

# SUPPLEMENTARY PLANNING POLICY GUIDANCE

## Child Day Care Facilities



PLANNING AUTHORITY

## **1. INTRODUCTION**

### **The Purpose of this Document**

- 1.1 This document sets out a planning policy framework for assessing applications for the development of childcare facilities. The overall objective of this policy framework is to ensure that development is sited in the right location and in suitable buildings, that the needs of users are met, and that the amenity and character of the surrounding location are safeguarded.

### **Applicability of Policy**

- 1.2 This policy note applies to all childcare facilities that cater for children under three years of age, whether home or centre-based, and which fall within Use Class 2 C Education (a) of the Development Planning (Use Classes Order) – Legal Notice 74 of 2014.

### **Justification**

- 1.3 It is essential that child day care facilities be viewed as offering a service in support of the community, in particular working parents and children. Since 3<sup>rd</sup> March 2015 childcare facilities operated under a specific policy frame work which considered different characteristic, scale, impacts and activities related to child care centres. Following government commitment to increase the female workforce and encourage more women to re-enter the labour market it became more important to ease pressure on parents. It is therefore necessary to have an updated land use planning framework for child day care facilities, which are becoming an increasingly important pillar of the net of community care services supporting families, and ensuring the welfare of children.

### **Development Permission**

- 1.4 Development permission is required for:
- the erection and/or extension of a building to be used as a nursery or childcare facility; and
  - the change of use of any other type of property to a childcare facility;
  - the addition of childcare facilities to residential or non-residential school, college or training centre permitted under Class 2C-Education (b) (L.N. 74/2014) of the Use Classes order.
- 1.5 Development permission is not required for:
- childcare facilities to be located in schools and kindergartens permitted under Class 2C- Education (a) (LN 74/2014) of the Use Classes Order.
- 1.6 Notification in terms of LN 74/14 is required for:

- home-based childcare facilities that meet the provisions of Class 1 (Dwellings) of the Development Planning (Use Classes) Order, 2014 where the service is limited to six children as an ancillary activity to the primary use as a residence, and no more than 50sqm (as defined in L.N. 74 of 2014) is devoted to childcare, in order that the residential amenity of the area remains largely uncompromised. As part of the notification procedure clearance from *Kummissjoni Nazzjonali Persuni b'Dizabilita'* (KNDP) would be required.

1.7 Applications for development of child day care facilities, other than those requiring a notification, will be subject to consultation with the Ministry for Education and Employment (MEDE), besides the other statutory consultees.

## **2. POLICY CONTEXT**

2.1 This policy recognises the need to:

- encourage and promote the development of early childhood facilities in the community and at the workplace;
- use land and buildings efficiently; and,
- improve the quality of the urban and social fabric.

### **Strategic Plan for Environment and Development (2015) SPED**

- 2.2 In terms of the encouragement of social facilities, the Strategic Plan for Environment and Development 2015, in Thematic Objective 2, notes that in addition to the provision for new social and community facilities, and extensions to such facilities, childcare provision should be facilitated. Housing areas require additional services and facilities: for example kindergartens, primary schools, pastoral centres, convenient transport, and accessible shops. It notes that their absence constrains women from taking their full part in the labour market now and in the future. A greater contribution from women will help to ensure economic progress, and the existence of convenient suitable facilities will allow women to choose whether and when to seek employment.
- 2.3 SPED also seeks to protect the character and amenity of distinct areas in Urban Objective 3 whilst identifying derelict sites or areas of poor quality by upscaling through high quality development. More importantly it safeguards environmental health from air and noise pollution by regulating the location, design and operation of development (Thematic Objective 6) and guides the private sector to provide communication facilities, transport, and retail services in existing housing areas that lack such services and facilities.

### **Supplementary Planning Guidance**

#### **Local plans**

#### ***Land Use Designations***

- 2.4 Through the local planning process, a series of land use designations have been created to protect and enhance the character of Malta's settlements. The principal land designations identified by the Local Plans include Town Centres and Neighbourhood Centres, Entertainment Priority Areas, Tourism Zones, Residential Areas, Residential Priority Areas, and Micro-enterprise Parks, which are indicated on the appropriate Area Policy Maps for each Local Plan.

