine pollution emanating from industrial activity on site will cease.

3.4.4 The promenade will also be enhanced through the reutilisation of the jetty as an attractive walkway leading on to a distinct catering facility. An improved and diversified leisure offer will also benefit the general public,

especially since the food court concept is unavailable within this part of the island, whilst the possibility of a child care center/day nursery will meet needs within this southern part of the Island.

3.4.5 It is imperative that the issues of the relocation of the storage/warehousing facility for oil drums (refer to paragraph 2.2.5) and the restoration of the nearby Gzira Battery are given urgent consideration. This notwithstanding the fact that both sites are being omitted from the development brief area (even though they are practically contiguous to the Depot's south-eastern flank) since they are currently owned by/leased to the private sector.

3.4.6 The storage facility is clearly incompatible with the land use framework proposed in the Brief and with the site context. Developers are required to include an internal road as part of their designs (on the Depot's southern boundary that is contiguous to the storage facility's northern flank), so as to facilitate the opening of frontages in the eventuality that the storage facility is redeveloped. The Gzira Battery, on the other hand, is leased by Lands Department on a yearly basis to the private sector as a snack bar, but has over the years been neglected and is in dire need of restoration. It is recommended that MEPA officially requests Lands Department not to renew the lease in 2005 and subsequent years if the applicant does not commit himself to rehabilitate the site, possibly retaining the same land use, within an agreed time frame.

3.4.7 The removal of such industrial uses and the eventual rehabilitation of the Battery, coupled with the embellishment of the open space surrounding the Bush - Gorbachev Monument, will not only contribute to regenerate this focal part of Birzebbuga but also to enhance the capital value of the Brief site, especially since the existing industrial land use constitutes bad neighbourliness.

3.4.8 Planning gain on site may thus be summarised as follows:

- removal of fuel contaminants from the site
- displacement of seaside parking lot and embellishment of open area around the Bush-Gorbachev monument
- improved quality of life through additional public urban open spaces and the closure of an industrial site.
- reutilisation of jetty
- introduction of food court concept
- introduction of internal road to facilitate the regeneration of the nearby storage/warehousing facility.

3.5 Construction and Infrastructural Requirements

Building Requirements

- 3.5.1 All tanks, plant and lift overruns (especially water tanks, air conditioning and motor rooms) must be contained within the envelope of the buildings, be screened by appropriate features or should be located underground. The location of utilities (power, water, drainage, and telecommunications facilities, including antennae/dishes) must be shown on all drawings.
- 3.5.2 All buildings and facilities used by the general public, such as catering, community facilities, public spaces etc. must be accessible to motorised wheelchairs and adequate provision must be made for access and parking for the disabled. All such provision should be in conformity with the "Design Guidelines: Access For All" (National Commission for Persons with Disability).
- 3.5.3 All new buildings should satisfy the construction, sanitary, fire, safety, and hygiene requirements of all relevant agencies.

- 3.5.4 All buildings should incorporate energy conservation features, such as solar power heating, efficient heating and cooling systems, efficient building insulation, secondary water use through the incorporation of water collection and storage facilities, solid waste disposal and management.
- 3.5.5 All underground parking and serving areas, including staircases, lifts, and pedestrian walkways, will be designed to appropriate standards, with high levels of illumination, and decoration, and good signage.
- 3.5.6 All residential units are required to be provided with a high quality of living space, room heights, services, and all modern conveniences and technology.
- 3.5.7 As stated in paragraph 3.3.6, the use of non-traditional building materials alongside the use of traditional material particularly local franka stone will be encouraged. Non-traditional materials would include steel and/or concrete frame structures, curtain walling, translucent glazing etc.
- 3.5.8 A high level of design quality, detailing and construction finish must be achieved in all buildings / open spaces. Project management must ensure that construction quality is of a high standard, and finished according to approved designs. This aspect will be carefully monitored during construction by independent monitors appointed by MEPA, at the developer's expense.

Construction Management Plan

- 3.5.9 Construction phasing must be coordinated so as to minimise disturbance to the surrounding residential areas and traffic flow. Every effort must be made to minimise disruption to traffic flow along Dawret il-Qalb Imqaddsa.

