

Burmarrad

Partial Local Plan Reviews

Partial Review of the
North West Local Plan (2006)

**Burmarrad
Commercial Area**

Approved Plan



PLANNING AUTHORITY

June 2020

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1.0 Introduction

1.1 Government has directed the Planning Authority to undertake a Partial Local Plan Review of the North West Local Plan (2006), for the Burmarrad Area of Mixed Uses and Area of Containment (AoC) as indicated on Figure 1 Burmarrad Area of Mixed Uses Site Plan below.

1.2 This Partial Review is required to establish and update the planning policy guidance for the identified Burmarrad Area. The current guidance does not adequately address the current and future development requirements of the commercial area.



Figure 1: Burmarrad Commercial Area Site Plan

2.0 Objectives

2.1 Government is of the opinion that the existing policy framework does not make efficient use of the land and, in terms of Article 41 (2) of the Development Planning Act 2016 (Cap 552), requests the Authority to initiate a partial local plan review with the following objectives:

- a) To designate the site currently covered by policies NWCM 8 and NWSP 26 of the North West Local Plan into a Commercial Area;
- b) To formulate a development framework which is common for the whole site;
- c) To remove the requirement for comprehensive planning;
- d) To replace the currently allowable land-uses with those allowed in Category D of the Use Classes Order (SL552.15);
- e) To allow a maximum building height of 17.5m throughout the site;
- f) To revise or delete all other provisions in the current policies which are deemed to run counter to the overall objectives set out in (a) to (e) above.

This review will require amendments to the current provisions of the Policy NWCM 8 and Policy NWSP 26 and Map 45A of the North West Local Plan of 2006.

2.2. These objectives were issued for an initial Phase 1 Objectives Public Consultation exercise held between the 8th November 2018 and the 30th November, 2018. 4 submissions were received which are included under Appendix 2: Public Consultation Responses on Objectives of this report.

2.3 The submissions received highlighted the following issues:

- Retention of green land.
- Removal of the comprehensive development requirement in the existing policy;
- Need for EIA screening and cumulative assessment of impacts;
- Concern on the massing, intensification and increased density of development;

- Obliteration of the strategic open gap through ribbon development and formalisation of rural areas;
- Use of an area of containment for uses other than for industrial and other urban incompatible uses;
- Consideration of Category D land uses especially financial services and professional offices;
- Issues of traffic congestion;
- Impact on agricultural and ODZ areas;
- Conflict with the National Agricultural Policy;
- Concern with landscape conservation;
- Lack of abidance with SPED direction and the sequential approach;
- Need to comment further at the project stage and the possibility of the requirement for EIA screening;
- Critique in favour of retaining existing Policy NWLP 26 requirements;
- Concerns with adequate land being provided for development, interventions and services within the properties and area of containment boundary avoiding additional land take up outside the AoC or encroachment onto the surrounding agricultural fields and watercourse;
- A holistic view of infrastructural requirements needed including water run-off requirements;
- Concern with building heights;
- Concern with visual impact;
- Need to retain and include soft landscaping areas;
- Issues of light pollution;
- Issues with design especially at the edges of development; and
- Concern with increased traffic congestion and air pollution.

2.4 The Public Consultation Draft was issued for the Phase 2 six week Public Consultation exercise held between the 19th February, 2019 and the 2nd April, 2019. 2 submissions were received which are included under Appendix 3: Public Consultation Responses of this report. The submissions involved requests for changes to the development parameters regarding heights, land uses and other design factors, changes to transport

requirements as well as further environmental considerations. There was also a general critique against further intensification of development in this area.

3.0 Strategic Guidance

3.1. Burmarrad transformed from a sparsely developed characteristic rural area to a more developed and urbanised area with an adjacent Area of Containment. This Partial Local Plan Review is guided strategically by the ‘Strategic Plan for the Environment and Development (SPED), 2015’. The SPED Para 1.2 highlights the need to follow a ‘containment strategy’ to limit urban sprawl.

3.2 SPED Para 1.4 also defines the ‘need for the efficient use of available space’ and the ‘regulation of design and operations of development to reduce conflicts between uses’. The latter is evident in that the area has a wide range of land uses varying from commercial to open storage, requiring specific planning guidance.

3.3 Furthermore, the following specific SPED Policy for Areas of Containment is guided by Rural Objective 3 as follows:

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:

- Policy RO 3.1 Setting out a policy framework to control the location and design of such development and guide appropriate environmental measures.
- Policy RO 3.2 Safeguarding existing Areas of Containment and identifying further Areas to accommodate incompatible urban development.
- Policy RO 3.3 Controlling the cumulative effect of such development.

4.0 Local Plan Guidance

- 4.1 The North West Local Plan (2006) had identified this area as an Area of Mixed Uses and an Area of Containment for commercial and open storage land uses.
- 4.2 A diverse number of mixed use activities established themselves in this AoC. These sites included commercial and open storage operations that presently also include a mix of industrial, commercial, storage, open storage and SME type activities and a residence. This mix of uses has led to incompatibility of land uses that requires the establishment of specific planning policy guidance for the area to reduce land use conflicts in the longer term and establish the area as a predominantly commercial area. The area therefore has developed and established itself into a commercial area and is being consolidated as a land use along the frontage of Triq Burmarrad.
- 4.3 The Burmarrad Area is currently designated as an Area of Mixed Uses in Map 45 Burmarrad Policy Map of the North West Local Plan (2006) in line with Policy NWSP 26 which had established the planning parameters for the site. The Area is also designated as an Area of Containment under Policy NWCM 8 Areas of Containment (AoC) which lists this Burmarrad area. Map 45A Detailed Map for Burmarrad Area of Mixed Uses had identified the area for the comprehensive development subject to the zoning of 3 zones subdivided into Sites A, B and C with a preferred location for built structures for vehicle repair and storage, showroom, retail and administration land uses. Other zonings in the existing policy covered the requirement for a green belt, open storage yard for heavy vehicles, the need for a junction redesign south of the Mixed Use Area and the removal of a current plant yard without a planning permit that is required to be closed down on the opposite side of Triq Burmarrad and reinstated back to agriculture.

5.0 Amended Policies

5.1 Changes to Policy NWCM 8

5.2 Policy NWCM 8 is being amended and updated as follows:

NWCM 8 Areas of Containment

The Local Plan designates Areas of Containment in the following localities:

Burmarrad.

The boundary of this Area of Containment is shown on Area Policy Maps 45 and 45A.

The PA has reviewed operations within this Area of Containment and has prepared a scheme, as indicated in policy NWSP 26, identifying the range and scale of acceptable uses, mitigation measures to reduce negative impacts and access improvement schemes.

7.2.15 This existing built up area is being designated as an Area of Containment in order to prevent its further outward expansion. As far as possible the boundaries of the designated areas have been delineated to provide an appropriate building depth and block layout thereby improving the current irregular layouts.

5.3 Changes to Policy NWSP 26 and Map 45A Burmarrad Commercial Area

5.4 Policy NWSP 26 Burmarrad Area of Mixed Uses and Map 45A Detailed Map for Burmarrad Area of Mixed Uses have been updated and amended as follows:

NWSP 26 Burmarrad Commercial Area

The provisions of this policy shall apply strictly to the land area shown on the attached revised MAP 45A of the North West Local Plan. The Local Plan designates the area as the “Burmarrad Commercial Area”.

Future development within the Burmarrad Commercial Area shall be guided by the following principles:

- containing development within the Burmarrad Commercial Area within the approved Area of Containment boundary following the guidance of Policy NWCM 8 Areas of Containment;**
- reducing conflicts between existing land uses within the Burmarrad Commercial Area;**
- supporting the early introduction of a service road and upgrading of junction; and**
- mitigating potential impacts on the surrounding rural environment.**

Planning Parameters

Within the Burmarrad Commercial Area development (new development, extensions and changes of use) may be considered only for the land uses falling under the Category D Commercial Uses of the Development Planning (Use Classes) Order, 2014 as follows:

- **Class 4A Financial, Professional and Other Offices provided it does not exceed 30% of the gross developable floorspace proposed on each individual site.**
- **Class 4B Retail**
- **Class 4C and 4D Food and Drink**

The Building Height Limitation is not to exceed 17.5 m from lowest street level measured from Triq Burmarrad only. On the rear side of the properties facing the rural area, 3 m setbacks from the facade are to be introduced in the top two floors from the back of the AoC to ensure an adequate transition to the rural area.

Underground development is allowed within the AOC boundary.

On the side of the AOC facing the rural area, a 3 m pedestrian footpath is to run along the whole length of the side of the AOC facing the rural area. Any back elevations and party walls should be designed to mitigate the visual impact. Furthermore boundary walls along the rear of the properties are not to exceed 1.2m to reduce visual impact.

Transport Improvements

The Planning Authority supports Transport Malta in introducing transport measures to improve road safety and access to Triq Burmarrad and the Burmarrad Commercial Area, including the upgrading of the transport junction between Triq Qannotta and Triq Burmarrad and the required road widening at specific parts along Triq Burmarrad on the Commercial Area side where necessary.

A service road of minimum 8m width is required running in parallel to alignment of Triq Burmarrad. The service road is to be implemented as part of any new or redevelopments as planning gain at the expense of the developer. The cost of the service road, any road widening and the required junction redesign is to be calculated by Transport Malta and subdivided according to the proportion of the affected land holding.

Surrounding Context

The existing yard used for heavy vehicle parking located to the east and opposite the Burmarrad Commercial Area is to be closed down and the site rehabilitated back to agricultural use.

18.3.6 The Burmarrad Commercial Area boundary is as shown on Map 45 of the NWLP (2006). This boundary is retained as that approved for the Area of Containment in the North West Local Plan. This Commercial Area measures about 17,330 sqm and is located on Triq Burmarrad, to the north of the village of Burmarrad. This Area of Containment has undergone an incremental transformation over an extended period of time from a rural area with a few farms to a fully fledged, predominantly

commercial area. The main activities included over time a yard for heavy vehicles together with ancillary vehicles' maintenance and small-scale retail, showroom, building materials contractor yard and garages for vehicle repairs and maintenance. A poultry farm, a remnant of the original uses, is still located on the site and at least three residential units are also located within the site boundary. The storage for heavy vehicles has also spread across Burmarrad Road into the open countryside. Besides the visual eyesore created by the parked heavy vehicles, cars and car parts stacked even on the roofs of the buildings and dominant boundary walls, a serious traffic hazard has been created with direct accesses into the yards from the Triq Burmarrad and display of vehicles for sale throughout most of the property frontage on this road. The case history of the site revealed a complex situation of permissions dating back from 1965 related to agricultural activities, garages and boundary walls, residential blocks with ground floor industrial garages and residential units on top of a two-storey commercial building granted through an Appeals case. Additionally a considerable number of enforcement notices dating from 1996 related to changes of use to industrial, retail and office uses, excavation works and construction of new buildings for warehouses and commercial garages, have been issued on the site. Enforcement ENF 476/94 is still pending direct action on the site opposite the Burmarrad Commercial Area used illegally for heavy vehicle parking and open storage.