- 2.5 **Town Centres** are those parts of an urban settlement that are characterised by a diverse mix of land-uses with business activities, especially retailing, dominating. They are a magnet for considerable volumes of pedestrians and vehicles. They also contain a high concentration of jobs and may include social and community institutions and facilities. Within town centres change of use from either retail or offices or food and drink outlets to childcare facilities may be considered provided other assessment criteria are met.
- 2.6 **Neighbourhood Centres** are also designated in Local Plans to accommodate a planned approach to the provision of local retail and other services in new and expanding housing areas.
- 2.7 **Entertainment Priority Areas**, although also business zones have a unique "feel" because they are the locations where uses such as bars, restaurants, and nightclubs, gravitate. They are also areas that attract high numbers of visitors and thus have high levels of outdoor activity. These areas come to life during the evenings and can attract large numbers of pedestrians. Uses such as childcare facilities will be considered.
- 2.8 **Tourism Zones** are areas where there is a regular and significant presence of tourists due to a concentration of tourism accommodation, leisure facilities and/or visitor attractions. Most important is the quality of the tourism product since these zones are the flagships for high quality tourist accommodation facilities, which need to be supported by a range of amenities including quality entertainment and leisure uses, and innovative visitor attractions. Child day care facilities are considered compatible with other uses in tourism zones.
- 2.9 **Residential Areas** make up the major parts of urban areas and are dominated by residential uses, especially on levels above ground floor. The activities at ground floor however, tend to be a mix of uses and include shops and offices, mostly of a local scale and serving local need, spread throughout the predominantly residential area. Some garage businesses can also be found. The predominantly residential character of these areas is to be retained and protected by ensuring that only those non-residential uses which do not have an adverse impact on the amenity of residential areas are permitted, thus child day care facilities are considered compatible with other uses in residential areas.
- 2.10 **Residential Priority Areas**, including exclusive residential zoning within terraced house areas, are intended exclusively used for residential purposes and can be found within the wider Residential Areas. They are distinct because of their particular building design (for example detached dwellings), lower densities (bungalow areas), and character (appreciable landscaped areas within individual sites). Small scale childcare facilities, also referred as home-based facilities, are considered to be compatible with the primary residential use of these areas. In view of their scale, the amenity of the locality should not be duly compromised.
- 2.11 **Industrial Zones** are designated in the Local Plans in order to promote the growth of the manufacturing sector by ensuring an adequate distribution of designated areas that are safeguarded for industrial and warehousing use. In such areas emphasis is placed on regulating industrial uses, to ensure that the environmental impacts of proposed industrial developments occur at acceptable

levels. Programmes and initiatives to improve the environment in these areas are encouraged and child day care facilities are considered compatible with the employment uses in such areas, provided environmental conditions are acceptable.

- 2.12 **Rural Areas** are those areas which are not zoned for urban development by the Local Plan, and are normally referred to as Outside Development Zones (ODZ). In line with Part 6 of the Rural Policy and Design Guidance 2014, existing buildings located outside the development zone may be considered as suitable locations for the provision of childcare, provided that they are in the vicinity of the urban area and already serviced by a road network and parking that caters adequately for the new use. This applies also to designated rural settlements.

#### **Other government policy**

##### ***Early Childhood Development and Care Standards***

- 2.13 The Ministry for the Family and Social Solidarity and the Ministry for Education have adopted a set of national standards in order to provide a framework and national standards for the provision of day care services offered to children aged up to three years. The 'Early Childhood Development and Care – A guide to principles, standards and regulation' was published in July 2004 in the context of changing labour market trends, where the requirement for families with young children to have a choice and equality of opportunity in the work place, and to have access to services that support this choice and opportunity, has become essential. Research has demonstrated also that the range and quality of events in a child's early years have a direct impact on the child's personal and social development, affecting also his or her future achievements at school and later on in life. Therefore, setting and achieving high standards in early childcare provision is seen as an investment in the well being of future citizens, as well as the general economic competitiveness of the Maltese nation.

##### ***National Report on Strategies for Social Protection and Social Inclusion (NSR)***

- 2.14 Since Malta's EU accession, the 'National Report on Strategies for Social Protection and Social Inclusion' constituted the main national strategic document in the area of combating poverty and social exclusion. As a periodic reporting exercise carried out within the framework of the Social Open Method of Coordination by EU Member States, it translated the common EU objectives into national plans in the field of social protection and social inclusion, whilst respecting the subsidiarity principle of Member States.

This social policy, strategic and reporting exercise incorporated three main strands, namely Social Inclusion, Pensions, and Health and Long-Term Care and presented the main challenges, priority objectives and measures to be adopted in these respective areas.

