A Planning Policy Guide on the Use and Applicability Of the Floor Area Ratio (FAR)

Approved Policy
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MALTA ENVIRONMENT AND PLANNING AUTHORITY

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1. Background

1.1 Landmark parish churches significantly higher than their surroundings are a part of the landscape and dominate the skyline throughout Malta and Gozo (Plate 1). Clock towers from the British period such as the structures in Mtarfa and Pembroke, and residential blocks of the early 20th century in Balluta also act as important landmarks. Their fine architecture, their distinctiveness and their symbolism have made them treasured features of the landscape and a strong element of identity.

1.2 While over time the construction of new monuments dedicated to religion diminished, other forms of tall structures emerged in connection with Malta's industrialisation as witnessed by the telecommunications towers at Gharghur (Plate 2) and the cranes which assert themselves on the skyline around Marsa and Cottonera (Plate 3), and more recently at Birzebbugia and Marsaxlokk.

Plate 1 – Spires and Domes puncture the skyline

Plate 2– Telecomms tower on the skyline

Plate 3– Industrial Structures at Cottonera

1.3 Although Malta escaped the high-rise block-building boom for social housing and speculative offices, which occurred in major cities in the UK and other European countries during the 1950s and 1960s, there are notable exceptions. Plates 4, 5 and 6 show a few examples. Although relatively high, these buildings still do not compare to the scale of the UK or European high-rise, some of which were later demolished such as the Hutchesontown-Gorbals in Glasgow and the Cranbrook Point and Dunlop Point in Newham London.

1.4 The late 1980's saw the rapid redevelopment of the Sliema front into eight, nine and even ten storey residential blocks but due to the nature of the development on narrow terraced plots, and the bulk and design of the individual blocks, these buildings do not portray an impression of height contrary to the slender profile of the 23 storey Portomaso Office Block constructed as part of the Hilton redevelopment ten years later (Plates 7 and 8).

Plate 4– Residential Point Blocks at Qawra

Plate 5 – High Blocks in Paceville

1.5 The control of building heights has been a key tool in the Maltese planning system aimed primarily at controlling townscape, the urban form and densities of development within designated urban areas. This tool became more explicit with the introduction of Town Planning Schemes in the 1960s, which indicated specific building heights of mostly two floors above ground level for specific blocks with which applications for development had to generally comply. This has contributed to the present predominantly low-lying, compact urban form.

Plate 6 – High Buildings in Sliema

Plate 7–High Buildings in Sliema Waterfront

1.6 The pressure to increase building heights to more than two floors to accommodate the ever increasing demand for floor space for a range of land uses is evident in the increased statutory building heights in certain areas such as St. Paul's Bay, Msida, Gzira, San Gwann, Marsascala, Marsalforn and Xlendi, and especially in Sliema and St.Julian's (Plates 16, 17 and 18). The Structure Plan of 1990

introduced a new tool for control of building heights – namely the floor area ratio (FAR) – that was endorsed as a detailed policy in the Policy and Design Guidance of 2000 (DC 2000).

Plate 8 – Portomaso Office Tower

Plate 9 –FAR at St. Paul's Bay

Plate10 – FAR in Gzira, Savoy

1.7 A cursory assessment of requests for tall buildings identified that 9 schemes have been built, 4 projects are at different stages of construction and 2 further permissions have been issued but works have not started (Plates 8 to15 show a few examples). There were also 24 pending development applications and another 30 expressions of interest with the Planning Directorate of MEPA, with heights varying from 9 to 40 floors with concentrations at Xemxija, Qawra, Sliema, St. Julians and Gzira , mostly for residential development, offices or mixed use schemes. The adoption of the FAR has been refused in another five applications. The lack of a detailed policy

framework on higher buildings achievable through the application of the FAR led MEPA to prepare, in 2006, the policy on the use, design and spatial location of tall buildings to supplement the DC 2005 policy on the adoption of the FAR. A lack of market interest led to the loss of momentum in the policy approval process. Nonetheless, a policy on the FAR is still required as development applications are still pending and decisions need to be taken as part of a wider strategy on city image and regeneration.