- 18.3.7 The aim of this policy is to guide the further development of the Burmarrad Commercial Area for commercial land uses. The Policy seeks to reduce the mix of conflicting land uses, reduce visual impact through improved design and redevelopment and also improve upon the transport situation by improving access and safety along Triq Burmarrad leading to an efficient and safe transport network for the area. This is to be achieved through the introduction of a service road, road widening and junction improvements to reduce the transport impact onto Triq Burmarrad main road through planning gain as transport mitigation measures. Furthermore, the policy does not consider residential units as a compatible land use with the commercial character of the site and such a use is not permitted.

A 3m pedestrian footpath is required to the rear of the properties facing the ODZ

side as well as the stepping down of heights of the last two floors through 3 m set back floors to allow for a satisfactory transition adjacent to the ODZ side. The comprehensive planning requirement is being removed to allow for a more efficient use of this land restricted however to within the boundary of the area of containment.

6.0 Way Forward

- 6.0 The Executive Council in its meeting of the 18th December, 2019 approved the Partial Local Plan Review of the North West Local Plan 2006 Burmarrad Commercial Area Public Consultation Draft to be issued for a 6 week public consultation period. This public consultation was held between the 19th February, 2019 and the 2nd April, 2019.
- 6.1 Following the public consultation, the Executive Council at its meeting on the 30th April, 2019 approved the Partial Local Plan Review of the North West Local Plan (2006) Burmarrad Commercial Area public consultation draft without any changes and referred it to the Minister for his endorsement to carry out the SEA screening. The SEA Screening was carried out and following required consultations concluded that the Partial Review was unlikely to have significant impacts on the environment.
- 6.3 The Partial Local Plan Review of the North West Local Plan (2006) Burmarrad Commercial Area was endorsed by the Minister on the 21st June 2020.

Appendix 1: Existing Approved Policies NWLP (2006)

NWCM 8 Areas of Containment

The Local Plan designates Areas of Containment in the following localities:

Burmarrad.

The boundary of this Area of Containment is shown on Area Policy Maps 45 and 45A.

MEPA has reviewed industrial and commercial operations within this Area of Containment and has prepared a comprehensive scheme, as indicated in policy NWSP 26, identifying the range and scale of acceptable uses, mitigation measures to reduce negative impacts, the provision of adequate common parking areas, and access improvement schemes.

7.2.15 The existing industrial and commercial developments designated by this policy constitute urban development which is undesirably located outside development zone. All these developments should ideally have been planned within the Limits to Development and not in their present location outside development zone. Notwithstanding this, the relocation of this area would be too difficult and costly a task, and is therefore not considered to be a feasible option. This existing built up area is therefore being designated as an Area of Containment in order to prevent its further outward expansion. As far as possible the boundaries of the designated areas have been delineated to provide an appropriate building depth and block layout thereby improving the current irregular layouts.

NWSP 26 Area of Mixed Uses

In line with general policy NWCM 8 - Areas of Containment, MEPA will favourably consider development (new development, extensions and changes of use) on the site indicated on Map 45, as further detailed on Map 45A, provided that:

- (i) A comprehensive scheme is submitted preferably for the whole site. MEPA will consider piecemeal development for sites A, B and C, only as indicated on Map 45A;
- (ii) Any built structures are preferably located as indicated on Map 45A, do not, generally, exceed a height of one floor, and do not create more than 4,200 sqm of floor space above ground level distributed as follows: Site A – 2,500sqm; Site B – 1,300 sqm, Site C – 400sqm;
- (iii) The land uses within the built structures may include a mix of the following: vehicle repairs and maintenance, storage, and showrooms as main uses, and retail and administrative offices as an ancillary facility to the main uses, provided adequate safety and mitigation measures, as identified by MEPA, for the industrial uses are included. New residential units will not be allowed but those covered by development permission may be retained as part of the comprehensive schemes required under (i) and thresholds identified under (ii) are not exceeded;

- (iv) **The design of the buildings must take into account the rural context of the site and seek to minimise impacts on long distance views but innovative utilisation of modern materials will be favourably considered;**
- (v) **A landscaped green belt is included as indicated on Map 45A with a minimum width of 5m, thickening at the southern tip of the site, as part of a landscaping scheme for the site. Any solid boundary walls enclosing this green belt should not be higher than 1.20m;**
- (vi) **Landscaped car parks preferably located as indicated on Map 45A to accommodate parking requirements for visitors and employees generated by the different uses according to established parking standards;**
- (vii) **Open yards for the storage of heavy vehicles are preferably located as indicated on Map 45A and are to be well screened from views on the approach road and from views from the nearby urban and rural settlements;**
- (viii) **The current design of the junction between Triq Qannotta and Triq Burmarrad is reviewed as part of the overall scheme or as part of the scheme for Site C with the aim to safeguard existing mature trees, minimise take-up of agricultural land and achieve a suitable and safe access to Site C. The site zoned as a green area in the 1988 Temporary Provisions Scheme may be incorporated within the redesigned junction;**
- (ix) **The design of the access to Sites A and B is safe and takes into account the status of Burmarrad Road. No direct access to buildings with a frontage onto Burmarrad Road will be allowed;**
- (x) **The current yard for heavy vehicles located opposite the Site A to the east is closed down and the site rehabilitated for agricultural use;**
- (xi) **Developers would be required to fund, in proportion to the land holdings, the implementation of the re-designed junction indicated on Map 45A as planning gain.**

18.3.5 This area (17,330sqm), located on Burmarrad road, to the north of the village of Burmarrad, has undergone an incremental transformation over an extended period of time from a rural area with a few farms to a fully fledged, predominantly commercial area. The predominant activities are a yard for heavy vehicles together with ancillary vehicles' maintenance and small-scale retail, a building materials contractor yard and garages for vehicle repairs and maintenance. A poultry farm, a remnant of the original uses, is still operating on the site and at least three residential units are also located within the site boundary. The storage for heavy vehicles has also spread across Burmarrad Road into the open countryside. Besides the visual eyesore created by the parked heavy vehicles, cars and car parts stacked even on the roofs of the buildings and dominant boundary walls, a serious traffic hazard has been created with direct accesses into the yards from the distributor road and display of vehicles for sale throughout most of the property frontage on Burmarrad Road.

18.3.6 The case history of the site, up to July 2003, revealed a complex situation of permissions dating back from 1965 related to agricultural activities, garages and boundary walls, residential blocks with ground floor industrial garages, to the most recent decision by the Planning Appeals Board in June 2003 to allow one residential unit on top of a two-storey commercial building. Additionally a considerable number of enforcement notices dating from 1996 related to changes of use to industrial, retail and office uses, excavation works and construction of new buildings for warehouses and commercial garages, have been issued on the site.

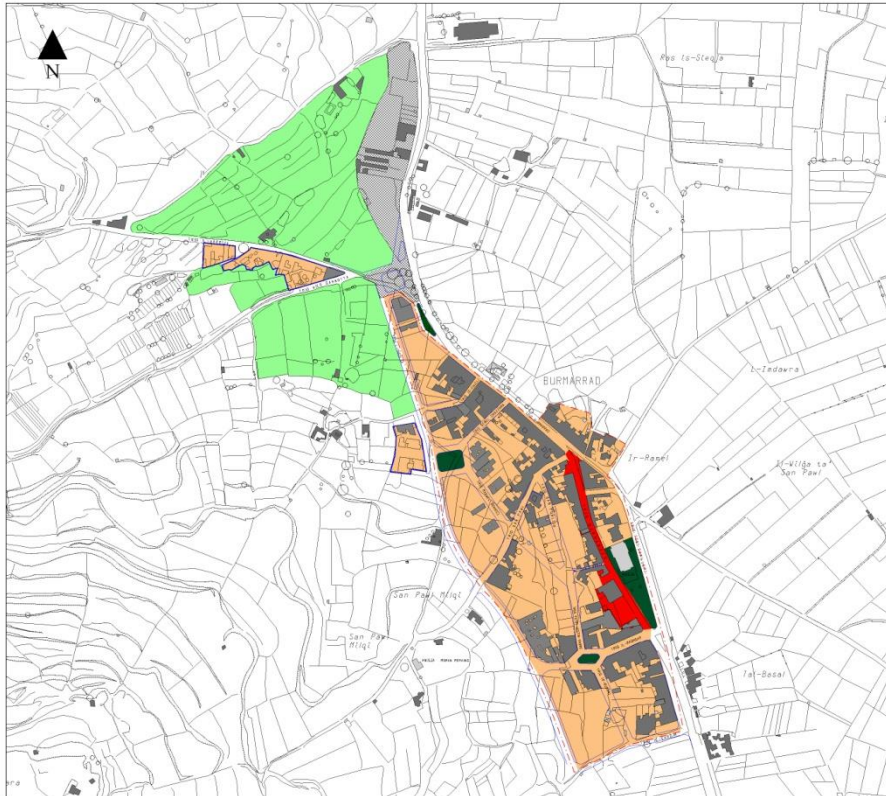
18.3.7 Following the publication of the Plan, which had not made any proposals for the area, submissions were made by the public on the need for the Plan to address the situation

of this site. This policy acknowledges the current status of the site for a range of mixed uses, dominated by display of goods (vehicles), storage (heavy vehicles), and industrial (vehicle repairs and maintenance) with ancillary retail and office uses. It seeks to address the adverse impacts which the current situation has created i.e.

- (i) Traffic hazards;
- (ii) Visual impacts;
- (iii) Uncontrolled expansion of industrial uses onto agricultural land;

by requiring comprehensive development schemes for the whole site, or large portions of it; restricting the development to the defined footprint; restricting the scale of activities (the thresholds in the policy reflect the current permitted floor space in the built structures); requiring a landscaping scheme, car-parking provision, safe access points, the rehabilitation of a site on the other side of Burmarrad Road; and planning gain for the implementation of mitigation measures.