The policy priorities presented in these strategic reports cut across diverse population groups, situations and needs, in a way as to promote a comprehensive social inclusion strategy for both the general public as well as to identified vulnerable groups, including the long term unemployed, single parents, asylum seekers, persons with mental health and addictive behaviour difficulties, victims of domestic violence, and persons with a disability. However in view of their higher risk of poverty and social exclusion, older persons, children and young persons at risk and the unemployed constitute the main target populations addressed by the NSR.

Following its pre-accession Joint Inclusion Memorandum (JIM) in 2003, Malta submitted seven National Strategic Reports in line with EU Commission Guidelines. NSRs have been utilised as an input to the annual report of the Social Protection Committee (SPC) on the social dimension and the Commission assessment of progress achieved in the context of the European Semester, thus ensuring coherence and complementation to the National Reform Programmes (NRPs) and the targets set under the Europe 2020 Strategy.

### ***National Reform Programme (NRP)***

2.15 The Europe 2020, as the new strategy for jobs and smart, sustainable and inclusive growth, was developed to help the EU come out stronger from the economic crisis and turn it into a smart, sustainable and inclusive economy, delivering high levels of employment, productivity and social cohesion. In line with these objectives, the strategy endorses the following headline targets to be reached by 2020:

- **promoting employment:** 75% of the population aged 20-64 to be employed;
- **improving the conditions for innovation, research and development:** 3% of the EU's GDP to be invested in R&D;
- **meeting climate change and energy objectives** by reducing greenhouse gas emission by 20%, using 20% of energy from renewables and increasing energy efficiency up to 20%;
- **improving education levels** by reducing school drop-outs rates below 10%, and having at least 40% of the 30-34 year olds completing tertiary education;
- **promoting social inclusion in particular through the reduction of poverty** by reducing at least 20 million people at risk of poverty and social exclusion.

Since the launch of the Europe 2020 Strategy in 2010, Malta has developed annual programmes with the aim of addressing the objectives and targets set under the strategy. In its contribution to the EU poverty headline target, Malta has committed itself to lift around 6,560 people who are at risk of poverty and social

exclusion, through targeting 3 main populations: children and young people, the elderly, and those living in jobless households.

The Europe 2020 strategy is seen to have given a new impetus to the fight against poverty and social exclusion whilst ensuring greater synergy between economic, environmental and social policy. The European Platform against Poverty and Social Exclusion, set up as one of the seven flagship initiatives of the Europe 2020 strategy, creates a joint commitment among Member States, EU Institutions and key stakeholders in the fight against poverty and social exclusion.

***National Strategic Policy for Poverty Reduction and Social Inclusion (2014-2024)***

In 2014, the Government of Malta launched the 'National Strategic Policy for Poverty Reduction and for Social Inclusion (2014-2024)' with the aim of mapping Malta's strategic way forward to address poverty and social exclusion through a comprehensive and participatory approach based on the values of solidarity, equality, dignity and respect for fundamental human rights and social justice. Whilst this strategy aims to provide a policy framework that promotes the wellbeing and improves the quality of life for all, yet it attributes particular attention to four vulnerable groups namely, children, elderly persons, unemployed persons and the working poor. This strategic policy puts forward various actions to combat poverty, under a number of key dimensions of wellbeing, namely income and benefits, employment, education, health and environment, social services, and culture.



### **3. PLANNING POLICY CONSIDERATIONS FOR CHILD DAY CARE FACILITIES**

#### **Introduction**

3.1 The principal land use planning considerations that emerge in relation to the provision of child day care facilities, fall into the following thematic areas:

- Location;
- Suitability of the premises; and
- Scale of development and potential impact on neighbours.

#### **Location**

3.2 It is desirable to locate child day care facilities in residential areas as this facilitates their accessibility and underscores the importance of childcare facilities as a community service. It is also desirable for working parents to have easy access to childcare facilities close to their place of work. Preferred locations for child day care facilities are therefore in urban areas, either in Residential Areas (including RPAs - Class 1 of L.N. 74/2014) or in Employment Hubs. The latter encompass a range of areas designated in the Local Plans, including Town Centres, Industrial Zones, Micro-enterprise Parks, Tourism Zones and Entertainment Zones. Existing buildings in the countryside may also be suitable for the provision of childcare as long as the building is not too distant from the urban area and is already serviced by the road network.

3.3 Besides the general area where premises should be located, it is important to ensure that the location is suitable for the purpose of care of young children. Locations on arterial and distributor roads or other heavy traffic roads are not considered suitable for the purpose of childcare due to the presence of undesirable levels of chemical pollution and noise, as well as higher risk of traffic accidents.

