

RIZOLUZZJONI DWAR REGOLARIZZAZZJONI U TRASFERIMENT TA' PROPRJETA'

IL-MINISTRU GHALL-KULTURA, ARTIJIET U GVERN LOKALI JIPROPONI ILLI L-KAMRA TAD-DEPUTATI TAPPROVA DIN IR-RIZOLUZZJONI:

Billi hija l-politika tal-Gvern li jippromovi s-settur turistiku bhala wiehed mill-pilastri ewlenija fil-kuntest soċjo-ekonomiku Malti dan billi jikkontribwixxi b'mod sostanzjali fil-holqien tal-gid u l-impjigi.

Billi l-Gvern ta' Malta huwa sid l-art fejn tinsab il-lukanda Ramla Bay Resort għewwa l-Mellieħa, flimkien mal-facilitajiet ta' madwarha, li tkopri erja approssimattiva ta' 21,390 metru kwadru, hekk kif muri bl-aħmar fuq il-pjanta L.D. Nru: 115/65 (Anness 1).

Billi skont kuntratt ippubblikat min-Nutar Dr Anthony Attard, fil-15 ta' April, 1966, din l-art ingħatat b'enfitewsi temporanja għall-perjodu ta' mija u ħamsin (150) sena, b'effett mid-data tal-istess att, b'ċens annwu ta' mitejn u tlieta u tletin ewro (€233). Illi l-enfitewsi temporanja ingħatat lill-kumpanija Holden Group, minn hawn 'il quddiem imsejha bhala l-enfitewta, esklussivament għall-iżvilupp turistiku.

Illi minbarra l-għotja enfitewtika, inharget konċessjoni lill-istess kumpanija fit-22 ta' Frar, 1968, li tippermettilha tokkupa l-art ta' mal-plajja mmarkata bl-isfar fuq L.D. Nru: 276A/66 (Anness 2). Din il-konċessjoni ingħatat għall-użu relatat mat-turiżmu, b'rata fissa ta' seba' ewro (€7) fis-sena, u li bhala kundizzjoni kellha tinkludi passagg għall-pubbliku li għandu jinżamm aċċessibbli f'kull hin.

Billi f'Settembru 2022, l-enfitewta ingħata permess mill-Awtorita' tal-Ippjanar [PA/02943/19] biex titwaqqa' l-lukanda, jithaffer is-sit, u tinbena lukanda ġdida tal-Klassi 3B bil-proġett jinkludi wkoll facilitajiet ta' ġinnasju, ċentru tal-għadis u facilitajiet tal-isports tal-ilma, ħwienet, bars, ristoranti, u kumditajiet addizzjonali bħal pixxini ta' għewwa u ta' barra, u zona ta' parkeġġ.

Billi l-enfitewta talab sabiex it-titolu li għandu jigi estiż sabiex jinkludi ż-żona kollha koperta mill-permess tal-ippjanar kif spjegat aktar 'il fuq, inkluzi żoni li bħalissa qed jintużaw mingħajr titolu legali u li jeħtieġu regolarizzazzjoni.

Illi, f'konformità ma' P.D. Nru: 115_65_2_A (Anness 3), ser jiġu esklużi u rritornati lura lill-Gvern żoni mhux użati (Siti Nru. 1 sa 4, mmarkati bl-aħdar), u li ġew ivvalutati dawk iż-żoni addizzjonali li jeħtieġu jiġu regolarizzati (Siti A sa D, mmarkati bil-blu) u nklużi fl-enfitewsi l-ġdida u kif ukoll dawk iż-żoni mogħtija b'*encroachment*. Il-pjanta mehmuża turi wkoll il-passagg pubbliku illi jrid jibqa' dejjem aċċessibbli f'kull żmien.

Illi dawn ir-revizjonijiet ma jinvolvu l-ebda żvilupp addizzjonali jew akkwist ta' art lil hinn minn dak li kien approvat fil-permess tal-ippjanar. U peress li l-enfitewta mhux ser jingħata l-ebda estensjoni iktar minn dak li diġà ngħata abbazi ta' *encroachment*, il-proċess ta' deklassifikazzjoni tal-art ta' mal-plajja (*foreshore*) mhux ser ikun meħtieġ lanqas. Filfatt, l-istess art li tinkludi l-bajja u li ser tingħata b'*encroachment*, qabel kienet in-parti nkluża fiċ-ċens.

Billi wara li ġew ikkunsidrati aspetti varji, inkluż modifiki fil-konċessjoni enfitewtika eżistenti mogħtija għall-bini ta' lukanda mmirata għall-iżvilupp turistiku, flimkien mal-inkorporazzjoni ta' żoni addizzjonali illi bħalissa huma okkupati mingħajr titolu legali validu, il-Periti inkarigati mill-Awtorità tal-Artijiet, bl-assistenza ta' ditta ta' awdituri indipendenti, iddeterminaw illi ċ-ċens annwu tal-art tal-estensjoni riveduta tal-konċessjoni enfitewtika attwali (indikata bl-aħmar) tammonta għal mitejn u sitta ewro u tmienja u ħamsin ċenteżmu (€206.58). Illi din il-valutazzjoni, datata 14 t'Ottubru 2024 (Anness 4), tistabbilixxi wkoll illi c-cens annwu taż-żoni li ser jigu regolati ġiet ikkalkulata għal ħamsa u tmenin elf, seba' mija u disgħa u ħamsin ewro (€85,759).

Illi l-konċessjoni b'titolu ta' *encroachment* (indikata bl-isfar) ġiet stmata għal mija disgħa u ħamsin elf, tliet mija u ħamsa u għoxrin ewro (€159,325) fis-sena. U billi il-penali għal okkupazzjoni illegali ta' żoni mingħajr titolu legali validu mis-sena 2012 (Siti A sa D, indikati bil-blu), jammonta għal miljun u tnejn u tletin elf, erba' mija u ħdax-il ewro (€1,032,411). Illi dan l-ammont dovut għandu jithallas permezz ta' għaxar pagamenti annwali ndaqs, bl-ewwel wieħed jithallas immedjatament mal-iffirmar tal-att mill-enfitewta favur il-Gvern ta' Malta.

Billi r-regolarizzazzjoni proposta tal-art, koperta minn permess tal-ippjanar, se tiżgura li ż-żoni kollha okkupati bħalissa mingħajr titolu legali jġu ikkunsidrati kif xieraq. Illi l-Gvern se jibbenefika minn żieda fid-dhul permezz tal-ommissjoni ta' żoni li ma jistgħux jintużaw (Siti Nru. 1 sa 4), il-valutazzjoni u l-għoti ta' konċessjonijiet godda (Siti A sa D), u l-aġġornament sostanzjali tal-valur tal-*encroachment*, filwaqt li jinżamm l-aċċess għall-pubbliku u s-sigurtà tal-istess mingħajr il-ħtieġa ta' akkwist jew żvilupp ta' art addizzjonali.

U billi fl-artiklu 31, sub-artiklu (ċ) ta' Taqsima III tal-Att dwar Artijiet tal-Gvern (Kapitolu 573), huwa maħsub li art li tkun proprjeta' tal-Gvern jew amministrata minnu tista' tiġi trasferita skont riżoluzzjoni speċjali tal-Kamra tad-Deputati li tkun fis-seħħ fil-waqt tat-trasferiment.

Huwa b'dan ir-riżolut illi (i) jġu tterminati l-partijiet tal-enfitewsi kurrenti mill-konċessjoni kif deskritt aktar 'il fuq u (ii) tingħata enfitewsi ġdida għaž-żoni li preżentement huma okkupati mingħajr titolu. Il-konċessjoni riżultanti tagħlaq fl-istess terminu tal-konċessjoni eżistenti u cioe' fit-22 ta' Frar, 2116, favur Holden Group fuq il-proprjeta' magħrufa bħala Ramla Bay Resort, skont il-pattijiet u l-kundizzjonijiet fl-abbozz ta' kuntratt hawn anness (anness 5).

Onorevoli Dr Owen Bonnici

Ministru għall-Kultura, Artijiet u Gvern Lokali

Dokumenti annessi:

- (1) L.D. Nru: 115/65
- (2) L.D. Nru: 276A/66
- (3) P.D. Nru: 115_65_2_A

(4) Valutazzjoni

(5) Abbozz ta' kuntratt

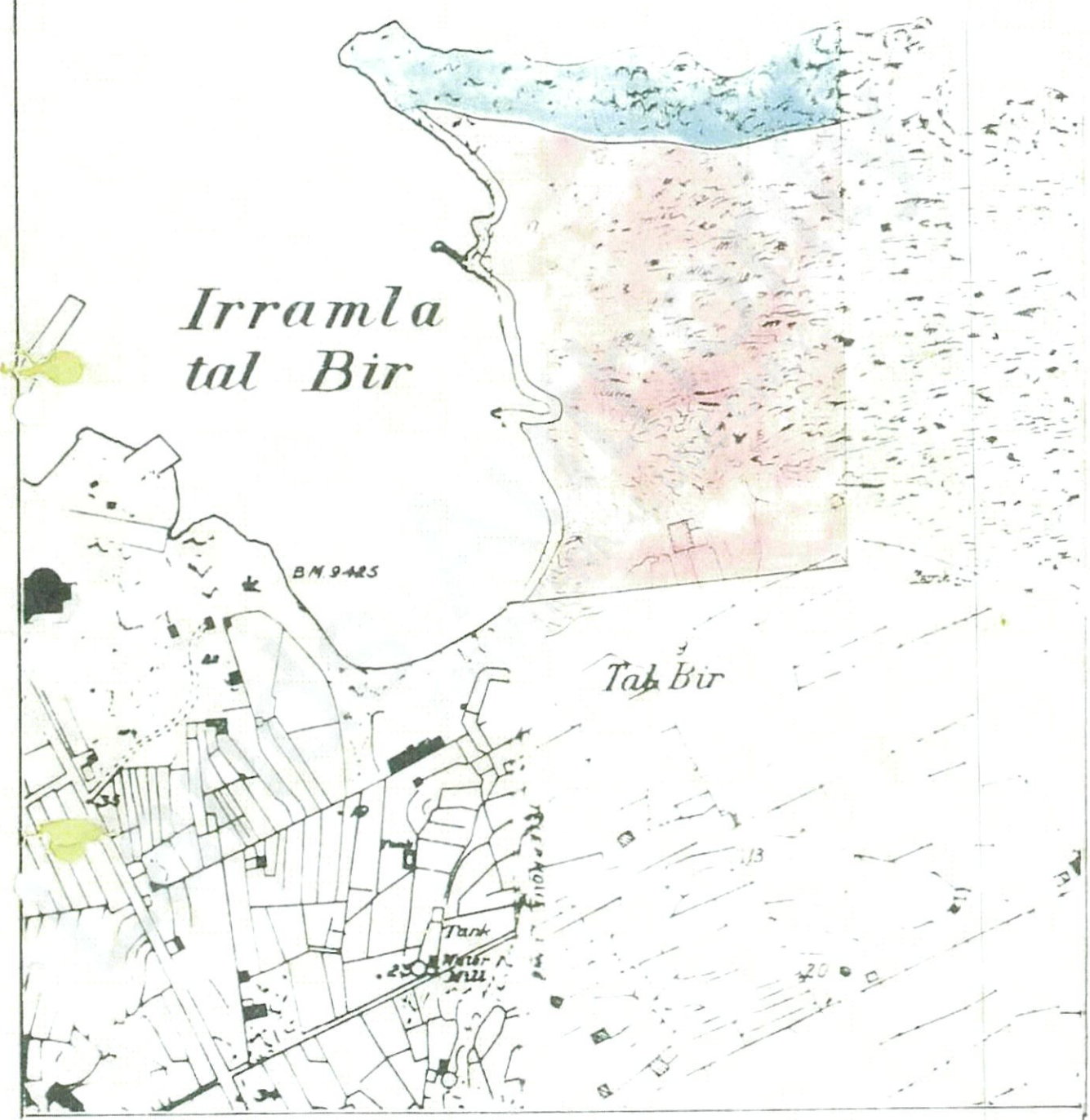
6B

MARFA

RedsIA

Ponta tal Bir

*Irramla
tal Bir*



OFFICE COPY

DRG. NO.	LAND DEPARTMENT
L.D.: 115 65	VALLETTA
FILE:	<i>Col E. Caruana Montardo</i> , <i>squad Jos. Micallef</i>

127 x

6B

MARFA

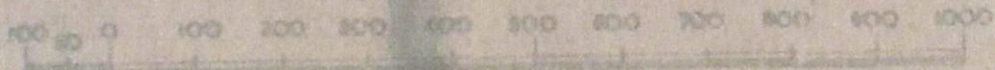
Ponta tal Bir

swimming pool

Irramla
tal Bir

GRABES

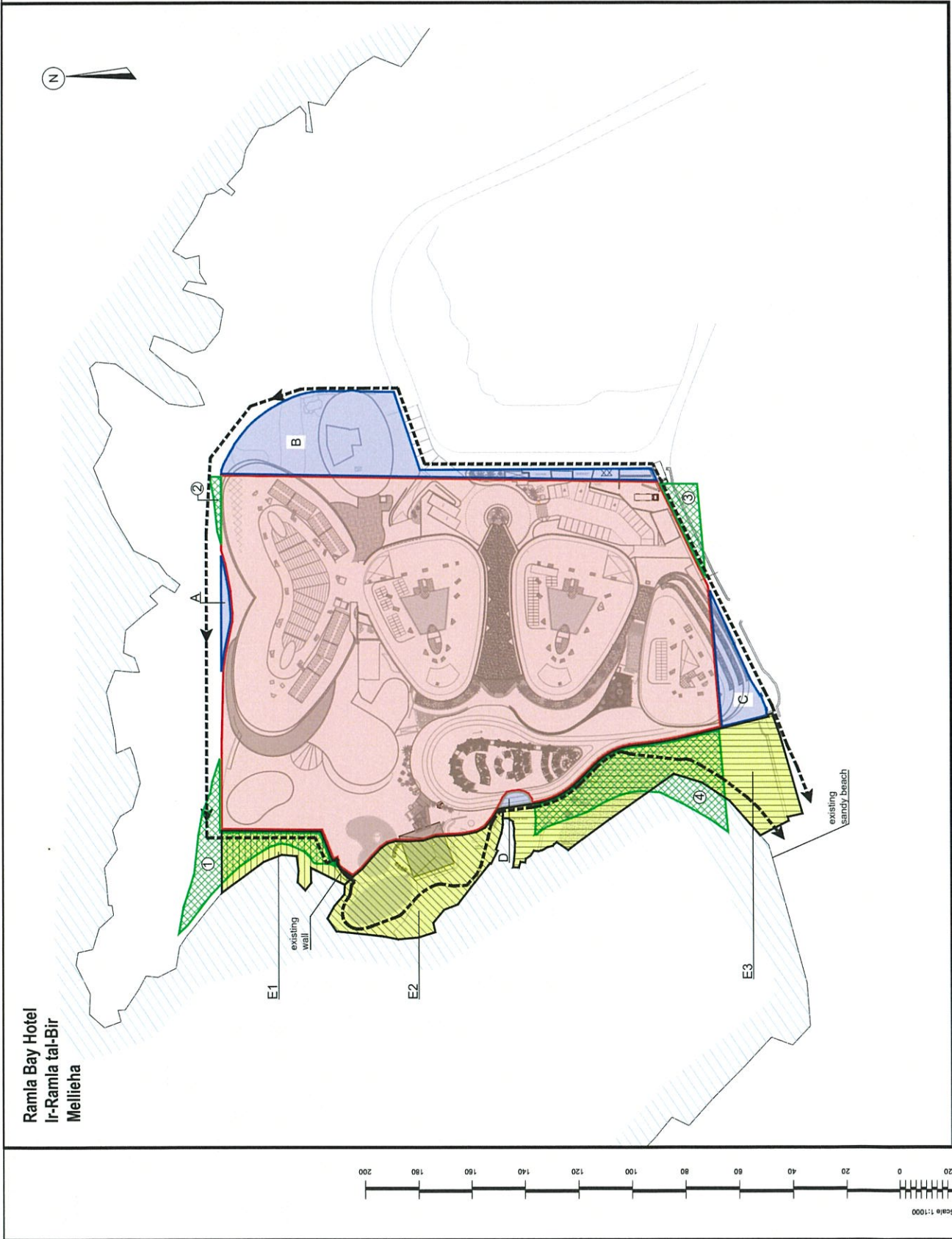
tal Bir



DRG. NO.	LAND DEPARTMENT	
LD 276/66	VALLETTA	
G. E. Curman	G. E. Curman	
LAND	ENGINEER	DATE
430/65	18/9/67	19/2/68

ANNEX 2

ANNEX 3



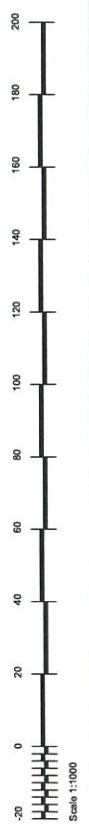
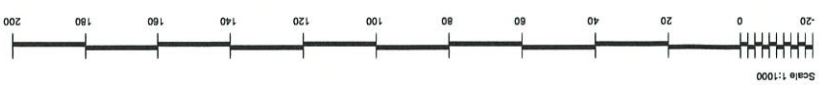
Ramla Bay Hotel
Ir-Ramla tal-Bir
Mellieha

E1
existing wall

E2

E3

existing sandy beach



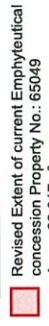
Site Plan
S.S. 482

Scale: 1:2500
Map Ref.: 84128
1:2820000

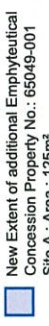
44171
382287 (MCS4)



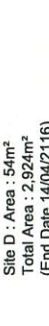
Proposed Public Passage



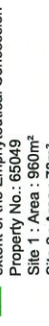
Revised Extent of current Emphyteutical concession Property No.: 65049
Area : 22,017m²
(End Date 14/04/2116)



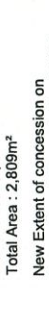
New Extent of additional Emphyteutical Concession Property No.: 65049-001
Site A : Area : 125m²
Site B : Area : 2,268m²
Site C : Area : 477m²
Site D : Area : 54m²
Total Area : 2,924m²
(End Date 14/04/2116)



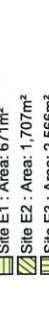
Areas to be dismembered from the extent of the Emphyteutical Concession
Property No.: 65049
Site 1 : Area : 960m²
Site 2 : Area : 78m²
Site 3 : Area : 302m²
Site 4 : Area : 1,469m²
Total Area : 2,809m²



New Extent of concession on Encroachment Property No.: 94844
Total Area : 4,944m²
Site E1 : Area: 671m²
Site E2 : Area: 1,707m²
Site E3 : Area: 2,566m²



New Extent of concession on Encroachment Property No.: 94844
Total Area : 4,944m²



New Extent of concession on Encroachment Property No.: 94844
Total Area : 4,944m²

LANDS Authority
Estate Management & Business Development

Auberge de Baviere
St. Sebastian Str, Vailletta
Phone: (00356) 255 223334042
Website: landsauthority.mt

Locality: MELLIEHA
Scale: 1 : 1000

P.D.No.: PD 115_05_2_A
File No.: L/630/065
Drawn by: demir001

A&CE
sgd. (A.M. Gatt)
f/ Chief Officer Estate Management & Business Development
sgd. (R. Demicoli)

Date: 14th August, 2024
Date: 14th August, 2024



LANDS
Authority

1. Dettalji tar-Rapport

1.1 Numru tal-Fajl tal-Awtorità

1.2 Indirizz tal-Propjetà / Sit li Qed Tiġi Valutata

L-indirizz tal-propjetà, kull fejn applikabbli, għandu jkun fil-forma li l-ewwel l-isem tal-propjetà, in-numru tal-bieb, l-isem tat-triq, l-isem tal-lokalità u fl-aħħar l-isem tal-kunsill lokali. Fil-każ ta' art, l-indirizz għandu jindika l-isem tat-triq pubblika li tagħti aċċess għas-sit. Fejn l-art jew bini għandhom faċċata fuq aktar minn triq waħda, għandu jitniżżel l-isem ta' kull triq.

1.3 Dettalji tal-Perit Inkarigat

Isem:

Kunjom:

Isem tal-Kumpanija: *fejn applikabli*

Indirizz tal-Uffiċċju:

Numru tal-karta tal-Identità:

Mowbajl:

Indirizz elettroniku:

Numru tal-Warrant:

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F'Kaž Li Hemm Aktar Minn Perit Wiehed

Isem:

Kunjom:

Isem tal-Kumpanija: *fejn applikabli*

Indirizz tal-Uffiċċju:

Numru tal-karta tal-Identità:

Mowbajl:

Indirizz elettroniku:

Numru tal-Warrant:

F'Kaž Li Hemm Aktar Minn Żewġ Periti

Isem:

Kunjom:

Isem tal-Kumpanija: *fejn applikabli*

Indirizz tal-Uffiċċju:

Numru tal-karta tal-Identità:

Mowbajl:

Indirizz elettroniku:

Numru tal-Warrant:

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1.4 Deskrizzjoni tal-Inkarigu:



Il-Perit għandu jiddeskrivi x-xogħol li tqabbad jagħmel mill-Awtorità u jiddikjara li kull informazzjoni li giet pprovduta fir-rapport u f'kull pjanta u/jew dokument ieħor anness hija preċiża u veritjiera.

