

ERA Recommendations		Rationale
1.	Review of Policy objective 1.2 (a) to eliminate the uptake of ODZ land	<p>The policy document which was prepared by MEPA was guided by the following objectives which were also issued for public consultation in September 2013:</p> <p><i>a) To establish a policy framework for the location, scale and design of new fuel service stations and their ancillary development with a priority, <u>but not exclusively, for land already committed to industrial development in close proximity to the development zone</u><sup>1</sup>;</i></p> <p><i>b) To provide specific additional guidance on the relocation of existing fuel service stations located within the urban area relating to the allowable increase in the number of pumps, the proximity of the new site to the urban settlement of the existing station and the road network;</i></p> <p><i>c) To set out appropriate design standards for vehicular access and circulation, for both new and relocated service stations;</i></p> <p><i>d) To identify the prior clearances required from other regulatory agencies to ensure safety of design and operation.</i></p> <p>ERA believes that the underlined part of objective (a) above gives leeway to the use of areas which are not committed for industrial use and therefore ERA suggests that this objective is revisited. Possible rewording of objective 1.2 (a) could be as follows:</p> <p><i>“a) To establish a policy framework for the location, scale and design of new fuel service stations and their ancillary development with a priority to be located on already committed land;”</i></p>
2.	In Table 1 in paragraph 1.3:	
a.	Revision of the definition of “Existing Petroleum Filling Station” - (EPFS)	The current interpretation of “Existing Petroleum Filling Station” reads as follows:

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<sup>1</sup> Emphasis added

		<p><i>“A fuel station, whether kerbside or otherwise, that is authorised as per Subsidiary Legislation 423.37 and registered by MRA on 1st . January 2014 and/or as recorded per MEPA’s photographic survey by the same date.”</i></p> <p>In view that S.L.423.37 has been renumbered to S.L.545.22, ERA suggests revision of this definition.</p>
b.	Revision of the definition of <i>“New or Upgraded Fuel Station” – (NUFS)</i>	<p>ERA suggests that upgrading to existing fuel stations is removed from the term <i>“New or Upgraded Fuel Station”</i> by providing two separate definition as follows:</p> <p><i>“New Fuel Station (NFS) means a proposal for a new fuel station which is not associated with a relocation of an EPFS. NFS’s would not have obligations associated with RFS’s.”</i></p> <p><i>“Upgraded Fuel Station (UFS) means a proposal to upgrade an existing fuel station which is not associated with a relocation of an EPFS.”</i></p> <p>Whilst ERA is against development of fuel service stations in ODZ, ERA deems it fit that existing fuel service stations in ODZ should be given the opportunity to upgrade their fuel station therefore in this regard NUFS need to be separated into NFSs and UFSs.</p>
c.	Amendments to the definitions of MEPA and MRA	<p>From the issuing of this policy in 2015, MEPA has split into PA and ERA and MRA’s remit in this regard has been passed onto REWS. ERA deems it fit that these definitions are revisited to be in line with the legislation in force at the time of review.</p>
d.	Introduction of definition of <i>“ancillary facilities”</i>	<p>The policy in force does not define ancillary facilities. Moreover in paragraphs 4.1 and 4.4 the policy states that there will be no constraint on ancillary facilities. This non-restriction encompasses also sites in ODZ which fall under para 3.2(g) of the policy and even sites lying outside areas designated for development in a subsidiary plan legitimately committed for non-agricultural uses through planning permission and disused quarries.</p> <p>In this regard ERA deems it appropriate to define ancillary facilities to further ensure that this policy is not used as a means to unnecessary development in ODZ and is suggesting addition of the following definition:</p>