#### **Suitability of the Premises**

3.4 The suitability of the premises is related to the size layout and the number of children under care in the premises. Suitability of the premises will primarily be assessed by the **MEDE** ([education.gov.mt](http://education.gov.mt)). This policy therefore concerns only land-use planning issues related to the suitability of the premises. The maximum number of children together with corresponding number of carers to use the centre will be determined by the MEDE.

### **Suitability of the Building**

- 3.5 From a land-use perspective, the suitability of the premises for child day care activities rests on two factors:
- the suitability of the **building** itself, and
  - the suitability of the actual **site** proposed for the development.
- 3.6 Terraced houses, maisonettes and detached properties in appropriate locations may all be considered for the use of child day care facilities, provided that they satisfy the requirements of this policy. Detached properties may have the added advantage in that they are more likely to be able to provide outside play areas and to accommodate on-site parking.
- 3.7 It is important to protect the amenity of the surrounding area. Due to the impacts on neighbours of child day care activities, premises which share their access with a block of flats are not considered appropriate for childcare.
- 3.8 In accordance with the Equal Opportunities (Persons with Disability) Act (Cap. 413), the Planning Authority will seek to ensure that all proposals for the development of child day care facilities will be accessible for all, including persons with a disability and the mobility impaired.
- 3.9 Where the childcare facility is to be located within a historic building or a building within an Urban Conservation Area, any proposed development should respect the heritage value of the building.

### **Suitability of the surroundings**

- 3.10 Child day care facilities should be located outside areas that may include other uses that generate noise, disturbance, heavy traffic flows and inferior air quality, since these would detract from the high quality environment necessary for the care of young children. Some industrial areas could be considered appropriate sites provided that they address the issues necessary for the care of young children. Child day care facilities on the site or within the buildings of large-scale employers would also be acceptable as long as they satisfy the requirements of this policy.

### **The Scale of Development**

- 3.11 The scale of development of a child day care facility is a key determinant of the centre's impact on adjacent properties in terms of traffic and noise generation. However most centres are small enough for these impacts to be of minor significance. Depending on their impacts, child day care facilities may be classified into four broad categories:

- No impact (home based up to 6 children)
- Low impact (up to 100 sqm)
- Medium impact (between 100 sqm and 180 sqm)
- Significant impact (over 180sqm)

### ***Traffic Generation and Car Parking***

- 3.12 In general, all proposals must be acceptable in terms of their traffic generation and provision for car parking. Sites should have good accessibility to the main road network and adequate capacity in the vicinity to accommodate the likely traffic flow. However different parking criteria apply depending on whether the scale of development is considered of low, medium or significant impact.

#### ***No impact Development***

- 3.13 In line with the spirit of Class 1 of L.N. 74 of 2014, small scale home-based child care supporting the main residential use is not deemed to be a client intensive use and should not generate a disproportionate amount of vehicular traffic. The front garden, where available, can double up as a drop off point.

#### ***Low Impact Development***

- 3.14 Unlike school facilities, children and their parents making use of the childcare service will not be entering or leaving the childcare facility all at once. The opening hours of the childcare facility will be flexible enough to cater for the different needs of parents, especially those of working parents. Thus, it is highly unlikely that facilities with gross floor area (GFA) less than 100 sqm will generate any negative impact related to traffic generation. Therefore facilities considered to be of low impact will not be required to provide any car parking spaces. However a drop off space approved by Transport Malta is considered a necessity.

#### ***Medium Impact Development***

- 3.15 In the case of child day care facilities with a GFA of between 100sqm to 180sqm, it is unlikely that these would generate significant traffic which cannot be absorbed by the area. However, these medium impact facilities will be required to provide car parking spaces at the rate of 1 car space per 50sqm<sup>2</sup> which can be either onsite or compensated for through UIF or CPPS<sup>3</sup>. A drop off for children situated close to the site entrance should be provided as approved by the Transport Malta, with exceptions such as cases of facilities in pedestrian areas.

1

The area refers to Gross Floor Area as defined in Development Control Policy, Guidance and Standards 2015. A 10% tolerance, as a flexibility extension may be allowed in calculating the floorspace

2

Parking calculation is to be to the nearest 50sqm

3

UIF (Urban Improvement Fund) and CPPS (Commuted Parking Payment Scheme) are mechanisms that are used within urban areas for projects which cannot physically provide the parking requirement on site. In both cases, the required number of parking spaces which are not provided on site are converted into a planning gain, which is to be paid prior to the development permit being issued. In the case of CPPS, these funds are to be used for the provision of communal parking in the same locality, whereas in the case of UIF, the funds are to be used for projects which will increase the amenity of urban areas.