2. Dokumenti Pertinenti

Kull dokument anness ma dan ir-rapport peritali għandu jkun identifikat b'referenza unika.

2.1 Site Plan: Annetti

Ir-rapport għandu jkollu anness site plan l-aktar riċenti tal-Awtorità tal-Ippjanar a skala 1:2,500 f'daqg ta' A4 bil-propjeta in kwistjoni ċċentrata fil-pjanta u mmarkata bl-aħmar u li turi, fejn applikabbli, l-limiti taż-żona tal-iżvilupp, l-limiti taż-żona ta' konservazzjoni urbana u l-allinjament skemat tal-bini. Fil-każijiet fejn id-data tal-istima ma tkunx dik attwali għandha tintuża wkoll site plan tal-eqreb sena lejn dik tal-istima.

2.2 Pjanta tal-Propjeta: Annetti

Fil-każ ta' bini għandu jkun hemm pjanta ta' kull sular a skala 1:100 li qatt m'għandha tkun iżgħar minn A4, jew kif ipprovduti mill-Awtorità. Pjanti oħra bħal faċċati u sezzjonijiet jistgħu jizjedu jekk, f'każijiet eċċezzjonali, il-Perit iħoss li jistgħu jgħinu fil-gustifikazzjoni tal-valur tal-propjeta li jkun wasal għalih u li r-ritratti rikjesti taħt paragrafu 3.8 ma jkunux suffiċjenti. Fil-każ ta' art, il-pjanta għandha tkun a skala 1:500 u tkun turi karatteristiċi tas-sit bħal sigar, arbuxelli, kmamar, hitan tas-sejjiegħ u attribwiti simili, jew kif ipprovduta mill-Awtorità.

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2.3 Orthophotomap: Annetti

Għandha tkun inkluża orthophotomap l-aktar riċenti tal-Awtorità tal-Ippjanar f'daqs ta' A4 bil-propjetà in kwistjoni ċċentrata fil-mappa u mmarkata bl-aħmar. Fil-każijiet fejn id-data tal-istima ma tkunx dik attwali għandha tintuża wkoll l-orthophotomap tal-egreb sena lejn dik tal-istima.

2.4 Ritratti tas-Sit: Annetti

Ritratti tas-sit għandhom jittieħdu biex juru l-propjetà in kwistjoni kollha f'ritratt wieħed, ritratt ieħor irid juri l-propjetà u l-propjetà fuq in-naħa tal-lemin u ritratt ieħor irid juri l-propjetà u l-propjetà fuq in-naħa tax-xellug u ritratti tal-istreetscape. Dawn ir-ritratti jridu jkunu riferuti fuq site plan li turi l-pożizzjoni li ttieħdu minnha.

2.5 Ritratti minn Ġewwa: Annetti

Ritratti minn ġewwa għandhom jagħtu mpresjoni ċara tal-istat li tinsab fiha l-propjetà. Għandha tiġi ndikata d-data meta ttieħdu r-ritratti tal-propjetà li ma tistgħax tkun qabel id- data tal-kummissjoni tar-rapport mill-Awtorità.

2.6 Kopji tal-Policies u Mapep Minn Pjani Lokali: Annetti

Għandhom jiġu annessi kopji tal-Policies u mapep minn Pjani Lokali u tingħata deskrizzjoni dwar x'impatt kellhom fuq il-valur aħħari. Għandu jkun hemm indikazzjoni jekk il-propjetà' hiex ġewwa ż-żona tal-iżvilupp jew le, x'inhu l-għoli permissibli, eċċ. Għal aktar dettalji ara paġna 8 ta' dan ir-rapport.

2.7 Operazzjonijiet Paragunabbli: Annetti mhux anqas minn żewġ operazzjonijiet paragunabbli. L-Awtorità tiriserva d-dritt li titlob għal aktar minn żewġ operazzjonijiet paragunabbli fejn tħoss li huwa necessarju

Il-Perit inkarigat huwa obligat jannetti mhux anqas minn żewġ operazzjonijiet paragunabbli li fuqhom ġie ibbazat il-valur tal-propjetà in kwistjoni. Il-Perit huwa obligat li jipprovdi is- sors tal-operazzjonijiet paragunabbli. F'każ ta' espropriu l-operazzjonijiet paragunabbli għandhom ikunu ibbażati fuq kuntratti li għandhom jiġu provduti lilu mill-Awtorità stess. Ara paġna 7 għal aktar dettalji.

2.8 Kopja tal-Ittra tal-Ingagġ mill-Awtorità:

Il-Perit għandu jannetti kopja tal-imejl tal-ingagġ li jkun ircieva mingħand l-Uffiċċju tal-Istimi fi ħdan l-Awtorità tal-Artijiet.

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3. Dati Pertinenti

3.1 Data ta' Meta Inghata l-Inkarigu

[Redacted]

3.2 Data ta' Meta Sar l-Aċċess fuq il-Proprietà/sit

[Redacted]

Din id-data ma tistax tkun qabel id-data tal-kummissjoni tar-rapport mill-Awtorità

3.3 Data tar-Rapport

[Redacted]

3.4 Data li Saret Referenza Għaliha Meta Giet Valutata il-Proprietà Fejn Applikabili

[Redacted]

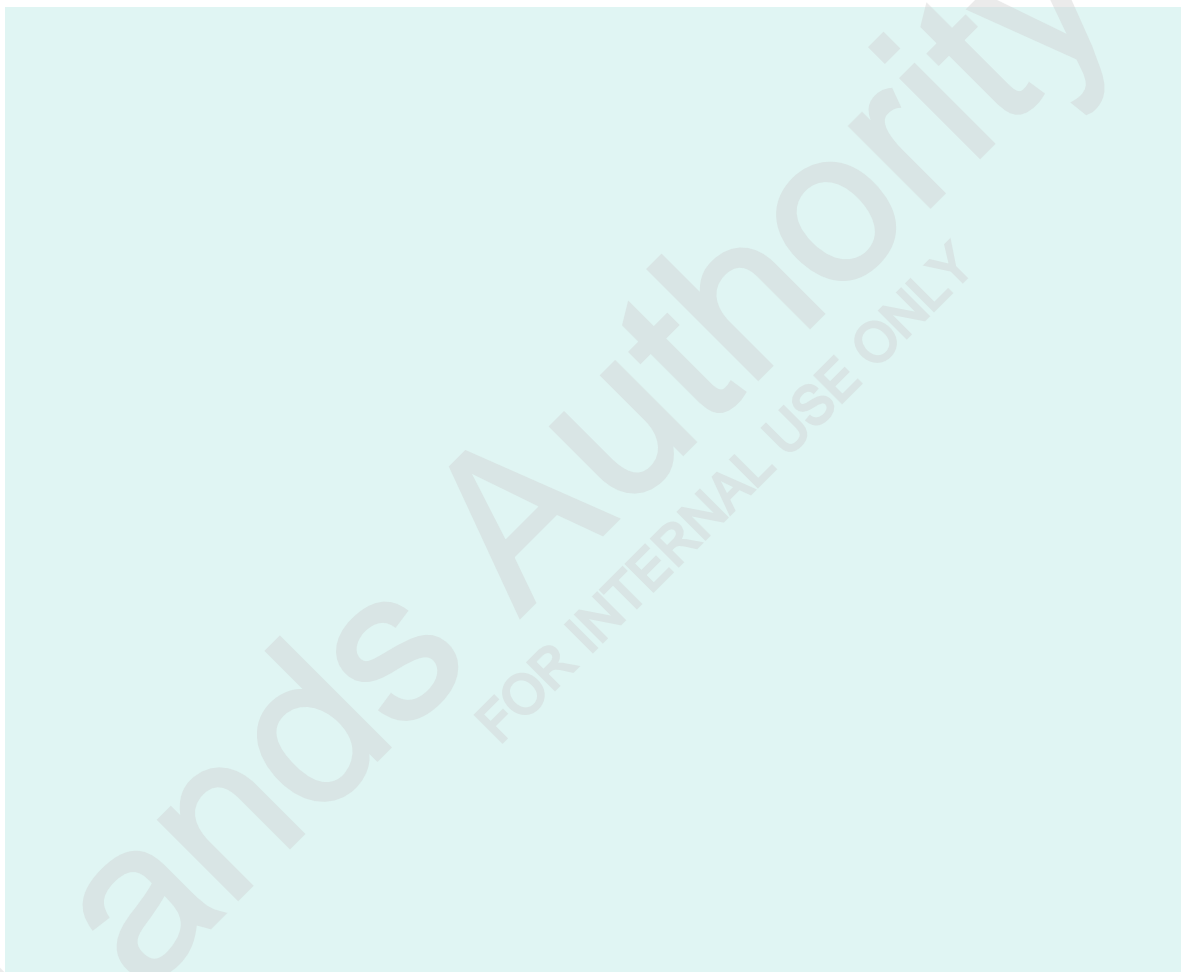
F'ċertu każijiet stipulati mill-Att Dwar l-Artijiet tal-Gvern (Kap. 573) jew minn xi ligijiet oħrajn preċedenti, ikun meħtieġ li jkun determinat il-valur ta' propjetà f'data speċifika li ma tkunx dik attwali bħal per eżempju fiċ-ċirkostanzi tal-artikolu 44.

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4. L-Istat li l-Propjetà Kienet Fiha fid-Data li Saret Referenza Għaliha Meta Ġiet Valutata l-Propjetà

Id-deskrizzjoni f'din it-taqsimha trid tagħmel riferenza għal pjanti, ritratti u dokumenti oħra li jkunu ġew imsemmija fit-taqsimha dwar dokumenti pertinenti paragrafi 2.1 sa 2.6

4.1 L-attribwiti fiżiċi tal-propjetà fid-data li tkun saret referenza għaliha f'paragrafu 3.2

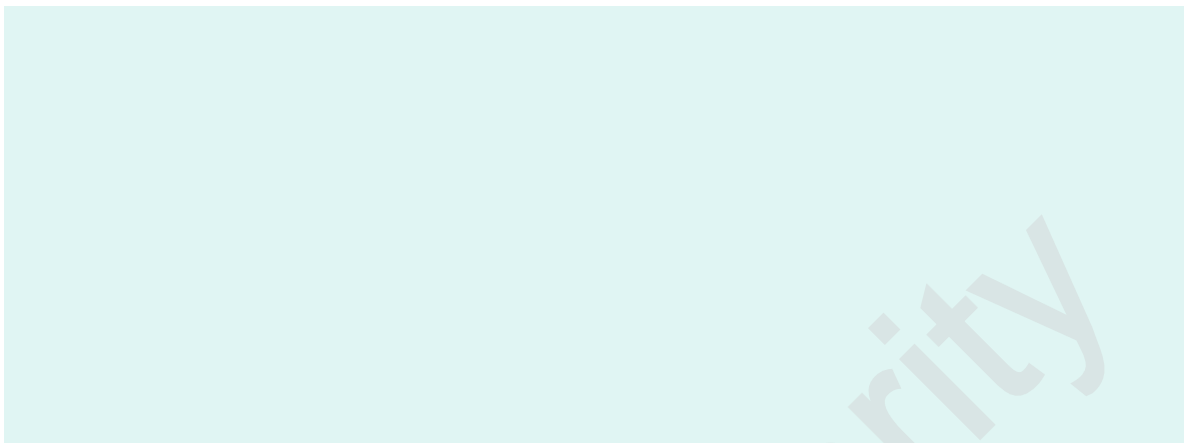


Kull rapport għandu jkollu deskrizzjoni ġenerali tal-propjetà bħal minn fejn hi aċċessibbli (triq maġġuri/triq residenzjali jew kummerċjali/sqaq), kemm fiha livelli taħt it-triq, kemm hemm sulari 'l fuq mit-triq, jekk tinkludix btieħi u/jew ġonna u jekk hemmx sigar, data approssimattiva ta' meta nbriet u ffit kliem dwar d-disinn u l-arkitettura tal-bini. Elementi fil-faċċata, bħal lavur, u fuq ġewwa li jkollhom xi valur storiku jew li jistgħu jkunu importanti li jiġu kkonservati għandhom jiġu deskritti b'mod aktar dettaljat.

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7. Operazzjonijiet Paragunabbli

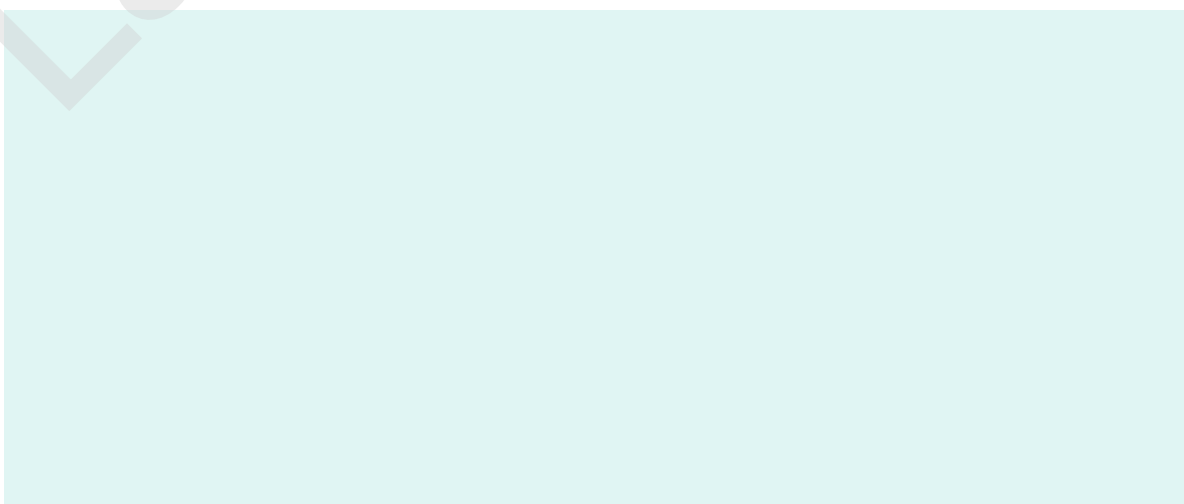
7.1 L-ewwel operazzjoni paragunabbli



7.2 It-tieni operazzjoni paragunabbli



7.3 Operazzjonijiet paragunabbli oħra



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Informazzjoni Utli

Skont l-Artiklu 79 (3) (e) tal- Kap. 573 tal- Liġijiet ta' Malta, ir-rapport ta' Stima Peritali għandu jinkludi: "l-operazzjonijiet paragunabbli, jekk ikun hemm, li l-proprietà tkun ġiet valutata b'riferenza għalihom". L-Awtorità tal-Artijiet ikkummissjonat ir-rapport: "Consolidated Document on Property Valuation: A Compilation of Information and Examples" li jista' jiġi mniżżel mis-sit elettroniku: <https://landsauthority.org.mt/wp-content/uploads/2018/03/Valuations-Manual-LA.pdf>. F'paġna 54 ta' dan ir-rapport hemm indikazzjoni ta' sorsi lokali li jistgħu jintużaw biex wieħed jottjeni operazzjonijiet paragunabbli: "Useful sources of data include the Central Bank, real estate agents, National Statistics Office, Planning Authority, consideration of development activity in the nearby area. The valuer should also bear in mind the final target consumer and what is required, sought and afforded by this target consumer."

Għalhekk huwa mistenni li meta jiġi ppreżentat ir-rapport ta' Stima Peritali, l-operazzjonijiet paragunabbli, inkluż is-sors tagħhom (eż. numru ta' referenza jew identifikazzjoni fil-każ ta' entries minn databases ta' estate agents) iridu jiġu mniżżla waħda waħda, b'mod ċar. L-operazzjonijiet paragunabbli għandhom ikunu relevanti għal propjetà in kwistjoni, speċjalment li jkunu fl-istess lokalità u b'karatteristiċi simili.

Il-Perit għandu dejjem jagħmel referenza għall-valuri li jkunu indikati fil-kuntratti tat- trasferiment jew akkwist ta' propjetà paragunabbli li l-Perit għandu jottjeni mingħand l- Awtorità stess. Jekk tali kuntratti ma jkunux fil-pussess tal-Awtorità, il-Perit għandu jannetti dikjarazzjoni mill-Awtorità f'dan is-sens.

Fejn hu possibli, għandha tingabar informazzjoni minn iktar minn sors wieħed. Sorsi oħra li jistgħu jintużaw jinkludu:

(i) Kuntratti notarili ta' bejgħ ta' propjetà; - Dikjarazzjonijiet ta' Akkwist tal-Art, li jiġu ppublikati fuq il-Gazzetta tal-Gvern; (ii) Deċiżjonijiet tal- Bord ta' Arbitraġġ dwar Artijiet, li jistgħu jiġu mniżżlin mis-sit elettroniku: <https://ecourts.gov.mt/onlineservices/Judgements/Search>

Sorsi differenti jistgħu jstabilixxu valuri differenti (minhabba kummissjonijiet jew senseriji, per eżempju). Għalhekk huwa mistenni li l-Perit jispjega b' mod ċar: (a) kif dawn il-valuri ntużaw biex wasal għal valur aħħari; (b) il-varjazzjonijiet li għamel fuq dawn il-valuri u r- raġunijiet għal dawn il-varjazzjonijiet; (c) u l-kalkoli kollha li qed jiġu kkunsidrati.

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8.2 Planning Policies



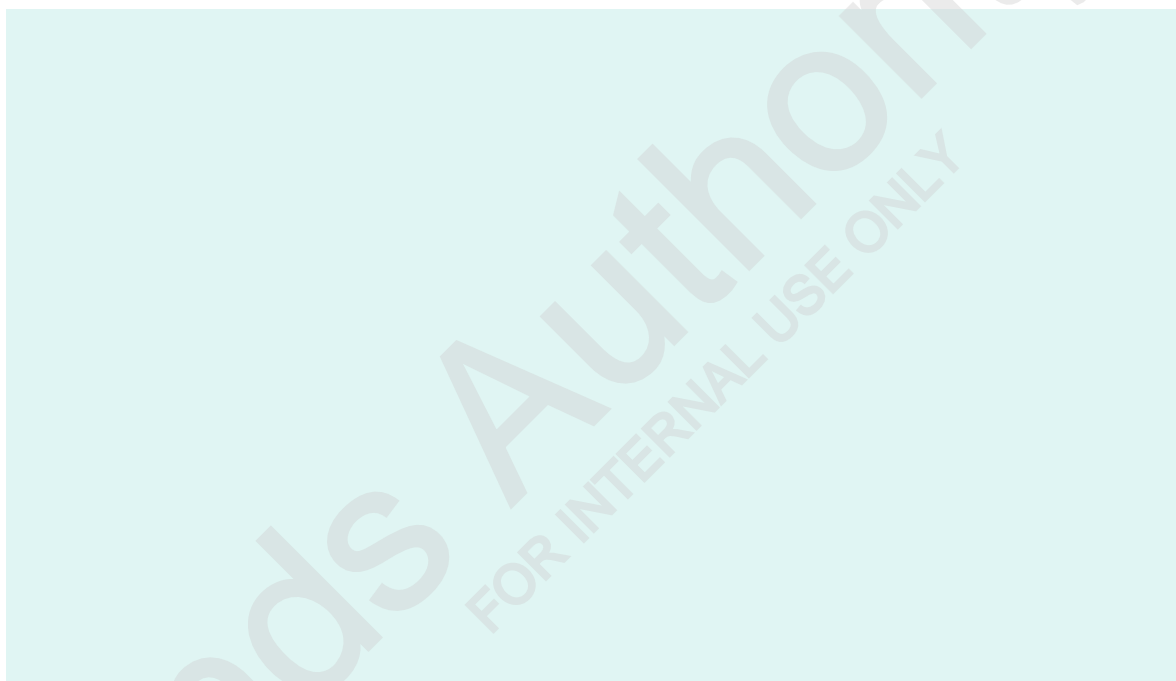
Din it-taqsimha trid tinkludi wkoll deskrizzjoni tal- "planning policies" kollha li jista' jkollhom impatt fuq il-valur tal-propjetà. Għandu dejjem ikun hemm indikazzjoni jekk il-propjetà hiex ġewwa ż-żona tal-iżvilupp jew le; jekk il-propjetà hiex ġewwa żona ta' konservazzjoni urbana jew le; x'inhu z-zoning u x'inhu l-għoli permissibbli tal-bini fil-Pjan Lokali, inkluż deskrizzjoni sommarja tal-policy relevanti. Importanti li jkun ikkonfermat jekk kienx hemm xi reviżjoni tal- policies applikabbli wara d-data tal-Pjan Lokali permezz ta' reviżjoni parzjali jew b'approvazzjoni ta' Planning Control Application. Il-Perit għandu wkoll jirrelata jekk hemmx xi policy oħra li tista' tintuża biex iżżid (jew tirrestringi) il-potenzjal tal-propjetà bħal policy dwar bini għoli, zieda ta' sulari għal lukandi u djar tax-xjuħ, u d-DC15, skedar u limitazzjonijiet oħra li jinstabu fuq il-geoserver tal-Awtorità tal-Ippjanar.