Plate 11 – FAR in Marsascala

Plate 12 – FAR in Tigne

Plate 13 – FAR in Paola

1.8 Following this introductory section, *Section Two* describes the purpose and objectives of the policy and *Section Three* sets out the existing policy framework within which it was prepared. *Section Four* defines a tall building and a medium rise building in the Maltese context while *Section Five* sets out the policy on tall buildings in terms of the evaluation criteria for tall building proposals. The sixth section lists the information, which is required by MEPA to accompany development applications for tall buildings and the final section identifies the appropriate strategic locations for tall buildings in Malta and locations where the FAR can be adopted to achieve medium rise buildings. **References to DC 2007 in relation to control of building heights and the use of the FAR in all other development plans and planning policies are to be taken to include also this planning policy.**

Plate 14 – FAR in Gzira, Metropolis

Plate 15 – FAR in Marsalforn

2. Purpose and objectives

2.1 The goal of this policy is to encourage development which reflects a more prestigious corporate image for the Maltese Islands whilst seeking to pursue greater design quality in the built environment. The objectives of this policy were set by Government to be:

(a) To revive the public debate on the issues of location, use and design of higher buildings whilst gauging the interest in higher buildings following a pause of over six years;
(b) To review the site eligibility criteria, the development and design parameters and the submission of information required with development applications for higher buildings with particular emphasis on the location of the site in relation to adjacent property, the provision of open space, the quality of the design and the safeguarding of visually and environmentally sensitive areas. In any case,

(i) sites must be surrounded by streets on four sides,

(ii) sites which are located in Gozo, UCAs, protected areas, ridges, ODZ and residential priority areas will not be eligible and

(iii) a minimum of 50 % of the site area must be retained as “open space”;

(c) To re-assess the number and geographical location of the strategic appropriate locations for medium-rise and tall buildings identified in the 2006 draft of the policy whilst respecting para b (ii) above.

2.2 To achieve these objectives, the policy needs:

1. To define a tall building;

2. To indicate preferred uses for tall buildings;
3. To indicate appropriate strategic locations;
4. To set out criteria for evaluation of proposals for tall buildings;
5. To identify the information required for an appropriate assessment of proposals for tall buildings;
6. To ensure that proposals for tall buildings contribute towards sustainable development and the improvement of the quality of life.

2.3 This policy paper is aimed at providing clear, positive and material guidance to developers, land owners, the general public and MEPA on the use and design of tall buildings in appropriate strategic locations where there may be opportunities for such buildings. At this stage, without a detailed urban design study/ character appraisal of the identified locations, it is not appropriate or practicable to develop a policy, which delineates detailed boundaries for the appropriate strategic locations or is prescriptive about which specific sites within the identified strategic locations are, or are not suitable for tall buildings, nor to indicate a maximum number of such buildings which will be permitted in any specific strategic location, nor a maximum height. Instead, this policy sets out a framework within which a clear, comprehensive evaluation can be made as proposals come forward.

2.4 The policy therefore places the onus on the developers to make the case for a tall building in the context of an urban design study/character appraisal prepared by them and through the Environmental Impact Assessment, Transport Assessment and Social Impact Assessment processes, if necessary. This will involve the evaluation of the relationship to the context, including topography and the urban structure, relationship to infrastructure, especially transport, and historic areas and the effect on the skyline, the architectural quality, the microclimate and the contribution to the public realm.

2.5 Above all, any tall building proposal must be sustainable in the broadest sense, taking into account its environmental, social and economic impacts, based on costs and benefits throughout the whole life of the building.

Plate 16 – High Buildings in St. Julians

Plate 17 – Tall Buildings in Tigne, Sliema

Plate 18 – High Buildings in Msida

3. Policy context

3.1 The policy context for this policy is set out in the Structure Plan, 1990, the approved Local Plans (1995 – 2006) and the Policy and Design Guidance of 2007 (DC 2007). Regard was given to the emerging strategic policy directions in the Topic Papers prepared as part of the Structure Plan Review (SPR).

The Building Heights Policy

3.2 The TPSs of 1988 indicated statutory building heights, which varied from one floor in bungalow areas, two floors in most urban areas, and four floors in exceptional cases. However, they included six storey and eight storey-building heights for Sliema and St. Julian's. In 1993, a revision to the building heights policy allowed an additional floor in areas outside Urban Conservation Areas (UCAs) with a height limitation of two floors, subject to certain conditions. In the same areas together with areas, which already had a height limitation of three floors in the TPS, the recent DC 2005 permitted an additional setback floor at third floor level, commonly termed as a penthouse. The statutory building heights were taken on board, reviewed and amended where necessary in Local Plans.