		<i>“Ancillary facilities” shall be limited to facilities related to car maintenance services.”</i>
e.	Introduction of definition of footprint	<p>The current policy does not define footprint. A thorough reading of the policy suggests that the footprint of NUFS located on <i>“sites already occupied by fuel stations”</i> and on <i>“sites opposite to, or adjacent to designated industrial areas, as well as sites opposite or adjacent to Areas of Containment”</i> shall have a footprint not exceeding 3,000m<sup>2</sup>. RFS’s should also have a footprint not exceeding 3,000m<sup>2</sup>. Essentially this means that NUFS which are not located on sites described above may be larger 3,000m<sup>2</sup>. Moreover there have been instances where planning permissions have been granted for fuel stations which exceed the 3,000m<sup>2</sup> as the buffer zone and landscaping have not been taken into account as part of the footprint. ERA have reiterated both before the Planning Board and before the EPRT that the interpretation of footprint shall include the set back requirements, the buffer zone and landscaping since without the development of the fuel service station there would not be the need for such. In this regard ERA is suggesting the introduction of the following definition:</p> <p><i>“footprint” refers to the area of the development of the fuel service station and includes all its ancillary facilities, set back requirements, buffer zone and landscaping.</i></p>
3.	Rewording of paragraph 3.1 in line with the review to the policy objective in para 1.2 (a).	In view of ERA’s recommendation (1) above, paragraph 3.1 would need rewording if para 1.2 (a) is reworded.
4.	Deletion of para 3.2 (g)	ERA suggests that <i>“Sites opposite to, or adjacent to designated industrial areas, as well as sites opposite or adjacent to Areas of Containment”</i> should not be potential sites to accommodate fuel service stations in view that areas of containment are areas located ODZ the idea behind which is that development in such areas is contained. Para 3.2(g) of the Policy is allowing for further expansion in ODZ by providing the opportunity for sites opposite to, or adjacent to be candidate sites for NUFS and RFS. In this regard, ERA is suggesting the deletion of para 3.2 (g) so that no development of fuel service stations is allowed in such areas.
5.	Deletion of the following paragraphs under paragraph 3.2:	<p>ERA suggests that these paragraphs are deleted for the following reasons:</p> <p>Ancillary facilities are undefined and widely encouraged. As stated above, ERA believes that</p>

*“On such sites, facilities which complement fuel stations in terms of economic sustainability of the fuel stations would be encouraged subject to other relevant planning, environmental, transportation, civil protection, amenity or resource protection constraints. Unless already directed by existing planning policy, the height of the resulting structure above the surrounding terrain would be determined on a case by case basis but special attention should be given to sites which are distant from designated Development Zones so that the resulting structures do not contrast with or dominate the surrounding rural landscape.*

*Fuel stations located on sites described under 3.2(f) which existed prior to the coming into force of this policy and are located opposite to, or adjacent to designated industrial areas and Areas of Containment, or outside any of the other appropriate locations listed under this paragraph, shall have a footprint not exceeding that of the already physically committed area on the site itself or three thousand (3,000) sqm whichever is the larger; and the height of any built structures shall not exceed that of the already existing structures already on site as at the date of coming into force of this policy, or 7 metres, whichever is the higher.*

*Fuel stations located on sites described under 3.2(g) shall have a footprint not exceeding three thousand (3,000) sqm and the height of any built structures shall in no case be higher than 7m.”*

ancillary facilities should not be used as a means to unnecessary development.

ERA suggests that footprint and height limitation are inserted under Section 5.0 of the Policy to encompass new, upgrading and relocation of Fuel Stations.

6.	Insertion of a new paragraph 3.3	<p>In the absence of a capping or moratorium on new fuel stations, it is being suggested that for new (not relocated) fuel service stations, an environmental gain is added to the permit conditions to make up for their environmental impact.</p> <p>ERA suggests that the following new paragraph 3.3 is inserted:</p> <p><i>“An environmental gain shall be imposed as a condition in the approved development permit to compensate for the environmental impact. Such environmental gain shall be paid into the Environment Fund in line with Article 32(4)(d) of the Environment Protection Act.”</i></p>
7.	<p>Deletion of the following sentence at the end of paragraph 3.2:</p> <p><i>“Save for the potential candidate sites indicated in para 3.2 (c) to (g), NUFS’s will not be allowed Outside the Development Zone.”</i></p>	<p>ERA suggests that no new or relocation of fuel station is allowed ODZ therefore it is being suggested to delete this sentence.</p>
8.	<p>Rewording of paragraph 4.1 which currently reads as follows:</p> <p>Relocated Fuels Stations (RFS) may be sited on the same potential candidate sites indicated in para 3.2 (a) to (g), together with sites lying outside areas designated for development in a subsidiary plan legitimately committed for non-agricultural uses through planning permission and disused quarries. There will be no constraint on the overall number of nozzles or ancillary facilities where the RFS is relocated to one of these sites subject to visual, transport, amenity and environmental considerations being taken into account and to other relevant planning, environmental, transportation, civil protection, amenity or resource</p>	<p>Since it is being suggested that para 3.2 (g) is deleted, this would merit an amendment to this paragraph.</p> <p>Moreover, ERA suggests deletion of <i>“together with sites lying outside areas designated for development in a subsidiary plan legitimately committed for non-agricultural uses through planning permission and disused quarries”</i> to avoid the possibility of relocation of fuel stations in ODZ and in disused quarries.</p> <p>In line with ERA’s suggestions above, it is also being suggested to omit the non-constraint on ancillary facilities of relocated fuel stations.</p> <p>Furthermore, ERA suggests that the height of the structure is not decided on a case-by-case basis but rather applies for all fuel service stations, whether new, upgraded or relocated.</p> <p>ERA therefore suggests that paragraph 4.1 is reworded as follows:</p>