3.5.10 A detailed programme and plan for the dismantling of the existing facilities on site has to be prepared specifying the type of equipment to be used during such an exercise. In light of the fact that the site in question is situated within a dense urban area, the developer will be required to mitigate noise impacts by selecting the most appropriate equipment. It will also be the responsibility of the developer to demolish any buildings and structures, which are not to be retained.

3.5.11 A detailed construction programme must be prepared and approved by the MEPA prior to any construction commencing. In particular no mechanical stone dressing will be permitted on the construction site. Full details of construction access points, storage areas for materials and plant, workers accommodation, site management offices, protection measures for retained buildings and areas of landscaping are required.

3.5.12 A plan for the proper use of extracted mineral resources (if any) on site shall be presented, after assessing the quality of the existing resource. All other debris and waste material which results from the excavation and is identified as not being suitable for use as a construction resource must be immediately removed from the site to a controlled or approved tipping location. Possible recycling of such material should also be considered rather than just transporting the material to another location for dumping. Under no circumstances will non-recyclable debris or any other material be allowed to be stored on the construction site.

Phasing of Redevelopment Project

3.5.13 It is strongly recommended that some elements of the overall site development are dealt with comprehensively. The utilities infrastructure, for instance, should be implemented prior to commencement of construction works.

3.5.14 The sequence of the development should be clearly stated and the phasing of works should take into account the following:

- Economic feasibility as per development priorities
- Minimise disturbance to nearby residential neighbourhoods
- Minimisation of traffic disruption

3.5.15 The developer must provide a phasing plan, with broad timescales, which take account of the above considerations and maintains a suitable economic return for the developer.

Upgrading of Service Infrastructure

3.5.16 The impact of the development proposals on the existing utility networks and capacities must be assessed by the developer. A written statement of this impact and detailed proposals to cater for it must be submitted to the relevant authorities prior to the approval of any schemes or the commencement of construction works.

3.5.17 In the absence of detailed information on final land uses, it is extremely difficult to ascertain the extent of works needed to upgrade the service infrastructure. It is therefore recommended that all utility proposals should be formulated and approved in consultation with each utility agency and the relevant authorities.

3.5.18 Nevertheless, a number of requirements are set out at this stage. All utility networks must be underground, and connection to the public network will be the responsibility of the developer. It will also be the responsibility of the developer to finance the construction of any sub-stations, pumps and other structures that may be deemed necessary by the specific utilities agencies.

3.5.19 Development proposals should include a detailed description of the provisions for the recycling of water, its storage and distribution, and the expected requirements for landscaping purposes and whether provisions are adequate to supply these requirements. Indeed, water management practices should be introduced to reduce the demand for water on site.

3.5.20 Secondary water could be used for irrigation, flushing and/or cleaning purposes, whilst a second-class plumbing network should be installed to collect rainwater from roofs and other hard surfaces. Proposals for storm water runoff should also include the construction of reservoirs, if necessary. There should be no connection, however, between the potable and second-class networks.

3.5.21 Furthermore, the development should, as much as possible, seek to make use of energy saving devices and forms of energy to reduce the demand on electricity generation. Self-sufficiency in electricity and water provision should be encouraged.

Parking Standards

3.5.22 The eventual redevelopment of the 31st March 1979 Depot site will generate considerable amounts of traffic. In order to achieve the smooth functioning of the new development, parking provision around the entire site will have to be commensurate with the overall requirements to be determined according to the mix of land uses proposed.

3.5.23 All access, servicing and parking provision proposals must be to the satisfaction of the MEPA and comply with the relevant guidelines and standards set out in Appendix 2 of the Structure Plan Explanatory Memorandum (1990) – Highways and Traffic Guidance – and other subsequent updates and guidelines issued by MEPA. The main parking standards are indicated in Appendix D. The residential element of the

development will require parking provision separate from that relating to the other acceptable land uses on site, although this provision may be accessed through the same entrance and exit points. An additional 15 car parking spaces should also be provided free of charge on site, for use by the general public, to make up for the displaced parking lots previously available around the Bush-Gorbachev monument (refer also to paragraph 3.4.2). Most parking provision could be accommodated underground.