18.3.8 MEPA prefers a comprehensive scheme for the redevelopment of the whole or of the portions identified in MAP 45A but proposals which retain, reuse and improve the existing buildings will also be considered provided the criteria set out by this policy are still complied with. The policy does not consider that residential units are compatible with the predominantly industrial and commercial character of the site and such uses are not to be included in any comprehensive redevelopment scheme for the area identified by the policy. However, should the developers opt to retain the existing buildings, as part of the comprehensive schemes, only the residential units permitted under planning applications PA 2153/97, PA 4781/98 and PA 5146/99, will be accepted, provided the residential floor space forms part of the thresholds in criterion (ii) of the policy.



NORTH WEST LOCAL PLAN

MEPA
L-Awtorità ta' Malta Dwar L-Ambjent u l-ippjanar
Malta Environment & Planning Authority

Key

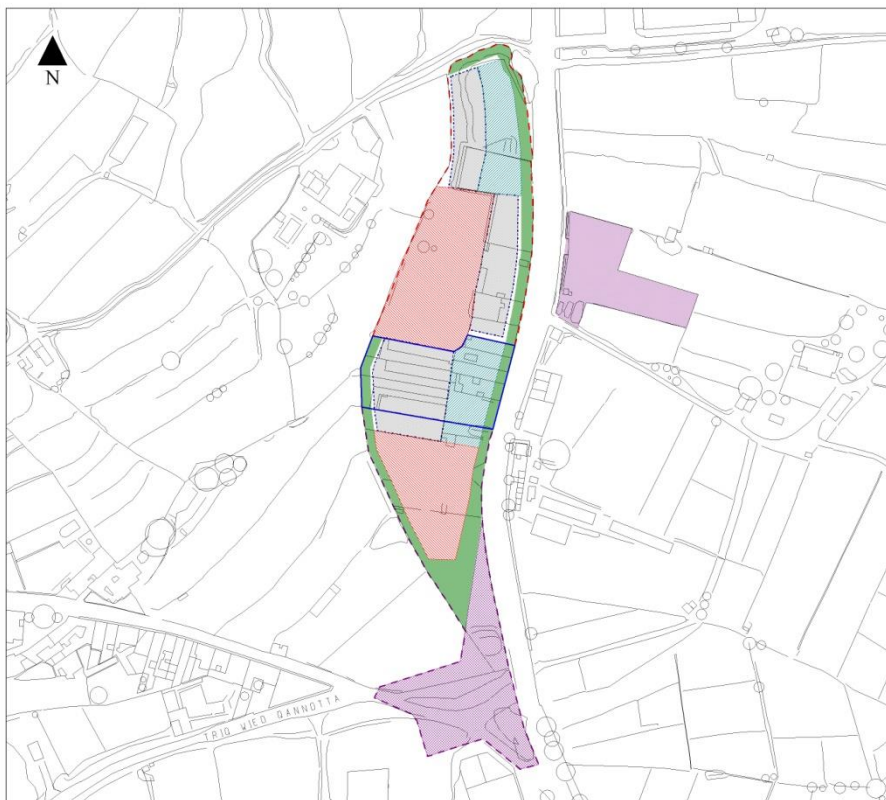
- NWUS 1 Limit to Development Boundary
- NWCM 2 Local Centre for Burmarrad
- NWUS 3 Burmarrad Residential Area
- NWUS 6 Urban Open Space
- NWCO 11 Open Space Gaps between Settlements
- NWRS 2 Category 1 ODZ Settlements
- NWSP 26 Area of Mixed Uses

**North West Local Plan
Burmarrad Policy Map**

Scale: **1:4000** Date: **July 2006** Map: **45**

INDICATIVE ONLY
Not to be used for measurement or direct interpretation.
Maps to be used in conjunction with Policy Document
Base Maps: 1994 Survey Sheets
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BURMARRAD



NORTH WEST LOCAL PLAN

MEPA
L-Awtorità ta' Malta Dwar L-Ambjent u l-ippjanar
Malta Environment & Planning Authority

Key

- NWSP 26 Area of Mixed Uses
- Comprehensive Schemes
 - Site A
 - Site B
 - Site C
- Preferred Location of Built Structures to be Used for
 - Vehicle Repairs
 - Storage
 - Showrooms
 - Retail
 - Administration
- Green Belt
- Landscaped Car Parks
- Yard for Heavy Vehicles
- Junction Redesign
- Current Plant Yard (without MEPA permit) to be Closed Down

**Burmarrad
Area of Mixed Uses**

Scale: **1:1500** Date: **June 2006** Map: **45A**

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BURMARRAD

APPENDIX 2: Phase 1 Objectives Public Consultation Submissions

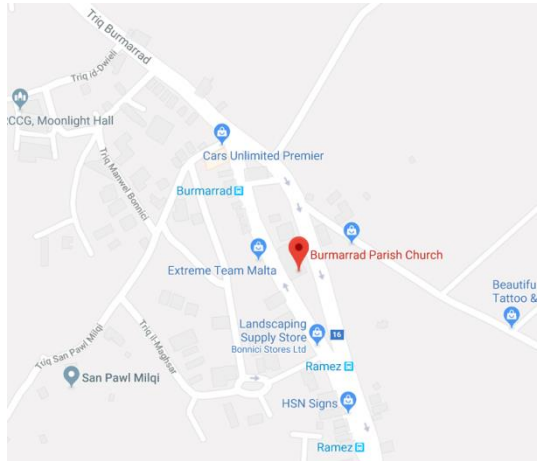
Partial Local Plan Review of the North West Local Plan (2006) Burmarrad Commercial Area

Public Submissions on Objectives for Partial Review

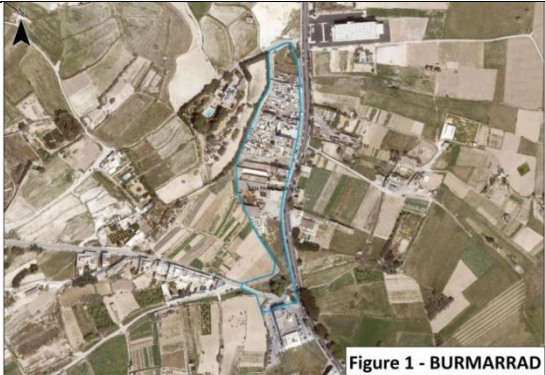
Ref	Name/Company	Date	Comments Received	Remarks
BUR 001	Mr. Jon Camilleri	08/11/2018	I have no interest in this area, I hope it remains as green as possible. I had sent questions to authorities at the time they had found them to be valid insights, I have little to add as I have not researched the agriculture of this area, I think this is where we need to start analysis.	Comment noted. Development is contemplated within the boundary of the Area of Containment. The agricultural fields adjacent to the Burmarrad Area under review are protected from further development.
BUR 002	Flimkien ghall-Ambjent Ahjar (FAA)	08/11/2018	<p>Area of Mixed Uses Burmarrad - Partial Local Plan Review of the North West Local Plan (2006) - Phase 1</p> <p>a) To designate the site currently covered by policies NWCM 8 and NWSP 26 of the North West Local Plan into a Commercial Area;</p> <p>b) To formulate a development framework which is common for the whole site;</p> <p>c) To remove the requirement for comprehensive planning;</p> <p>d) To replace the currently allowable land-uses with those allowed in Category D of the Use Classes Order (SL552.15);</p> <p>e) To allow a maximum building height of 17.5m throughout the site;</p> <p>f) To revise or debate all other provisions in</p>	

Ref	Name/Company	Date	Comments Received	Remarks
			<p>the current policies which are deemed to run counter to the overall objectives set out in (a) to (e) above</p> <p>Area of Mixed Uses Burmarrad - Partial Local Plan Review of the North West Local Plan (2006) - Phase 1</p> <p>Flimkien Ghal Ambjent Ahjar (FAA) is making the following representations regarding the above.</p> <p>A. FAA objects to the piecemeal changes of the local plan in this manner, especially to “Objective c) To remove the requirement for comprehensive planning”. The requirement and necessity of holistic, comprehensive planning is in fact best practice – as opposed to a purely discretionary-based system where development is allowed or not, depending purely on the whims of the Authority. Legal certainty and correct administrative practices necessarily require “comprehensive planning” and not making it up as we go along without a thought as to the cumulative impacts and infrastructural issues occasioned by this departure from common sense and logic.</p> <p>B. FAA also notes that this increase in the density requires further studies as to the cumulative impacts and EIA screening.</p>	<p>Comment noted. Act VII of 2016, the current approved planning legislation, allows for the partial review of subsidiary plans by the Planning Authority as requested by government under Part V of the Act.</p> <p>Furthermore, the partial review follows the requirements of the approved Policy NWCM 8 retaining the same boundary of this area of containment and updates the existing Policy NWSP 26 of the NWLP 2006.</p> <p>Comment noted. The area is an existing committed and operational area of containment. The partial review requires through redevelopment the reduction of impacts and general improvement of the area by reducing the wide mix of uses that are currently operating from this area. The partial review does not exclude the need for EIA screening at the development application stage.</p>

Ref	Name/Company	Date	Comments Received	Remarks
			<p>C. FAA objects to further massing and intensification of development in an area of containment. If permitted, this will lead to the obliteration of a strategic open gap, ribbon development and further formalisation of rural areas. There will also be cumulative impacts on the surrounding areas of influence.</p> <p>D. FAA notes that the uses proposed as listed under Category D include services of a financial services and professional services nature. So where we now have Areas of Containment to provide for industrial and related uses (because they must perforce be situated outside the urban area) , it is now being proposed that financial and professional services – which have designated and</p>	<p>SPED Rural Objective 3 considers areas of containment for development in line with the government plans and programmes for uses that are incompatible within the urban area. The area was approved as an area of containment in the NWLP 2006 under Policy NWCM 8. Development is contemplated within the boundary of the Area of Containment so no development is permitted within the strategic open gap or within the adjacent agricultural fields which are protected from development.</p> <p>Comment noted. The development of offices is being restricted to only 30% gross developable floorspace. The partial review is guided by a zoning</p>

Ref	Name/Company	Date	Comments Received	Remarks
			<p>preferable areas designated especially for them – be relocated in a Rural area. Essentially, it is being proposed that any type of use/development can be located anywhere without a thought for neighbour incompatibility and/or the type of activity and impact this will generate. This – in turn – means that there will be increased traffic to these offices with the congestion which this will invariably lead to.</p> <p>E. FAA highlights the fact that due to the “island” on which the church is situated, further up the road (shown in diagram below), increased traffic will lead to further congestion with the deleterious impacts that this will bring about.</p> 	<p>policy as per Map 45A and Policy NWSP 26, so land uses not falling under the recommended Use Classes are not considered as being permissible. Furthermore the existing policy already considered retail land uses. Regarding transport, Transport Malta is a consultee in the consultation process and measures are being proposed to improve transport efficiency and safety.</p> <p>Regarding transport matters, Transport Malta is a consultee in the consultation process and measures are being proposed to improve transport efficiency and safety.</p>