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Il-Perit għandu jiddikjara l-valur tal-propjetà abbażi tal-metodu tat-trasferiment antiċipat – bejgħ (freehold), xiri assolut, ċens u l-kundizzjonijiet marbutin miegħu, b'kirja u l-kundizzjonijiet marbutin magħha, u f'xi każijiet, pusses u użu, terminazzjoni jew encroachment – u jiddeskrivi l-metodoloġija li addotta, kull kalkulazzjoni li jkun għamel u l-informazzjoni li bbażhom fuqha.

Huwa essenzjali li l-Perit jagħmel użu mir-rapport: "Consolidated Document on Property Valuation: A Compilation of Information and Examples" u jikkwota b'mod preċiż il-paragrafi li jkun uża minnu aktar milli dikjarazzjoni ġenerika dwar l-użu tiegħu.

10. Dikjarazzjoni dwar kunflitt ta' interess



Ir-Rapport ta' stima peritali għandu jkun konkluz b'dikrazzjoni mill-Perit li ma kellu ebda kunflitt ta' interess fid-data tal-valutazzjoni.

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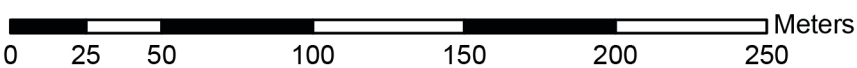
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Central meridian has a false origin of 600,000m at 150 East of Greenwich.
Northern coordinates have an origin of 0m at the Equator.
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Ritratti tas-Sit u Ritratti minn Ġewwa



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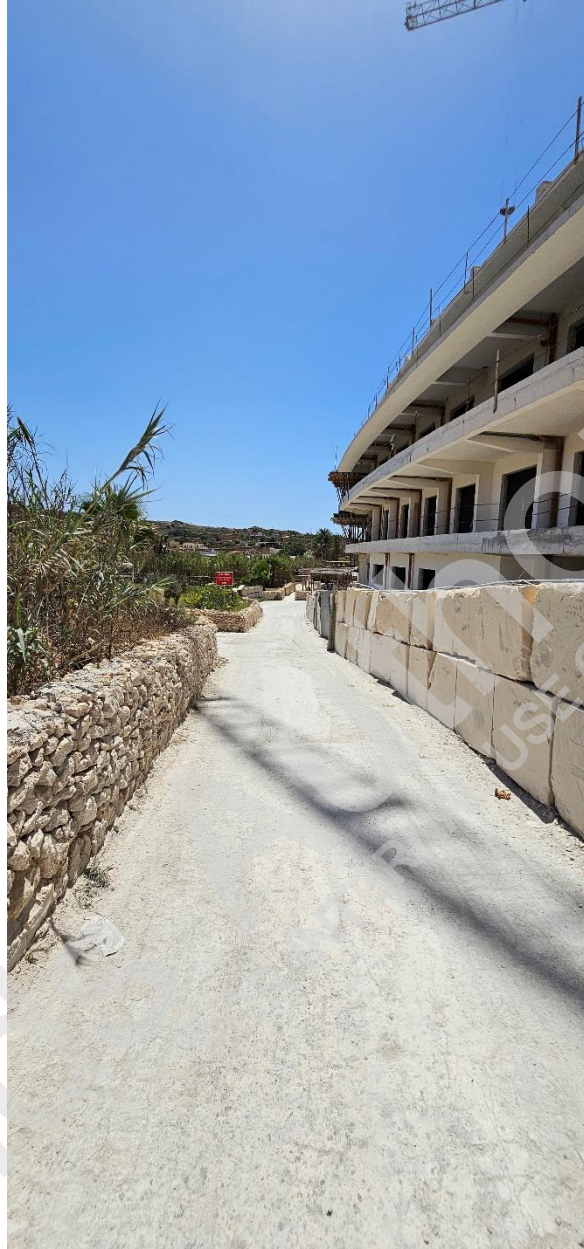
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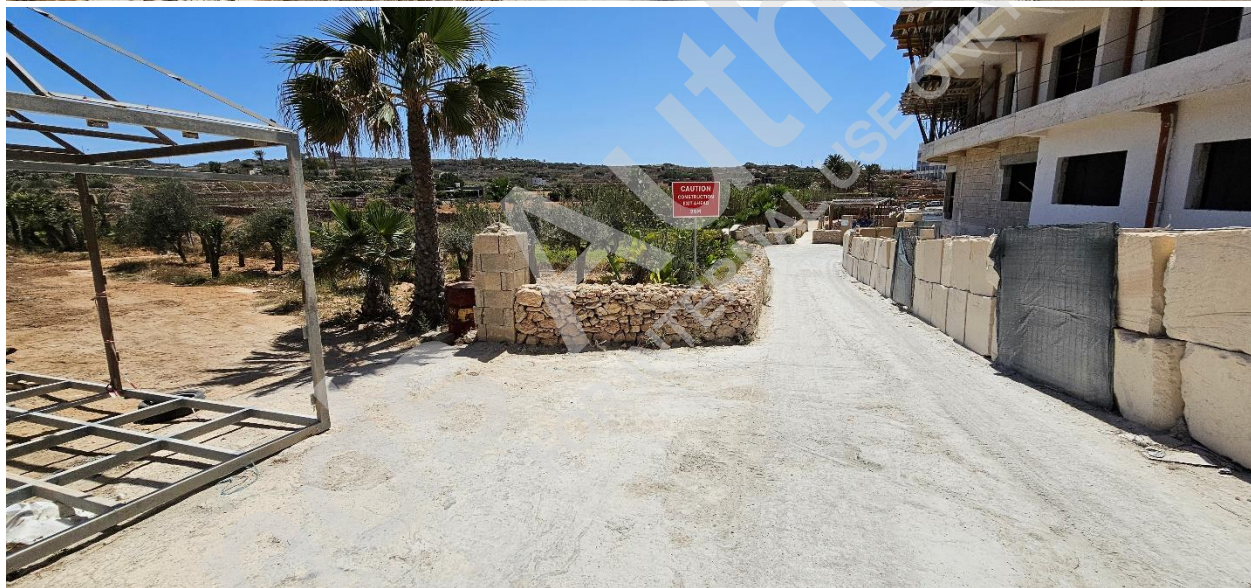
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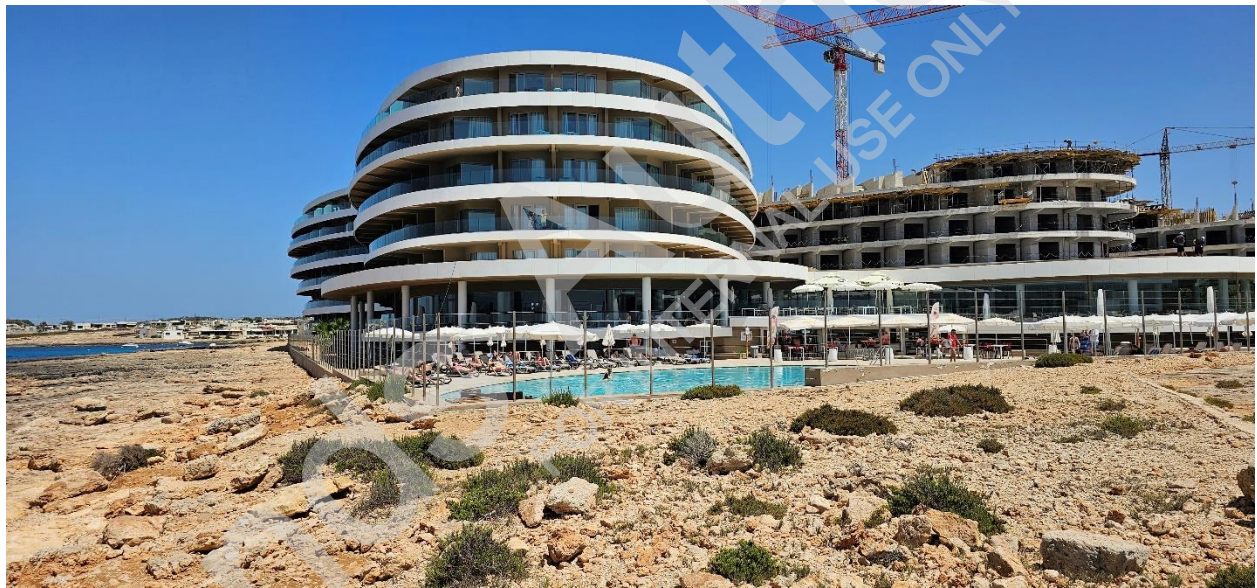


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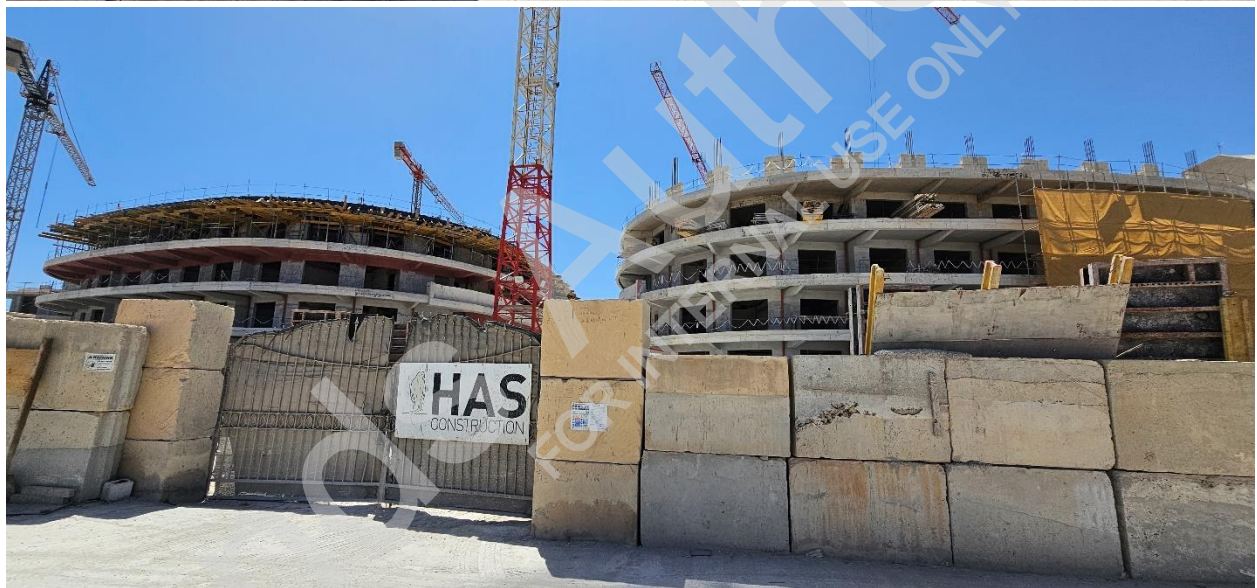
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SPED

STRATEGIC PLAN FOR ENVIRONMENT AND DEVELOPMENT

APPROVED DOCUMENT
July 2015

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Chapter 1 Introduction

Background to the Plan

1.1 The Structure Plan for the Maltese Islands adopted in 1992 was developed in a context where development was largely undertaken without strategic guidance and with no serious consideration of its impacts, both on different uses and the environment. The Structure Plan was based on a resource oriented strategy that channels development into existing and committed urban areas, particularly through rehabilitation and upgrading of existing fabric and infrastructure, in order to constrain further inroads into undeveloped land whilst encouraging further social and economic development.

1.2 This containment strategy, which implied higher urban density development, was targeted to improve the quality of all aspects of the environment of both rural and urban areas whilst at the same time provide sufficient land and supporting infrastructure to accommodate the projected socio-economic growth. The Temporary Provisions Schemes of 1988 provided the delineation of urban development zones upon which planning policy and development control were to operate. Minor amendments were made following a partial Structure Plan Review and the corresponding completion of all seven Local Plans for Malta and Gozo in 2006.

1.3 The Structure Plan's strategy was translated into seven local plans and a number of supplementary planning policies. The implementation of these

policies over the past two decades has essentially been effective to contain urban sprawl within the defined development boundaries, as is recorded in the recent State of the Environment Reports. Notwithstanding this performance the containment of urban sprawl still needs to be pursued as demand for development still persists.

1.4 The efficient use of available space zoned for development together with the regulation of the design and operations of development to reduce conflicts between uses and promote sustainable use of natural resources to support socio-economic growth represent the context faced by strategic planning today.

Need for a Replacement Plan

Meeting the challenges of today

1.5 The socio-economic development witnessed in the Maltese Islands since the preparation of the Structure Plan, coupled with increased regulatory measures and actions to improve environmental quality, have introduced new challenges for various sectors.

1.6 Malta's Operational Programmes for the period 2007-2013 have the overall objective of **Investing in Competitiveness for a Better Quality of Life** which aims to develop and generate economic growth based on competitive economic activities, underpinned by adequate physical infrastructure, leading to a better quality of life for the Maltese citizens. This will

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necessitate improvements in the country's physical infrastructure, particularly in the areas of enterprise support, Research and Technical Development Infrastructure (RTDi), tourism and culture promotion, transport networks, the energy and water sectors, environmental sustainability, risk prevention, as well as urban regeneration, E-society, education and social infrastructure, and health. These efforts are intended to sustain Malta's economic growth prospects and achieve competitiveness in the medium and the longer term.

1.7 This over arching goal provides the foundations for the future and in order to implement it a new policy framework to address the use of land and sea space is required. It is also being taken forward through the National Reform Programme prepared under the Europe 2020 Strategy. The role of strategic spatial planning within an economic climate that is demanding growth through innovation that also safeguards natural resources entails a significant challenge. Selecting the most suitable way forward to accommodate the country's needs within a small land territory is a daring task, when considering that we have a population density of 1,307 persons per square kilometre, compounded by over 1 million tourists per year and the increase in resident permit holders following EU accession. Significant steps have been taken with the formulation and implementation of the Structure Plan for the Maltese Islands of 1990 and its subsidiary plans and policies. The preparation of a new policy framework will build on the achievements and lessons learnt in applying these plans over the past two decades.

From land use planning to spatial planning

1.8 The Development Planning Act of 1992 (as amended) required the monitoring and review of the Structure Plan, provided that it does not take place within five years of the Plan's approval (Art.18 (3)). Mid-way through the life-time of the 1990 Structure Plan, MEPA decided to review the Plan and prepare a replacement plan centred on sustainable development objectives, to take account of contemporary social and economic implications of land use planning decisions and to consolidate and update strategic land use planning policy accordingly. For this purpose a series of Topic Papers were prepared to identify key land use issues that would need to be addressed in the replacement plan. An Issues Paper and a Strategic Growth Options Paper were also prepared.

1.9 With the enactment of the Environment

and Development Planning Act of 2010 (EDPA) the approach to strategic planning has been broadened to encompass the concept of spatial planning where the focus is in translating economic, social, cultural and environmental policies in a geographical context. This legislation calls for the preparation of a Strategic Plan for Environment and Development (SPED) which shall regulate the sustainable management of land and sea resources.

1.10 The legislation also stipulates that the SPED:

- shall be based on an integrated planning system that ensures the sustainable management of land and sea resources together with the protection of the environment; and
- must set out policies in relation to the development and use of land and sea and shall be illustrated by diagrams as necessary and accompanied by an explanatory memorandum giving a reasoned justification for each of the policies and proposals contained in the plan.

1.11 The SPED must also ensure that:

- plans, policies and programmes issued under the EDPA are spatial, holistic and comprehensive so that all factors in relation to land and sea resources and related environment conservation are addressed and included and to balance demands for development with socio-economic considerations and the need to protect the environment;
- sectoral policies, activities and inputs are integrated and coordinated with each other, combining the inputs of all disciplines and groups;
- all actions are based on a clear understanding of the natural and legitimate objectives and needs of individual land users; and
- it follows other national policies and plans.

Purpose of the Strategic Plan for Environment and Development

1.12 The SPED covers the marine waters up to the 25 nautical mile limit of the Fisheries Management Conservation Zone (adopted by Council Regulation EC No. 1967/2006 under the EU Accession Treaty, 2003). The marine spatial extent defined for the purpose of the SPED does not include the administration and implementation of the provisions of the Continental



development can be managed to provide opportunities for growth while at the same time safeguard and promote the positive qualities that define that space.

1.21 The geographical characteristics of the Maltese Islands, particularly influenced by geomorphology, have shaped our history throughout centuries and as a result also influenced development trends. The natural harbours on the south east gave rise to fisheries and port development whereas agriculture mainly dominated the rest of the land territory. The Northwest tilt on mainland Malta and the karstic topography particularly on Gozo, played an important role in the growth of settlement patterns and the location of marine related activities which are concentrated along the shallower parts of the north east shores.

1.22 Malta still exhibits a distinction between the western part which is dominated by unbuilt open areas accommodating agricultural activities and the eastern part which is more densely developed containing major residential areas, prime industrial and service functions and showcases of history, identity and culture. Within this broad distinction there is a large conurbation centred around the historic Grand Harbour from Pembroke in the North, to Qormi in the centre and up to Zabbar in the South, which houses the bulk of the population and is the economic motor of the island; a number of satellite towns such as St. Paul's Bay, Mellieha, Rabat, and Zurrieq being major residential and tourism hubs and providing a service function to the surrounding settlements; and a scatter of small settlements around them such as Dingli, Safi, Qrendi and Mqabba.

1.23 The rural areas of the Maltese Islands reflect the continuum of activities from very rural to very urban which blurs the distinction between the two. In

general, the rural areas are characterised by low population densities, agricultural activities and natural resources. Agriculture land accounts for almost half of Malta's land area whilst woodlands account for less than 1%. Rural areas have three distinguishing spatial features influenced by the geomorphology of the islands namely ridges and valleys to the north of the Great Fault, the Rabat-Dingli uplands and the hills and plains to the south-east. These features have made the rural area north of the Great Fault and the central parts more varied in terms of rural functions and landscape features while the south east is more homogeneous in character dominated by agricultural buildings and other structures and activities.

1.24 Gozo and Comino have a population density of only 452 residents per square kilometre; around one third of that for Malta. The distinction between urban and rural is much less clear in Gozo. Although Rabat dominates the island in terms of population concentration and non-agricultural functions, the remaining built up areas are small centres of population such as Xewkija, Nadur and Xaghra, and even smaller settlements such as Ghasri and Gharb in the wider rural area. Other settlements are dominated by the tourism and leisure function with low resident population.

1.25 Although the size of the Maltese Islands is comparable to other islands which can be considered entirely coastal, our status as a Sovereign state coupled with the intensity and diversity of development as a result of a high population density creates a clear spatial distinction from the inner part of the islands where activities are purely terrestrial and do not depend on the sea. A distinctive feature of the coast is that part of it is predominantly developed for urban uses such as the stretch of coast between Ricasoli and St. Julians, while the rest is dominated by cliffs, sandy beaches and rocky coastlines such as Dingli, Ghajn Tuffieha and the Xghajra to Marsascala stretch where

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Chapter 2 Key Issues

2.1 There are four key thematic issues which emerged from a synthesis of the NRP, the Vision 2015, and the National Environment Policy, consultation with Ministries and Government entities and from the Structure Plan Review Process:

- Socio-Economic Development
- Environment
- Climate Change
- Travel Patterns

2.2 These thematic issues are cross-cutting and affect all sectors of our economy, quality of life and the status of the environment we live in. The spatial implications and linkages between these thematic issues are discussed within the Maltese Spatial Structure as defined above.

Socio-Economic Development

2.3 Over the last two decades the Maltese economy underwent a significant restructuring process characterised by a shift from the industry sector towards the services sector. Emerging and growth sectors include Life Sciences, aircraft maintenance, business services, ICT and financial services whilst tourism and electronic components remain key sectors. The growth of the Maltese economy was accompanied by a high level of development pressure in many locations, where in addition to meeting needs, it was also characterised by investment in real estate.

2.4 Like many other countries, Malta faces an ageing population, mainly due to a lower fertility rate and an improvement in longevity. The 65+ age group represents 13.7% of the population, up from 11.4% in 1995. On the other hand, persons under 25 years of age make up 31.5% of the population, compared to 36.6% in 2005 (Demographic Review, NSO, 2010). This trend which resulted in an increasingly elderly population has been observed since the 1967 Census and is expected to continue in the foreseeable future. Focus is required on the demand on the limited financial resources of the State, including the pensions system, their need for supportive services, their risk of dependence, and the housing and social environment.

2.5 The NRP identifies the bottlenecks which are hindering sustainable levels of growth in the Maltese economy to be:

- a slow or declining labour productivity
- relatively low educational attainment and skill levels of the Maltese workforce
- long term sustainability of public finances especially in the face of health care and pensions expenditure resulting from the impact of demographic ageing
- quality jobs in target niche sectors
- low labour market participation particularly female and old age participation and administrative and regulatory burdens.