3.5.24 A Traffic Impact Statement (TIS) to assess the impact of the proposed scheme on the existing transportation network (refer also to Policies MB03 and MT07 of the Marsaxlokk Bay Local Plan) is required. The extent of any necessary on-site and off-site transportation improvements will be determined by the results emanating from such a study.

4.0 Submission Requirements

4.1 General Requirements

4.1.1 Submission requirements for the assessment of proposals comprise three stages, as follows:

- Stage 1 is the selection of the preferred developer by Government. This will be based solely on financial considerations. This process falls outside the remit of the Malta Environment and Planning Authority and therefore this Brief provides no guidance in this respect.
- The planning objectives, framework and guidelines set out in this Development Brief establish the basis on which all planning decisions will be made. No material variation from the Brief's parameters will be permitted at a later stage.
- Stage 2 requirements are compulsory and should be achieved to the satisfaction of the Malta Environment and Planning Authority, prior to the granting of any outline planning permission.
- Stage 3 requirements are obligatory for the evaluation of the full development application.

4.2 Stage Two – Requirements for Outline Development Application

4.2.1 These requirements set the framework for the determination of the outline planning application, and the more detailed work and discussions within Stage 3. They include the following aspects:

- A written general statement (not more than 35 A4 pages) giving a clear and concise description of the development concept, including a comprehensive schedule of land use/space provisions, the mix of residential, commercial and recreational uses, construction and operation employment levels by category, and how it complies with the requirements in the Development Brief and the relevant Local Plan policies, together with a description of each facility of the project and a schedule of all space allocations (in square metres).
- Overall scheme plans (Scale 1 : 500) showing broad site levels, range of land-uses, buildings, parking facilities (with capacities), landscaping and the allocated construction spaces requirements.
- Design proposals for the vehicle car park/s, servicing requirements together with landscaping.
- Elevations of the whole development (Scale 1: 200) demonstrating broad design concepts, showing the relationship of the proposed development to the nearby buildings and to recognisable site features.

- Section through the site (west-east), illustrating the relationship of the building heights to the coast; and, one section (north-south) along the length of the site, and
- Three photomontages at 1.8 metres above ground level. One should be taken from Il-Qajjenza (underneath Ferretti Battery) in the direction of Pretty Bay, the second from the promenade near the jetty opposite Gzira Battery (to cover the entire coastal frontage of the development) and another on the site`s western side where Triq it-Tankijiet meets Triq Santa Katarina (west to east direction, towards the coast).
- In accordance with Section 3.1.2 of Schedule I of LN 204/2001 on Environmental Impact Assessments, an Environmental Planning Statement (EPS) or similar study is required. This study will be provided with the relevant terms of reference in due course.
- A Traffic Impact Statement (TIS) will be required. This study will be provided with the relevant terms of reference in due course.

4.3 Stage Three – Requirements for Full Development Application

4.3.1 Stage 3 requirements are as follows:

- Existing site survey with levels. Scale 1:1000.
- Proposed site layout, including any new site levels and all proposed land uses. Scale 1:1000 and 1:500.
- Composite overall scheme plans showing levels, building, landscaping, vehicle parking facilities, utilities, servicing

arrangements and the proposed phasing and construction space requirements. Scale 1:2500.

- Plans, elevations and sections of the proposed new buildings and those structures to be rehabilitated. Scale 1:200.
- Axonometric of proposals from two important viewpoints. Scale 1:500.
- Block model of proposals. Scale 1:1000.
- Detailed proposals for landscaping and maintenance, new planting (with species and number), earth mounding, hard landscaping, street furniture and lighting. Scale 1:200.
- Schedule of floor space by land use, ex. housing, catering.

4.3.2 The following details are required as regards the operational and management aspects of the proposed project:

- Written statement explaining proposals for the treatment of sewage, waste, water and energy conservation.
- The predicted requirements of water, electricity and sewerage systems and the likely impact on the existing network. The location of proposed site utilities layout including connection to the existing public networks (scale 1:1000), and proof of negotiations with the relevant utilities organisations.
- Details on emergency arrangements both inside the public facilities (ex. catering outlet) and in the car park.