Ref	Name/Company	Date	Comments Received	Remarks
			<p>F. FAA notes that the proposed changes are in breach of the newly enacted National Agricultural Policy which has been so long in the making. Specifically - the proposal breaches the following provisions of the Agricultural Policy – namely those Measures in the Agricultural Policy which state that there should be consistency and adherence to the same Agricultural Policy. Having policies which militate against the retention, preservation and enhancement of agricultural land effectively nullify the Agricultural Policy and the following measures.</p> <p>Measure 067. Ensure coherence in existing policies and remove any ambiguities which may be in conflict with this policy document.</p> <p>Measure 068. Government ministries developing new policy or regulatory instruments are to ensure consultation with the Ministry responsible for agriculture to avoid conflict between new instruments and this policy.</p>	<p>The SPED considers areas of containment under Rural Objective 3. Therefore the removal of ambiguities does not refer to areas of containment which are also guided by the SPED strategy. Moreover, development is contemplated within the boundary of the Area of Containment so no development is permitted within adjacent agricultural fields which are protected from development. Proposed changes therefore are not deemed to breach the National Agricultural Policy.</p>

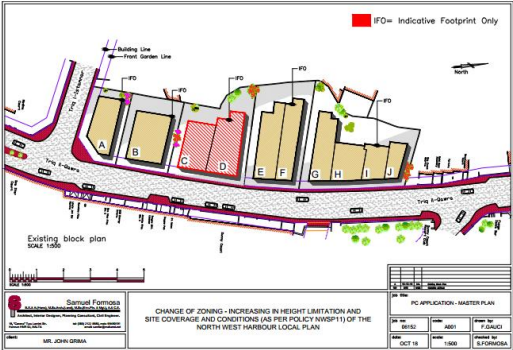
Ref	Name/Company	Date	Comments Received	Remarks
			 <p data-bbox="920 655 1518 1134">G. FAA strongly objects to Objective f) “To revise or debate all other provisions in the current policies which are deemed to run counter to the overall objectives set out in (a) to (e) above”. The Authority is obliged to observe the legal hierarchy established in other planning legislation, including, but not limited to Chapter 552 of the Laws of Malta, the Strategic Plan for the Environment (SPED) and other plans and policies. The laws which are applicable to all cannot be revised – on a piecemeal basis –because of this proposal.</p> <p data-bbox="920 1190 1518 1294">H. FAA underlines the fact that the proposed changes are in breach of several provisions of SPED, namely:</p> <ol data-bbox="920 1366 1518 1410" style="list-style-type: none"> 1. Breach of the general principles and 	<p data-bbox="1563 424 2056 711">The SPED considers areas of containment under Rural Objective 3. Furthermore, the Act VII of 2016, the current approved planning legislation, allows for the partial review of subsidiary plans by the Planning Authority as requested by government under Part V of the Act.</p> <p data-bbox="1563 1046 2056 1118">The SPED considers areas of containment under Rural Objective 3.</p> <p data-bbox="1563 1190 2078 1410">The sequential approach is not being breached as the partial review is not considered development within fresh land but within an existing and approved area of containment as approved within the NWLP 2006 under</p>

Ref	Name/Company	Date	Comments Received	Remarks
			<p>sequential approach listed in SPED Chapter 3 National Spatial Framework</p> <p>General Principles:</p> <p>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:</p> <ul style="list-style-type: none"> -First 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 exists, to the use of vacant land. <p>This sequential approach is being adopted in order to ensure that land take up in the Rural Area is considered as a last resort where it is essential for the achievement of sustainable development.</p> <p>Furthermore,</p> <p>(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 for towns and settlements</p>	<p>Policy NWCM 8.</p> <p>Development is contemplated within</p>

Ref	Name/Company	Date	Comments Received	Remarks
			<p>2. Breach of the directing of buildings towards the Urban Area and Thematic Objective 1 and 7 and 10</p> <p>1. Socio-economic Development:</p> <p>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:</p> <p>1. Guiding the location of the bulk of new jobs and homes within the Urban Area</p> <p>7.increasing green open space</p> <p>10. Socio-economic development should ensure that rural areas are not exploited by uses which are not legitimate necessary.</p> <p>3. Breach of the Rural Objectives regarding the cumulative effects of development in the rural area particularly in regards to Rural Objectives 1.1 and 1.7</p> <p>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</p> <p>1. Protecting good quality agricultural land from development</p>	<p>the boundary of the Area of Containment. The agricultural fields adjacent to the Burmarrad Area under review are protected from further development.</p> <p>No development is contemplated outside the area of containment as the boundary is being retained as approved in the NWLP 2006.</p> <p>The agricultural fields adjacent to the Burmarrad Area under review are protected from further development.</p> <p>The SPED considers areas of containment under Rural Objective 3.</p>

Ref	Name/Company	Date	Comments Received	Remarks
			<p>7. Controlling the cumulative effect of rural development</p> <p>4. Breach of Rural Objective 3 particularly Objectives 3.3 regarding the need to control cumulative development and requiring compensation measures to enhance the rural environment.</p> <p>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 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</p> <ol style="list-style-type: none"> 1. Setting out a policy framework to control the location and design of such development and guide appropriate environmental measures 2. Safeguarding existing Areas of Containment and identifying further Areas to accommodate incompatible urban development 3. Controlling the cumulative effect of such 	<p>No development is contemplated outside the area of containment as the boundary is being retained as approved in the NWLP 2006.</p> <p>The agricultural fields adjacent to the Burmarrad Area under review are protected from further development.</p>

Ref	Name/Company	Date	Comments Received	Remarks
			<p>development</p> <p>4. Requiring compensation measures to enhance the rural environment</p> <p>5. Breach of Rural Objective 4 regarding the importance of enhancing the positive qualities of landscape in a strategic open gap</p> <p>Rural Objective 4: To protect and enhance the positive qualities of the landscape and the traditional components of the rural landscape by</p> <ol style="list-style-type: none"> 1. Promoting integrated countryside management 2. Carrying out a reappraisal of designated areas 3. Identifying and classifying a hierarchy of landscapes to: <ol style="list-style-type: none"> a. protect the most sensitive landscapes of cultural importance and natural beauty ; b. promote rehabilitation initiatives towards the enhancement of the degraded landscapes c. guide the control of location and design of development within the landscape; and 4. Carrying out a reappraisal of strategic open gaps identified in subsidiary plans to prevent coalescence of urban development and 	<p>Redevelopments within the area of containment followed through this partial review are required to be adequately designed and also to reduce visual impacts. As already stated the strategic open gap is not being reduced as the existing boundary of the area of containment is being retained.</p>

Ref	Name/Company	Date	Comments Received	Remarks
			identifying further areas for designation	
BUR 003	Perit Samuel Formosa	30/11/2018	 <p>Re: Similar request to the public consultation requested by the Government of Malta for the partial revision of the North West Local Plan (2006)</p> <p>With reference to PC/0057/09, our clients Mr. and Mrs. Grima and Ms. Simone Mangion, property owners of the site in question, marked letter C, which lies adjoining to their neighboring property (marked letter D).</p> <p>The site in question forms part of an approved PC application, namely PC 57/09 in which the Planning Authority Permit</p>	Site is not within the area of the partial review.

Ref	Name/Company	Date	Comments Received	Remarks
			<p>properties C and D were adjoined so that they are developed comprehensively. The adjoining property (site D) belongs to an elderly woman in her eighties, who is a widow and has no children. My client informed me that she is also suffering from dementia; consequently she has no interest to develop the site as approved in PC/0 057/09 at present.</p> <p>Further away (within the same PC), Blocks E and F were also joined together as well as G, H, I, J, which were intended to be developed comprehensively. In a later PC application the Planning Authority agreed to separate G, H, I, J as per PC 18/16. My clients submitted a PC application to develop their site as a semi-detached block or even as a detached block – as per Planning Directorate considerations.</p> <p>Recently, following an article published by the Times of Malta earlier this month; the article mentioned an open public consultation requested by the Government of Malta for the partial revision of the North West Local Plan (2006) for a site at Burmarrad, St. Paul’s Bay. The third point to be discussed states: “to remove the requirement for comprehensive planning”. Hence, mutatis mutandis my clients are similarly requesting the removal of the comprehensive planning condition in Qawra Road as well - so that they</p>	

Ref	Name/Company	Date	Comments Received	Remarks
			<p>can develop their site independently.</p> <p>We hope the Planning Directorate gives serious consideration to this issue at hand, which is causing the client and their family to live in a state of utter disappointment and despair since they require the additional units for their own children.</p>	
BUR 004	Alexander Bonanno o.b.o. ERA	30/11/2018	<p>Re. ERA Feedback on the Partial Local Plan Review of the North West Local Plan (2006) Area of Mixed Uses Burmarrad</p> <p>The Environment and Resources Authority (ERA) welcomes the opportunity to comment on the Partial Local Plan Review of the North West Local Plan (2006) Area of Mixed Uses Burmarrad, and is putting forward its comments and recommendations in attached document.</p> <p>ERA looks forward towards additional consultations and remains available to meet for further discussion or any clarification if required, through: national.affairs.era@era.org.mt</p> <p>Introduction</p> <p>ERA welcomes the opportunity to comment on the proposed objectives for the Partial Local Plan Review of the North West Local Plan (2006) – Area of Mixed Uses Burmarrad.</p>	ERA is a direct consultee in the

Ref	Name/Company	Date	Comments Received	Remarks
			<p>These comments are provided without prejudice to ERA's review and comments on the emerging draft Local Plan revision and eventually at project stage when more detailed environmental assessment will be required. Depending on their nature, scale and context, proposed projects may also require different types of environmental assessments, including Environmental Impact Assessments (EIA) or other screenings, as may be relevant.</p> <p>The Environment and Resources Authority (ERA) is putting forward its recommendations with respect to the Partial Review Objectives for consideration in the public consultation stage.</p> <p>Main environmental issues</p> <p>The site consists of the Burmarrad Area of Containment (AoC). ERA considers that various provisions in Policy NWSP 26 of the North West Local Plan (2006) are still relevant to the site and its context, and it is recommended that such criteria are either retained or suitably compensated for in the emerging replacement policy. An extract from the current Policy NWSP 26 is attached in Appendix 1.</p> <p>Moreover, the following strategic environmental issues need to be considered in the revision of the Local Plan policy for the site:</p>	<p>consultation process both at the review stage and the later development application stages. The partial review does not exclude the need for EIA screening at the development application stage if required due to the nature, scale or context of the development.</p> <p>The policy NWSP 26 requires to be updated to reflect current requirements and for a more efficient use of the area of containment.</p> <p>No development is contemplated</p>