2.6 In addition the NRP also identifies the main infrastructural bottlenecks which require attention particularly education, energy and water resources, transport, telecommunication and the environment. The provision of good quality supporting infrastructure is instrumental in pursuing growth of the identified sectors of the Maltese economy. Digital infrastructures today underpin Malta's economic growth potential. The underlying technologies are developing very rapidly and as a consequence greater flexibility is required to cater for its needs.

2.7 Housing price development is a socio-economic issue that influences economic performance. In the boom period, real estate price increases stimulate credit expansion and possibly raise unrealistic expectations of future capital gains. These factors support excessive housing construction, which often lead to a substitution of investment from the tradable sectors to the non-tradable sectors. The lower share of investment in tradable sectors can eventually lead to a slowdown in economic activity and correction in house prices. If the correction is significant, financial markets are often destabilised, as occurred on a global scale at the start of the financial crisis.

2.8 Malta experienced a property price boom in 2003 -2005 with the NSO indicator suggesting that the boom continued until mid-2007. The property boom also coincided with the inflow of capital from abroad upon the repatriation of Maltese residents' savings abroad during the process of Euro adoption. This one-time phenomenon possibly explains the continued increase observed in the latter years of the boom. Therefore one should be careful in projecting these trends forward. A correction occurred in 2009 and 2010, well synchronised with the global recession and correction in real-estate prices. In conjunction, investment in residential housing has also declined suggesting that investors have possibly reassessed their expectations of long-term capital gains towards more realistic and sustainable levels.

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2.9 The affordability of property for low income earners and vulnerable groups is an issue that requires attention and with the sharp rise in property prices, this puts even more pressures to identify where and how suitable and affordable housing can be provided. Another factor that may lead to an increase in the demand for sheltered housing is the expected increase in the elderly population.

2.10 Health and long term care systems must have adequate resources that are effectively managed to ensure their future sustainability, improve their quality and accessibility. Focus on accommodating the demand for expensive institutional health and long term care needs has led to soaring costs in delivering these services. Waiting times are a long term issue in both health and long term care and may have an impact on the health and quality of life of patients apart from reducing their overall satisfaction with the health and long term care systems.

2.11 Progression in the potential of our human resource will increase investment, growth, competitiveness and efficiency. Different levels of opportunities in education lead to better employment prospects and enhance the social cohesion of all people whatever their age, gender, background or status as they can develop their knowledge and skills to the good of society. The unsatisfactory rates of dropouts of early school leavers, 36.9% in 2012, and the percentage of tertiary educational attainment of 30-34 years old, 21.5% in 2012, have implications on the quality of life and growth potential of the country.

Land Supply Issues

Housing

2.12 The Housing Topic Paper, 2002 estimated that to cater for projected growth in population and households and the demand for second homes, a total of 43,400 dwelling units would be required between 2000 and 2020. This equates to an additional 13,000 dwelling units for the SPED period (2014 - 2020). MEPA Land Availability studies indicate that in 2011, land available for housing development within the Development Zone but excluding around 86 hectares of land allocated for residential development in the 2006 Rationalisation Exercise amounts to 301 hectares. A conservative estimate of the capacity of the 301 hectares of land indicates that it can accommodate 37,000 dwelling units. With the 86 hectares of land allocated in 2006 this would bring the capacity to around 44,000 dwelling units. This figure is based on the assumptions that (i) only vacant land within those parts of the Development Zone designated as Residential Areas and Residential Priority Areas is taken into account (ii) an average height limitation of 3 floors for Residential Areas and 2 floors for Residential Priority Areas, and (iii) 15% of floor space being utilised for non-residential uses.

2.13 The total capacity of the Development Zone to accommodate new dwellings is indeed much larger since a proportion of existing buildings have not reached their maximum development potential, new dwelling units are also allowed in urban designations other than Residential Areas and Residential Priority Areas, and over the period 2000 to 2012 the percentage of new dwellings permitted on previously developed land averaged 52% (ranging from 30% to

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require 518,500sqm of floorspace. MEPA Land Availability Studies indicate that in 2011, floorspace available for development related to market services within the Development Zone designated in the Local Plans amounts to around 113,000 sqm. In addition, Local Plans have identified other floorspace in areas such as Marsa Park, Gzira Employment Node, Fort St. Elmo, Pembroke and AirMalta owned land at Luqa for employment uses related to market services. Over and above, around 260,000 sqm of floorspace has already been granted permission for market service related development in Smart City and the Malta International Airport. Other opportunities exist on a number of strategic sites such as the ex Marsa Shipbuilding which has been earmarked for a Maritime Hub and the White Rocks area together with the regeneration potential of the Grand Harbour Area. Although the urban capacity of brownfield land within zones designated for employment uses has not been determined, the potential to allocate the additional floorspace is significant. Initiatives to encourage people to work from home and the increasing proportion of part time jobs shall also reduce the demand for floorspace in the future.

2.19 Furthermore, over 2007-2012 period, the demand for warehousing space has exceeded industrial development which indicates a demand for strategic allocations for warehousing related activities. Therefore up to 2020, for overall floorspace requirements for employment uses to be met, there need to be additional land allocations preferably as extensions to existing committed areas.

Environment

2.20 Malta has established a well-developed legal framework and a set of institutions in the environmental field that have protected ecological, archaeological and built heritage as well as landscapes. Public investment in the conservation of historic buildings, fortifications and archaeological sites has also markedly increased over the past decade, due to increased awareness and the availability of EU funds. There has also been considerable investment in establishing the necessary infrastructure to reduce pollution, particularly in waste management and sewage treatment. Further investment is required in sustainable projects for generating energy from renewable sources. However, in many instances the environment is still seen as a competitor against development. Sustainable development necessitates a shift whereby development gradually works with and safeguards the environment and the natural resources it requires.

2.21 The Maltese environment still faces a number of challenges arising from a dense

population within a very small land territory. The large number of competing activities, unsustainable consumption patterns and a general lack of awareness of the inter-linkages between socio-economic activities and environmental processes is leading to unsustainable use of natural resources and threatening the environmental quality which together are affecting environmental health and quality of life and potentially increasing our vulnerability to the predicted impacts of climate change.

2.22 The various elements that define our environment depend on the natural characteristics, their status and the impacts arising from human activity. The National Environment Policy and the State of the Environment Report (2008) suggest that the way we utilise natural resources and the impacts arising from various human activities are leading to the deterioration of our environmental quality.

2.23 Living organisms and the variety they represent are valuable not only for their inherent value, but they also provide life-support systems upon which we are dependent. The diversity of habitats and species, exhibited by the Maltese Islands is not limited to rural and coastal areas as urban environments also contain living organisms of conservation value. Despite the legal protection afforded to important habitats over the last 15 years the Maltese Islands' biodiversity continues to be threatened by land development, invasive alien species, overexploitation and climate change.

2.24 The topography of the Maltese Islands is characterised by rocky outcrops and areas covered by soil. Contamination, salinisation, soil sealing and erosion are the key sources that affect soil quality. Malta's increasing urbanisation together with intensification of agricultural practices and abandonment of agricultural land have also accentuated pressures on soil.

2.25 One natural resource that has been exploited over the years is limestone. The limited size of the Maltese Islands, high population density and the extraction methods have resulted in inevitable conflicts between *mineral extraction* and tourism, industrial, commercial and residential development and the preservation of natural and cultural resources. Permanent damage to ecology and landscape is a significant threat, whilst dust emissions from quarry operations affect agriculture and health. Since only a few exhausted quarries have been restored to beneficial after-uses compatible with their location, the current situation is considered to lead to unsustainable use of resources. In addition the

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wastage of mineral resources at the extraction stage and lack of re-use/recycling is leading to problems of waste disposal. Higher standards are required to promote the re-use of construction and demolition material in construction industry.

2.26 Water resources include surface waters, groundwater, transitional waters, coastal waters and marine waters. Whilst marine waters are in abundance, fresh water resources are limited in supply. The two principal sources of pressure on Malta's freshwater resources are over abstraction and pollution from nitrates. Lack of rain water harvesting practices and infrastructure and increased soil sealing have led to incidences of localised flooding. With a heavy reliance on reverse osmosis plants for potable water, management practices to recover water from treated sewage effluent are not yet maximised. A holistic approach to the sustainability and management of water resources is essential in order to address the problem of water shortage. The main pressures affecting the quality of coastal and marine waters arise from land based sources of pollution and development that alters the hydro-morphology of these waters. The Water Catchment Management Plan identified (i) the discharge of urban waste water, (ii) sewage overflows and damaged sewer systems, (iii) run-off from the urban area, (iv) direct discharges from industrial sites, and (v) fuel discharges, as the main sources of water pollution, including groundwater. Inert construction and demolition waste has over the past decade increasingly been disposed of in the designated spoil ground to the NE of Grand Harbour. Shipping on the other hand exposes the marine environment to disturbance of sediments within ports, introduction of alien species, release of hazardous chemicals and increased vulnerability to oil spills.

2.27 Malta's *built heritage and archaeological remains* are a significant component of our cultural heritage. Our high population density and dynamic urban environment however continue to pose difficulties to conservation objectives. These elements of cultural heritage remain under threat from demolition, inappropriate design and use of new and restored buildings which undermines street character. Unless legally protected, buildings and structures of historical and archaeological value, particularly at sea, remain vulnerable to development pressures and human activities.

2.28 The national identity of the Maltese Islands is encapsulated in its *cultural landscape*, spanning the urban, rural and coastal areas. Malta's cultural

landscape is threatened by the extent of built up area, industrial and coastal development, taller buildings on urban fringes that obstruct views of historic centres, modern agricultural practices, increased vehicular access, litter, poor standards of design and workmanship, and lack of maintenance.

2.29 The introduction of significant amounts of substances or energy into the environment gives rise to pollution, with implications to human and ecosystem health. Malta's significant *air* pollutants are particulates and nitrogen dioxide mainly arising from traffic, industry and energy generation, and ozone mainly from trans-boundary sources. National monitoring results indicate that air quality is of concern in certain areas, particularly those prone to heavy traffic and congestion.

2.30 Surveys carried by the Occupational Health and Safety Authority in 2005 indicate that the employment sectors with the highest *noise* levels are construction, leisure and manufacturing industries. Recent data from MEPA identifies heavy traffic as the main source of ambient noise.

2.31 Many environmental health issues arise from the misuse, poor collection, storage and treatment of *chemicals* and other hazardous substances which pass into air, water, sediment and soil leading to contamination. Risk arises in particular from the hazardous waste stream as well as from uncontrolled chemical reactions associated with non-inert waste. Pesticides and biocidal products are considered to be of particular concern.

2.32 Our consumption patterns have led to Malta's *solid waste* management practice to be historically heavily dependent on landfills with low levels of material recovery. In 2011, 61% of total waste generated went to landfill (including backfilling of quarries with inert C&D material) and 67% of the total waste generated is inert waste which consists chiefly of Construction and Demolition waste. The principal impacts of this waste stream are land take up, pollution and nuisance related to transport and depletion of minerals considered as Malta's only non-renewable resource.

Climate Change

2.33 Due to their small size and location in Southern Europe, the Maltese Islands are vulnerable to the predicted impacts of climate change. The 2nd National Communication to the United Nations

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Framework Convention on Climate Change (2010) indicates that the Maltese Islands are already experiencing a decrease in annual precipitation which may lead to episodes of drought, and more intensive storm events leading to flash flooding. Predicted changes in global sea levels are likely to affect coastal areas and groundwater. These impacts are expected to affect ecological processes and systems upon which most socio-economic activities and infrastructure depend.

2.34 Development that affects the health of ecosystems including habitat distribution, that makes inefficient use of energy and natural resources and does not take into consideration the projected impacts of climate change is likely to increase the vulnerability of the Maltese Islands even further since these natural resources are the basis of the ecosystem services upon which the sustainability of economic sectors such as tourism and agriculture depends.

2.35 According to the 2011 National Inventory Report, Malta's Greenhouse Gas emissions increased by 54.4% between 1990 and 2012. The energy sector (including transport) was the principal contributor (91.1%) of gross national emissions in 2012. Whilst uptake of renewable energy infrastructure remains low, consumption patterns still need a significant push to be steered towards energy efficiency at end user level. Currently there is a skills shortage across the board to implement measures for energy performance in buildings. The use of alternative sources of fuel for cars may improve local air quality however it is not likely to generate a significant reduction to greenhouse gas emissions from transport as would occur with the shift from private car use to public transport. Waste generated 2.1% of total greenhouse gas emissions in 2012. Unless consumption patterns shift towards reducing, re-using and recycling of municipal solid waste, the volume of waste that goes to landfill will not decline significantly and its decomposition will continue to generate greenhouse gases.

Travel Patterns

2.36 Ease of mobility is an integral element in supporting access to social and community facilities, retail outlets and enabling a better quality of life for all. Good quality and efficient transport infrastructure and networks sustain commercial activities both within the Islands and with foreign markets. There is always a need for an indispensable level of transport provision to meet required socio-economic

development objectives. The development and management of the transport sector must however be undertaken in a manner that does not undermine the sustainability of other sectors, does not impact on human health and reduces the demand for non renewable resources.

2.37 The high dependency on car travel affects the physical environment. Current land use trends of dispersal and intensification coupled with a car dependent lifestyle have led to an increase in travel. Growth in travel has been accompanied by the use of public land for more roads and parking, thus using up a further scarce resource, damaging streetscapes and consequently affecting cultural and natural heritage. It also creates a serious impact on human health and our quality of life.

2.38 A further issue resulting from traffic growth is the increased demand for parking. Although provision increased over the past decade, it has not matched the higher increase in car ownership and use. This had deteriorating repercussions with a significant amount of town centre traffic being made up of cars searching for a parking space, the narrowing of roads by taking up space for further on-street parking. Compounded with this is the continual demand for one-way streets, where rather than improving streetscapes and road safety, is used to increase further parking with further safety issues. The narrow property frontages also mean that where off-street parking is created, the garage entrances force on-street parking on to other parts of the already crowded streets. This is particularly apparent in main employment and entertainment locations.

2.39 Traffic growth leads to pollution especially through congestion which deteriorates air quality. The main emissions from motor vehicles include carbon dioxide, carbon monoxide, nitrogen oxides, oxides of sulphur and other particulate matter. The two major concerns regarding vehicle emissions are their impact on human health and climate change. In 2012, transport accounted for 2.1% of energy sector emissions of greenhouse gases. Congestion imposes extra costs on road users through wasted time and fuel, delayed deliveries and reduced reliability, puts stress on the strategic transport network and encourages traffic to use unsuitable residential roads to bypass the congestion thereby endangering the quality of life of those residents and severing communities. Strategic traffic bottlenecks such as Kappara Junction and Addolorata need to be addressed to tackle traffic congestion and related noise and air pollution.

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2.40 As car ownership and use have increased over the years, until recently bus patronage has also declined. In addition to the impacts on health and the environment, there are social impacts associated with further private car growth. If the decline in bus patronage is not addressed this would inevitably reduce the level of service provided. The new fleet of buses has perceptibly reduced carbon emissions both at the Valletta terminal and at numerous pollution hotspots around the island. It also now provides fully accessible public transport for all mobility groups

Urban Areas

2.41 Whilst an integral aspect of organising urban areas to reduce the need to travel, reduce demand for supporting infrastructure and contain urban sprawl is resolved through high densities, without parallel mechanisms to manage the associated adverse impacts arising from higher densities, in certain instances this may lead to negative impacts at a local level. Urban areas should provide a safe living environment supported by the provision of adequate social and community facilities, green modes of travel together with a thriving business community. The liveability of urban areas is dependent on how these factors are comprehensively organised and managed.

2.42 The quality of urban settlements has been affected by increases in residential densities, with a shift to the development of apartments rather than independent dwellings (maisonettes or terraced/semi/detached houses). MEPA data for Dwelling Approvals (2000-2012) indicates that apartments accounted for 64% of all new dwellings permitted in 2000. This proportion rose to a staggering 90% in 2007 to then decrease to 84% in 2010 and 81% in 2012. Increasing densities have had a number of negative effects manifested to different degrees in certain localities with impacts on the quality of streetscapes and public open spaces, social and community facilities, increased traffic flows and on residential amenity and the general upkeep of the environment. The drive towards the development of penthouses and residential use of semi basements needs to be considered in the light of its effects on building heights and densities, restricted access to rooftops, reduced potential for renewable energy generation infrastructure on adjoining properties as well as rainwater harvesting. While tall buildings may increase the efficiency of land use if they are actually occupied and may contribute marginally to the provision of open space, their impact on the Maltese landscape is becoming a matter of concern. Between 2002 and 2007 12 tall/medium rise buildings all located within densely built up areas such as Tigne/ St.Julians/ Sliema were approved.

2.43 Low provision of urban green space and other recreational facilities in towns and villages does not help to encourage healthy lifestyles. Proliferating incompatible uses in residential areas have reduced amenity and quality of life, and resulted in greater congestion, lack of pedestrian safety and air and noise pollution. The need for sufficient provision of parking space has had a negative effect on streetscapes. As a result the degree of social integration that builds a strong sense of identity within the community living there has been gradually eroding.

2.44 Despite the islands' high proportion of urban land which is attributed to the high population density, the 2011 Census indicated that 32% of all residential properties (including second homes) lay vacant, an increase of 10% from the 2005 Census. Furthermore around 15% of all properties were second or holiday homes up from 5% in 2005. Similar over supply has been observed in the commercial and industrial sectors. The principal cause of this high provision is the use of land and property for investment purposes.

2.45 If the current trend of out migration from historic cores continues, the loss of people and economic activity threatens the dynamics of the urban settlements as more and more structures are abandoned and allowed to decline. Factors that are leading to this movement of people away from these areas include the physical obsolescence of some properties due to age, lack of amenities, small rooms and provision of adequate transport infrastructure that are not considered sufficient to support the improved lifestyles of the 21st century. The lack of appropriate incentives directed to pull people back into these areas coupled with the availability of new suburban land and property which have provided a relatively quick and attractive alternative to undertaking costly maintenance works in older property assisted this migration. Incompatible redevelopment that does not complement the traditional forms still constitutes a pressure. The current approach to the control of design has not been entirely successful in improving the appearance and character of historic cores, whilst some areas have been negatively affected by the use of inappropriate restoration techniques or treatments.

2.46 The high car dependency is having a particularly negative effect on the characteristics and dynamics of Urban Conservation Areas (UCAs). The narrow streets can no longer physically accommodate the growing demand for parking and it is acknowledged that building car parks as a solution would damage the historic fabric of these areas.

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Rural Areas

2.47 The smallness of the islands, the high population density and the transition experienced in the last decades from a predominantly agrarian society to industrialised and urban communities have led to significant change in land use patterns. The expansion of urban settlements and new built-up areas up until the designation of the Temporary Provisions Schemes in 1988 has led to the coalescence of towns and villages. This has had an adverse impact on the distinct characteristics of rural areas and resulted in a reduction of open countryside; damage to natural habitats, wildlife and natural hydrological processes; conflicting activities; soil erosion and soil sealing; risks of pollution, such as from ground level ozone; contamination of soil and water catchments; and the scarring of traditional landscape. Other significant threats come from dumping, indiscriminate blocking of access, and fragmentation resulting from urban development, roads, obnoxious industries and agriculture malpractices.

2.48 Agriculture dominates the rural environment yet abandonment, loss and fragmentation of agricultural land remain critical issues for the future sustainability of Malta's rural areas. The present situation of Maltese agriculture where it finds difficulties competing because of the uneven public support enjoyed by foreign products is considered to be economically unsustainable. Consequently, the agricultural industry has partly become intensive and specialised with concentrations of greenhouses, large farm buildings and small-scale agricultural structures that generate a significant cumulative impact on the quality of the landscape, as do the use of unsuitable design and materials. Intensive arable farming has increased demand for water for irrigation and the use of agro-chemicals (e.g. fertilisers and pesticides) which resulted in adverse impacts on biodiversity and water resources. User conflicts through the inappropriate siting and design of livestock farm buildings and the lack of proper waste management have also arisen. The reduction in full time employment in agriculture and the continuing process of land fragmentation have shifted people's interest in the use of agricultural land and buildings for gardening as a hobby and/or for their exclusive enjoyment of the countryside as a weekend retreat. This has increased pressure for new structures in the rural area, sometimes under the pretext of agriculture, or for conversion of existing structures to non agricultural uses. Therefore, the promotion and support of a sustainable and modernised agricultural industry is also crucial to safeguarding the countryside for present and future generations. The challenges of modernisation of arable and livestock farming require

an appreciative understanding of the spatial context within which they occur.

2.49 The Maltese landscape has been moulded over time by natural and anthropological forces and can be described as a cultural landscape. It is characterised by the karstic rock formations, the closely-knit geometric forms of settlements dominated by domes and steeples, terraced agricultural fields and Mediterranean flora. This valuable asset for tourism has generated development pressures that are not always in harmony with their locational context. The transformation of the landscape and of rural character by development is particularly visible in the urban sprawl on the fringe of Malta's conurbation. The numerous structures present in the countryside are testament to the islands' past where the military structures, archaeological features and rural buildings give the islands their cultural identity. Various buildings of heritage value have been abandoned whilst others were subjected to significant structural changes and additions.

