

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 18,942, 13 ta' Lulju, 2012

Taqsima B

A.L. 229 tal-2012

**ATT DWAR L-AMBJENT U L-IPPJANAR TA' L-IŻVILUPP
(KAP. 504)**

**Regolamenti ta' l-2012 li jemendaw it-Tmien Skeda li tinsab
ma' l-Att dwar l-Ambjent u l-Ippjanar ta' l-Iżvilupp**

BIS-SAHHA tas-setgħat mogħtija bl-artikoli 61(2)(q) u 62 tal-Att dwar l-Ambjent u l-Ippjanar ta' l-Iżvilupp, il-Ministru għat-Turiżmu, il-Kultura u l-Ambjent, wara konsultazzjoni mal-Awtorita` ta' Malta dwar l-Ambjent u l-Ippjanar, għamel dawn ir-regolamenti li ġejjin:-

1. (1) It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2012 li jemendaw it-Tmien Skeda li tinsab mal-Att dwar l-Ambjent u l-Ippjanar tal-Iżvilupp, u għandhom jinqraw u jiftiehemu haġa waħda mat-Tmien Skeda li tinsab mal-Att dwar l-Ambjent u l-Ippjanar tal-Iżvilupp, hawn iżjed 'il quddiem imsejha "it-Tmien Skeda".

Titolu u dħul fis-seħh.

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(2) Dawn ir-regolamenti għandhom jidhlu fis-seħh fl-1 ta' Awissu, 2012.

2. Fil-Kategorija B tat-Tmien Skeda li tinsab mal-Att dwar l-Ambjent u l-Ippjanar tal-Iżvilupp, għandu jiżdied dan li ġej:

Jemenda t-Tmien
Skeda li tinsab mal-
Att.

"1. Id-dispożizzjonijiet ta' din is-subkategorija għandhom japplikaw fir-rigward ta' żvilupp li jkun jeżisti ġewwa zona ta' żvilupp fid-data tad-dħul fis-seħh ta' dawn ir-regolamenti u liema żvilupp għandu jinkludi dan li ġej:

i) Kobor ta' btiehi interni ta' kull abitazzjoni

(a) fil-każ li t-tul ta' xi naħa tal-bitha interna jkun sa 65% ta' dak rikjest mill-liġi u l-area totali tal-bitha tkun aktar minn 65% tal-kejl li suppost kienet;

(b) fil-każ li t-tul ta' xi naħa tal-biħħa interna jkun bejn 50% u 65% ta' dak rikjest mill-liġi u l-area totali tal-biħħa tkun fil-limiti ta' dak il-kejl, kemm-il darba sopportati minn rapport ta' inginier fejn jiddikjara li l-kmamar abitabbli fl-abitazzjoni għandhom dawl adegwat u ventilazzjoni assistiti, skond il-każ, iżda mhux esklussivament limitati għal dawl artifiċjali u ventilazzjoni mekkanika furzata rispettivament;

(c) abitazzjonijiet bi btieħi interni li jkunu anqas min-nofs il-qies tal-kejl li suppost kienu m'humex inkluzi.

ii) Kobor ta' btieħi ta' wara ta' kull abitazzjoni

(a) fil-każ li l-fond ta' xi biħħa ta' wara jkun sa 65% ta' dak rikjest mill-liġi u l-area totali tal-biħħa jkun ta' aktar minn 65% tal-kejl li suppost kienet;

(b) fil-każ li l-fond ta' xi biħħa ta' wara jkun bejn 50% u 65% ta' dak rikjest mill-liġi u l-area totali tal-biħħa tkun fil-limiti ta' dak il-kejl, kemm-il darba sopportati minn rapport ta' inginier fejn jiddikjara li l-kmamar abitabbli fl-abitazzjoni għandhom dawl u ventilazzjoni adegwati;

(c) pjanti fir-rigward ta' abitazzjonijiet li jkollhom biħħa ta' wara anqas min-nofs il-kejl tal-kejl li suppost kienet m'humex inkluzi.

iii) Għoli intern ta' struttura ta' kull abitazzjoni

(a) pjanti fir-rigward ta' abitazzjonijiet li jkollhom għoli intern ċar mill-livell tal-art sal-livell tas-saqaf ta' aktar minn 2.6 metri;

(b) pjanti fir-rigward ta' abitazzjonijiet li jkollhom għoli ċar mill-livell tal-art sal-livell tas-saqaf ta' anqas minn 2.6 metri iżda aktar minn 2.4 metri kemm-il darba sopportati minn rapport ta' inginier fejn jiddikjara li l-kmamar abitabbli fl-abitazzjoni għandhom dawl u ventilazzjoni adegwati;

(ċ) pjanti fir-rigward ta' abitazzjonijiet li jkollhom għoli ċar mill-livell tal-art sal-livell tas-saqaf ta' anqas minn 2.4 metri m'humex inkluzi.

