

**L.N. 121 of 2013**

**ENVIRONMENT AND DEVELOPMENT PLANNING ACT  
(CAP. 504)**

**Environment and Development Planning Act (Amendment of  
Eighth Schedule) (Amendment) Regulations, 2013**

BY VIRTUE of the powers conferred by articles 61(2)(q) and 62 of the Environment and Development Planning Act, the Minister for Tourism, Culture and the Environment, after consultation with the Malta Environment and Planning Authority, has made the following regulations:-

1. (1) The title of these regulations is the Environment and Development Planning Act (Amendment of Eighth Schedule) (Amendment) Regulations, 2013, and these regulations shall be read and construed as one with the Environment and Development Planning Act (Amendment of Eighth Schedule) Regulations, 2013, hereinafter referred to as the "the principal regulations".

Citation and coming into force.

L.N. 52 of 2013.

(2) These regulations shall be deemed to have come into force on 29th January, 2013.

2. For sub-regulation (2) of regulation 1 of the principal regulations, there shall be substituted the following:

Amends regulation 1 of the principal regulations.

"(2) These regulations shall come into force as follows:

(a) with respect to developments within residences within areas zoned for terraced development in the development zone specified in sub-categories (i), (ii), (iii) and (iv) of paragraph 1 of Category B, as substituted by regulation 2 of these regulations, these regulations shall be deemed to have come into force on 1st August, 2012; and

(b) with respect to all other developments in paragraph 1 of Category B, as substituted by regulation 2 of these regulations, these regulations shall come into force on 29th January, 2013."

3. Regulation 2 of the principal regulations shall be amended as follows:

Amends regulation 2 of the principal regulations.

(a) for the first proviso to sub-category (ii) thereof,

there shall be substituted the following:

"Provided that the provisions of sub-category (ii) shall not be applicable to backyards where the remaining distance from the back party wall is less than 1.5 metres at any point, except where requests in terms of the Environment and Development Planning Act, Article 91 Eighth Schedule Category B relating to any level of the backyard was submitted prior to 29th January 2013:";

(b) for paragraph (b) of sub-category (vi) thereof, there shall be substituted the following:

"(b) structures in front and side gardens and roof setbacks whose height does not exceed 1.25 metres above floor level externally and which are cumulatively not larger than 10m<sup>2</sup> in each of these spaces;"

(c) sub-category (vii) thereof shall be amended as follows:

(i) for the first and second paragraphs thereof, there shall be substituted the following:

"In areas zoned for terraced residential development or for residential developments in Category 1 Rural Settlements ODZ, the change of use of permitted structures to residential development and, or the creation of additional residential units by the sub-division of a permitted residential unit into two or more, or by the creation of new residential unit/s underlying existing permitted residential development without any excess in footprint larger than 1m in any direction. This shall be applicable as long as any room larger than 5.6m<sup>2</sup> in the unit has an aperture fronting on an open space. Furthermore, this shall not be applicable to the creation of or change of use to residential units situated at penthouse level if this involves a change of use from washrooms, and to residential units at basement level unless more than 50% of the façade area of the unit is above public road level or in cases where the back elevation of the residence fronts on and above an internal unroofed drive or larger open space that cannot be developed or that has an

open outlook overlooking diminishing terrain levels. The change of use from a permitted residential unit (or part thereof) to a private car garage:

Provided that for cases of change of use of a permitted structure into a residential unit, the provisions of sub-category (vii) shall only be applicable if contractual or other valid proof is provided to the Authority's satisfaction to the effect that the change of use to a residence had already occurred by the 29th January 2013:";

(ii) immediately after the last proviso thereof, there shall be added the following new proviso:

"Provided further that the limitations specified in the provisions of sub-categories (i) and (ii) are not applicable to requests which include the provisions of sub-category (vii)."; and

(d) sub-category (x) thereof shall be amended as follows:

(i) for paragraph (b) thereof, there shall be substituted the following:

"(b) balcony extensions exceeding 25 centimetres of that permitted in any direction,"; and

(ii) for paragraphs (i) and (ii) to the second proviso thereof, there shall be substituted the following:

"(i) residential development within the development zone excluding within UCAs and Design Priority Areas;

(ii) Class 5 offices (with <math><75\text{m}^2</math> usable officer floor-space and at ground floor level) within the development zone excluding within UCAs and Design Priority Areas;

(iii) for Class 4 shops, Class 5 offices, and residential development, balcony extensions not exceeding 25 centimetres of that permitted in any direction and solid front or

B 1580

side garden walls which do not exceed 1.6 metres in height."

---

