

***Policy Guidance***

***For***

***Fuel Stations***

***Public Consultation Document***

***29<sup>th</sup> July 2019***

## GLOSSARY

**Alternative Fuels** – has the same meaning as in the Alternative Fuels Order S.L. 460.32, and means fuel or power sources which serve, at least partly, as a substitute for fossil oil sources in the energy supply to transport and which have the potential to contribute to its de-carbonization and enhance the environment performance of the transport sector, and includes

- (a) electricity,
- (b) hydrogen,
- (c) liquid or gaseous biofuels derived from biomass,
- (d) synthetic or paraffinic fuels,
- (e) natural gas, including biomethane in gaseous form (compressed natural gas –CNG) and liquefied form (liquefied natural gas – LNG), and
- (f) liquefied petroleum gas.

**Ancillary facility** (to the main use as fuel station) – an additional structure which shall be limited to facilities related to vehicle maintenance services including vehicle washing but excluding all forms of retail and catering facilities. It may also include an ATM and vending machines which require approval from the competent authorities.

**Autogas** – as per Autogas (Installation and Certification) Regulations - LPG with specifications according to MSA EN 589 used of the propulsion of motor vehicles.

**Commercial Petroleum Filling Station** – a fuel station that is not open to the general public but where automotive fuel is dispensed as established in the Petroleum for the Inland (Retail) Fuel Market Regulations (S.L. 545.22)

**CPD** – Civil Protection Department established in 1996,

**ERA** – The Environment and Resource Authority was set up through Act I of 2016 which came into force on the 31<sup>st</sup> January 2016 by virtue of Legal Notice 50 of 2016,

**EWA** – The Energy and Water Agency is a Government Agency established via LN 340/2016 within the Ministry for Energy and Water Management. Set up in 2014 the Agency is tasked with formulating and implementing Government's national policies in the energy and water sectors, aimed at ensuring security, sustainability and affordability of energy and water in Malta.

**Existing Fuel Station** – A fuel station, whether kerbside or otherwise, within the development zone, that is authorised as on Subsidiary Legislation 545.22 on 1<sup>st</sup> January 2014 and as recorded per MEPA's photographic survey by the same date.

**Footprint** – the area of development of the relocated fuel station and includes all its ancillary facilities, maneuvering area, signs, set-back requirements, buffer zone and landscaping where required.

**Kerbside pump** – An automotive fuel dispensing station where dispensing takes place in an area which would have otherwise been used as a public road or a public right of way.

**OHSA** – Occupational Health and Safety Authority established by the **OHSA** Act XXVII of 2000

**Regulator for Energy and Water Services (REWS)** – The Regulator for Energy and Water Services as established by the Regulator of Energy and Water Services Act (Act XXV of 2015)

**Relocated Fuel Station** – a new fuel station which replaces an existing fuel station within the development zone. It includes ancillary facilities which shall be included in the planning application.

**TM** – Transport Malta which is the Authority for Transport in Malta as set up by Act XV of 2009.

**WSC** – the Water Services Corporation as established by means of the Act of Parliament No. XXIII of 1991.

## SCOPE

This document is repealing the existing Fuel Service Stations Policy April 2015.

Any pending development application shall be assessed according to this policy document.

This policy document excludes the construction and operation of commercial petroleum filling stations.

The policy objectives of this document are as follows:

- To highlight past, current and future trends in the development of fuel stations,
- To review the current situation in terms of the type (kerbside or non-kerbside, ancillary facilities), scale (footprint in square meters) and location (within the Development Zone or ODZ) of existing fuel stations,
- To review pending outline applications, full development applications and new submissions for fuel stations,
- To consult all related authorities,
- To prepare a revised policy framework which takes into account the recommendations by ERA, determine the type and scale of ancillary facilities, the distance between fuel stations which shall reflect current and future needs.

The thrust of this policy is to present a policy framework within which the sustainable relocation of existing fuel stations which are currently having an adverse impact on urban areas can take place. Historically a good proportion of existing fuel stations have been located within residential areas. As a result of development that has occurred nearby since, changes in operations and increased traffic, some of the stations are creating operational challenges.

In the case of existing fuel stations operating from certain areas within the Development Zone, there are issues of amenity, and/or safety and/or transport which justify their relocation to more appropriate

areas. These include: a) Incompatibility with the surrounding urban context, especially Urban Conservation Areas; b) Possible access and parking restrictions and issues as confirmed by Transport Malta (TM) generally associated with certain urban areas; c) Safety issues as confirmed by the Regulator for Energy and Water Services (REWS) especially in instances of nearby ground fireworks being let off in the vicinity or other similar hazards; d) Severe limitations to upgrading the existing fuel stations to the requirements of National and International Standards for Petroleum Dispensing Stations as determined by REWS.

Existing fuel stations which, following consultations with TM and REWS, are not deemed by PA to create issues of amenity, safety or transport shall not be eligible for relocation. Existing fuel stations located partially or fully in ODZ shall also not be eligible for relocation. Furthermore, redevelopment and change of use of existing fuel stations located partially or fully in ODZ shall not be considered.