2.50 Moreover, particular rural areas are under threat of degradation by the large number of people they attract, mainly for recreational purposes. The absence of suitable and practical management measures intensifies this problem.

Coastal Zone and Marine Area

2.51 The coastal zone within the Maltese Islands is perceived as a limitless resource that can accommodate all types of uses, in particular the marine environment, which is not covered by an adequate property management system. Consequently this has given rise to conflicts as the limited coastal space on land has been gradually taken up by uses that do not necessitate a coastal location, to the detriment of the legitimate coastal uses as well as the natural and cultural resources. With the coast accommodating most of the nation's strategic infrastructure (energy, ports, desalination and sewage treatment plants) and being identified as a tourism zone in Malta's current tourism policy, the impacts from user conflicts within the coast become even more significant.

2.52 Increased building heights and new materials and designs have eroded the traditional character of settlements in the urbanised coast. Coastal engineering works have led to an increase in the artificialisation of the coastline and loss of sandy beaches whilst fishing villages have been almost completely transformed and displaced by recreational and holiday accommodation

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facilities. Demand for development is concentrated in areas that have easy access to the sea leading to intensification in already developed coasts. Competition for a coastal space is significant even from legitimate coastal uses such as port-related activities including fuel storage, aquaculture and recreation, which reflects the needs for modernisation of operations.

2.53 The use of the marine environment for economic activities has been increasing over the last two decades, diversifying from fisheries and shipping with the development of the Malta Freeport, the establishment of bunkering sites, the introduction of aquaculture as well as the development of yacht marinas. All these activities also generate the demand for ancillary facilities on land. Although the fishing industry in Malta is mainly artisanal, its social and cultural importance far outweighs its economic contribution to the national GDP. Together with aquaculture it is considered to be a major user of the coastal and marine space with the 25 nautical mile Fisheries Management Conservation Zone dedicated to sustainable fisheries.

2.54 With the potential of marine related development still not fully exploited, it is possible that future development proposals for marine use particularly in the renewable energy sector, short sea shipping and diversification of the aquaculture industry will also increase. Given the distinctive difference in water depths between the northern and southern shores pressure for maritime development within the coastal zone will likely be concentrated along the northern shores. In the absence of a holistic policy direction that addresses marine space, the potential for conflicts between marine uses as well as coastal activities is high and if left unchecked may be detrimental to the efficient use of the marine resources.

2.55 Land based activities are the main sources of coastal and marine pollution that affect the natural processes and the socio-economic activities that depend on them such as bathing water quality and seafood quality. Coastal and marine areas are also vulnerable to the impacts of climate change, not only through increased temperatures that may affect marine ecosystems but also through increased storm surges and sea-level changes that are likely to accelerate coastal erosion and affect coastal habitats and the densely used low-lying coastal areas.

Gozo

2.56 The island faces a number of realities and challenges mainly originating from its double insularity which may necessitate a more tailor-made approach to address them. Being an island within an island, the operators in Gozo suffer from a number of comparative disadvantages to their counterparts in Malta such as high transportation costs. Transport in Gozo is highly dependent on private car use causing congestion, air pollution and noise in certain areas. The recently introduced new public transport system is expected to help reduce these impacts. The small size of the island renders space very sensitive and as a result limits opportunities for both business and industrial activity. Issues with space are also evident in the extremely fragmented farm land which limits the optimal use for agriculture. An emerging issue is the lack of sufficient child-care centres on the Island. This will become more pressing in the near future given the number of parents having to travel to Malta for work, compounded with the fact that people will remain active for a longer period of time. Capacity constraints in tertiary education are also evident.

2.57 Gozo is characterised by an ageing population and a high dependency ratio. Its economy is highly dependent on tourism, retailing, and governmental services. These factors combine to create a number of threats to the Island's future opportunities. These include a real risk of environmental degradation due to the continuous over-exploitation of the rare and limited resources such as landscape and biodiversity; excess urbanisation; and high seasonality in tourism arrivals. All these elements put the same distinctiveness and quality that attracts the visitor to Gozo in the first place at risk. The transformation of coastal recreational areas into highly urbanised waterfronts changes the characteristic landscape and squeezes the natural coastal biodiversity further. Fragmentation in rural activities in connection with farm holding and land ownership increases the risk of making agricultural activities non-profitable. This will have adverse implications on the rural setting especially the loss of traditional activities and maintenance of dwellings.

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Chapter 3 National Spatial Framework

General Principles

3.1 The sustainable use of land and sea resources depends on the efficient use of available space. In preparing policies, plans and programmes Government will adopt a sequential approach to the use of land where development should be guided:

- firstly to the re-use of existing developed land and buildings (through change of use);
- secondly to re-development of existing developed land and buildings; and
- finally, where no other feasible alternatives exist, to the use of vacant land.

This sequential approach is being adopted in order to ensure that land take up in the Rural Area is considered as a last resort and where it is essential for the achievement of sustainable development.

Furthermore,

(i) the bulk of development is directed to the Urban Area with the aim of consolidating it within a spatial hierarchy whilst improving further the liveability of towns and settlements;

(ii) the Rural Area is promoted for agriculture and diversification in support of farming activity in addition to protection and management of the natural and cultural resources that give it its distinctive qualities; and

(iii) a planning framework is proposed to integrate socio-economic growth and environmental management within the Coastal Zone and Marine Area.

(iv) plans and policies prepared under the SPED shall seek the conservation of all resources especially water in line with the approach taken in the preparation of supplementary planning guidelines related to firework factories, fuel stations and cemeteries.

In the case of projects of national importance, Government may, after balancing economic, social and environmental priorities including non-compliance with specific provisions of this Plan, conclude that the positive aspects of these projects outweigh the negatives and decide in their favour. When such cases arise, Government will provide a reasoned decision detailing the issues it has taken into account and how it arrived at its final conclusion.

3.2 The National Spatial Framework (NSF) for the SPED is formulated on these general principles. The NSF is to be adopted without prejudice to

subsequent procedures and assessments (including those related to the environment) required by legislation. The NSF sets the framework on which all areas of the Maltese Islands will achieve their potential for sustainable development and takes forward the Vision of the SPED. The following national and sectoral Government policy documents were referred to in the compilation of the NSF:

Policies

- Vision 2015 (2008)
- Pre-Budget Document 2014 (2013)
- Public Transport in Malta A vision for public transport (2008)
- Grand Harbour Vision (2007)
- Vision for Fort St. Elmo and Marsamxett Harbour (2007)
- National Sustainable Development Strategy (2006)
- National Strategy for Cultural Heritage (2006)
- National Strategy for Policy and Abatement Measures relating to the reduction of Greenhouse Gas emissions (2009)
- National Climate Change Adaptation Strategy (2012)
- Culture Policy (2011)
- National Tourism Policy (2012-2016) and Gozo Tourism Policy (2012-2016)
- National Renewable Energy Policy (2006)
- National Energy Policy (2012)
- National Strategy for the Introduction of Electromobility in Malta and Gozo (2012)
- National Environment Policy (2012)
- National Biodiversity Strategy and Action Plan 2012-2020 (2012)
- A Report on Malta's Creative Economy and a strategy for the Cultural and Creative Industries (2012)
- Draft Early School Leaving Strategy (2013)
- Active Labour Market Policy (2012)

Plans

- Transport Infrastructure Needs Assessment (TINA) for Malta (2002-2015)
- Air Quality Plan (2010)
- Noise Action Plan (2013)

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- Water Catchment Management Plan (2011)
- Waste Management Plan for the Maltese Islands 2014-2020
- Eco-Gozo Action Plan 2010-2012 (2009)
- National Energy Efficiency Action Plan (2011)
- National Renewable Energy Action Plan (2010)
- National Report on Strategies for Social Protection and Social Inclusion, 2008-2010
- National Environment and Health Action Plan 2006-2010 (2006)
- National Cancer Plan 2011-2015 (2011)
- Healthy Weight for Life: A National Strategy for Malta 2012-2020
- Storm Water Master Plan (2008)
- Nitrates Action Plan (2011)
- Development of Yachting Facilities in Malta: Identification of Potential Sites for All-Weather Marinas and Temporary Marinas (2009)
- Draft National Environmental Technologies Action Plan (2005)
- National Intelligent Transport Systems Action Plan (2013)

Programmes

- National Reform Programme under the Europe 2020 Strategy (2013)
- Operational Programme I Investing in Competitiveness and Quality of Life 2007-2013 (2007) (updated in 2012)
- Operational Programme II Empowering People for more Jobs and a Better Quality of Life 2007-2013 (2007) (updated in 2012)
- Fisheries Operational Programme for Malta 2007-2013 (2009)
- Rural Development Programme 2007-2013 (2009)

3.3 Article 51 (6) of the EDPA stipulates that the preparation of the SPED requires regard to the current economic, social and environmental policies affecting development and to Government policies on population, economic activities including employment patterns, leisure and recreation, social and community facilities, transport, utilities, conservation, the State of the Environment Report (SOER) and policy documents and decisions related to air, water, nitrates, waste and floods.

3.4 The NSF addresses the issues identified in Chapter 2 through a set of Strategic Objectives which include a set of Thematic Objectives that permeate all socio-economic and environmental sectors and a set of Spatial Objectives for the Maltese Spatial Structure.



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Socio-Economic Development

Thematic Objective 1: To manage the available potential space and environmental resources on land and sea sustainably to ensure that socio-economic development needs are met whilst protecting the environment and limiting land take up within the Rural Area by:

1. Guiding the location of the bulk of new jobs and homes within the Urban Area
2. Safeguarding prime tourism sites
3. Facilitate the setting up of creativity hubs for culture
4. Identifying degraded areas within the Urban Area for integrated regeneration particularly declining coastal resorts such as Marsascalea, Qawra and Bugibba
5. Achieving a wider mix of compatible uses on land and sea
6. Reducing development densities of urban settlements
7. Increasing green open space
8. Facilitate the implementation of an integrated transport strategy
9. Providing a framework for the spatial planning of the Coastal Zone and the Marine Area which supports land reclamation to further socio-economic development
10. Socio-economic development should ensure that rural areas are not exploited by uses which are not legitimate or necessary

Thematic Objective 2: To ensure that provision is made for new social and community facilities and to cater for extensions to such existing facilities for education, child care, family care, health, the elderly, the disabled, rehabilitation, places of worship and animal welfare which are accessible for all whilst minimising environmental impacts by

1. Guiding the location of new social and community facilities within the Urban Area and where no other feasible alternatives exist allowing consideration within appropriate locations in the Rural Area for education, health, elderly, disabled and rehabilitation facilities
2. Maximising the efficient use and reuse of existing facilities

3. Facilitating the provision of child care centres
4. Guiding the location of government schools and facilities for youths towards appropriate locations which may include the Rural Area where no other feasible alternatives exist in the Urban Area
5. Designating the Mater Dei area as a strategic health hub and ensuring its land requirements are met
6. Facilitating the provision of health centres and homes for the elderly at a regional level
7. Considering the redevelopment of only redundant existing social and community facilities for alternative uses

Thematic Objective 3: To support the lifting of persons out of risk of poverty and social exclusion by

1. Seeking to integrate social facilities for vulnerable groups within existing communities, with special focus on the Cottonera, Valletta, Msida, Qawra, Marsa, Birzebbugia, Marsascalea, Gozo areas.
2. Seeking to increase the supply of and assistance for affordable and social housing within the Urban Area, especially for vulnerable groups
3. Improving accessibility and affordability of public transport to ensure access to jobs, shopping, leisure and other activities, with particular emphasis on the Principal Urban Area and coastal resorts.

Thematic Objective 4: To seek to ensure that existing strategic infrastructure is safeguarded and that provision is made for infrastructure (water, electricity, sewers, fuel storage, telecommunications) to sustain socio-economic development needs whilst encouraging the Best Available Technology and protecting the environment by

1. Supporting the implementation of the Malta's Energy and Water Policies
2. Facilitating the provision of strategic infrastructure and networks with particular emphasis on telecommunications technology infrastructure
3. Facilitating the improvement of the quality and quantity of location and distribution of utilities infrastructure
4. Facilitating the Interconnector cables, Natural Gas infrastructure and the extension of the

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Delimara Power Station including the supporting infrastructure

5. Directing new large scale fuel storage facilities towards the Freeport area and facilitating bunkering facilities for LNG use
6. Retaining and upgrading existing large scale fuel storage facilities in the Grand Harbour area, Has-Saptan and other appropriate areas in the vicinity
7. Ensuring that the environmental impact of new small scale fuel storage facilities is minimised
8. Maximising the efficient use and upgrading of foul water treatment facilities and the supporting infrastructure
9. Facilitating the development of wastewater polishing infrastructure and the distribution facilities to deliver second class water to the point of use
10. Facilitating the implementation of a telecommunications master plan
11. Supporting the implementation of TEN-E Projects of Common Interest (PCI)

Thematic Objective 5: To ensure that existing recreational resources are protected, enhanced and accessible, and to facilitate the provision of new recreational facilities to improve social cohesion, human health, air quality and biodiversity by

1. Directing the bulk of new formal recreation facilities to the Urban Area and the Urban Coast and designating new areas within the Rural Area as National Parks
2. Safeguarding Salina National Park, Xrobb I-Ghagin National Park, San Antnin Family Park , Ta' Qali National Recreational Centre, Marsa Sports Centre, Mellieha Foresta 2000, Buskett and Majjistral National Park from deleterious and incompatible land uses
3. Safeguarding strategic multipurpose sports complexes at Kordin, Kirkop, Cottonera, Qawra, Rabat (Gozo), Tal-Qroqq National Pool from deleterious and incompatible land uses
4. Ensuring that proposed recreational facilities respect the water scarce characteristics of the islands
5. Ensuring that the scale and design of supporting infrastructure improves the intrinsic quality of the experience of informal recreation

Environment

Thematic Objective 6: To safeguard environmental health from air and noise pollution and risks associated with use and management of chemicals by

1. Controlling the location, design and operation of development
2. Identifying and designating pollution hotspots including air and water quality, noise and land contamination, and focusing resources for positive action and improvement
3. Protecting vulnerable areas from sources of pollution
4. Promoting alternative modes of travel such as walking, cycling and waterborne travel

Thematic Objective 7: To promote the efficient use of resources including local stone, water and soil, and manage waste in a manner that safeguards natural processes, and minimises impacts on cultural heritage, landscape and human health by

1. Considering further mineral extraction preferably through extensions of existing quarries provided that there is no unacceptable adverse impact on protected areas and species
2. Ensuring phased extraction of minerals and restoration of quarries
3. Identifying appropriate after uses for disused quarries particularly the development of solar farms as a support to Energy policy
4. Protecting natural hydro-morphological and hydrological processes
5. Promoting rain water harvesting provided that there is no unacceptable adverse impact on protected areas and species
6. Controlling the location of development to prevent soil sealing and erosion
7. Protecting agricultural land and gardens to prevent loss of soil and soil sealing
8. Supporting the implementation of the National Waste Management Plan and setting out site selection criteria for the location of waste to energy facilities
9. Controlling demolition of buildings and structures and excavation of sites
10. Reviewing the policy on dumping of inert waste at sea
11. Promoting the adoption of sustainable urban drainage systems to reduce the volume of rainwater runoff

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Thematic Objective 8: To safeguard and enhance biodiversity, cultural heritage, geology and geomorphology by

1. Identifying, designating and managing areas, buildings, structures, sites, spaces and species for protection and appreciation
2. Safeguarding protected areas including SACs, SPAs and MPAs whilst enabling activities aimed at enhancing their management objectives
3. Strengthening the links within the ecological network of the Maltese Islands
4. Facilitating restoration of damaged ecosystems
5. Setting out a policy framework for culture-led regeneration programmes and projects
6. Re-appraising the value of the character, amenity and distinctiveness of designated areas and sites for their built heritage value
7. Controlling activities which might have an impact on areas, buildings, structures, sites, spaces and species with a general presumption against the demolition of scheduled and vernacular buildings
8. Protection of important groundwater recharges areas such as outcropping inlayers of the Lower Coralline Limestone formation.
9. Controlling sources of light pollution which negatively affect the Rural Area

Climate Change

Thematic Objective 9: To control Greenhouse gas emissions and enhance Malta's capacity to adapt to Climate Change by

1. Supporting the implementation of Malta's Energy and Water Policies
2. Supporting the implementation of the National Mitigation Strategy and National Adaptation Strategy
3. Requiring the integration of small scale renewable energy infrastructure into the design of buildings, particularly in public, industrial and commercial sectors
4. Promoting renewable energy sources and zero carbon modes for transport
5. Directing large scale solar farms to areas as identified in the proposed Solar Farm Planning Policy
6. Promoting energy efficiency in the design of buildings
7. Ensuring that development plans and proposals contribute to national targets for GHG reductions and mainstream climate change adaptation measures
8. Directing development away from areas which are prone to significant risk of flooding with the exception of interventions required to manage these areas
9. Improving public/collective transport as a high priority adaptation measure for Climate Change



Travel Patterns

Thematic Objective 10: To facilitate the modal shift through the provision of an integrated transport network and a parking framework whilst minimising their adverse environmental impacts particularly on protected areas and species by

1. Shifting the emphasis from new road construction to better integration of public transport priority measures on better managed roads
2. Safeguarding the implementation of the TEN-T core and comprehensive networks.
3. Revising the categorisation of the road network
4. Using advanced technologies to improve traffic management and road safety
5. Integration of rainwater management infrastructure in road networks
6. Revising the current standards for the provision of and management of off-street and on-street parking

Thematic Objective 11: To facilitate the provision of an efficient public transport service and other green modes by

1. Supporting the implementation of the Public Transport Strategy (Transport Interchange points)
2. Requiring transport assessments for a wider range of travel generating schemes
3. Seeking the inclusion of public transport, walking and cycling prioritisation measures in road improvement, traffic management schemes and large scale development, as well as the use of inner harbour water-based transport

4. Identifying stretches of the road network where bus priority routes can be introduced to facilitate the diversion of trips onto public transport

Thematic Objective 12: To ensure the continuing efficient operation of the Harbours and Airport whilst minimising adverse environmental impacts by

1. Promoting Integrated Harbour Management
2. Facilitating the implementation of the policy on regeneration of ports
3. Prioritising the efficient use of the port area on land and sea of the Grand Harbour and Freeport
4. Safeguarding land around the Bnghajsa area for Freeport related/industrial activities
5. Safeguarding land around the Airport for the growth of aviation related activities and the logistics sector
6. Facilitating for the future expansion of Cirkewwa and Mgarr Harbours to ensure their continued effective functioning
7. Ensuring that the transport network serving the Harbours and Airport can accommodate their anticipated growth

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Urban Area

Urban Objective 1: To accommodate socio-economic development in those parts of the Urban Area well served by public transport and existing infrastructure, to contain urban sprawl and minimise the need to travel by

1. Designating a hierarchy of urban areas as follows:
 - a. *Principal Urban Area (PUA)* to accommodate major employment, social and residential development needs
 - b. *Regional Urban Settlements (RUS)* to accommodate employment, social and residential development serving regional needs
 - c. *Small Urban Settlements (SUS)* to accommodate development serving local needs
2. Designating the Grand Harbour Area as a strategic node for integrated regeneration
3. Identifying key strategic sites primarily within the Urban Area and designating them as land banks to accommodate future need
4. Guiding the distribution of new dwellings so that the bulk is located in the PUA mostly on previously developed land
5. Guiding the distribution of new jobs so that the bulk is located in identified Business Hubs predominantly for retail, office, tourism, culture and leisure uses and in identified Enterprise Hubs predominantly for the core economic development sectors
6. Promoting the attractiveness of Business and Enterprise Hubs for the location of new jobs
7. Safeguarding land in close proximity to established Enterprise Hubs and land to the east of the Hal Far Enterprise Hub to accommodate growth in industry
8. Re-appraising the range of local centres in subsidiary plans to accommodate a mix of small scale businesses and enterprises

Urban Objective 2: To improve the townscape and environment in historic cores and their setting with a presumption against demolition of property worthy of conservation by

1. Formulating Conservation Area Action Plans to

- a. Control design, form, scale, density and type of development
 - b. Facilitate appropriate housing types
 - c. Encourage small scale compatible business uses particularly tourism related which complement the character and distinctiveness of historic cores
 - d. Integrate new uses and activities within existing historic buildings as a catalyst for rehabilitation and regeneration
2. Encouraging good restoration practices and conservation
 3. Adopting a context driven approach to the control of building heights within Urban Conservation Areas
 4. Development within historic sites is to be carried out in such a manner so as to ensure that the historic sites' skyline is not adversely affected

Urban Objective 3: To identify, protect and enhance the character and amenity of distinct urban areas by