Ref	Name/Company	Date	Comments Received	Remarks
			<p>(i) All future development and interventions, including the entire width and extent of roads, pavements, car parking areas/spaces, access, landscaping, vehicle manoeuvring areas, storage areas, etc. should be strictly confined within the existing boundary of the Burmarrad AoC, and there should be no over spills of development, additional take-up or commitment of, or encroachment on, adjacent fields. The surrounding rural areas and the watercourse of Wied Qannotta which passes from the southern tip of the AOC, between Triq Qannotta and Triq Burmarrad, need to be conserved.</p> <p>(ii) Proposals at the suggested site should be evaluated in the context of the wider picture, in terms of capacity and suitability of existing infrastructure to support the proposed use, without necessitating further interventions that could lead to further impacts. Unsustainable development (e.g. over-intensification) may affect the current vehicular traffic flows in the immediate and surrounding areas, thereby increasing risks of environmental impacts associated with further road congestion. These include air pollution and pressures for further take-up of undeveloped land to extend, upgrade or construct new infrastructure.</p>	<p>outside the area of containment as the boundary is being retained as approved in the NWLP 2006.</p> <p>The surrounding rural areas adjacent to the Burmarrad Area under review are protected from further development including the watercourse.</p> <p>Act VII of 2016, the current approved planning legislation, allows for the partial review of subsidiary plans by the Planning Authority as requested by government under Part V of the Act. Infrastructure and Transport responsible agencies are consultees in the consultation process.</p> <p>The further take up of land for transport improvements consists of the area already planned for junction improvement in the NWLP 2006 and for the construction of a service road and road widening within the area under review and area of containment.</p> <p>The increase in building heights in AoC includes the requirement for a transition and stepping down facing the ODZ rear side. Development is required through the review to be suitably designed to use the difference</p>

Ref	Name/Company	Date	Comments Received	Remarks
			<p>(iii) ERA notes that the current proposal is to increase the allowable building height for the area from one floor to 17.5m above ground level throughout the site. The design of buildings in this area must take into account the surrounding rural landscape of the site in order to minimize potential visual impacts on long distance views.</p> <p>(iv) The permitted development should not be a source of light pollution, especially at night. To this effect, development proposals at this site should adhere to the following specifications and conditions:</p> <p>(a) lighting should be strictly limited to the developed part of the site, and its height and orientation shall be designed in a manner that does not cause illumination beyond the developed site;</p> <p>(b) there should be no lighting of ancillary access roads, tracks and paths or other lighting beyond the site boundary;</p> <p>(c) the exterior lighting fittings and their supports should be installed on the inner side of any peripheral landscaping, so as to be screened from the surrounding environment by means of landscaping itself;</p> <p>(d) all exterior lighting installed on site should be horizontally aligned, downward-pointing, fully-shielded and full cut-off. No</p>	<p>in level along the Triq Burmarrad frontage to lower development and to provide for an adequate treatment at the rear of the properties on the ODZ side as well as a stepping down of height.</p> <p>Comment noted. Area is already an active area of containment with operational lighting.</p>

Ref	Name/Company	Date	Comments Received	Remarks
			<p>luminarie globes, uplighters and/or high-level floodlighting should be allowed;</p> <p>(e) all exterior lighting shall be of low-intensity 'warm light' colour with a temperature not exceeding 3000K; and</p> <p>(f) intruder-triggered or motion-sensor lighting, shall be installed so as to avoid continuous nocturnal lighting.</p> <p>(v) ERA recommends that extra care shall be given to the buildings at the edge of the and design shall include edge of scheme requirements including that any boundary walls at edge of scheme are constructed in traditional random rubble (sejjiiegh), avoiding ashlar walls and walls faced/clad in rubble.</p> <p>(vi) The alignment and design of the outer boundary of the site should avoid the introduction of direct or implied commitments affecting additional land beyond the Development Zone boundary, including new or altered access routes onto ODZ land, formal open spaces, landscaping as well as splays or other formalization at the entrances to ODZ land.</p> <p>(vii) Any required infrastructure (e.g. substations, booster stations, sewer connections, pumping stations, waste management areas/facilities, etc.) should to be factored into the advance planning of the scheme and located within the AoC</p>	<p>Comment noted. Edge of development boundary walling is restricted to 1.2m.</p> <p>Development is not contemplated outside the area of containment boundary as approved in the NWLP 2006.</p> <p>Detailed infrastructural requirements are addressed at the development application stage.</p> <p>Comment noted. Implementation of</p>

Ref	Name/Company	Date	Comments Received	Remarks
			<p>boundary, such that direct or indirect pressures for take-up of additional ODZ land for the installation or retrofitting of such facilities is avoided at source.</p> <p>(viii) ERA recommends that roads and pavements incorporate facilities whereby all services and ancillary infrastructure (including water, electricity, sewerage, runoff management and telecommunications) are located underground without overhead wiring, poles, above-ground pipework, etc. The installation of overhead wiring, poles, and other visually intrusive interventions should be prohibited.</p> <p>(ix) Unmitigated urban runoff (e.g. from car parks) should not be discharged directly onto surrounding fields or valleys. The use of sustainable urban drainage systems is recommended in order to collect and treat local surface water, attenuate water runoff and minimise risks of localised flooding.</p> <p>(x) Sufficient land should be allocated within the Area for open green space, including for the implementation of suitable soft landscaping as per current Local Plan Policy NWSP 26.</p> <p>(xi) The plan should avoid the intensification of development, as well as the formation of street canyons e.g. through the building of 3 or more storeys along the roads subject to heavy traffic flows. This</p>	<p>roads is within the remit of Infrastructure Malta.</p> <p>Comment noted. Implementation of roads is within the remit of Infrastructure Malta.</p> <p>Redevelopment is required to provide for a green 3m footpath at the rear of the properties that includes soft landscaping.</p> <p>The increase in building heights in AoC includes the requirement for a transition and stepping down facing the ODZ rear side. Development is required through the review to be suitably designed to use the difference in level along the Triq Burmarrad frontage to lower development and to</p>

Ref	Name/Company	Date	Comments Received	Remarks
			<p>issue is critical and is likely to create problems in the areas already prone to traffic congestion.</p> <p>Conclusion</p> <p>ERA looks forward towards additional consultations on the Partial review of the North West Local Plan – Area of Mixed Uses Burmarrad, and remains available for any clarification, or further consultations via: national.affairs.era@era.org.mt</p> <p>Appendix 1: Extract from Policy NWSP 26 (Area of Mixed Uses) of the North West Local Plan of 2016</p> <p>“In line with general policy NWCM 8 - Areas of Containment, MEPA will favourably consider development (new development, extensions and changes of use) on the site indicated on Map 45, as further detailed on Map 45A, provided that...</p> <p>(iv) The design of the buildings must take into account the rural context of the site and seek to minimise impacts on long distance views but innovative utilisation of modern materials will be favourably considered;</p> <p>(v) A landscaped green belt is included as indicated on Map 45A with a minimum width of 5m, thickening at the southern tip of the site, as part of a landscaping scheme for the site. Any solid boundary walls enclosing this</p>	<p>provide for an adequate treatment at the rear of the properties on the ODZ side as well as a stepping down of height. TM is a consultee in the process.</p> <p>Policy NWCM 8 is being retained as approved in the NWLP 2006.</p> <p>Design considerations are included in the policy</p> <p>The requirement of a service road and road widening is being prioritised in this area of containment.</p> <p>The provision of landscaped car parks is not excluded.</p>

Ref	Name/Company	Date	Comments Received	Remarks
			<p>green belt should not be higher than 1.20m;</p> <p>(vi) Landscaped car parks preferably located as indicated on Map 45A to accommodate parking requirements for visitors and employees generated by the different uses according to established parking standards;</p> <p>(vii) Open yards for the storage of heavy vehicles are preferably located as indicated on Map 45A and are to be well screened from views on the approach road and from views from the nearby urban and rural settlements;</p> <p>(viii) The current design of the junction between Triq Qannotta and Triq Burmarrad is reviewed as part of the overall scheme or as part of the scheme for Site C with the aim to safeguard existing mature trees, minimise take-up of agricultural land and achieve a suitable and safe access to Site C. The site zoned as a green area in the 1988 Temporary Provisions Scheme may be incorporated within the redesigned junction;</p> <p>(x) The current yard for heavy vehicles located opposite the Site A to the east is closed down and the site rehabilitated for agricultural use.”</p>	<p>Open storage is no longer a recommended use if redevelopment is followed. This will reduce visual impact of the current sites and improve the transport situation.</p> <p>The junction improvement is required through the NWLP 2006. Agreement that Infrastructure Malta should as far as technical possible retain mature trees.</p> <p>This requirement is being retained.</p>

APPENDIX 3: Phase 2 Public Consultation Submissions

Partial Local Plan Review of the North West Local Plan (2006) Burmarrad Commercial Area

Public Submissions on Partial Review

Ref	Name/Company	Date	Comments Received	Remarks
BUR2 001	Perit Joe Grech	02/04/2019	<p>Re: Partial Review of the North West Local Plan 92006) – Burmarrad Commercial Area</p> <p>Further to the publication of the Draft Partial Review above mentioned dated February 2019, I am hereby writing on behalf of my clients Burmarrad Commercial Ltd. To request clarification/comments as follows:</p> <ol style="list-style-type: none"> 1. The review states that land uses falling under Category D Commercial Uses of the Use Classes order may be considered. According to my interpretation, this automatically excludes supermarkets. In my opinion, the proposed Commercial Area would provide the ideal location for the integration of a supermarket within potential shopping facilities established on site. <u>The policy should therefore cater for such supermarket use.</u> 2. The policy gives a Building Height Limitation of 17.50m on Triq Burmarrad. It is being understood that in view of the setbacks imposed along the back façade of the AOC, the height of 17.50m would therefore extend up to the building line on Triq Burmarrad, and no set-back floor along this road would be imposed. 	<p>The objectives issued by Government identified the area for Category D Commercial Uses. As per the Development Planning (Use Classes) Order, 2014, supermarkets are outside use class (Article 4 (s)) and therefore not an acceptable land use within this area of containment.</p> <p>Redevelopment is to follow the DC2015 requirements which are applicable.</p> <p>The 8m service road is required for the efficient and safe operation of transport into and out of the commercial developments and so as not to obstruct Triq Burmarrad</p> <p>Underground development is considered within the area of containment. For other details DC2015</p>