- Proposed construction management plan including details of:
 1. Information on site excavations and the sites for construction and waste disposal,
 2. The siting and works required for utility provisions,
 3. Temporary access roads, all construction access points and proposals for maintaining pedestrian and vehicular access,
 4. Underground structures, storage areas for plant and materials, location of any cranes used in construction.

4.3.3 A statement explaining proposals and demonstrating compliance with the requirements of this brief should also be presented. Furthermore, the developer may be required to provide additional information by the competent authorities, concerning any other aspects covered by this Brief.

APPENDICES

Appendix A

Development Applications Within the Site Boundary

Permits were issued to erect two petroleum tanks, to replace the existing (PA 4824/94), for the demolition of the old filling points/erection of replacements (PA 3294/99), trenchwork for seawater intake vis-à-vis firefighting (PA 3995/95) and for a new gate (PA 6629/97). Two additional applications relating to extensions and constructions of additional facilities (PA 4044/99 and PA 6278/95) were withdrawn.

Appendix B

MB02 Relocation of 31st March Depot

The Planning Authority will seek the long term relocation of the 31st March Petroleum Depot, including the dismantling and removal of tanks, structures and the jetty; and the treatment of any oil contaminated areas remaining on site. Thus,

- i. No development permissions will be granted for any extension or intensification of use of the Depot, (unless this is related to maintenance work or safety);
- ii. The Authority will co-operate with Enemalta in the identification of a suitable alternative location for the Depot.

The 31st March Depot occupies a large site in a central part of the town abutting the seafront, and is surrounded on other sides by housing. Although good reasons existed in the past for its choice of location, the Depot has now become an anachronism and a hazard in a built-up area. Its relocation is regarded as inevitable by the Authority and Policy MB02 is intended to underline this stance, whilst adopting a positive approach in seeking an alternative location.

Possible sites for relocation of the Depot include the site presently occupied by Kalaxlokk just outside Freeport and the Bnghisa Fort, and outside the local plan area. It is envisaged that the eventual redevelopment of the 31st March Depot Installation site will help Enemalta to offset the costs of relocation. Since such a relocation is however expected actually to occur beyond the Plan period of 10 years, its reuse will be considered during the next revision of this Local Plan.

MB03 Road Hierarchy

Traffic circulation in Birzebbuga will be based on a hierarchy of roads as defined below and indicated on the Transport Diagram. Priorities for

upgrading and resurfacing depend on the existing state of the roads, but otherwise, the general rule should be that the higher the function of the road in the hierarchy, the more intensive and important is its maintenance programme.

Distributor Roads:

Triq Kalafrana

Triq Hal Far (Lower Part)

Triq Birzebbuga (Qajjenza Area)

Local Access Roads:

Triq il-Port Hieles

Triq iz-Zurrieq

Triq San Tumas

Triq Birzebbuga

Triq Zarenu Dalli

Triq San Gorg (Lower Part)

Dawret il-Qalb Imqaddsa

Triq San Patrizju

Triq il-Herakles (Qajjenza)

Triq il-Qanfud (Qajjenza)

Access Only Roads:

All others not mentioned above.

This policy applies the Structure Plan hierarchy of roads to Birzebbuga and Qajjenza. It indicates which streets are to be used to channel main, and which secondary, traffic flows. In this way, it helps to indicate priorities for road improvement and traffic management.

MB07 Urban Conservation Areas

Urban Conservation Areas are defined as shown on the Conservation Map. References to Urban Conservation Areas in the Structure Plan policies are applicable to these areas. The Urban Conservation Areas are based on: -

**Triq iz-Zurrieq/Triq Birzebbuga
Dawret il-Qalb Imqaddsa**

All the Conservation Areas have seen the introduction of modern additions – buildings or detailing – insensitive to their context. Nevertheless, the urban conservation areas have still managed to retain most of their attractive qualities and major townscape elements. Designation is intended to prevent further erosion of these qualities and to influence and promote design solutions which draw their inspiration from the best traditions of the particular area or street.