	protection constraints. Unless already directed by existing planning policy, the height of the resulting structure above the surrounding terrain would be determined on a case by case basis but special attention should be given to sites which are distant from designated Development Zones so that the resulting structures do not contrast with or dominate the surrounding rural landscape.	<i>“Relocated Fuel Stations (RFS) may be sited on the same potential candidate sites indicated in para 3.2 (a) to (f). There will be no constraints on the overall number of nozzles for a RFS provided that visual, transport, amenity and environmental considerations are taken into account and provided that this does not run counter to other relevant planning, environmental, transportation, civil protection, amenity or resource protection constraints.”</i>
9.	Deletion of paragraph 4.2	Paragraph 4.2 is a means for the development of Relocated Fuel Stations in ODZ par excellence. In this regard, ERA suggests deletion of this paragraph since it believes that further uptake of ODZ for fuel service stations should not be accepted.
10.	Deletion of the text <i>“For RFSs located on sites described under para 4.2 the following additional criteria shall apply:”</i> in para 4.3.	ERA suggests that nearly all the contents of para 4.3 is shifted under Section 5.0 to encompass new, upgraded and relocated fuel service stations. ERA believes that these criteria shall not be additional to the relocated fuel stations but rather shall apply to all fuel stations.
11.	Suggest moving paragraphs (a) to (e) of section 4.3 under Section 5.0 to encompass both New, Upgraded and Relocated Fuel Stations.	ERA suggests that the criteria mentioned in paragraphs (a) to (e) of Section 4.3 shall apply to all fuel stations. Therefore it is being suggested that these are moved to the General Provisions under paragraph 5.0.
12.	Deletion of paragraph 4.3 (f)	It is being suggested that para 3.2(f) is deleted in view that ERA is proposing a footprint of 2,000m <sup>2</sup> to apply for all fuel service stations under Section 5.0.
13.	Deletion of paragraph 4.4	Since it is being suggested that paragraph 4.2 which allows for relocated of fuel stations in ODZ is deleted, paragraph 4.4 which applies for fuel stations which qualify under para 4.2 should also be deleted. Moreover ERA does not agree with the non-constraint on ancillary facilities in this paragraph.
14.	Rewording of Section 5.0	ERA suggests that Section 5.0 is reworded to read as follows:  <i>“GENERAL PROVISIONS FOR NEW/UPGRADED/RELOCATED FUEL STATIONS.”</i>  ERA is suggesting that this section is broadened further to encompass more general

		provisions which shall apply for all fuel stations.
15.	Amendment to “RFSs or NUFSS” in paragraph 5.1 and 5.2	ERA is suggesting that the definition of NUFSS is separated as NFS and UFS in paragraph 1.3. In this regard, reference to “RFSs or NUFSS” in paragraphs 5.1 and 5.2 should be changed to read “RFSs, NFSs and UFSs”.
16.	<p>Rewording of paragraph 5.4 which currently reads as follows:</p> <p><i>“Due to the confusion that may be created for the motorist, MEPA will not normally permit the location of a NUFSS or RFS within a 500m distance of an EPFS, in the same direction of traffic. However, MEPA may favourably consider fuel stations on the opposite side of the road from an EPFS, if it can be demonstrated that traffic on the opposite lane from the EPFS cannot easily access it. In the case of two way single carriageways, fuel stations may not be allowed to be located directly opposite each other in view of possible conflicting entry and exit paths to each station.”</i></p>	<p>ERA suggests that the distance of 500m between fuel service stations is too small and believes that in such a small country where the distances are so short there is no need for fuel service stations within vicinity of one another. In this regard it is suggested that this paragraph is reworded as follows:</p> <p><i>“A fuel station shall not be permitted within a radius of 1.5km from an existing fuel station.”</i></p>
17.	In paragraph 5.5, reference to MEPA shall be changed to “the Planning Authority and the Environment and Resources Authority” and reference to the “Malta Resources Authority” shall be changed to the “Regulator for Energy and Water Services”.	ERA deems it fit that MEPA and MRA are revisited to be in line with the legislation in force at the time of review.
18.	<p>Suggest introduction of the following three paragraphs under Section 5.0:</p> <p><i>“5.6 Sites outside development zones and which do</i></p>	ERA suggests that a new paragraph 5.6 is added under the General Provisions section which states that sites ODZ shall not be potential sites to cater for new or relocated fuel stations. However existing fuel stations will be allowed to upgrade their fuel stations as long as it is in line with the general spirit of the policy.