## POLICIES

1. A new fuel Station shall be the relocation of an existing fuel station only.

2. The fuel Station shall be located in either of the following designated sites, provided that environmental constraints, neighbour compatibility, operational, infrastructural (including access and adequacy of access roads) and safety considerations are all taken into account:

a) Designated Industrial Areas or

b) Small and Medium Enterprise Sites or

c) Areas of Containment or

d) Open Storage sites identified in the Open Storage Policy

provided that such sites/areas would not be harmful in terms of environment, health and safety. Consultation with the competent authorities is therefore necessary, or

e) other areas designated for development in the local plan excluding Residential Areas and Residential Priority Areas, and Urban Conservation Areas, and where CPD, REWS and TM deem it safe, or

f) sites already occupied by permitted fuel stations that currently occupy over 1000m<sup>2</sup> of land and which will be relocated to an ODZ site, shall when they be relocated to the latter site occupy up to a maximum of 1000m<sup>2</sup> of land. The upgrades that will be allowed shall be limited to statutory and regulatory obligations, ancillary facilities and/or the introduction of dispensing facilities for alternative fuels such as CNG, LPG, electric charging stations etc. No footprint limit shall apply within the development boundary subject to neighborhood safety and compatibility.

g) any other permitted/legally established site ODZ pre 1978 not related to agriculture and/or animal husbandry, and which results in a wider environmental benefit and is compatible with the context of the area. And were the total footprint shall not exceed the legally committed footprint and in any case not exceed 1000m<sup>2</sup>.

**3.** The proposed fuel station should not be located on:

- agricultural land as defined by the Agriculture Advisory Committee or
- areas of high landscape value (AHLV) as indicated in the subsidiary plans, or
- sites, areas designated for nature and landscape conservation under the Environment Protection Act, including but not limited to Special Areas of Conservation/ Special Protection Areas, Tree Protection Areas, or
- scheduled sites or a site within 100m from a scheduled site. In cases where a scheduled buffer zone is included, the distance shall be measured from the edge of the buffer zone and shall be reduced to 50m, or
- on or adjacent to woodland, garigue or maquis, or
- watercourses and valley systems, or
- a designated area prone to flooding, or
- a site whose perimeter lies within the distance stipulated by law from a fireworks factory complex, or
- a site lying on an escarpment, ridge edge or a comparatively steep slope, or
- , or
- areas of ecological importance and sites of scientific importance, or
- rural/natural areas and protected by any law or policy.

Moreover, the proposal should not negatively impinge on areas protected for their scenic value or buildings or structures which, in the opinion of the PA constitute 'landmark buildings' and whose context deserves protection from visual intrusion

**4.** Any station shall be located at a minimum distance of 150m from the perimeter of any public institution or public place or places for vulnerable members of the public, including but not limited to schools, hospitals, institutions, playgrounds, recreational areas, churches, etc.

It shall also not be located within 300m from a ground water source that is used by the Water Services Corporation for the abstraction of groundwater intended for human consumption, such as boreholes, underground galleries of pumping stations and spring water systems.

**5.** A relocated fuel station shall have a footprint not exceeding 1000sq.m unless it lies within 2 a, b, c, and e.

**6.** Innovative designs will be considered favorably on a case by case basis. The canopy of the fuel station shall, in appropriate locations, include photovoltaic installations and other green initiatives.

Any new photovoltaic installations on existing or approved petrol stations require clearance from the competent authorities.

**7.** 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 the 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 7m.

**8.** There will be no constraint on the overall number of nozzles for the relocated fuel station provided that this does not run counter to other relevant planning, environmental, transportation, civil protection, amenity or resource protection constraints. Fuel storage tanks and services (including services to the site) shall be located underground unless safe construction and operation considerations are deemed to dictate otherwise.

Any autogas storage tanks may be located above ground subject to conformity with the applicable legislation and industry standards.

**9.** Fast charging stations and the sale of alternative fuels shall have an appropriate service area.

**10.** Vehicular access, appropriate maneuverability of the vehicles in the service area and suitability of the site with regards to traffic shall be subject to the clearance from the TM. In all cases the new station shall be located on roads pertaining to the Ten-T core and comprehensive network and arterial and distributory road network.”

**11.** The Environment and Resources Authority must in all cases be consulted on any development application pertaining to fuel stations and the same Authority shall decide on the applicability or otherwise of the provisions of the Environmental Impact Assessment Regulations, S.L. 549.46

**12.** Stations shall be subject to the clearance from the ERA, EWA, CPD, REWS and OHSA. Waste water from the washing of vehicles etc and sewage disposal shall be to the satisfaction of the WSC and shall not discharge into the natural environment.

The use of groundwater for ancillary facilities within the fuel service station shall be prohibited.

**13.** Any signage, including the display for pricing, logos etc shall be included in the planning application and shall be located in such a way as to create the least possible visual intrusion and light pollution. Clearance from TM is required.

**14.** The planning permit for a relocated existing station will condition the developer to a planning obligation in the form of a legal agreement to the decommissioning of the existing fuel station. A bank guarantee shall stipulate that the new fuel station cannot start operating unless the existing fuel station is first closed. The related infrastructure (including any underground tanks, dispensers and canopies) tied to the permit are to be decommissioned to the satisfaction of the competent authorities. A compliance certificate for the new fuel station shall not be issued until the development permission for the decommissioning of the existing fuel station has been granted. The permit for the closure of an existing fuel station is to indicate how the decommissioning of the station will occur and will also indicate the further intended use of the site. Decommissioning may also include the requirement for decontamination of any contaminated substrate including the management of any waste arising from such decontamination.

**15.** Any fuel station permitted by this policy document which is not used for a period of three consecutive years within thirty years from the date of the issue of the permit, and/or is not used for its permitted purpose shall be demolished at the expense of the owner, and the site has to return to agricultural state. The development permission for the fuel station cannot be construed as a commitment and a new application for any development is to be submitted.

The Planning Authority should establish a general design that ensures an adequate of consumption of light without creating any unnecessary light pollution.