MB08 Building Height Limitations

The building height limitation for Birzebbuga is given on the Height Limitations Map. In general, the height limitation is of three floors throughout and four floors on the seafront. However, in the Urban Conservation Areas and some adjoining areas other building height limitations are applicable as indicated.

In some parts of Birzebbuga, particularly along the waterfront, pressure still remains to increase storey heights. Elsewhere, there is far less emphasis on this aspect, and the overall effect is one of restraint, with street width and building height generally well-balanced. This is a pleasing aspect of the town and is worth retaining. A relaxation of building height limitation, especially along the waterfront could lead to oppressive over development and reduction in amenity.

The Planning Authority may also refuse applications which, although observing the height limitation, nevertheless create “bad neighbour” problems or detract from the amenity of the area, when the height and detailed design or use are considered together. Typical problems might be a loss of privacy to neighbouring dwellings, overlooking or visual impact.

MB09 Design Priority Area

St. George’s Bay

The area as indicated on the Inset Map and the Development Diagram will be designated a Design Priority Area.

MB10

Opportunity Area

St. George's Bay

St. George's Bay is defined as an "Opportunity Area". The main elements are Triq Birzebbuga, Triq San Gorg, Dawret il-Qalb Mqaddsa and Ix-Xatt ta' San Gorg.

Guiding principles for the St. George's Bay Opportunity Area are given below and are shown in the Development Diagram.

- i. The essential character of the inner part of the Bay – the Harbour – must be maintained. This refers to the prevailing storey height, domestic scale and detailing of buildings, and areas of greenery.
- ii. The existing garden is to be upgraded and properly maintained. To ensure public access to the water's edge, no boat storage will be permitted in the garden, subject to suitable alternative provision in Birzebbuga or Qajjenza.
- iii. Mixed uses could be extended from Triq Birzebbuga to include the frontage of Dawret il-Qalb Imqaddsa as far as the junction with Triq Santa Katerina. Mixed uses could include residential, small retail and limited office accommodation catering for local demand (i.e. Birzebbuga, Il-Qajjenza and Marsaxlokk).
- iv. Redevelopment of the Triq San Gorg – Triq Santa Marija block would also be considered as part of a wider scheme for redevelopment of the Enemalta Depot.
- v. Development of the vacant site off then northern end of Triq San Gorg could include a commercial use (subject to normal "bad neighbour" safeguards).
- vi. A promenade is required along Triq Birzebbuga and Triq il-Qalb Imqaddsa and should extend to Ferretti Battery and beyond so as to connect with il-Qajjenza. The needs of people with disabilities, including wheelchair users, must be taken into account.

- vii. Boat moorings in St. George's Bay are to be increased by better organization. The local character of the Bay is to be retained.**
- viii. Better public slipway facilities will be required with queuing provision off the main road.**

Policy MB09 designates part of the area around St. George's Bay as a design priority area. Policy MB10 establishes the principle of an opportunity area in the same location and indicates relevant guidance which the Authority considers may be useful to prospective developers, no detailed development brief will be issued, since it is recognized that there are already severe physical constraints here and an imaginative and innovative scheme may be required to reconcile the public benefits being sought with commercial reality. There is only a very limited prospect of public funding and the Authority considers that the provision of public benefits will be heavily reliant on planning agreements related to a large scale scheme. It should also be noted that part of the frontage on the north shore of the Bay of Ix-Xatt ta' San Gorg is an urban conservation area.

MB11

Pretty Bay Action Area

Triq Birzebbuga around Pretty Bay, Misrah is-Summit Bush-Gorbachev and part of Triq San Filippu and surrounds form an Action Area for improvement where the Authority is particularly anxious to secure the upgrading of the streetscape and better facilities for pedestrians, including wheelchair users. An improvement scheme for the area will be prepared based on:

- i. Restriction in the use of Triq Birzebbuga by heavy goods vehicles.**
- ii. Construction of a piazza on part of the existing beach nearest to Triq Birzebbuga.**
- iii. Traffic calming measures.**
- iv. The issuing of design guidance of the treatment of facades, shop fronts and advertising.**
- v. The designation of part of Triq San Filippu and Triq San Frangisk Saverju as a Design Priority Area.**

This part of Pretty Bay and the bus terminus is the most public “face” of Birzebbuga yet is badly in need of revitalization. It is a place of conflict between traffic and pedestrians, where insensitive building “improvements” and in some cases, overdevelopment, have occurred. However, a major asset exists in the backdrop of the sea and the beach.