Ref	Name/Company	Date	Comments Received	Remarks
			<p>3. Following a recent meeting with Infrastructure Malta, it transpired that current plans aim at the introduction of a second lane to the direction leading from Burmarrad towards San Pawl, and hence there is no intention from the road planning agency to take up private land beyond the existing building alignments. Moreover, considering that further up the road (direction North) the road width is already committed to 14.50m by developments on both sides, the introduction of an 8m buffer zone for road widening and a service road is considered to be unnecessary. In my opinion, the review should cater for revised official road alignments including road widening as required by IM.</p> <p>4. We are also of the opinion that since the service road is intended to service ONLY, establishments to be developed within the proposed commercial area, it should be designed such as to allow the use of private property at basement levels underneath the road, as well as overlying levels from a height of 4.50m above road to be integrated within the commercial establishments. Moreover, any proposed service road should not be excessively wide since</p>	<p>is applicable.</p> <p>Transport costs are required to be borne by the new development including any road widening, service road and the junction improvement.</p>

Ref	Name/Company	Date	Comments Received	Remarks
			<p>due to the rather narrow depth of the AoC when compared to its elongated frontage, this would lead to a substantial land take-up depriving developers from space which could otherwise be used for commercial purposes. A width of say 5m for the service road would just as well serve the required purpose of creating a lay-by for vehicles accessing commercial outlets developed along this strip.</p> <p>5. Upon payment of the Planning Fees related to application submissions, all developers would have already contributed for road construction through the ISC contributions forming part of the permit fees. It is therefore considered to be rather unfair on any developer who has already forked out a substantial contribution towards roads as part of the development permit, to be requested yet again to bear the proportional cost of any road works required to make the necessary improvement to existing infrastructure.</p> <p>We trust that due consideration is given to the above and look forward to the inclusion of clarifications and modifications addressing our concerns within the Final version of the proposed Partial Local Plan Review.</p>	

Ref	Name/Company	Date	Comments Received	Remarks
BUR2 002	Mr. Sandro Bonanno ERA	02/04/2019	<p>Introduction</p> <p>ERA welcomes the opportunity to comment on the proposed replanning of the Area of Mixed Uses at Burmarrad (Phase 2). It is noted that the following comments are in addition to the feedback provided by the Authority during Phase 1 of the consultation process.</p> <p>The following comments are provided without prejudice to ERA's review and comments on any eventual development projects that may emerge from the revised Local Plan, when more detailed environmental assessment will be required. Depending on their nature, scale and context, proposed projects may also require different types of environmental assessments or other related screenings, including Environmental Impact Assessment (EIA).</p> <p>The Environment and Resources Authority (ERA) is putting forward its recommendations with respect to Phase 2 of the review process hereunder.</p> <p>Strategic environmental issues</p> <p>The Planning Authority's intended objective of the review that all future development should be contained within the existing boundary of the Area of Containment (AOC) is commendable.</p> <p>It is understood that such definition of</p>	<p>Previous comments from ERA have been noted. ERA is a direct consultee in the consultation process both at the review stage and the later development application stages. The partial review does not exclude the need for EIA screening at the development application stage if required due to the nature, scale or context of the development.</p> <p>Development is contemplated only within the boundary of the area of containment as approved in the NWLP 2006.</p>

Ref	Name/Company	Date	Comments Received	Remarks
			<p>development comprises of the entire width and extent of roads, junction improvements, service roads, access, pavements, boundary walls, car parking areas/spaces, footpaths, landscaping, vehicle manoeuvring areas, storage areas, and any infrastructural requirements. There should be no over spills of development, additional take-up or commitment of, or encroachment on, adjacent rural land/fields. Undue uptake of undeveloped land and damage to other rural features (e.g. rubble walls, terracing), as well as additional road widening along the Wardija side street beyond the footprint of the current junction, should also be avoided. The requirement that all developments should mitigate impacts on the surrounding rural environment is also welcomed. The latter should however be complimented with detailed mitigation measures.</p> <p>ERA notes that a 3 metre pedestrian footpath is being proposed to run along the whole length of the side of the AOC facing the rural area. This is replacing the current requirement of a 5 metre landscaped green belt as part of a landscaping scheme. No clear indication is afforded as to why the 5 metres landscape green belt is being reduced to 3 metres footpath. ERA believes that the green landscaped open space should increase proportionally to the proposed</p>	<p>Mitigation measures are considered by the review through the stepping down of heights facing ODZ and the required 3m footpath with the necessary width for such footpaths. Soft landscaping of the sites is recommended and not excluded.</p>

Ref	Name/Company	Date	Comments Received	Remarks
			<p>increase in massing. ERA recommends that sufficient land should be allocated within the AOC for the implementation of a suitable soft-landscaped green belt, particularly between the rear of the AOC site and the adjacent rural area. This should be a requirement as part of the development, and not left up to the developer's decision. The provision for green space should be effective and commensurate with the scale, height and configuration of any proposed development at this site. The considerable increase in land use activity on the site surely justify the provision and maintenance of green open spaces with landscaped areas. Development projects should make provision for the allocation of sufficient space for the implementation of adequate and suitable soft landscaping and green spaces within the site. Greening of the area, including soft landscaping, should seek to contribute to the enhancement and improvement of local biodiversity. Soft landscaping should only make use of indigenous and/or archaeophytic species. The use of invasive alien species is to be avoided, also noting that the use of certain such species is prohibited under the Control of Invasive Alien Species of European Union Concern Regulations (S.L. 549.119) and the Trees and Woodlands Protection Regulations (S.L. 549.123).</p> <p>ERA is particularly concerned about the</p>	

Ref	Name/Company	Date	Comments Received	Remarks
			<p>proposed change to the current permissible land use activities for this AOC, i.e. from a Mixed-Use Area into a Commercial Area. The policy change could result in the displacement of future development pressures for industrial-related uses (e.g. storage of heavy vehicles) which may be incompatible with other uses within the Urban Area, to other Rural Areas ODZ. SPED defines use of AOCs for development which is not normally allowed within the Urban Area (Rural Objective 3, para 2). ERA believes that this area should remain to cater for uses that cannot be easily accommodated in the Urban Area, such that this review will not result in increased pressure for industrial development outside the development boundary. The proposed new uses can be easily accommodated within the Urban Area, as these are considered fully compatible with other urban uses within the Urban Area, such as financial, professional and other offices, retail uses and food & drink uses.</p> <p>The new proposed zoning is considered to attract a higher level of land intensified uses, thus attracting more users per square metre when compared to the current acceptable land uses.</p> <p>This will consequently increase pressures for more infrastructural requirements. This also need to be envisioned in context of the proposed increase in building height, with</p>	<p>Regarding permissible land uses and activities it is noted that retail uses were already considered by the NWLP 2006 Policy NWSP 26. The review is intended to reduce the existing wide mix of land uses by prioritising commercial uses.</p> <p>The review is recommending the transport upgrades including the required service road, road widening and junction improvement to effectively address the redevelopment contemplated.</p>

Ref	Name/Company	Date	Comments Received	Remarks
			<p>possibility of more activities within the area. Any proposed development within the AOC should be first evaluated in the context of the existing situation in the wider area, in terms of capacity and suitability of existing infrastructure to support the proposed uses without necessitating additional interventions that could lead to further environmental impacts. Proposals should take into consideration the environmental carrying capacity of the area, that is, the scale of development that can be effectively accommodated without introduction or precipitation of major direct or indirect environmental impacts. It is noted that the revised policy is also increasing the allowable building height for the area from one floor to a staggering 17.5 metres height above ground level, throughout the site. ERA notes that the considerable increase in the building height will multiply the site's capacity, with resulting surge in activity. This stance may result in environmental impacts due to increase in traffic and pressure on infrastructure. Unsustainable development at this location (e.g. over intensification of land uses) may increase the vehicular traffic flows in the immediate and surrounding areas, thereby increasing risks of environmental impacts associated with further road congestion.</p> <p>With regards to the response to ERA's earlier</p>	<p>The building height change to 17.5m was one of the initial objectives of the partial review. Setbacks are required on the side facing the ODZ to reduce visual impact.</p> <p>The comparison to Floriana and Hamrun</p>