### *Significant Impact Development*

- 3.16 In the case of centres with an area greater than 180sqm, traffic generation impacts are considered to be more significant. In this case, parking should be provided at a rate of 1 per 50sqm plus the additional provision of drop off points (1 per 100sqm) located close to the site entrance as approved by Transport Malta. In all cases, a maximum of four spaces can be substituted by contribution to UIF/ CPPS. The rest of the required parking spaces will have to be provided on-site in order to mitigate the impact.

#### **4. CHILD DAY CARE FACILITIES assessment criteria**

The Planning Authority will favourably consider applications for the development of childcare facilities subject to the following:

a) Location

Child day care facilities shall:

- i. be located in urban areas, either in Residential Areas (including RPAs Class 1 of L.N. 74 of 2014) and Rural Areas (existing buildings) or in Employment Hubs (including Town Centres, Industrial Zones, Micro-Enterprise Parks, Tourism Zones, and Entertainment Zones) as defined in Local Plans and as indicated in the matrix;
- ii. not be situated on arterial and distributor roads or other roads with heavy traffic;
- iii. be located outside areas that may include other uses that generate noise, disturbance, heavy traffic flows and inferior air quality, since these would detract from a suitable environment conducive to the care of the child. Some industrial areas could be considered appropriate sites provided that they address the issues raised above. Child day care facilities on the site or within the buildings of large-scale employers would also be acceptable as long as they satisfy the requirements of this policy.

b) Suitability of Building

Child day care facilities shall:

- i) be situated in terraced houses, groundfloor maisonettes or detached (semi-detached properties);
- ii) not to be situated in block of flats where access is shared with other residents;
- iii) be accessible for all (including home-based facilities);
- iv) respect the heritage value of the building when located in historic buildings/ centres.

c) **Scale**

- i) Home based childcare facilities with RPAs will only be required to indicate an area which can serve as a drop-off point.
- ii) Proposals considered to be of low impact (with a gross floor area less than 100sqm) will not be required to provide car parking spaces; however, a drop off point is required.
- iii) Proposals considered to be of medium impact (with a gross floor area of between 100 to 180 sqm), will be required to provide car parking space (or UIF/ CPPS) at a rate of 1 car space per 50sqm. In Rural Areas, all parking requirements are to be provided on site. A drop off for children situated close to the site entrance approved by the Transport Malta should also be provided.
- iv) Proposals considered to be of significant impact (with a gross floor area greater than 180sqm) will be required to provide on site parking facilities at a rate of one car per 50sqm. In Rural Areas, all parking requirements are to be provided on site UIF/ CPPS will only be allowed up to a maximum of four spaces, with the rest of the parking requirements will be required to be on-site. The additional provision of one drop off (for every 100sqm) is to be situated close to the site entrance as approved by the Transport Malta.

	Residential Priority Area	Residential Area	Employment Hub	Existing building In Rural Areas
No impact (< 6 children)	✓	✓	✓	✓
Low impact (< 100sqm)	X	✓ Drop-off approved by TM	✓ Drop-off approved by TM	✓ Drop-off approved by TM

<b>Medium Impact (100sqm to 180sqm)</b>	<b>X</b>	✓  Drop-off approved by TM + on-site parking/ UIF/CPPS	✓  Drop-off approved by TM + on-site parking/ UIF/CPPS	✓  Drop-off approved by TM + on-site parking
<b>Significant Impact (&gt; 180sqm)</b>	<b>X</b>	✓  TM approved drop off points (1:100sqm)  + UIF/CPPS (max. 4 spaces) + on-site parking	✓  TM approved drop off points (1:100sqm)  + UIF/CPPS (max 4 spaces) + on-site parking	✓  TM approved drop off points (1:100sqm)  + on-site parking

✓ = acceptable

X = not acceptable

Note: planning permission for the development of childcare facilities does not in any way automatically entitle the applicant to convert to any other commercial activity on that site.

## **5. CONCLUSION**

Individuals and organisations are invited to send their representation pertaining to the proposed policy in writing through email address: [childcare.policy@pa.org.mt](mailto:childcare.policy@pa.org.mt) by not later than 06th December 2016.