An immediate improvement could be made at low cost by the probation of heavy goods vehicles from the seafront, since the street is being used unnecessarily by lorries, for example heavy vehicles from the pulverized fuel ash dump at il-Mara, and the Freeport. Other alternative routes are available.

Extension of Triq Birzebbuga to form a pedestrian piazza area, coupled with traffic calming measures in the carriageway itself, would create a very pleasant space in the center of the town, of benefit to both residents

and tourists. The piazza might also be used to accommodate some facilities from nearby cafes, thereby generating income.

Sale or lease of part of the piazza for permanent commercial premises (a kiosk, restaurant, café) could also help to offset the cost of construction and minimize the use of public funds.

A substantial, well-frequented part of the beach would remain, as the area closest to Triq Birzebbuga is not used even on the hottest summer days.

MB13 Marina Development

St. George's Bay

St. George's Bay in the vicinity of ix-Xatt ta' San Gorg is identified as an area for a small marina development, subject to the outcome of a feasibility study, including an environmental impact analysis, and full consultation with the Maritime Authority.

The northern part of St. George's Bay provides a very limited number of boat moorings, but may with care be capable of accommodating more extensive and better organized facilities. Any scheme must take into account the presence nearby of a conservation area and interesting buildings in need of refurbishment. The effect on the Bay itself and on the shore of new facilities must be carefully examined. Demand exists for more and better boat moorings; the question is whether these can be successfully integrated without spoiling the area.

MB26 Passenger Lift Provision

Applications for three or four storey residential development in Birzebbuga should include adequate space for a passenger lift to be provided without the need for major structural changes.

Three and four storey development intended for summer occupancy is unlikely to include passenger lifts. As long as the development is suited for summer occupancy this is not a problem. There may be instance, however, where a residential unit is considered for more permanent occupation in which case the installation of a lift would be seriously considered. This policy is intended to allow for the installation of a lift at a later date if it could not be incorporated at the outset.

MQ02 Relocation of The L.P.G. Plant

The Liquefied Propane Gas Plant will be relocated. The Authority will cooperate with Enemalta in the identification of a suitable alternative location. The preferred site inside the Local Plan area is at or near Fort Benghisa but other sites outside the Local Plan area should also be considered.

The L.P.G. Plant is a major risk factor in the plan area and its use has intensified over recent years. The need for replacement has been agreed by Enemalta, which is seeking an alternative, less hazardous location.

MQ03 Alternative Use of L.P.G. Site

The site currently used for the L.P.G plan will be considered for;

- i. Residential use
- ii. Some commercial use such as bars and restaurants
- iii. Area for small boat storage/minor maintenance

No residential or commercial development will be permitted until a site is identified, and starts operating as a boat storage yard. The area of boat storage yard should be at least $\frac{3}{4}$ hectare. Industrial use will not be

acceptable. Early consultation with the Authority on any residential proposals will be required.

The current site is now established as part of the existing built-up area and does not intrude into the St. Lucian Peninsula. It has an impressive waterfront location and is appropriate for residential development. There exists a great demand in Birzebbuga and Marsaxlokk for sites where small boats can be stored during the winter and where some minor boat maintenance can take place. Part of the area can be used as a boat-trailer depot. This will relieve congestion caused by trailers on the road network. The authority expects boundary planting and landscape treatment to be considered as part of the overall design of the site, and not added as an afterthought. The linking of the site to a small slipway and an area for small boat moorings is desirable. Therefore, the proposal is to be related to a scheme for waterfront improvements as per policy MQ04.

MT07

Restriction on Heavy Goods Vehicles

Heavy goods vehicles and those carrying cargoes hazardous to third parties will be restricted from making use of roads within Birzebbuga and Marsaxlokk. Legal restrictions and traffic calming measures at appropriate locations along the seafront road will be introduced.