	<p><i>not qualify under 3.2 (a) to (f) shall not be considered as potential sites for NFS or RFS. However EPFS will be allowed to upgrade in line with the general provisions of this policy.</i></p> <p><i>5.7 For NFS and RFS, the site shall have a footprint not exceeding two thousand (2,000) sqm.</i></p> <p><i>5.8 Unless already directed by existing planning policy, the height of the resulting structure above the surrounding terrain would be determined on a case by case basis but special attention should be given to sites which are distant from designated Development Zones so that the resulting structures do not contrast with or dominate the surrounding rural landscape, however the height of the fuel station shall not exceed seven meters.”</i></p>	<p>A new paragraph 5.7 is being suggested wherein all new fuel stations or relocated fuel stations shall have a footprint which does not exceed 2,000m<sup>2</sup>.</p> <p>ERA is also suggesting that the height of all fuel stations is capped to seven meters.</p>
19.	Paragraphs 4.3 (a) to (e) of the current Policy to be moved under Section 5.0 to apply for new, upgrading or relocation of fuel stations.	As stated in ERA’s comment no 10 above, ERA suggests that these paragraphs are moved under paragraph 5.0 and renumbered accordingly so that these criteria apply for new, upgraded or relocated fuel stations.
20.	Deletion of the words “ <i>but especially in cases of fuel stations lying outside designated areas,</i> ” in section 8.1.	ERA deems that the scale, external materials and use of colour shall take into account the context within which they are located in all cases. Moreover, ERA suggests that outside designated areas should not be potential candidate sites for the development of fuel service stations.
21.	Deletion of paragraph 8.3	ERA is suggesting deletion of paragraph 8.3 since the height limitation of 7 metres is being introduced in the suggested new paragraph 5.8 above.
22.	Rewording of paragraph 8.5 which currently reads as follows:	It is being suggested that paragraph 8.5 is reworded since ERA deems that fuel stations should not be located outside potential candidate sites and also since the use of PVs should always impart the least possible visual effect and not just in ODZ. ERA suggests rewording as

	<i>“The use of photovoltaic panels on the roof of the canopy shall be encouraged. In cases where the fuel station is located outside potential candidate sides indicated as appropriate by this policy, these shall be mounted flat on the canopy so as to impart the least possible visual signature.”</i>	follows:  <i>“The use of photovoltaic panels on the roof of the canopy shall be encouraged. Preferably these shall be mounted flat on the canopy so as to impart the least possible visual signature.”</i>
23.	Deletion of the words “In cases of fuel stations located ODZ” in paragraph 8.7.	ERA deems that fuel service stations should not be developed in ODZ and suggests that the use of illuminated panels should always be kept to a minimum.
24.	Reference to the “Environment Protection Directorate” in paragraph 9.1 to be changed to the “Environment and Resources Authority” and reference to “Malta Resources Authority (MRA)” to be changed to “Regulator for Energy and Water Services (REWS)”.	ERA deems it fit that EPD and MRA are revisited to be in line with the legislation in force at the time of review.
25.	Rewording of the last sentence of para 10.1	ERA suggests the following rewording to the last sentence of paragraph 10.1 to read as follows:  <i>“The new fuel stations would also require to be covered by an environmental authorisation in line with the Environment Protection Act (Cap. 549) and regulations made thereunder prior to the commencement of operations on site.”</i>  ERA deems that through this introduction it is made clearer that an authorisation issued by ERA in line with Cap 549 and regulations made thereunder is needed prior to commencement of operations on site.
26.	Reference to “MRA” in paragraph 10.2 to be changes to “REWS”.	ERA deems it fit that MRA is revisited to be in line with the legislation in force at the time of review.