1. Carrying out an appraisal of the 2006 Development Zone boundary to define detailed criteria to guide minor adjustments (meaning both additions and exclusions of land from the 2006 Development Zone) whilst ensuring that the overall result does not constitute a significant change. Any such revision shall be construed as an amendment of this Plan and the procedures set out at law regulating such amendments shall apply.
2. Carrying out an appraisal of the value of the character, amenity and distinctiveness of urban areas
3. Designating sub-areas within urban areas for a distinct range and scale of functions linked to appropriate size thresholds
4. Identifying sites which are derelict, in a state of abandonment, of poor quality or include incompatible uses and seek their upgrading through high quality development
5. Controlling the proximity of non-residential uses in urban areas
6. Establishing appropriate building heights and development densities
7. Protecting and greening open spaces which contribute towards the character and amenity of urban areas, reduction of soil sealing and support biodiversity with a view of developing ecological corridors

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8. Retaining and seeking to upgrade existing sports facilities, public gardens, playgrounds, promenades and other public open spaces in urban areas
9. Seeking to achieve a minimum level of urban public open space per person, part of which should be green open space
10. Reducing traffic in traffic - sensitive urban areas by promoting pedestrianisation, shared space streets, traffic calming and green modes of travel

Urban Objective 4: To ensure that all new developments are energy and water efficient and provide a sense of place, respond to the local character, improve amenity and the pleasantness of place and ensure safety by

1. Setting out a policy framework to promote high quality design
2. Controlling space standards and function of development, also integrating civil protection requirements
3. Ensuring that the design of buildings and infrastructure makes efficient use of energy and resources and reduces waste
4. Seeking to minimise risks from crime through design
5. Seeking to reduce risk hazards through design and location
6. Seeking to integrate the requirements of people with special needs in the design of buildings and facilities
7. Promoting the concept of sustainable urban drainage systems to reduce the generation of rainwater runoff from urban areas

Rural Area

Rural Objective 1: To facilitate sustainable rural development and the diversification of activities within the Rural Area to sustain agriculture and safeguard its distinctiveness by

1. Protecting good quality agricultural land from development
2. Supporting the modernisation of existing animal and arable farms located away from sensitive areas

3. Guiding new animal and intensive arable farms to intensive agriculture zones identified in subsidiary plans
4. Safeguarding San Niklaw area (Siggiewi) for the relocation of livestock farms from the Urban Area
5. Integrating renewable energy, waste management infrastructure and sustainable water management for efficient resource use in intensive agriculture
6. Broadening the range of acceptable activities such as rural tourism initiatives by farmers in rural areas on agricultural holdings
7. Controlling the cumulative effect of rural development


Rural Objective 2: To ensure that existing rural recreational resources are protected, enhanced and accessible and to facilitate the provision of new recreational facilities which enhance the public's rural experience in a manner which does not have an unacceptable adverse impact on protected areas, species and areas of high landscape sensitivity by

1. Identifying and managing key rural areas popular for informal recreation which enhances the rural experience, improving synergies between biodiversity and tourism, and protecting them from deleterious and incompatible uses
2. Promoting informal recreation in the vicinity of the Principal Urban Area
3. Reappraising the network of country pathways identified in subsidiary plans and prioritise for implementation
4. Ensuring public access to rural areas whilst minimising the negative impacts, particularly from vehicular access on protected areas and areas of high landscape sensitivity
5. Ensuring compatibility between recreational activities and between these activities and other land uses


Rural Objective 3: To guide development which is either justified to be located in the Rural Area in approved Government policies, plans or programmes, or is incompatible with urban uses and where alternatives are not possible, to the Rural Area away from protected areas and areas of high landscape sensitivity, preferably on Areas of Containment, previously developed land or existing buildings while ensuring the improvement of the quality of the rural environment by

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4. Facilitating the establishment of new child care facilities close to or within established Business and Enterprise Hubs
5. Safeguarding the implementation of the proposals in TEN-T network which seek to improve accessibility to Gozo
6. Encouraging better links between Malta and Gozo
7. Facilitating the implementation of strategic projects (Cruise Liner Terminal, a yacht marina, an airfield and a reverse osmosis plant)
8. Facilitating the ICT connectivity of Gozo to Malta.
9. Making better use of previously developed land on Comino for tourism and recreation related uses
10. Supporting a regional agro-tourism policy specifically for Gozo and as a niche industry for Gozo
11. Establishing family friendly recreational parks and walkways
12. Managing the cultural landscape, the undeveloped coast and enhance its biodiversity
13. Supporting afforestation initiatives in line with biodiversity goals

 <p>Strategic Plan for Environment and Development</p>	<p>45G</p> <p>SPATIAL STRUCTURE AND COVERAGE OF THE SP</p>	<ul style="list-style-type: none"> Urban Area Rural Area Coastal Zone - Terrestrial Limit Coastal Waters up to 1 Nautical Mile Coastal Zone up to 12 Nautical Miles Marine Area up to 24 Nautical Miles Marine Area up to 25 Nautical Miles 	<p>MAP 1</p>	<p>REMARKS:</p> <ul style="list-style-type: none"> - Without prejudice to the management of the continental shelf by 20th under the Continental Shelf Act of 1966. - Without prejudice to the provisions of the United Nations Convention on the Law of the Sea. <p>IMPORTANT :</p> <ol style="list-style-type: none"> 1. Indicative Only. Not to be used for direct interpretation. 2. Maps to be used only in conjunction with the Strategic Plan for Environment and Development. 3. Bath Area based on 2006 Maps. 	<p>1. Data Planning Process Planning (PDP) Strategic Plan SP2014/Map 1/2014. Status: Approved Map</p> <p style="text-align: right;">July 2015</p>
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Strategic Plan for Environment and Development

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STRATEGIC PROPOSALS

Urban Area Policies

Hierarchy of Urban Areas

- Principal Urban Area
- Regional Urban Settlements
- Small Urban Settlements
- Power Station
- Electricity Interconnection
- Reverse Osmosis Plants
- Sewerage Treatment Plants
- Waste Management Facilities
- Business Hubs
- Enterprise Hubs

Social and Community Facilities

- Priority Areas

Strategic Road Network

- Park and Ride
- Sports Complexes

Rural Area Policies

Strategic Areas for Recreation

- Country Parks
- Ta' Qall National Recreation Centre
- Marsa Sports Complex

Hierarchy of Landscapes

- Areas of High Landscape Protection
- Areas of Landscape Protection

Strategic Open Gaps

- Strategic Open Gap to be Retained
- Luqa Aviation Hub

Coastal Zone and Marine Area Policies

Terrestrial Coastal Zone

- Predominantly Urban Coast
- Predominantly Rural Coast

Integrated Harbour Mgmt

- Integrated Harbour Mgmt

Infrastructure on the Coast

- Industry/ Freeport
- Fishing Harbours

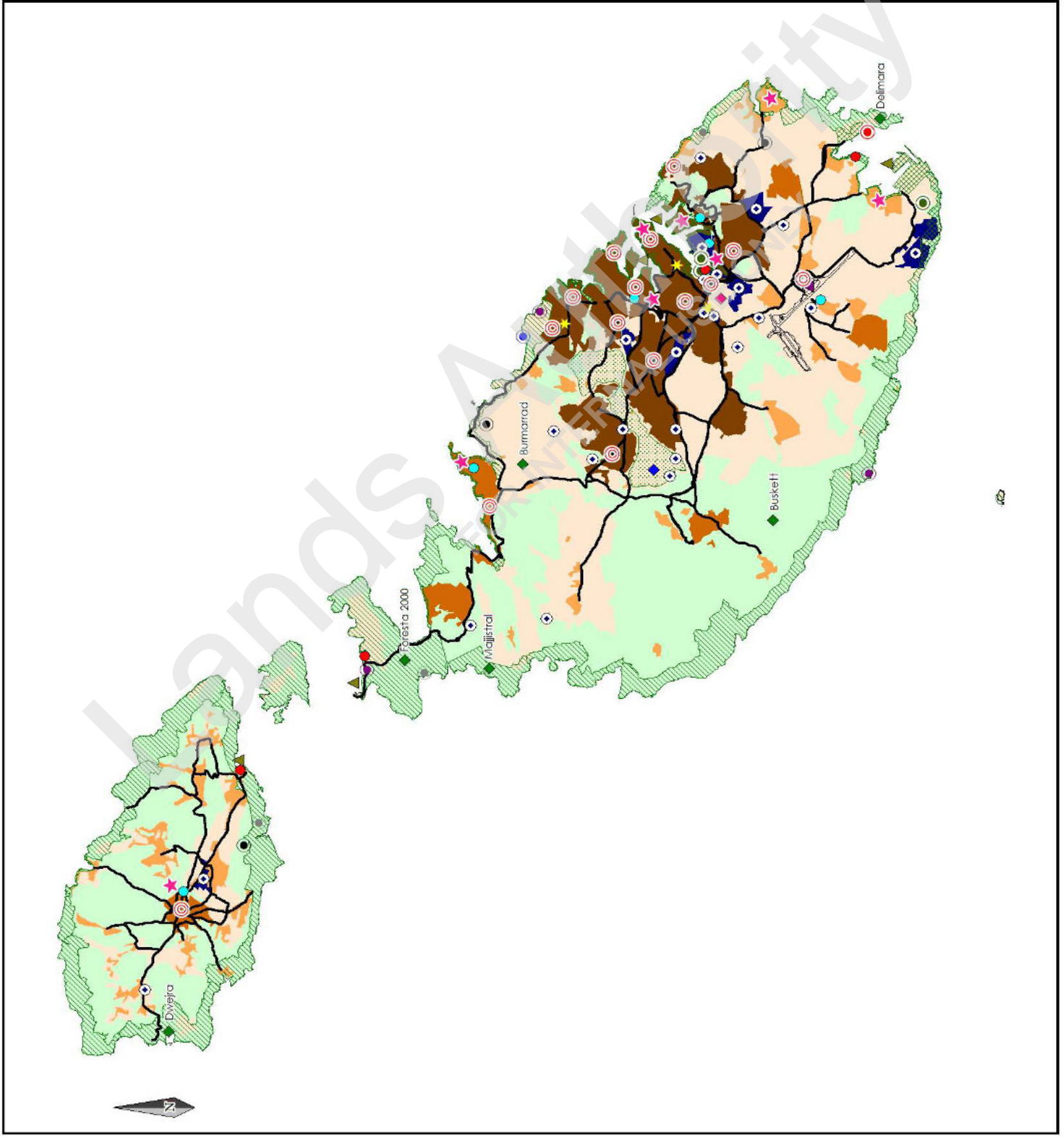
MAP 2A

IMPORTANT:

1. Indicative Only. Not to be used for direct interpretation.
2. Maps to be used only in conjunction with the Strategic Plan for Environment and Development
3. Both Areas based on 1988 Maps

Base Map - 1988 Survey Sheets (Updated), Copyright MEPA
 1. Data provided by the Ministry of Environment and Development
 2. Data provided by the Ministry of Environment and Development
 3. Data provided by the Ministry of Environment and Development

July 2015





Strategic Plan for Environment and Development

**STRATEGIC PROPOSALS
PRINCIPAL URBAN AREA**

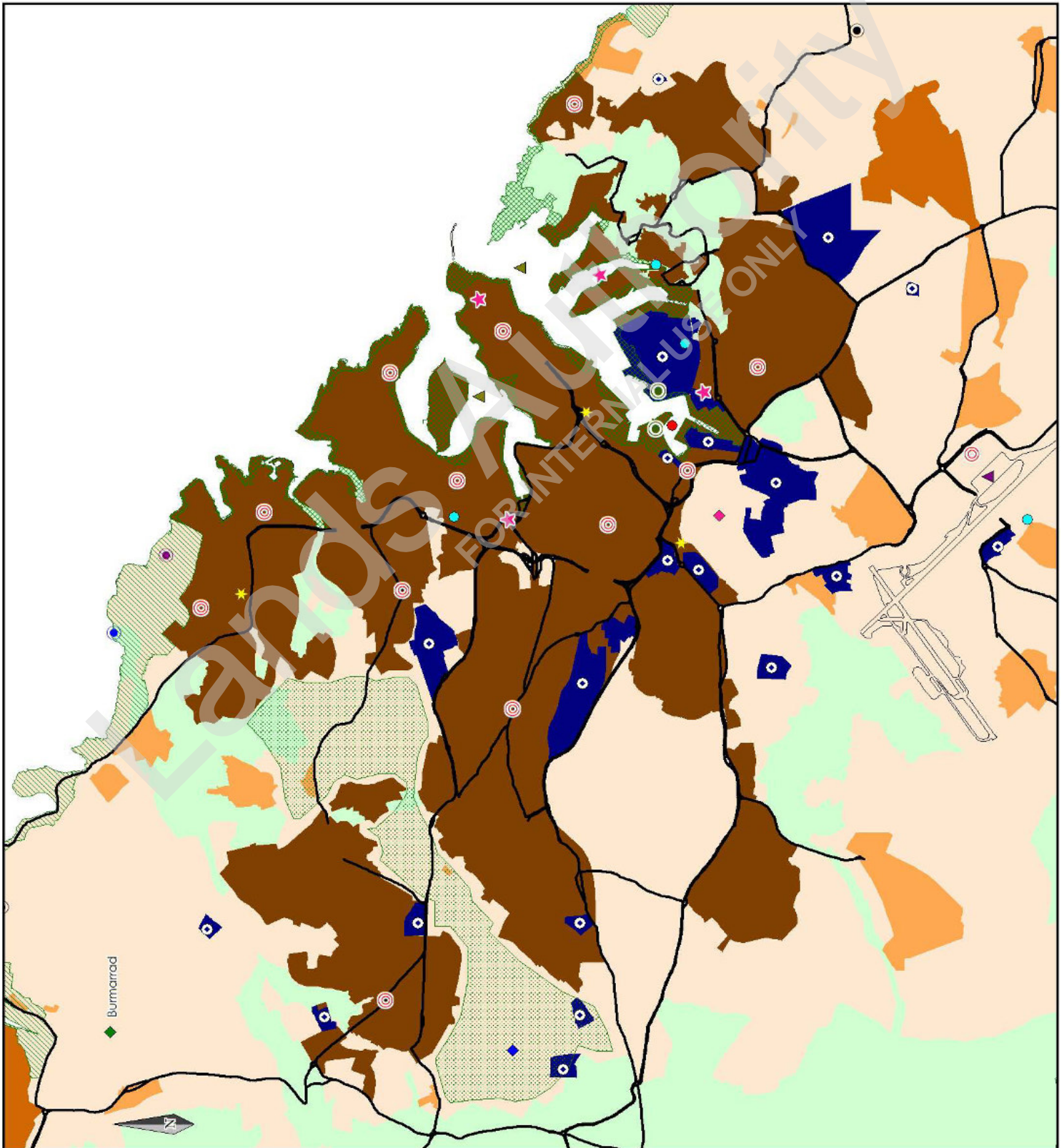
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- Urban Area**
- Hierarchy of Urban Areas**
 - Principal Urban Area
 - Regional Urban Settlements
 - Small Urban Settlements
 - Electricity Interconnection
 - Reverse Osmosis Plants
 - Waste Management Facilities
- Business Hubs**
- Enterprise Hubs**
- Social and Community Facilities**
 - Priority Areas
- Strategic Road Network**
- Park and Ride**
- Sports Complexes**
- Rural Area**
- Strategic Areas for Recreation**
 - Country Parks
 - Ta' Qall National Recreation Centre
 - Marsa Sports Complex
- Hierarchy of Landscapes**
 - Areas of High Landscape Protection
 - Areas of Landscape Protection
- Strategic Open Gaps**
 - Strategic Open Gap to be Retained
 - Luqa Aviation Hub
- Coastal Zone and Marine Area**
- Terrestrial Coastal Zone**
 - Predominantly Urban Coast
 - Predominantly Rural Coast
- Integrated Harbour Mgmt**
- Infrastructure on the Coast**
 - Industry/ Freeport
 - Fishing Harbours

MAP 2B

IMPORTANT : 1. Indicators Only. Not to be used for direct interpretation.
2. Maps to be used only in conjunction with the Strategic Plan for Environment and Development.
3. Built Areas based on 1988 Maps

Base Maps - 1988 Survey Sheets (Updated), Copyright METPA
2024
July 2015



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Lands Authority
FOR INTERNAL USE ONLY

----- Forwarded message -----

From: <noreply-lemis.la@landsauthority.org.mt>

Date: Wed, Jun 5, 2024 at 8:10 AM

Subject: TDR/00032/2024 - Site For Hotel, Ramla Tal-Bir, Marfa L/O, Mellieha, Malta - L/0430/1965

To: <peritkevinabela326@gmail.com>, <claudio@arcstudio.com.mt>, <melanie@peritms.com>

Cc: <valuations.la@landsauthority.org.mt>

Għal-attenzjoni ta': KRA Perit Kevin R Abela,ARCstudio,Peritms,

Għezież Periti,

Wara l-interess li wrejtu fi 'Framework Agreement [CT2132/2021] for the Provision of Professional Services by Periti (Lot 1) to the Lands Authority', għandi pjaċir ninfurmakom li intom ġejtu appuntati sabiex flimkien thejju rapport Peritali wieħed maqbul bejnietkom f'isem l-Awtorita' tal-Artijiet.

Intom ġentilment mitluba tikkonfermaw li intom disponibbli sabiex tikkonsenjaw l-inkarigu li ingħata lilkom fiz-żmien stipulat hawn taħt. Jiddispjaċini ninfurmakom li f'każ li wieħed jew aktar mill-Periti inkarigati jonqos milli jibgħat il-konferma tiegħu fi żmien 24 siegħa mil-ħin li tintbghat din l-imejl, l-Awtorita' tipproċedi billi tibgħat l-istess inkarigu lill-Perit segwenti mingħajr il-bżonn ta' ebda avviz ieħor. Il-konferma tagħkom għandha tintbghat fuq l-indirizz elettroniku valuations.la@landsauthority.org.mt.

Bl-aċċettazzjoni ta' dan l-inkarigu, intom tkunu qegħdin tobbligaw ruħkom għal żmien tmintax-il xahar mid-data tal-valutazzjoni, illi tirvedu din il-Valutazzjoni kemm il-darba:

1. **Fil-proċess ta' verifika illi tagħmel l-Awtorita' jinstabu nuqqasijiet ta' natura teknika u/jew proċedurali;**
2. **Il-Valutazzjoni tkun tat lok għall-sejħiet għall-offerti mingħajr suċċess.**

Kwalunkwe reviżjoni meħtieġa għandha tkun mhejjija minnkom stess u għandha titqies bħala parti integrali minn dan l-inkarigu f'termini ta' pagament.

Għal dan l-inkarigu, intom ġentilment mitluba, tirreferu għall-pjanta PD 115_65_2 u tindirizzaw il-punti elenkati hawn taht:

1. Tistabbilixxu il-Valur Liberu u Frank tas-siti 1, 2, 3 u 4 hekk kif murija bil-kulur aħdar fuq il-pjanta surriferita, li għandhom kejl ta' cirka 960m² (Sit 1); cirka 78m² (Sit 2); cirka 302m² (Sit 3) u 1,469m² (Sit 4). Sussegwentement tapporzjonaw id-Dirett Dominju Temporanju u l-Utile Dominju Temporanju għaż-żmien rimanenti tal-konċessjoni enfitwetika fir-rigward taz-zona li qed tigi terminata (2,809m²). L-apporzjonament għandu jsir permezz ta' formola li giet mhejjija mil-Awtorita' għal dan l-iskop u li tinsab annessa hawn fuq.
2. Tapporzjonaw iċ-Ċens Annwu ta' Lm100 (€ 232.94) gravanti fuq is-sit li kien konċess originarjament li kellu kejl ta' cirka 24,826m². Dan wara li tiegħu konsiderazzjoni ta' dawk il-porzjonijiet immarkati bil-kulur aħdar li għandhom kejl komplessiv ta' 2809m², u li wħud minnhom ser ikunu irritornati lill-Gvern, u oħrajn ser ikunu qed jigu mnaqqsa u assenjati titlu differenti min dak eżistenti.
3. Il-Valur Liberu u Frank u iċ-Ċens Annwu Relattiv tas-siti A, B, C u D, hekk kif murija bil-kulur ikħal fuq il-pjanta annessa, li għandhom kejl ta' cirka 125m² (Sit A); cirka 2,268m² (Sit B); cirka 477m² (Sit C) u 54m² (Sit D), abbazi tal-valuri tal-proprjeta' fis-suq kurrenti. L-Awtorita' tinsab fil-proċess li titrasferixxi dawn is-siti permezz ta' konċessjoni emfitwetika temporanja li tiskadi fid-data ta' skadenza tal-konċessjoni originali, u cioe fl-14 ta' Frar 2116.