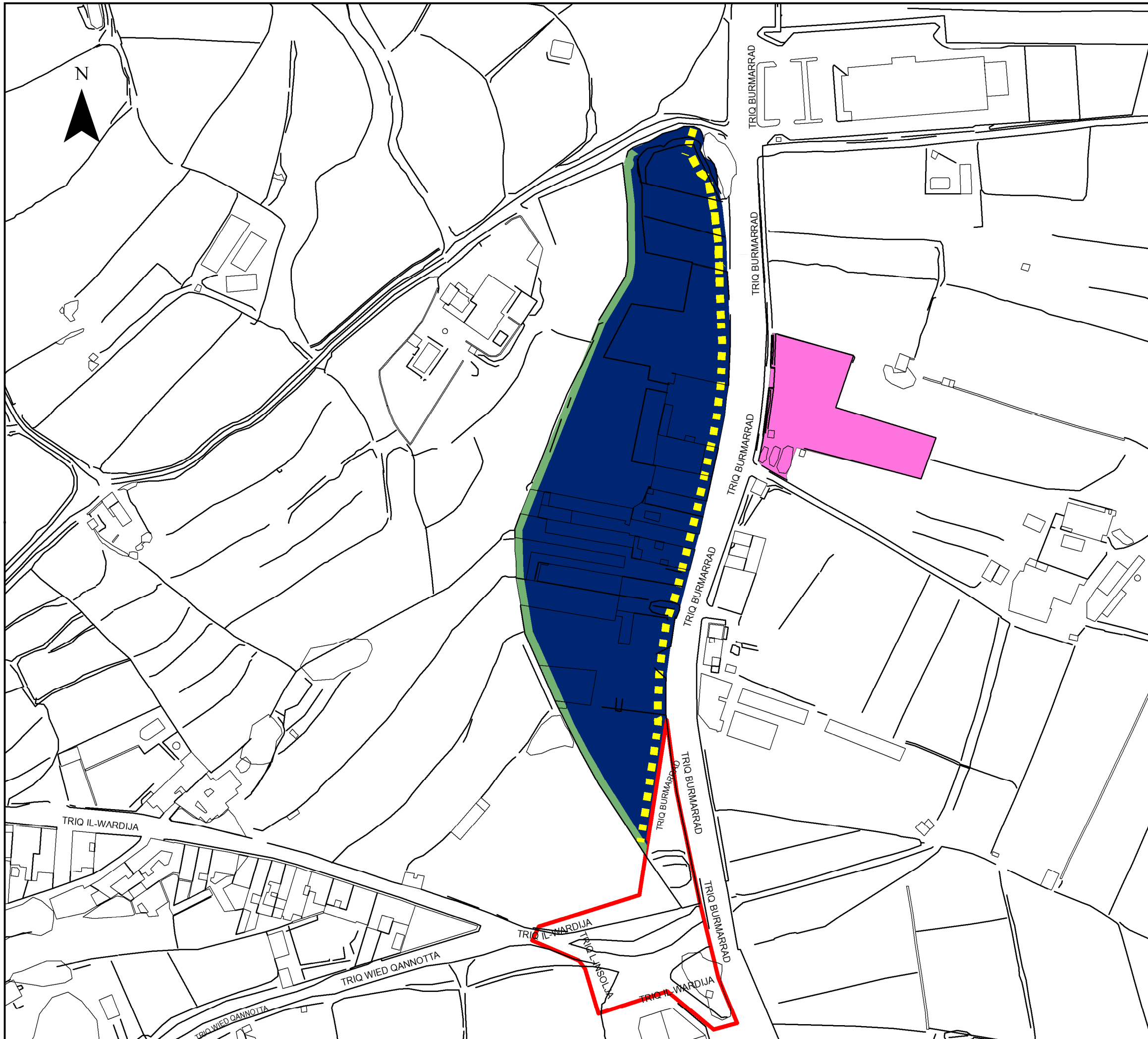
Ref	Name/Company	Date	Comments Received	Remarks
			<p>concerns during Phase 1, on the implications of intensification, it is noted that the reply does not necessarily address its concerns related to high air pollution levels in streets, which can be classified as street canyons. This situation is currently experienced in a number of streets in Floriana, Hamrun and other similar areas. With the proposed level of intensification, the same will happen in this area. The justification of difference in levels as implied in the PA's response, will not necessarily address, nor solve, the problems along the frontage of Triq Burmarrad. Moreover, the fact that TM is a consultee, does not in itself mitigate ERA's concerns, since TM's role is only limited to ensuring that the network can cope with the traffic flows. ERA's concerns relate to the consequential drastic increase in the use and subsequent attraction of more trips to an area already burdened with high traffic flows, hence, a considerable increase in air pollution levels and high levels of noise emissions from road traffic.</p> <p>Moreover, the intensification of commercial development, complimented with the recently approved service station, and increase in traffic flows passing through the residential area located further down in Triq Burmarrad, will result in an increase in noise levels in an area which is already prone to high noise levels and high existing road</p>	<p>is not applicable since development is only contemplated on one side of the road with the area on the other side of the road not being affected.</p>

Ref	Name/Company	Date	Comments Received	Remarks
			<p>retained. ERA fully agrees with the current provisions in the proposed policy revision which states that such site will be cleared and reinstated back to agricultural use. The policy should be clear in stating that no development will be considered within the AOC prior to the site being reinstated back according to detailed method statement, including decontamination procedures and appropriate verification.</p> <p>Other Environmental Considerations</p> <p>1) The draft Local Plan policy is proposing the introduction of a 3-metre setback for the top two floors of properties facing the rural areas. Whilst welcoming this proposal, ERA recommends that the layout, planning and design of the areas as a whole, and of individual sites and buildings therein, should take into account the context of the site, including the rural landscape and character, in order to minimize visual impacts on both short- and long- distance views.</p> <p>2) The policy states that “boundary walls along the rear of the properties are not to exceed 1.2m”. Whilst welcoming this proposal, it must be ensured that boundary walls at the edge of the AOC boundary should be constructed in traditional rubble (sejjeġġ), avoiding ashlar walls and walls faced/clad in rubble.</p> <p>3) Measures are to be taken to ensure that, as</p>	<p>Further comments on environmental considerations noted. Detailed requirements are still to be considered at the development planning application stage in the processing of the individual projects. The review does not exclude the requirement of mitigation measure at this stage or the application of further environmental assessments.</p>

Ref	Name/Company	Date	Comments Received	Remarks
			<p>much as possible, permitted development at the edge of the AOC shall not be a source of light pollution towards the rural areas, especially at night. Therefore, where permitted, development proposals at this site should be required to adhere to the following specifications and conditions:</p> <p>(a) lighting shall be strictly limited to within the developed part of the site, and its height and orientation shall be designed in a manner that does not cause illumination beyond the developed site;</p> <p>(b) there shall be no lighting of ancillary access roads, tracks and paths or other lighting beyond the development zone boundary;</p> <p>(c) the exterior lighting fittings and their supports shall be installed on the inner side of any peripheral landscaping or street (i.e. not on the side abutting ODZ land), so as to be screened from the surrounding environment by means of landscaping itself;</p> <p>(d) all exterior lighting installed on site shall be horizontally aligned, downward pointing, fully-shielded and full cut-off. No luminarie globes, uplighters and/or highlevel floodlighting are allowed;</p> <p>(e) all exterior lighting shall be of low-intensity 'warm light' colour with a</p>	

Ref	Name/Company	Date	Comments Received	Remarks
			<p>temperature not exceeding 3000K; and</p> <p>(f) Where appropriate, intruder-triggered or motion-sensor lighting, shall be installed so as to avoid continuous nocturnal lighting.</p> <p>4) Roads/pavements should incorporate facilities whereby all services and ancillary infrastructure (including water, electricity, sewerage, runoff management and telecommunications) are located underground without overhead wiring, poles, aboveground pipework, etc. This should also include provision for eventual replacement of existing overhead wiring and poles, with underground cabling, especially at the edge of the AOC boundary. The installation of overhead wiring, poles, and other visually intrusive interventions, especially at the urban-rural interface and in the surrounding rural area, should be avoided at source.</p> <p>5) Urban runoff (e.g. from car parks, yards, etc.) should not be discharged directly/unmitigated onto any surroundings lands, including fields and valleys. The use of sustainable urban drainage systems is recommended in order to collect and treat local surface water, attenuate water runoff and mitigate risks of localised flooding.</p> <p>6) Any required infrastructure (e.g. substations, booster stations, sewer connections, pumping stations, waste management areas/facilities, runoff-</p>	

Ref	Name/Company	Date	Comments Received	Remarks
			<p>collection reservoirs, interceptors, etc.) are to be factored into the advance planning of the scheme and located within the AOC boundary, such that direct or indirect pressures for take-up of additional ODZ land for the installation or retrofitting of such facilities is avoided at source.</p> <p>Conclusion</p> <p>ERA looks forward to contribute further to the Partial review of the North West Local Plan –Area of Mixed Uses Burmarrad, and remains available for any clarification, or further consultations via: national.affairs.era@era.org.mt</p>	



Legend:

- 3m Pedestrian footpath
- Category D - Commercial
- Area with a building height not exceeding 17.50 meters
- Junction redesign
- Current plant yard (without PA permit) to be closed down
- Indicative area for minimum 8m service road and road widening

**Burmarrad
Revisions to Policy NWSP 26**

Scale: 1:1,500 Date: June 2020

Map:

INDICATIVE ONLY
Not to be used for measurement or direct interpretation. Maps to be used in conjunction with Policy Document.

45 A

SEA SCREENING
Partial Local Plan Review of the North West Local Plan (2006)
Burmarrad Commercial Area

Part A – Plan/Programme (PP) and Responsible Authority

Title of PP: Partial Local Plan Review of the North West Local Plan (2006) Burmarrad Commercial Area

Responsible Authority: Planning Authority

Contact Person: Joseph Gauci

Position: Unit Manager – Strategic Planning, Planning Directorate

Contact Address: St. Francis Ravelin, Floriana

Contact Phone Number: 22901578

Contact email: joseph.gauci@pa.org.mt

Date: 26th September 2019

Part B – Key Facts

Responsible Authority: Planning Authority

Title of PP: Partial Local Plan Review of the North West Local Plan (2006) Burmarrad Commercial Area

Purpose of PP: The Government's Objectives of this Partial Local Plan Review are as follows:

- a) To designate the site currently covered by policies NWCM 8 and NWSP 26 of the North West Local Plan into a Commercial Area;
- b) To formulate a development framework which is common for the whole site;
- c) To remove the requirement for comprehensive planning;
- d) To replace the currently allowable land-uses with those allowed in Category D of the Use Classes Order (SL552.15);
- e) To allow a maximum building height of 17.5m throughout the site; and
- f) To revise or delete all other provisions in the current policies which are deemed to run counter to the overall objectives set out in (a) to (e) above.

The site under review is presently zoned as an Area of Containment (AoC) consisting of a committed area of mixed uses of approximately 17,300 sqm and is located within Burmarrad.

The site is bordered on the east by Triq Burmarrad and is surrounded by agricultural fields and the rural area directly adjacent and opposite the site. The site also lies adjacent to areas of high landscape value between Burmarrad and Wardija which includes Wied Qannotta valley and the Salina Natura 2000 area to the northeast. The

area surrounding the AoC is also designated as a strategic open gap between the localities of Qawra/Bugibba/St. Paul's Bay and Burmarrad village. To the south is an area that was indicated for a junction improvement in the North West Local Plan (NWLP, 2006). The area already includes existing functioning operations and developments, namely industrial, retail and open storage land uses with heavy vehicle/commercial vehicle parking areas, small and medium enterprises, showrooms and a farm.

Is the PP the result of legislative, regulatory or administrative provisions? Explain.

Yes. This Partial Local Plan Review results from the Development Planning Act of 2016 which sets out the procedures to be followed when an approved Local Plan is being prepared, amended or updated.

Period covered by PP: n/a

Envisaged Frequency of Updates: The Partial Local Plan Review may be monitored and reviewed on a regular basis.

Area covered by PP (ideally also attach map): see attached Map 45A.

Summary of PP content: The Partial Local Plan Review sets out the planning development parameters for the Review area. The aim of this Partial Local Plan Review is to amend the existing planning parameters (building height, zoning and road alignments) of Policy NWSP 26 of the NWLP (2006) as well as the detailed Map 45A Burmarrad Area of Mixed Uses to reflect required changes geared towards increasing the efficient use of this land. Policy NWCM 8, which designates the area as an AoC is also being updated.

