

Hon. Clint Camilleri
Minister for Gozo and Planning

24/10/2024

Partial Review of the Development Control Design Policy, Guidance and Standards 2015

Policy P35 (Building Heights)

Final Draft



PLANNING AUTHORITY

October 2024

1. Introduction

- 1.1 This partial review of the Development Control Design Policy Guidance Standards 2015 (DC 15) comes nine years after the launch of this seminal document containing urban and architectural design policies, guidance, and standards applicable to development within the urban area.
- 1.2 The partial review concerns specifically the section of the policy entitled '*Interpretation of buildings heights limitations outside villa/ bungalow areas*' which regulates the maximum allowable number of levels within listed street facades and total height in meters.
- 1.3 Following the Minister's (for Gozo and Planning) request in terms of Article 41(2) of the Development Planning Act (Cap 552) to the Executive Council to initiate this specific partial review, revisions to policy P35 have been proposed.
- 1.4 The Partial review of policy P35 as part of the Development Control Design Policy Guidance and Standards 2015 was issued for the second phase of the public consultation exercise between the 6th May 2024 and 17th June 2024, four thousand, three hundred and thirty-two submissions were received over a six week period and are included under Appendix 2: Public Consultations, Submissions and Responses on the Draft Partial Review document.

2. Objectives

- 2.1 The objective for the partial review of the Development Control Design Policy Guidance and Standards 2015 to amend policy P35 regarding the interpretation of building height limitations outside villa/ bungalows areas is the following:

"To clarify the provisions of policy P35 of the Development Control Design Policy, Guidance and Standards 2015 in relation to the provisions entitled 'Interpretation of building heights limitations outside villa/ bungalow areas'" and specify the number of allowable levels for all the ranges of façade heights and overall height in meters.

- 2.2 This objective was published for a public consultation period of three weeks spanning from the 19th February 2024 to the 11th March 2024 and are included under Appendix 1: Public submissions on Objectives for Partial Review with responses Phase 1.

3. Issues from Public Consultations

- 3.1 The Phase 2 public consultation exercise elicited four thousand, three hundred and thirty-two responses, notable among the submissions were those from the Malta Development Association, Marsaskala Residents Network, The Archaeological Society Malta, *Ghaqda Residenti Taz-Zurrieq*, *Wirt Ghawdex*, Merill Rural Network, Birzebbuga Local Council, *Moviment Graffiti*, *Wirt iz-Zejtun*, Ramblers Association of

wide interpretations contrary to the spirit of the Local Plans. The issue of density and the need for studies on the impacts thereof were also spelled out. Discussion centred on the dire need to embark on the Local Plans review exercise after eighteen years since their adoption.

4. Policy Review

- 4.1 Policy P 35 is being retained as issued for public consultation to reflect the objectives of this review.

P35 -Building Heights

A building shall not exceed the permissible height as established in the Local Plans, which shall be interpreted according to Annex 2 of this document. Such height shall be measured from the pavement level along the frontage of the building at the highest street level and will include the provision for any setback floors and services, as well as an obligatory 1-metre parapet wall on the exposed façades at the uppermost roof level (Figure 45). The only vertical structures that may be considered beyond the height limitation will be Wind Turbines (as defined within the Micro Wind Turbines policy), Telephony/Communication Antennae and flagpoles. The height of the street façade is arrived at by deducting 3.4 metres from the maximum allowable height provided in Annex 2.

Within the maximum height limitation, each floor shall have a minimum clear internal height in accordance with Sanitary Law.

Interpretation of building height limitations outside villa/bungalow areas

Where the proposed building has a street façade of at least 12 metres, the uppermost floor above such height will be setback from the street façade. Such setback will be determined using the sight line principle, provided that it is never less than 3 metres. A sight alignment is to be taken from a point at 1.6 metres height located at the opposite side of the street to the building height along the building alignment and extended until it meets the maximum height defined in the Local Plans. Figure 46 illustrates the setback for the uppermost floor located above a street façade of 12 metres, 14.1 metres and 21.6 metres, for different street widths. Note that in the case of:

- A street façade up to 6.4 metres, where the total height is up to 9.8 metres – ~~no more than~~ three levels above highest pavement level will be allowed.
- A street façade of more than 6.4 meters and up to 10.1 metres, where the total height is more than 9.8 meters and up to 13.5 metres – ~~no more than~~ four levels above highest pavement level will be allowed.
- A street façade of more than 10.1 meters and up to 14.1 metres, where the total height is more than 13.5 meters and up to 17.5 metres – ~~no more than~~ five levels above highest pavement level will be allowed.

prevent. This has to be viewed against a common background of Local Plan policies coupled with the Development Control Design Policy Guidance and Standards 2015.

- 4.5 It is now evident that such a policy revision is urgently needed to create a fair and even development management system with a clearer and unambiguous policy reflecting the original spirit of the same policy.

5. Way Forward

- 5.1 The revised draft is being referred to the Executive Council for consideration. Should the Council agree with the contents, the document needs to be forwarded to the Minister for Gozo and Planning as the Final Draft in terms of article 53(2) (c) of the Development Planning Act (Cap 552).
- 5.2 At its meeting held on 22nd October 2024, the Executive Council approved the proposed amendments to the Provisions of Policy P35 of the Development Control Design Policy Guidance and Standards 2015 following Phase 2 public consultation without any changes, and forwarded the policy documents to the Minister for Gozo and Planning for final approval, in terms of Article 53(2)(c) of the Development Planning Act (Chapter 552).