

L.N. 120 of 2002

**DEVELOPMENT PLANNING ACT
(CAP. 356)**

Development Notification (Amendment) Order, 2002

IN VIRTUE of the powers conferred on it by article 31 of the Development Planning Act, the Malta Environment and Planning Authority, in consultation with the Kamra tal-Periti, has made the following Order:-

1. (1) The title of this Order is the Development Notification (Amendment) Order, 2002, and it shall be read and construed as one with the Development Notification Order, 2001, hereinafter referred to as "the principal Order".

Title and commencement.
L.N. 126 of 2001.

(2) This Order shall be deemed to have come into force on the 31st May, 2002.

Amends article 3 of the principal Order.

2. Article 3 of the principal Order, shall be amended as follows:

(a) For sub-article (2) thereof, there shall be substituted the following:

"(2) Any permission granted by subarticle (1) of this article is subject to any relevant exception, limitation, restriction or condition specified in the said Schedule.

Provided that:

(i) wherever there is mentioned in the Schedule that the site lies within a distance of 30 metres of any scheduled property, the exceptions, limitations, restrictions or conditions entailed by such distance shall only apply where the affected scheduled property does not already incorporate a protective buffer zone. Where such protective buffer zone is incorporated, this shall have precedence over the mentioned distance of 30 metres, both where such buffer zone is more than 30 metres and where it is less. Moreover, for the purposes of this paragraph, areas scheduled as Areas of High Landscape Value are considered as incorporating a buffer zone and the mentioned distance of 30 metres shall not apply; and

(ii) in the case of property that is not ODZ and that is scheduled or designated solely on the basis of features located underground, any restriction on permitted development that is entailed by such scheduling or designation shall not apply in respect of development on a building which is already existing if the new development is located entirely above ground:

Provided that the developer shall here comply with the procedure of notification specified in article 6(1) and the development shall become permitted development if the Authority does not, within 30 days of such notification, give to the developer a notice in writing that the development requires a development permission in accordance with Part IV of the Act. In this case, the provisions of article 6(3) shall not apply.”.

(b) For the words “, or which is located in or within 50 meters of any scheduled property or designated sites or areas”, in paragraph (iii) of subarticle (4) thereof, there shall be substituted the words: “, or which is located in a designated site or area or within 30 meters of a scheduled property,”.

Amends Schedule
to the principal
Order.

3. The Schedule to the principal Order shall be amended as follows:-

(a) subparagraph (ix) of paragraph 2 of Class 1 of the Schedule shall be deleted;

(b) the original paragraph of Class 10 of the Schedule shall be renumbered paragraph 1;

(c) after paragraph 1 as renumbered, there shall be added the following new paragraph 2:

“2. The provision of a satellite dish antenna, whether within scheme or ODZ or in UCA or in scheduled property is permitted development under this Class without the requirement for notification as specified in article 6(1), in the following locations:

(a) on the roof of a building that has an existing parapet wall, or on the roof of a washroom or stairwell or other roof structure, or on a penthouse roof, or

(b) at ground floor level within the backyard of a residential building, or at ground floor level within the curtilage of a non-residential building.

unless:

(a) the building is located ODZ and is:

(i) intended for agricultural use or is an agricultural room or store or such similar structure, even if not for agricultural use, or

(ii) a beach room, kiosk, fireworks factory or similar structure, or

(iii) for the use of parking of vehicles or machinery or a similar structure; or

(b) the building itself is the scheduled property:

Provided that a satellite dish antenna shall not exceed:

(a) a diameter of 1.2 meters and a height of 1.5 meters above roof level, when placed on the roof; or

(b) a diameter of 1.2 meters and a height of 1.5 meters from the washroom, stairwell or penthouse roof, when placed on a washroom, stairwell or penthouse roof; or

(c) a diameter of 2.2 meters and a height of 2.5 meters from the ground level, when placed at ground level within the backyard of a residential building or when placed at ground floor level within the curtilage of a non-residential building; and

Provided further that:

(a) in all cases the satellite dish antenna shall be set back at least 3 meters from the façade, except where the satellite dish antenna is located behind an existing roof parapet wall and its total height is less than the height of the existing parapet wall;

(b) where located on a washroom, stairwell or penthouse roof, the satellite dish antenna shall be screened by a franka stone wall of not more than 1.4 meters (5 courses);

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(c) where the site lies ODZ or the rear of the building is located on a ridge, the satellite dish antenna shall also be set back at least 3 meters from the rear façade, except where the satellite dish antenna is located behind an existing parapet wall and its total height is less than the height of the existing parapet wall; and

(d) where the site is located within scheduled property, the developer shall comply with the procedure of notification specified in article 6(1) and the development shall become permitted development if the Authority does not, within 30 days of such notification, give to the developer a notice in writing that the development requires a development permission in accordance with Part IV of the Act.

For the purposes of this sub-paragraph:

(i) “within the curtilage” means the curtilage of a non-residential building which is enclosed by a wall in such a way that the satellite dish is not visible from outside such curtilage; and

(ii) “façade” shall mean the façade or façades of the building facing a road or roads.”; and

(d) paragraph 2 of Class 17 of the Schedule shall be deleted, and the following paragraphs 3, 4 and 5 shall be renumbered as paragraphs 2, 3 and 4 respectively.