iv) Kamra fil-bitha ta' wara ta' kull abitazzjoni

Kmamar fil-pjan terran fil-bitha ta' wara ta' kull abitazzjoni sakemm il-kejl tal-bitha ta' wara qabel il-bini tal-kamra jkun jikkonforma mar-regolamenti sanitarji, kemm-il darba l-kamra jkollha ventilazzjoni u dawl naturali, ma tkunx tokkupa aktar minn 35% tal-area tal-bitha ta' wara rikjest u ma tkunx ogħla minn għaxar (10) filati:

Izda jekk xi talba magħmula taħt id-dispożizzjonijiet tal-artikolu 91 tal-Att fir-rigward ta' xi żvilupp hawn fuq imsemmi issir lill-Awtorita` fi żmien sitt xhur mid-data tad-dhul fis-seħh ta' dawn ir-regolamenti, għandu jkun meqjus li l-iżvilupp li dwaru tkun saret it-talba kien jeżisti qabel dik id-data kemm-il darba li l-perit li jipprezenta t-talba jiċcertifika li l-iżvilupp li dwaru tkun saret it-talba kien jeżisti qabel id-data tad-dhul fis-seħh ta' dawn ir-regolamenti, u f'dik it-talba jinkludi evidenza fotografika li tkun turi li dak l-istess żvilupp jeżisti fuq is-sit, u kemm-il darba li ma jkunx hemm evidenza li turi mod ieħor, jew li evidenza bħal dik li jkun juri mod ieħor ma tirriżultax fil-futur:

Izda wkoll jekk xi talba bħal din ma tkunx preżentata fi żmien sitt xhur mid-data tad-dhul fis-seħh ta' dawn ir-regolamenti, l-oneru tal-prova li l-iżvilupp in kwistjoni kien jeżisti qabel id-data tad-dhul fis-seħh ta' dawn ir-regolamenti għandu jkun fuq l-applikant jew il-perit tiegħu.”.

L.N. 229 of 2012**ENVIRONMENT AND DEVELOPMENT PLANNING ACT
(CAP. 504)****Environment and Development Planning Act (Amendment of
Eighth Schedule) Regulations, 2012**

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:-

Title and
commencement.

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1. (1) The title of these regulations is the Environment and Development Planning Act (Amendment of Eighth Schedule) Regulations, 2012, and they shall be read and construed as one with the Eighth Schedule of the Environment and Development Planning Act, hereinafter referred to as “the Eighth Schedule”.

(2) These regulations shall come into force on the 1st August, 2012.

Amends the Eighth
Schedule.

2. In Category B of the Eighth Schedule of the Environment and Development Planning Act, there shall be added the following:-

“1. The provisions of this sub-category shall apply to development in existence within a development zone on the coming into force of these regulations and which development shall include the following:

i) Size of internal yards of any dwelling

(a) if the length of any side of the internal yard is up to 65% of that required by law and the overall area of the yard is more than 65% of what it should have otherwise been;

(b) if the length of any side of the internal yard is between 50% and 65% of that required by law and the overall area of the yard is within the same range, subject to an engineer’s report stating that the habitable rooms in the dwelling

have adequate lighting and ventilation aided, if necessary, but not exclusively limited to artificial lighting and forced mechanical ventilation respectively;

(c) dwellings which have internal yards that are less than half the size of what they should have otherwise been are not included.

ii) Size of back yard of any dwelling

(a) if the depth of any back yard is up to 65% of that required by law and the overall area of the yard is more than 65% of what it should have otherwise been;

(b) if the depth of any back yard is between 50% and 65% of that required by law and the overall area of the yard is within the same range, subject to an engineer's report stating that the habitable rooms in the dwelling have adequate lighting and ventilation;

(c) plans for dwellings which have a back yard less than half the size of what it should have otherwise been are not included.

iii) Internal height of structure of any dwelling

(a) plans for dwellings with a clear floor to ceiling internal height of more than 2.6 metres;

(b) plans for dwellings with a clear floor to ceiling height of less than 2.6 metres but more than 2.4 metres subject to an engineer's report stating that the habitable rooms in the dwelling have adequate lighting and ventilation;

(c) plans for dwellings with a clear floor to ceiling height which is less than 2.4 metres are not included.

iv) Room in the back yard of any dwelling

Ground level rooms in the back yard of any

dwelling as long as the size of the back yard prior to the erection of the room is in conformity with sanitary regulations, provided that the room has natural ventilation and natural lighting, does not occupy more than 35% of the required back yard area, and is not higher than ten (10) courses:

Provided that if a request under the provisions of article 91 of the Act in respect of any of the above developments is made to the Authority within six months from the coming into force of these regulations, it shall be presumed that the development to which the request refers to existed prior to such date as long as the architect submitting the request certifies that the development to which the request relates to had existed prior to the coming into force of these regulations, and the same request includes photographic evidence that shows that same development as existing on site, and as long as there is no evidence to the contrary, or that no such evidence to the contrary subsequently emerges:

Provided further that if such a request is not submitted within six months from the coming into force of these regulations, the onus of proof that the development in question existed before the coming into force of these regulations shall lie with the applicant or his architect.”.