The Partial Local Plan Review is being followed in view of:

- (i) the strategic decision to designate the site for urban development had already been established in 2006;
- (ii) the predominant use is already defined in the NWLP which included retail and office development;
- (iii) the partial local plan review consolidates the layout, building heights and zoning whilst abiding with the land use policy framework of the Strategic Plan for the Environment and Development (SPED) 2015 Rural Objective 3 and the existing Local Plan in providing for a more efficient use of this site whilst updating the policy framework to reflect current requirements; and
- (iv) The overall impact of this urban area is minimal at less than 1% (0.025%) of the land of this Local Council.

The Partial Local Plan Review achieves the Government's objectives primarily by providing a clear strategy for the area together with specific zoning parameters and conditions through the following approved revised policy framework summarised as follows:

Policy NWSP 26 has been amended to allow for a more efficient use of land through changes to zoning (site zoned as commercial area for Category D land uses as per Development Planning (Use Classes) Order, 2014) to further consolidate the commercial land uses; changes to building height to 17.5m and changes to specific

planning parameters including the removal of the need for comprehensive development to allow for a more efficient use of the land; the requirement of a suitable transition between development and the outside development zone (ODZ) with setbacks in height from the ODZ side of 3m in the top two floors from the back of the AoC to lower the development impact visually. There is also the requirement of an 8m service road alongside Triq Burmarrad to service the area and a 3m pedestrian footpath at the rear of the Commercial Area.

Policy NWCM 8 which designates the area as an AoC is also being updated.

The Partial Local Plan Review Policies are also supported with the revised Burmarrad Commercial Area Map 45A.

Part C – SEA Criteria

SEA Criterion	Yes/No (no other answer except Yes/No)	Explanation
<p>Is the PP subject to preparation and/or adoption by a national, regional or local authority</p> <p>OR</p> <p>prepared by an authority for adoption through a legislative procedure by Parliament or Government (Regulation 3)</p>	<p>Yes</p>	<p>The Partial Local Plan Review follows the procedure delineated by Article 53 of the Development Planning Act, 2016 (Cap 552).</p>
<p>Is the PP required by legislative, regulatory or administrative provisions? (Regulation 3)</p>	<p>Yes</p>	<p>The policy guidance falls under the provision of Article 48 of the Development Planning Act, 2016 (Cap 552).</p>
<p>Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use</p> <p>AND</p> <p>does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Regulation 4(2)(a))</p>	<p>Yes</p>	<p>Town and country planning.</p> <p>The review guides the area towards more efficient land use and specifically the further consolidation of commercial land uses. However the nature and type of individual development cannot be determined at this stage and could still be subject to environmental assessment on potential environmental impacts to determine whether an Environmental Impact Assessment (EIA) screening procedure in terms of S.L. 459.46 (EIA Regulations, 2017) is required, on a case by case basis at the development planning</p>

SEA Criterion	Yes/No (no other answer except Yes/No)	Explanation
		application or project stage depending on the nature, scale, location and operation of specific projects.
Will the PP, in view of its likely effect on sites, require an assessment under Articles 6 or 7 of the Habitats Directive? (Regulation 4(2)(b))	No	The Partial Local Plan Review area does not include any environmentally sensitive areas within the Commercial Area itself and is not planned to include use of land outside the Commercial Area boundary. Protected areas including the Wied Qannotta, areas of high landscape value and the strategic open gaps are located outside the Commercial Area. The area subject to policy review is >800m away from the nearest N2000 (is-Salini). Following consultations ERA indicated that no significant environmental impacts are expected from this partial review and therefore an AA for the policy is not required necessary.
Does the PP determine the use of small areas at local level OR is it a minor modification of a PP subject to Regulation 4(2)(a) (Regulation 4(3))	Yes	Yes, as this Partial Local Plan Review guides land use development at the local level of Burmarrad as a part of the St. Paul's Bay Local Council area.
Does the PP set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Regulation 4(4))	Yes	The Partial Review sets out the site specific development criteria on the basis of which development proposals can be assessed.
Is the PP likely to have a significant effect on the environment? (Regulation 4(5))	No	The Partial Review amends existing planning parameters for a more efficient use of the area whilst sustaining the predominant agricultural activity that surrounds the area; reducing and containing existing conflicts between existing different uses; ameliorating on the environment and supporting mitigation. Site specific planning proposals will provide clear guidance to the area.

Part D – Likely Significance of Effects on the Environment

Responsible Authority: Planning Authority

Title of PP: Partial Local Plan Review of the North West Local Plan (2006) Burmarrad Commercial Area

<p>Criteria for determining the likely significance of effects on the environment</p>	<p>Likely to have significant environmental effects? Yes/No (no other answer except Yes/No)</p>	<p>Summary of significant environmental effects (negative and positive)</p>
<p>the degree to which the PP sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources</p>	<p>No</p>	<p>The Partial Local Plan Review sets out the planning guidelines for development of the Area including the acceptable land uses, building heights and design and access requirements. These criteria shall be used in the determination of development applications submitted on the site. For the reasons provided above, the policy shall not have significant environmental effects.</p>
<p>the degree to which the PP influences other plans and programmes including those in a hierarchy</p>	<p>No</p>	<p>The Partial Local Plan Review amends the North West Local Plan (2006) Policies NWSP 26 and NWCM 8 and Map 45A within the Subsidiary Plans and Policies hierarchy as per Articles 48 and 53 of the DPA 2016. In determining the most appropriate use for this Area of Containment, it took into account the current designations in the NWLP and the SPED requirement for an efficient land use through increased consolidation and containment as well as use of existing developed areas rather than fresh land as per SPED sequential approach general principle SPED 3.1.</p>
<p>the relevance of the PP for the integration of environmental considerations in particular with a view to promoting sustainable development</p>	<p>No</p>	<p>The Partial Local Plan Review amends existing policy leading towards a more efficient use of land, the continued consolidation of commercial land uses, the</p>

		reduction of conflict between incompatible uses, the integration of landscape considerations and the improvement to transport circulation to the area intended also to minimise traffic through the nearby residential settlement leading to an environmental and quality of life improvement. All other national and sectorial policies regarding green infrastructure, waste management, energy and water conservation shall remain applicable to this site.
environmental problems relevant to the PP	No	The Partial Local Plan Review concerns already existing activities and excludes the introduction of new development outside the Commercial Area. In view of the approach planned towards containment, no significant environmental impacts are envisaged at the policy stage as confirmed by ERA and Agriculture Authorities through consultations followed. However the nature and type of individual development cannot be determined at this stage and could still be subject to environmental assessment to determine whether an Environmental Impact Assessment (EIA) screening procedure in terms of S.L. 504.79 (EIA Regulations, 2007) is required, on a case by case basis at the development planning application or project stage depending on the nature, scale, location and operation of specific projects.
the relevance of the PP for the implementation of Community legislation on the environment (e.g. PPs linked to waste management or water protection	No	The scope of the PP has no direct relevance to the implementation of Community legislation.
the probability, duration, frequency and reversibility of the effects	No	The policy will result in an increase in C&D waste and effects generated at construction phase (noise, dust) and in

		additional traffic during operation but these effects are not considered to be significant. Therefore, their probability, duration, frequency and reversibility are not relevant.
the cumulative nature of the effects	No	<p>No such impacts can be determined at this stage since the nature and type of individual development that will be undertaken is not known.</p> <p>Furthermore during the development application process, development could still be subject to environmental assessment to determine whether an Environmental Impact Assessment (EIA) screening procedure in terms of S.L. 504.79 (EIA Regulations, 2007) is required, on a case by case basis at the development planning application or project stage depending on the nature, scale, location and operation of specific projects.</p>
the transboundary nature of the effects	No	Not applicable
the risks to human health or the environment (e.g. due to accidents)	No	No risks to human health or the environment are envisaged in view of the nature of development classes being assigned through the policy.
the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	Burmarrad Commercial Area is a local commercial area located in a mostly agricultural activity area. Development in this area does not have the magnitude of spatial extent to be of concern being less than 1% of the St. Paul's Bay Council Area. The site is an already committed area where the necessary infrastructure is already provided for.
the value and vulnerability of the area likely to be affected due to: (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values (iii) intensive land-use	No	The Review safeguards the rural character of the adjacent surrounding area and does not include areas of natural environmental or historical significance within the Commercial area.

the effects on areas or landscapes which have a recognised national, Community or international protection status	No	Areas of environmental significance do not form part of the Review area.
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Part E – Summary of Environmental Effects

The policy proposes an intensification of land use which shall generate additional waste generation and traffic and shall result in a larger bulk of built development.

However, The Partial Local Plan Review covers a localised area of St. Paul’s Bay at Burmarrad and confines development to an existing planned and committed area, where the nature of the land uses is already set and where utilities infrastructure are already provided. The land use areas are specifically being zoned and consolidated for commercial development and development is being contained within the boundary of the Commercial Area.

The Review area does not include environmentally sensitive areas within the Commercial Area.

The proposed revisions are therefore unlikely to generate significant environmental impacts. However the nature and type of individual development cannot be determined at this stage and could still be subject to environmental assessment to determine whether an Environmental Impact Assessment (EIA) screening procedure in terms of S.L. 504.79 (EIA Regulations, 2007) is required, on a case by case basis at the development planning application or project stage depending on the nature, scale, location and operation of specific projects.

Part F – Screening Outcome

Screening is not required under the Strategic Environmental Assessment Regulations, 2010 (Legal Notice 497 of 2010). It is our view that:

- An SEA is required because the PP falls under the scope of Regulation 4(3) of the Regulations and is likely to have significant environmental effects
- An SEA is required because the PP falls under the scope of Regulation 4(4) of the Regulations and is likely to have significant environmental effects
- An SEA is not required because the PP is unlikely to have significant environmental effects.

Joseph Scalpello

Name of Officer responsible for the Screening Report

Planning Authority

Name of Responsible Authority

26th September 2019

Date

Notes to Responsible Authorities:

1. The SEA Focal Point cannot provide any feedback to incomplete Screening Templates
2. All responsible authorities should provide the SEA Focal Point with an original signed copy of each Screening Template prepared
3. All responsible authorities should provide the SEA Focal Point with a copy of the public notification which is obligatory under Regulation 4(7) of the Strategic Environmental Assessment Regulations, 2010.

APPENDIX 1: **Burmarrad Commercial Area Map 45A**