Inevitably, industrial installations within the local plan area generate heavy goods vehicle traffic. Instances are occurring more frequently of heavy goods vehicles using the main route through Birzebbuga to travel between areas like Il-Mara and Marsa, despite a better alternative route via Hal Far and the Airport being available. The passage of such vehicles undermines the recreational aspect of the seafront and is a nuisance to residents. Legal restrictions, backed by traffic calming measures, are intended to tackle this problem. Exemptions will exist for heavy vehicles having a legitimate need to enter the town; the traffic calming

techniques used will not necessarily prevent heavy goods vehicles passing but will force a prolonged reduction in speed sufficient to deter through h.g.v. traffic. Traffic calming where a slipway is in operation or is being proposed is desirable so as to reduce vehicle/pedestrian conflict.

Where the Planning Authority considers it necessary;

- i. Action areas are identified for improving the urban area. An indication is given of the types of improvement being sought.
- ii. Such areas will be accorded a high priority in the provision of publicly-funded infrastructure works.
- iii. Development permission will be granted for development, including changes of use, consistent with the aims of the action area.
- iv. Development permission will not be granted to intensify or extend existing non-residential uses which are causing environmental or amenity problems, or which would prejudice positive redevelopment proposals. The Planning Authority is prepared to advise on the relocation of such uses.

Certain parts of the urban areas are clearly in need of improvement. In some cases, this may be of a relatively minor nature, such as road surfacing. In others, the improvements necessary are more fundamental and will require both public intervention and the co-operation of private individuals, for example the provision of new streets, improvements to buildings and open spaces, and the amelioration of problems caused by "bad neighbour" issues. Where this wider approach is necessary, designation of action areas should help to indicate priorities for public sector investment and give guidance to the public on improvements, how it is intended these should be achieved, and what type of new development is being sought.

MU02 **Surface Water Run-off And Collection**

All new major building or development schemes and the construction of new road schemes, will be required to make provision for the collection, storage and use of surface water run-off.

In view of the general shortage of fresh water on the Islands, and the cost of providing fresh water from seawater, it is prudent to utilize all possible sources of supply. This may be difficult or impractical in the case of small schemes, but in large developments. Particularly those which include substantial areas of impervious surfacing such as car parks or carriageways, the marginal cost of providing a storage cistern or reservoir is low. The Planning Authority will therefore want to be satisfied that this aspect has been taken into account in development schemes and that positive measures are also being introduced to utilize this "secondary" quality water source e.g. to maintain landscaping schemes, for flushing or cleaning purposes.

MV03 **Alternative Location For L.P.G. Plant**

(or other Depot with safety requirements)

The land to the south of the existing track between Wied ix-Xoqqa and Benghisa. I.e. Fort Benghisa and the land occupied by Kalaxlokk Co., is identified as an alternative location for the L.P.G. plant or other Depot with specific safety requirements.

A safe location is required where construction of a new L.P.G. plant can be undertaken. This area provides possible sites which can minimize the overall impact of any facility, and which can be treated so that safety precautions are maximized. The area is also a significant distance (just under 1 km) from the nearest concentration of houses.

Appendix C

THE SEVESO II DIRECTIVE ON THE CONTROL OF MAJOR ACCIDENT HAZARDS

THE SEVESO II DIRECTIVE

The objectives of the Seveso II Directive (EU Council Directive 96/82/EC) are to

- prevent major accidents involving hazardous or dangerous substances; and
- limit their consequences for man and the environment

The Directive addresses the management of health, safety and impact on the environment. Its emphasis is on prevention and it places the onus on the operator of the installation where dangerous substances are present to take the necessary measures to achieve this. The Directive requires the establishment of a 'competent authority' to implement (or ensure the implementation) of the duties which it sets out.

The competent authority within the Maltese perspective is set out in the Control of Major Accident Hazard Regulations 2003 (Legal Notice 37 of 2003) (COMAH) and consists of

- 1 the Occupational Health and Safety Authority (OHSA);
- 2 the Environment Protection Directorate of MEPA; and
- 3 the Civil Protection Department.