4. Minn qiegħda li għamlet l-Awtorita` rriżulta li dawn is-siti mmarkati bl-ittri A, B, u C, hekk kif murija bil-kulur ikħal fuq il-pjanta annessa, kienu okkupati mingħajr titolu legali sa mis-sena 2012, għaldaqstant dan l-inkarigu jinvolvi wkoll il-komputazzjoni tal-penali għall-okkupazzjoni illegali. Għalhekk l-ewwel ammont tal-multa għandu jkun iċ-ċens annwu li ġejtu mitluba tiddeterminaw f'punt numru 3, ta' dan l-inkarigu. L-istess ammont għandu jiġi mnaqqas sena b'sena skont l-indiċi tal-inflazzjoni sas-sena li fiha bdiet l-okkupazzjoni illegali u cioe` s-sena 2012. Il-valuri għal kull sena għandhom ikunu indikati separatament f'tabella waħda li tinkludi fiha wkoll il-valur komplessiv tal-penali mis-sena 2012 sas-sena 2024. Għall-iskop ta' dan l-inkarigu, l-Awtorita` ħadet ħsieb thejji formula apposta sabiex il-komputazzjonijiet tal-penali għall-okkupazzjoni illegali jistgħu jithejjew b'mod uniformi (annessi).
5. Il-valur sabiex tingħata koncessjoni b'Encroachment' tas-sit muri bil-kulur isfar fuq il-pjanta annessa, abbazi tal-valuri tal-proprjeta fis-suq kurrenti.

Intom ġentilment mitluba tagħmlu referenza għal linji gwida LGS 1, LGS 2 u LGS 3 u tivverifikaw jekk dawn humiex applikabbli għal dan il-każ jew le. Ir-rapport għandu jinkludi fih raġunijiet speċifiċi dwar id-deċiżjoni tagħkom li tapplikaw u/jew ma tapplikawx kwalunkwe waħda jew aktar minn dawn il-linji gwida li jista jkollkom aċċess għalihom permezz ta' din il-link: <https://content.landsauthority.org.mt/content/2022/10/Linji-Gwida-dwar-Stimi-Peritali-dwar-Art-jew-Bini-October-2022-1.pdf>

Għal dan l-inkarigu, intom ġentilment mitluba li tikkomunikaw mal-kumpanija ta' Awdituri, Grant Thornton, li ġew maħtura apposta mill-Awtorita` biex tassisti lilkom il-periti, biex ikoll flimkien taslu għall-valur mitlub. Intom ġentilment mitluba tagħmlu kuntatt mas-sinjura George Vella fuq 2093 1801 jew 9982 3402, jew mas-sinjura Oriana Abela fuq 2093 1808 jew 7961 7141.

Intom ġentilment mitluba tagħmlu kuntatt mal-Perit Paul Borg fuq 21381500 jew b'email paul@danda.com.mt, sabiex jipprovdikom aċċess għal din il-proprjeta'.

Ir-rapport mitlub għandu jkun mhejji skont il-Valuri tas-Suq Kurrenti u skont l-Artiklu 79 tal-KAP 573 tal-Liġijiet ta` Malta. Għandu jkun żgurat li l-ħtiġijiet ta` dan l-artiklu jkunu kollha mħarsa, b'mod speċjali paragrafu (e).

Dan ir-rapport għandu jkun miktub bil-lingwa Maltija u pprovdut fuq il-mudell imhejji mil-Awtorita` tal-Artijiet li jista jkollkom aċċess għalih billi tgħafsu fuq: <https://content.landsauthority.org.mt/content/2020/11/9ffbdd00-valuation-policy-document-oct-2020.pdf>. Intom ġentilment mitluba tinnotaw li d-dokumenti elenkati f'paragrafu 2 tal-mudell li qed issir referenza għalih huma kollha mandatorji, filwaqt li għandkom thossukom liberi tannettu kwalunkwe dokument ieħor minnkomp meqjus utli għall-fini ta' din l-istima u għall-valur aħħari.

Sabiex dan l-inkarigu jkun kumpilat b'mod li jissodisfa lill-Awtorita`, huwa essenzjali li tagħmlu użu mir-rapport: "Consolidated Document on Property Valuation: A Compilation of Information and Examples" u mil-"Policy għat-tħejjija tar-rapporti ta' stimi peritali dwar art jew bini". Intom jista jkollkom aċċess għal dawn id-dokumenti billi tgħafsu fuq:

- <https://content.landsauthority.org.mt/content/2018/03/Valuations-Manual-LA.pdf>
- <https://content.landsauthority.org.mt/content/2020/11/95cd6ed4-1-policy-for-the-preparation-of-valuations-in-relation-to-lands-and-buildings.pdf>

F'każ ta` diffikulta` dwar l-inkarigu, inti ġentilment mitlub tressaq il-mistoqsijiet tiegħek għall-attenzjoni tal-Uffiċċju tal-Istima fi ħdan l-Awtorita` fuq l-indirizz elettroniku valuations.la@landsauthority.org.mt. Ir-rapport finali **flimkien mal-kont relattiv** għandhom ikunu konsenjati lil din it-taqsimha sa mhux aktar tard mid-data ta' skadenza: 20 ta' Ġunju 2024.

Grazzi.

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Anness Dokument Numru 1.

Sezzjoni 1

1.4 Deskrizzjoni tal-Inkarigu:

Rapport Peritali dwar:

1. Valur Liberu u Frank tas-siti 1, 2, 3 u 4 hekk kif murija bil-kulur aħdar fuq il-pjanta surriferita, li għandom kejl ta' cirka 960m² (Sit 1); cirka 78m² (Sit 2); cirka 302m² (Sit 3) u 1,469m² (Sit 4). Sussegwentement tapporzjonaw id-Dirett Dominju Temporanju u l-Utile Dominju Temporanju għaż-żmien rimanenti tal-koncessjoni enfitwetika fir-rigward taz-zona li qed tigi terminata (2,809m²). L-apporzjonament għandu jsir permezz ta' formula li giet mhejjija mil-Awtorita' għal dan l-iskop u li tinsab annessa hawn fuq.

2. Tapporzjonaw iċ-Ċens Annwu ta' Lm100 (€ 232.94) gravanti fuq is-sit li kien koncess originarjament li kellu kejl ta' cirka 24,826m². Dan wara li tiegħu konsiderazzjoni ta' dawk il-porzjonijiet immarkati bil-kulur aħdar li għandhom kejl komplessiv ta' 2809m², u li wħud minnhom ser ikunu irritornati lill-Gvern, u oħrajn ser ikunu qed jigu mnaqqsa u assenjati titlu differenti min dak eżistenti.

3. Il-Valur Liberu u Frank u iċ-Ċens Annwu Relattiv tas-siti A, B, C u D, hekk kif murija bil-kulur ikħal fuq il-pjanta annessa, li għandom kejl ta' cirka 125m² (Sit A); cirka 2,268m² (Sit B); cirka 477m² (Sit C) u 54m² (Sit D), abbazi tal-valuri tal-proprjeta' fis-suq kurrenti. L-Awtorita' tinsab fil-proċess li titrasferixxi dawn is-siti permezz ta' koncessjoni emfitewtika temporanja li tiskadi fid-data ta' skadenza tal-koncessjoni originali, u cioe fl-14 ta' Frar 2116.

4. Il-komputazzjoni tal-penali għall-okkupazzjoni illegali. Għalhekk l-ewwel ammont tal-multa għandu jkun iċ-ċens annwu li ghejtu mitluba tiddeterminaw f'punt numru 3, ta' dan l-inkarigu. L-istess ammont għandu jigi mnaqqas sena b' sena skont l-indiċi tal-inflazzjoni sas-sena li fiha bdiet l-okkupazzjoni illegali u cioe s-sena 2012. Il-valuri għal kull sena għandhom ikunu indikati separatament f'tabella waħda li tinkludi fiha wkoll il-valur komplessiv tal-penali mis-sena 2012 sas-sena 2024. Għall-iskop ta' dan l-inkarigu, l-Awtorita' ħadet ħsieb thejji formula apposta sabiex il-komputazzjonijiet tal-penali għall-okkupazzjoni illegali jistgħu jithejjew b'mod uniformi (annessa).

5. Il-valur sabiex tingħata koncessjoni b'Encroachment' tas-sit muri bil-kulur isfar fuq il-pjanta annessa, abbazi tal-valuri tal-proprjeta' fis-suq kurrenti. Din il-pjanta annessa, giet reveduta mil-Awtorita' tal-Artijiet.

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Sezzjoni 7

Fil-prestazzjoni ta' din il-valutazzjoni, aħna bbażajna ruħna fuq l-informazzjoni provduta min Grant Thornton li tinkludi:

Is-Sondagg BOV MHRA (2023 – Q4) datat Frar 2024

Pjanijiet tas-sit għar-Ramla Bay Resort

Informazzjoni dwar l-ispejjeż

Rapport Annwali tal-DB Group (2023)

Pjanijiet tas-sit għat-Tunny Net Complex

Pjanijiet tas-sit għal Beef Bar

Stati finanzjarji awditjati għas-sena li ntemmet fl-31 ta' Diċembru 2022 għal Testa Catering Concepts Limited

Pjanijiet tas-sit għal Surfside Lido

Stati finanzjarji awditjati għas-sena li ntemmet fl-31 ta' Diċembru 2019 għal Surfside Company Limited

Section 8

PA/07483/95 - Li tnaqqas l-bini eżistenti u tibni l-estensjoni proposta fuq l-oqsma eżistenti - Irrifjuta l-Permess

PA/07482/95 - Li jwettaq bidliet fil-kamra eżistenti u fiż-żona tal-pixxina - Ġie mogħti l-Permess

PA/01005/95 - Li tpoġġi r-ramel max-xatt.

PA/05172/97 - Estensjoni tal-lukanda eżistenti.

PA/04496/00 - Estensjoni u tibdiliet fil-lukanda eżistenti.

PA/04508/00 - Tibdiliet u estensjoni fil-pixxina.

PA/05408/04 - Konstruzzjoni ta' kamra addizzjonali fil-Lukanda Ramla Bay - Permess Ritirat

PA/04329/04 - Bidliet u estensjoni fil-lukanda għall-provvista u titjib ta' faċilitajiet addizzjonali - Ġie mogħti l-Permess

PA/03086/04 - Estensjoni fil-Lukanda Ramla Bay - Ġie mogħti l-Permess

PA/05411/04 - Konstruzzjoni ta' qorti tat-tennis - Irrifjuta l-Permess

PA/05688/06 - Estensjoni fil-lukanda eżistenti li tinkludi 102 kamra, faċilitajiet ġewwa u barra, u paċifiku - Ġie mogħti l-Permess

PA/01915/07 - Biex timla mill-ġdid il-bajja eżistenti bħala l-ewwel fażi, biex jekk jingħata l-permess, l-M.T.A. tkompli mat-tieni fażi, jiġifieri ttejjeb iż-żona.

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Żona E2 giet stmata li tiġi mikrija għal €35.86/metru kwadru fis-sena. Dan jikkumpara tajjeb mar-rati kummerċjali suġġeriti mill-Awtorità tal-Artijiet ta' €35/metru kwadru fis-sena, (meta permiss jiġi mogħti bħala 'encroachment' biex jintużaw l-istess siti għal avvenimenti żgħar). Ir-rata kummerċjali tal-'kiosk' se tiġi applikata għal dik il-parti tal-istruttura tal-kċina parzjalment mibnija fuq iż-żona E2, b'qies effettiv ta' 70 metru kwadru applikati b'rata kummerċjali suġġerita mill-Awtorità tal-Artijiet ta' €360/metru kwadru.

1. Il-Valur Liberu u Frank tas-siti 1, 2, 3 u 4 (ħodor) = €1,647,729.00

Request 1 Value of Sites 1 - 4 (in green)

Site	SQM	€/SQM	Title	Total
1	960	587	Freehold	563,125
2	78	587	Freehold	45,754
3	302	587	Freehold	177,150
4	1,469	587	Freehold	861,699
Total	2,809			1,647,729
Utile Dominium				1,624,609
Direct Dominium				23,119
				1,647,729

2. Ċens Annwu ta' Lm100 (€ 232.94) gravanti fuq is-sit (ħomor u ħodor) = €232.94. Dan qed jinqasam bejn iż-żoni kif gejjin hawn that:

Request 2 Apportionment of the annual ground rent of €232.94 on the original site of c.24,826m² (shaded in red and green)

Site	SQM	Ground rent
Red	22,017	206.58
Green 1	960	9.01
Green 2	78	0.73
Green 3	302	2.83
Green 4	1,469	13.78
Total	24,826	232.94

3. Il-Valur Liberu u Frank tas-siti A, B, C u D (blu) = €1,715,186

Request 3 Value of the blue portion

Site	SQM	€/SQM	Total	Cens
A	125	587	73,324	3,666
B	2,268	587	1,330,384	66,519
C	477	587	279,803	13,990
D	54	587	31,676	1,584
Total	2,924		1,715,186	

4. Komputazzjoni tal-penali għall-okkupazzjoni illegali tas-siti A, B, C (blu) = €948,235

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Request 4 The fine to be incurred by ramla bay for using section A, B and C illegally throughout the 12 year period (2012-2024), based on the annual ground rent

Site	SQM	€/SQM	Total	Cens
A	125	587	73,324	3,666
B	2,268	587	1,330,384	66,519
C	477	587	279,803	13,990
Total	2,870		1,683,511	84,176

Year	Fine
2024	84,176
2023	80,099
2022	75,458
2021	74,343
2020	73,870
2019	72,678
2018	71,845
2017	70,874
2016	70,423
2015	69,657
2014	69,441
2013	68,496
2012	66,878
Total	948,235

5. Il-valur sabiex tinghata konċessjoni b'Encroachment' tas-sit (isfar) = €159,325.00

Request 5 Encroachment rate per annum for the yellow portion

Site	SQM	Encroachment rate per annum	Title	Total per annum
Yellow E1	671	23.3	Encroachment	15,634
Yellow E2	1,637	35.9	Encroachment	58,703
Yellow E2	70	360.0	Encroachment	25,200
Yellow E3	2,566	23.3	Encroachment	59,788
Total	4,944			159,325

Għal aktar kalkoli iddettaljati, irreferu għar-rapport anness tal-Grant Thornton.

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Grant Thornton

Lands Authority,
Auberge de Baviere,
St. Sebastian Street
Valletta VLT2000,
Malta

10 October 2024

Dear Sirs,

Re: Valuation of the Ramla Bay Resort in Mellieha

1. Scope, valuation perimeter and limitation of scope

We have the pleasure of enclosing our letter in connection with the valuation of the Ramla Bay Resort in Mellieha. Grant Thornton was commissioned by the Lands Authority, to assist the architects in accordance with Art. 79 (2) of Cap. 593 in relation to assessing the land value of the Ramla Bay Resort situated in Mellieha ('the Property').

This letter is addressed to the Directors of the Lands Authority and has been prepared exclusively for the purpose of computing the land value of the Property. It should not be used, reproduced or circulated for any other purpose, in whole or in part, without our prior written consent, such consent will only be given after full consideration of the circumstances at the time. We understand that a copy of our Report will be distributed to Architect Kevin R Abela, Architect Claude Busuttil and Architect Melanie Spiteri who assisted in its compilation. We hereby consent that a copy of our report is distributed to them. We will not accept any duty of care whether in contract, tort (including negligence) or otherwise to any person other than you, as board of directors of Lands Authority.

By its very nature, valuation work cannot be regarded as an exact science and the conclusions arrived at, in many cases, will be subjective and dependent on the exercise of individual judgment and the information available to compile such valuation. There is, therefore, no indisputable single value. Although our conclusion, is in our opinion reasonable and defensible, others might wish to argue for a different value.

In performing this valuation, we have relied upon the following key information:

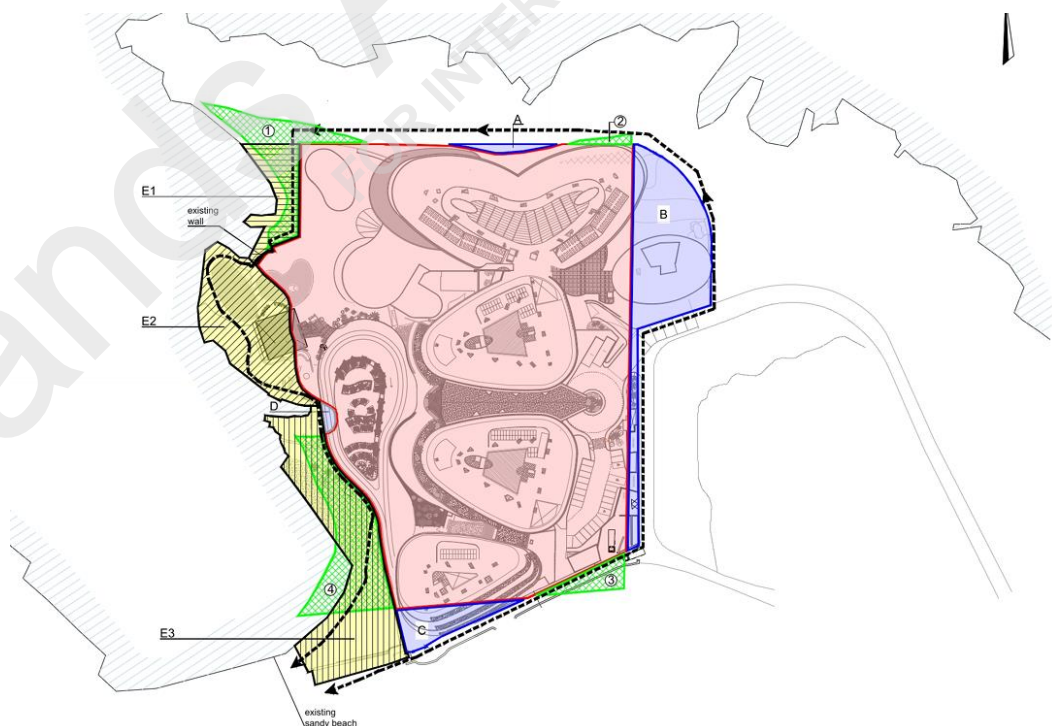
1. The BOV MHRA Survey (2023 – Q4) dated February 2024;
2. Site plans for the Ramla Bay Resort including a site visit; and
3. Costing information provided by the Architect;
4. DB Group Annual Report (2023);
5. Site plans for the Tunny Net Complex;
6. Site plans for Beef Bar;

Given the unavailability of Level 1 inputs, we opted to use Level 2 inputs as the basis of our assessment.

Estimating the market value of the 4-Star Ramla Bay Resort

To extract the land value per sqm of Ramla Bay Resort we understand that red, blue and green areas in the below map consist of an emphyteutic concession, whilst the yellow areas are of an encroachment tenure:

- Areas marked in red and green on the below map were originally given on an emphyteutic concession until 2116. Due to changes in the coastal area caused by natural events, the areas marked in green can no longer be utilized as hotel grounds and hence, will be terminated from the emphyteutic concession. Instead, areas marked in blue will be granted as hotel grounds. Consequently, areas marked in blue and red are all valued as part of the hotel grounds using the discounted cash flow technique. The same rate obtained for blue and red areas will then be used for the areas marked in green;
- Areas E1, E2 and E3 are encroachment areas, meaning that a permit has been granted for the occupancy of public land for a specific period and for a particular purpose or use. An encroachment permit authorises the grantee to erect approved facilities, conduct specific activities or make use of government-owned land or property. The encroachment permit shall confer no legal title whatsoever to the occupier of such land. Encroachments are invariably granted 'at the pleasure of the Lands Authority' and are therefore of a precarious nature where the entitlement of the grantee is tenuous. This implies that encroachments have no legal title. Despite this, it is evident that on area E2, a pool structure and associated facilities such as kitchen facilities, sanitary facilities and machinery pump rooms etc were constructed (covered by PA/2943/19 and PA/4649/15) therefore effectively changing the use of the land from public barren non-developable land to land with constructions of a permanent nature. For these reasons, areas E1 and E3 are being valued at a lower value than that of area E2.



A. Estimating the blue, red and green areas of the 4-Star Ramla Bay Resort

The value of the blue and red portions of land were estimated using the discounted cash flow technique. The existing conditions prevailing on the land are such that limit the use of land for the sole use of hotel operations.

The discounted cash flow method determines the value of the land by discounting projected future cash flows at an appropriate discount rate. This method is based on the following assumptions:

- The net market value of €184.4 million was derived on number of rooms * Gross Operating Profit Per Available Room * Gross Operating Profit multiple, as follows:
 - 1) **Number of rooms:** 600 rooms, as provided by Ramla Bay Resort’s website
 - 2) **Gross Operating Profit Per Available Room (GOPPAR):** Reference was made to BOV MHRA Survey (2023 – Q4), which provides statistics on the hotel industry in Malta and is updated on a quarterly basis. Based on this report, the average annual GOPPAR for 4-star hotels in 2023 was €19,820.
 - 3) **GOP Multiple:** The GOP multiple of 14.4x was based on a terminal discount rate of 7.0% (refer to Appendix 1). This is in line with our professional judgment, leveraging our extensive experience in valuations and numerous valuations performed in this sector, whereby the GOP multiple is typically between 12.5x and 15x. This alignment between the estimated GOP multiple and the adjusted discount rate underscores the reliability of the estimated GOP multiple.
- Inflation rate of 2.0% per annum throughout the projected period.
- A development period of 3 years was assumed. Development costs (including finishing and furnishing) were provided by the Architects.
- Professional fees of 10% on construction cost were also assumed, and include architect fees, design fees, engineering fees, MEPA fees, etc.
- The annual cash flows are discounted at a weighted average cost of capital of 9.4% (refer to Appendix 1).

Present value analysis

€	Year 1	Year 2	Year 3	Terminal
Inflows				
Net market value	-	-	-	184,432,517
Outflows				
Excavation cost	(3,723,449)	-	-	-
Construction cost	(10,051,250)	(20,102,500)	(10,051,250)	-
Finishing cost	-	(23,428,506)	(46,857,012)	-
Servicing	(5,491,056)	(10,982,112)	(5,491,056)	-
Professional fees at 10%	(1,005,125)	(2,010,250)	(1,005,125)	-
Net inflows	(20,270,880)	(56,523,368)	(63,404,443)	184,432,517
Present value of land	14,630,117			

Conclusion: Based on these assumptions we estimate the freehold value of the blue and red areas of the 4-Star Ramla Bay Resort land to be €587/sqm (assuming a total area of 24,941sqm). Given that the green area currently shares the same title as the red areas, it shall be valued at the same freehold rate of €587/sqm.

B. Estimating the value of E1 and E3 of the 4-Star Ramla Bay Resort

Reference is made to rates provided by the Lands Authority:

- a) Site for Tables & Chairs are typically charged at the rate of €23.3/sqm p.a. (saving for a few locations).
- b) Site for placing umbrellas and sunbeds (beach concession) are charged at a rate of €11.55/sqm p.a.

- c) Whenever a permission is granted to use the same sites included under point (b) for small events, the applicable fee is increased to €35/sqm p.a.
- d) Kiosk Site in similar location is charged at a rate €360/sqm p.a.

Given that E1 has rough terrain, whilst E3 includes bathing facilities and a sandy beach, and in absence of market comparable values for similar scenarios, these areas will utilise the rates recommended by the Lands Authority. Specifically, the rate of €23.3/sqm p.a. has been applied.

C. Estimating the value of E2 of the 4-Star Ramla Bay Resort

As Ramla Bay Hotel has constructed a pool inclusive of all ancillary facilities of a permanent nature over area E2, the permitted use of the land shifted from that of a precarious nature to that comparable to buildable land but without legal title. Hence this portion of land is being valued as a lido using the revenue approach based on a comparator set as follows

1. We explored comparable operators of beach lidos. These included, Tunny Net Complex, Beef Bar, Surfside Lido, Luzzu, Tortuga, Café del Mar and Porto Lounge amongst others.
2. Based on information provided in the operators' website and publicly available information, including access to the Registry of Companies, we downloaded their financial statements.
3. As not all the financial statements of the aforementioned beach lidos were available, primarily because the operators did not mention the company name in their website, did not operate the lido as a separate company or filed abridged accounts, we initially referred to the financial statements of Tunny Net Complex, Beef Bar, Surfside lido, Café del Mar and Aqualuna Lido. However, as the revenue streams of Café del Mar include the Aquarium, and Aqualuna has a very large pool area accessible for hotel guests and a very small restaurant; we based our analysis solely on Tunny Net Complex, Beef Bar and Surfside Lido.
4. Based on our comparator set we concluded that on average the Lido has a revenue potential of €1,025/sqm.
5. Based on widely accepted industry practice in Malta, rental income of commercial space is typically set at the higher of a base rent and 10% of revenue. Hence, based on a rent-to-revenue ratio of 10%, this implies an annual rental income of c. €175k per annum (refer to the below table).
6. Given that there is an encroachment permit and the land has been developed with a pool and deckchairs, this rental rate has been set at €102.48/sqm. On this value, a weighting of 35% has been applied in accordance with the same principle of LGS 3.

Companies	Revenue (A)	Sqm (B)	Revenue/Sqm (C = A/B)	Potential revenue (D = C*B)	Rental income (E = 10% of D)	Encroachment rate per annum/Sqm (F = E/B)	% Weighting (G)	Adjusted encroachment rate per annum/Sqm (H = F*G)
Tunny net	5,018,000	4,631	1,083					
Beef Bar	1,984,061	1,990	997					
Surfside lido	1,282,243	1,291	993					
Average			1,025					
Ramla Bay Lido		1,707	1,025	1,748,939	174,894	102	35%	35.86

Sources: Site plans for the Tunny Net Complex; DB Group Annual Report (2023); Site plans for Beef Bar; Audited financial statements for the year ended 31 December 2022 for Testa Catering Concepts Limited; Site plans for Surfside Lido; and Information provided by the Lands Authority.

Conclusion: Area E2 has been estimated to be rented at €35.86/sqm p.a. This also compares to the suggested value of Lands Authority of €35/sqm p.a. whenever a permission is granted as an encroachment to use the same sites for small events. The kiosk rate will be applied to the 70 sqm kitchen area (as provided by the architects as per PA/2943/19) partially situated within the E2 zone, at a rate of €360/sqm.

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Kind regards,



Oriana Abela

Partner, Capital Markets

Lands Authority
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Appendix 1: Weighted average cost of capital calculation

Weighted average cost of capital calculation

		Explicit Period	Terminal Period
Components of cost of equity			
Risk-free rate	A	2.1%	2.1%
Equity market risk premium	B	4.5%	4.5%
Asset Beta	C	0.65	0.65
Equity Beta		0.89	0.89
Country risk premium	D	1.2%	1.2%
Execution risk	E	5.3%	1.5%
Cost of equity		12.6%	8.8%
Components of cost of debt			
Cost of debt (pre-tax)	F	5.5%	5.5%
Tax shield		(1.9%)	(1.9%)
Cost of debt		3.6%	3.6%
Debt-on-equity		55.4%	55.4%
Gearing ratio	G	35.7%	35.7%
Tax	H	35.0%	35.0%
WACC		9.4%	7.0%

- A. Based on the 10-year German bond yield as at December 2023.
- B. Based on Prof. Damodaran's monthly implied ERP calculation as at 1 December 2023.
- C. Median asset beta of the comparable set.
- D. The spread between the 10-year Maltese bond yield and the 10-year German bond yield as at December 2023.
- E. Grant Thornton professional judgement.
- F. Market average.
- G. Average debt-to-equity ratio of the comparable set.
- H. Malta's marginal tax rate.

Appendix 2: Photos from site visit



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Fajl:

Indirizz:

Ramla Bay Hotel, Ir-
Ramla tal-Bir,
Mellieha

Sena ta' referenza

2024

Valur liberu w frank

€1,647,728.62

Ċens pagabbli mill-utilista lid-diretarju

€232.94pa

Sena meta jiskadi ċ-ċens temporanju

2116

Ammont ta' snin sakemm jiskadi ċ-ċens temporanju

92

Rata

5.00%

Valur tal-Utile Dominium

€1,624,609.44

Valur tad-Directum Dominium

€23,119.17

Lands Authority
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Today, the

Before me, Doctor of Laws Daniel John Bugeja a Notary Public duly admitted and sworn, have personally appeared and identified themselves according to law, by means of the hereunder mentioned official documents:

Of the first part:

who is appearing hereon for and on behalf of the **Lands Authority** as duly authorised by virtue of a Board Minute of the Board of Governors of the Lands Authority number two hundred and sixty nine of the year two thousand and twenty one (269/2021) dated the twelfth (12th) of May of the year two thousand and twenty one (2021) for and in representation of the **Lands Authority**, hereinafter called '**the Government of Malta**' and/or '**the Government**', as the case may be.

The file bears the letter '

Of the second part:

who appears hereon in the name of, for and on behalf of the limited liability company **Holden Development Company Limited, registration letter "C" number one zero nine (C 109)**, and having its registered office at Tarcisio Galea Group Offices, Bidnija, Mosta MST 5010, Malta, as duly authorised in virtue of the Memorandum and Articles of Association of the said company, hereinafter referred to as "the Company".

The Government of Malta and Holden Development Company Limited are sometimes in this deed hereunder collectively referred to as 'the parties to this deed'.

PREMISE:

The parties hereby declare and premise the following :-

a. In virtue of a deed published in the records of Notary Doctor Anthony Attard of the fifteenth (15th) day of April of the year one thousand nine hundred and sixty six (1966), the Government of Malta granted by title of temporary emphyteusis for a period of one hundred and fifty (150) years

which commenced from the date of said deed, to Holden Development Company Limited, which by the same title of temporary emphyteusis accepted and acquired, the plot of land forming part of the land known as "tal-Bir" at Mtarfa within the parochial boundaries of Mellieħa measuring four thousand nine hundred and six square canes, bounded on the North by the foreshore, on the South and East by Property belonging to the Government, which plot of land is shown coloured red on the Land Drawing bearing number one hundred and fifteen stroke sixty five (L.D.115/65), attached to the said deed and marked Document "B", and this for the annual groundrent of two hundred and thirty three euro (€233). The said emphyteutical grant was granted to Holden Development Company Limited exclusively for Touristic Development. The said deed was subsequently amended in virtue of a deed in the records of Notary Alexander Grech of the tenth (10th) day of October, one thousand nine hundred and seventy (1970).

b. The above mentioned land which has now been developed into a Hotel and annexed land and gardens, is unnumbered and bounded being contiguous on the North by the foreshore, and on the South and East by Government property or more accurate and precise boundaries.

c. In September of the year two thousand and twenty two (2022), Holden Development Company Limited applied for and was granted a Building Permit by the Planning Authority, bearing Permit number zero two nine four three stroke nineteen (PA/02943/19) to demolish the existing hotel, excavate the site and build a new hotel of Class three B (3B). The Project includes also a Class three C (3C) gym, Class three D (3D) diving centre and water sports facilities, Class four B (4B) retail outlets, Class four D (4D) bars, Class four D (4D) restaurants and additional amenities such as indoor and outdoor pools, a parking area and multipurpose halls.

d. As the building covers an area larger than that which Holden Development Company Limited has at present, Holden Development Company Limited has requested that:

i. the emphyteutical grant is changed in the sense that it covers all the area that the Planning Permit has been granted for, thus covering the areas which are being occupied without a legal title, and which have been thus occupied since the year two thousand and twelve (2012), that is, the year when the illegal occupation commenced;

ii. Holden Development Company Limited is to pay compensation for said illegal occupation; and

iii. Those areas forming part of the original emphyteutical grant which were not used by the Emphyteuta are to revert back to Government.

FIRST PART:

Therefore, by virtue of this **first part** of the deed, the Government of Malta is hereby irrevocably and with immediate effect terminating in favour of the emphyteuta who accepts the temporary dominium utile granted to it by virtue of the deed afore-mentioned, solely and specifically in respect of the following four sites:

- a. Site one (1) measuring nine hundred and sixty square metres (960m²) bounded.....,
- b. Site two (2) measuring seventy eight square metres (78m²) bounded.....,
- c. Site three (3) measuring three hundred and two square metres (302m²) bounded.....
- d. Site four (4) measuring one thousand four hundred and sixty nine square metres (1,469m²) bounded on.....

Which sites are better shown marked in green and marked as sites one (1), two (2), three (3) and four (4) on Property Drawing bearing number one hundred and fifteen underscore sixty five underscore two underscore capital letter A (P.D. 115_65_2_A), which plan is being attached to this deed and marked as letter 'A'.

Therefore, Holden Development Company Limited hereby gives and returns unto the Government the said sites as above indicated with free and vacant possession.

The said termination is being made by the Government of Malta in favour of the Emphyteuta, who accepts without any consideration.

For all intents and purposes and for clarity's sake, it is hereby declared that by virtue of the present termination, the Government of Malta is becoming the absolute owner of property described above in the first part of this deed.

_____ on behalf of Holden Development Company Limited is also hereby declaring and guaranteeing in favour of the Government of Malta, which accepts that the above-described property is free from any litigation procedures and that the property is being transferred to the Government of Malta with vacant possession, free from any subgroundrent, hypotech, charge and privilege burdening the same.

The Government acknowledges that as a consequence of the termination of the temporary *dominium utile* over the afore-mentioned sites in the first part of the deed, all the obligations of Holden Development Company Limited arising from the deed in records of Notary Doctor Anthony Attard of the fifteenth (15th) day of April of the year one thousand nine hundred and sixty six (1966) and from the deed Notary Alexander Grech of the tenth (10th) day of October, one thousand nine hundred and seventy (1970) insofar only as such obligations affect or refer to the sites mentioned in the first part of this deed, are terminated and extinguished.

The Government and Holden Development Company Limited agree that the termination by the Government of the temporary dominium utile over the sites indicated in the first part of the deed shall, with effect from the date of this deed, bring about the proportionate diminution of the annual temporary ground rent payable in terms of the deed in the records of Notary Doctor Anthony Attard of the fifteenth (15th) day of April of the year one thousand nine hundred and sixty six (1966) as amended by a deed in the Records of Notary Alexander Grech of the tenth (10th) day of October, one thousand nine hundred and seventy (1970) and that the Ground-rent burdening the remaining emphyteutical land following the said termination by the Government shall be reduced to two hundred and six Euro and fifty eight cents (€206.58) per annum, but shall otherwise remain regulated by the terms and conditions of the said deed in the records of Notary Doctor Anthony Attard of the fifteenth (15th) day of April of the year one thousand nine hundred and sixty six (1966) as amended by a deed in the Records of Notary Alexander Grech of the tenth (10th) day of October, one thousand nine hundred and seventy (1970) .

The parties are hereby declaring that the boundary of the original site granted on emphyteusis is being modified and revised and now measures circa twenty two thousand and seventeen square metres (22,017m²) and this to reflect this partial termination of Temporary emphyteusis as delineated in red on the same P.D. 115_65_2_A.

Fiscal Declarations

For the purposes of the **Duty on Documents and Transfers Act, Chapter three hundred and sixty four (364) of the Laws of Malta**, it is hereby declared that Holden Development Company Limited acquired the utile dominium over the site described in the second part of this contract by virtue of a deed in the records of Notary Doctor Anthony Attard of the fifteenth (15th) day of April of the year one thousand nine hundred and sixty six (1966).

For the purposes of the **Duty on Documents and Transfers Act, Chapter three hundred and sixty four (364) of the Laws of Malta**, the value attributed to the temporary utile dominium for the remaining period of ninety two (92) years that is being transferred above amounts to one million six hundred and twenty four thousand six hundred and nine Euro (€1,624,609)

For the purposes of the **Duty on Documents and Transfers Act, Chapter three hundred and sixty four (364) of the Laws of Malta**, it is hereby declared that no duty is due since the Government of Malta is exempt from the payment of Duty on Documents.

For the purposes of the **Income Tax Act, Chapter one hundred and twenty three (123) of the Laws of Malta and for the purposes of the Income Tax Management Act, Chapter three hundred and seventy two (372) of the Laws of Malta**, the tax due by Holden Development Company Limited amounts to _____

For the purposes of **subarticle twelve (12) of article five capital A (5A) of the Income Tax Act**, the parties declare that they have declared to the undersigned notary all the facts that determine if the transfer is one to which article 5A applies and that are relevant for ascertaining the proper amount of tax chargeable or any exemption, including the value which, in their opinion, reasonably reflects the market value of the said property, if this value is higher than the consideration for the transfer. The parties make such declaration after the undersigned notary warned them about the importance of the truthfulness of this declaration of theirs.

For the purpose of the **second proviso to Sub-Article five (5) of Article eighty four letter C (84C) of the Notarial Profession and Notarial Archives Act, it is being declared that paragraph letter 'f' of the regulation number four (4) of the Legal Notice** regarding the 'Examination of Title Regulations', the Notary is exempt 'ipso iure' from examining the title with regards to the immovable property being acquired by means of this deed and the acquires declare that I the undersigned Notary explained to them the importance and consequences of such exemption.

SECOND PART:

Now therefore, in virtue of the **second part** of this deed, the Government of Malta/Lands Authority is granting from the date of this deed unto Holden Development Company Limited the temporary emphyteutical grant up to the fourteenth day (14) of April of the year two thousand one hundred and sixteen (2116) over the following four sites:-

- A. Site A measuring one hundred and twenty five square metres (125m²) bounded.....
- B. Site B measuring two thousand two hundred and sixty eight square metres (2,268m²) bounded.....
- C. Site C measuring four hundred and seventy seven square metres (477m²) bounded.....
- D. Site D measuring fifty four square metres (54m²) bounded.....

Which sites are better shown marked in blue and marked as sites A, B, C, and D on the same P.D. 115_65_2_A.

This deed is being made and accepted, under the following terms and subject to the following conditions namely:

1.For the annual and temporary groundrent of eighty five thousand seven hundred and fifty nine Euro (€85,759), payable half yearly in advance

2.This emphyteutical grant is subject to all the conditions listed in the deeds above mentioned namely the deed in the records of Notary Doctor Anthony Attard of the fifteenth (15th) day of April of the year one thousand nine hundred and sixty six (1966) as amended by a deed in the records of Notary Alexander Grech of the tenth (10th) day of October, one thousand nine hundred and seventy (1970).

Fiscal Declarations

For the purposes of the **Duty on Documents and Transfers Act, Chapter three hundred and sixty four (364) of the Laws of Malta**, it is hereby declared that Holden Development Company Limited acquired the utile dominium over the site described in the second part of this contract by virtue of a deed in the records of Notary Doctor Anthony Attard of the fifteenth (15th) day of April of the year one thousand nine hundred and sixty six (1966).

For the purposes of the **Duty on Documents and Transfers Act, Chapter three hundred and sixty four (364) of the Laws of Malta**, it is hereby declared that no duty is due since the Government of Malta is exempt from the payment of Duty on Documents.

For the purposes of the **Income Tax Act, Chapter one hundred and twenty three (123) of the Laws of Malta and for the purposes of the Income Tax Management Act, Chapter three hundred and seventy two (372) of the Laws of Malta**, the tax due by Holden Development Company Limited amounts to _____

For the purposes of **subarticle twelve (12) of article five capital A (5A) of the Income Tax Act**, the parties declare that they have declared to the undersigned notary all the facts that determine if the transfer is one to which article 5A applies and that are relevant for ascertaining the proper amount of tax chargeable or any exemption, including the value which, in their opinion, reasonably reflects the market value of the said property, if this value is higher than the consideration for the transfer. The parties make such declaration after the undersigned notary warned them about the importance of the truthfulness of this declaration of theirs.

For the purpose of the **second proviso to Sub-Article five (5) of Article eighty four letter C (84C) of the Notarial Profession and Notarial Archives Act**, it is being declared that **paragraph letter 'f' of the regulation number four (4)**

of the Legal Notice regarding the 'Examination of Title Regulations', the Notary is exempt 'ipso iure' from examining the title with regards to the immovable property being acquired by means of this deed and the acquires declare that I the undersigned Notary explained to them the importance and consequences of such exemption.

THIRD PART

The Government of Malta has quantified the amount of compensation which is to be paid by the Holden Development Company Limited for the illegal occupation of the areas marked in blue described in the third part of the deed, which compensation amounts to one million and thirty two thousand, four hundred and eleven Euro (€1,032,411) (which amount is to be amended up till the date of the publication of this deed) from the year two thousand and twelve (2012) up till the date of the publication of this deed, hereinafter referred to as the 'Sum Due'. The parties have therefore appeared on the present deed to set out the payment terms for the Sum Due.

Now, therefore, in virtue of the third part of the deed, Holden Development Company Limited as duly represented hereby constitutes itself and acknowledges that it is a certain, true and liquid debtor in favour the Government of Malta, which accepts, for the sum of one million and thirty two thousand, four hundred and eleven Euro (€1,032,411).

This constitution of Debt is being made under the following terms and conditions:

A. The Sum Due shall be paid by means of ten equal annual payments of one hundred and three thousand, two hundred and forty one Euro and ten cents (€103,241.10). The first payment of one hundred and three thousand, two hundred and forty one Euro and ten cents (€103,241.10) is presently being paid by Holden Development Company Limited in favour of the Government of Malta which accepts and tenders due receipt according to law. The balance shall be payable annually on each anniversary of this deed until the Sum Due has been paid in full and final settlement. No interest shall be incurred on the balance of the sum due from time to time.

B. The Debt is certain liquidated and now due and it is agreed that in the event of the default of any one instalment, the Government of Malta shall be entitled at any time to call upon the Debtor to settle the Debt in full including interest which may have been incurred.

C. This deed shall be governed and construed in accordance with Maltese Law and the Maltese Courts shall have exclusive jurisdiction in relation herewith.

For the purposes of the Government Lands Act (Chapter 573) of the Laws of Malta, this deed and each one and all its Parts and the transactions contained therein have been approved by the House of Representatives of Malta by special resolution made during the sitting of the _____.

Save what was stated above, the Parties confirmed the validity and applicability of all the other terms and conditions of the Emphyteutical Deed published in the records of Notary Doctor Anthony Attard of the fifteenth (15th) day of April of the year one thousand nine hundred and sixty six (1966) as amended by a deed in the records of Notary Alexander Grech of the tenth (10th) day of October, one thousand nine hundred and seventy (1970).

This deed was done read and published after due explanation by me to the parties hereto in Malta, in Valletta, in Saint Sebastian Street, at the Auberge de Baviere, at the Lands Authority, without number.