These Regulations transpose the Directive into local legislation.

Operators of existing and new installations must notify the competent authority and must bring changes in the amount or type of dangerous substance to the notice of the authority.

The dangerous substances and qualifying quantities are set out in Annex I to the Directive and are transposed in Schedule 1 of the Control of Major Accident Hazards Regulations 2003. The list comprises a number of named substances; and, in addition, it includes 10 generic categories of substances, which has the effect of extending the scope of the Directive to a very wide range of substances⁸.

The precise measures which operators must take vary according to the quantities of dangerous substances:

- a) **Lower tier establishments** (those where the quantity of dangerous substances exceeds a minimum qualifying quantity but falls below an upper one) are required to notify the competent authority of the presence of dangerous substances and to have in place major-accident prevention policies.

- b) **Top tier establishments** (those where the quantity of dangerous substances exceeds the upper qualifying quantity) must comply with additional requirements. These include
 - preparation of a safety report,
 - public access to safety reports,
 - preparation and testing of on-site and off-site emergency plans, and
 - informing members of the public likely to be affected by a major accident.

⁸ The European Commission has proposed amendments to the Directive which will amend (lower) some of the current thresholds and introduce new generic categories of substances. The overall effect is likely to be that the number of establishments which fall within the provisions of the Regulations (and the Directive) will increase somewhat.

In addition the Directive has a number of land use planning objectives. Article 12 of the Directive requires that the objectives of

- preventing major accidents involving hazardous substances; and
- limiting their consequences for man and the environment

are taken into account in land use planning policies.

This is to be achieved through three main mechanisms. Firstly, there should be controls on:

- the location of new establishments at which hazardous substances are present or are likely to be present;
- modifications at existing establishments where hazardous substances are present, and
- new developments in the vicinity of existing establishments that would introduce new occupants at an unacceptable level of risk from the consequences of a major accident. Such developments includes locations where concentrations of population are likely to arise such as transport links; locations frequented by the public; and residential areas.

Secondly, land use planning policies and plans, and the procedures for implementing them, should ensure that appropriate distances are maintained between establishments where hazardous substances are present and residential areas, areas of public use and areas of particular natural sensitivity or interest.

Finally, appropriate consultation procedures should be established to implement the policies and ensure that technical advice on risks is available when decisions are taken. Public involvement is important and the public must be able to give its opinion on

- New establishments

- Modifications to existing establishments
- Development around existing establishments

Appendix D

Car Parking Standards

Development	Car Parking Standards
Residential	2 spaces per unit with 3 bedrooms or more; 1 space for smaller units
Restaurant/Bar/Club	7.5 customer spaces per 50 sqm 0.5 spaces per employee
Non-Residential Institutions And Educational Uses	MEPA will give guidance on the requirements based on the scale of this proposed land-use and the outcome of the Traffic Impact Statement
Office	2 spaces per 50 sq. metres
Retail	2 spaces per 50 sq. metres 0.5 spaces per employee

Any future amendments to the above standard provision will apply in their stead.

Appendix E

What is a Development Brief?

A Development Brief is a summary document on MEPA's position on development matters relating to an area of land. It provides information intended for common use by parties having a potential interest in the development of land or as a starting point for negotiations where land is offered for development on a competition basis.

Development Briefs are normally issued by MEPA under the direction of government. Briefs are issued where potential exists to fulfil or contribute towards planning objectives identified in the development plan (the Structure Plan, Local Plans and/or Action Plans). The objectives could be environmental, social or economic. A brief would be most likely to promote developments that have a positive impact related to all three.

Briefs outline the kinds of development required, desired, permitted or proposed for a site together with known constraints (physical, policy, access etc.) for the guidance of prospective developers and other interested parties. A development brief can be the basis for major investment decisions and should state the firm requirements of the developer with regard to on and off-site infrastructure provision in order that additional costs are not incurred to the developer late in the process. MEPA is obliged by law to consult with the public for consultation. Following approval by MEPA Board, briefs are referred to government for ministerial approval.

Sources: **Structure Plan for the Maltese Islands, 1990**
Development Planning Act, 1992