3.3 The Structure Plan of 1990 does not contain any policy guidance on tall buildings. Nonetheless policies on the built environment, transport and conservation are still relevant. The introduction of the FAR by the Structure Plan was aimed at achieving higher buildings with more interesting urban forms. However, paragraph 7.12 of the Explanatory Memorandum warned that the inappropriate use of the FAR could result in buildings which are too high and recommended criteria to regulate building height in conjunction with the FAR.

3.4 The Local Plan which considers tall buildings as a specific built form is the North Harbours Local Plan (NHLP). The NHLP generally discourages the development of tall buildings and states that

In the last 15 years pressure to build long-let holiday apartments, hotels and associated facilities (resulting from a growing international tourist market) have led to … a proliferation of 'bland' tall buildings. In townscape terms, such developments and pressures can incrementally erode the special character of the area. Tall buildings that disrupt the skyline can affect landmarks and key buildings, which often provide points for orientation and reference.

3.5 The NHLP makes reference to three development briefs in which tall buildings for a range of uses were accepted – the 1992 Fort Manoel and Tigne Point Development Brief; the 2005 brief for the site known as Pender Place/ Mercury House in Paceville; and the 2006 Fort Cambridge Development Brief for the Holiday Inn Crowne Plaza site in Tigne. The Plan also contains specific policies which encourage the adoption of the FAR for a site in Gzira incorporating the old stadium and prohibit its use on a site in Ta' Xbiex.

3.6 The South Malta Local Plan (SMLP) and the North West Local Plan (NWLP) provide guidance on the localities, areas and sites where the adoption of the FAR is allowed or prohibited. The SMLP allows the adoption of the FAR for medium rise buildings in Fgura and Marsascala only and for tall buildings at the Malta International Airport and Airmalta sites in Luqa, while the NWLP permits its use in Tas-Sellum, Xemxija and Bugibba/Qawra but does not distinguish between medium rise and tall buildings. However, this Plan indicates which parts of these localities are appropriate for the adoption of the FAR and also identifies those land designations in all urban areas where it will not be allowed. Both Local Plans identify specific sites where the FAR will be encouraged and control the maximum height which can be achieved on these sites (sites in Paola, Fgura and Tarxien in the SMLP and two sites in Xemxija in the NWLP). The

NWLP also refers to the Planning Policy for Ta' Masrija in Mellieha approved in 2006 which also allows the use of the FAR on this site. Similar to the NHLP, the SMLP identifies a site where the FAR will not be allowed.

3.7 The Marsaxlokk Bay Local Plan, approved in 1995, and the Central Malta Local Plan, approved in 2006, do not mention the FAR. The Grand Harbour Local Plan, approved in 2002, encourages the use of the FAR on the Marsa Park site and the Gozo and Comino Local Plan of 2006 mentions the FAR slightly in a table as part of the discussion on building heights.

The SPR Process

3.8 The Urban Conservation and Built Environment Topic Paper (2003) states that the issues raised by tall buildings (high development densities, impact on strategic views, infrastructure and amenity), and their potential capacity for a positive contribution to a wider strategy, suggest that they do need to be considered at a broader spatial level than individual Local Plans. The strategic framework needs to take account of a number of factors – tall buildings (1) May have a role within the context of the wider spatial and economic strategy; (2) Can support public transport if located along main movement corridors; (3) Have disadvantages – negative visual impact unless very well designed; concentrate disproportionate amount of floor space in one location; alter microclimate; may be unfriendly to pedestrians; (4) Have impacts on the community; economy; skyline; heritage; environment and transport systems.

3.9 Importantly, there is a need to recognise the cultural, economic, and environmental context within which development of tall buildings is proposed to take place, and so whether tall buildings are appropriate in this context. The Topic Paper concludes that the policy framework should be such that local character is recognised, safeguarded and enhanced, and "…we should design for the totality of our

urban space – not just react to ad hoc pressures …on individual sites or buildings." (**Murray, Kevin (2002): *Tall Buildings – urban renaissance, dreams or delusions?* Planning 22 March**). Dr. Mir M. Ali from the School of Architecture of the University of Illinois at Urbana-Champaign, USA, concluded in his 2008 report on tall buildings in Malta

"it is up to the political leadership and the people of the country to decide if their future vision is for a modern, progressive and forward looking port city in a strategic location or for maintaining their old way of life and culture. Both of these have positive and negative impacts on the country. The choice is theirs to make."

DC 2007

3.10 The DC 2007 policy document, which revised the DC 2005 document, sets out general design principles in its first Part, which should apply to all new development. Compatibility of new development, the relationship between development and the spaces it defines, promotion of visual interest, integration into surroundings and accessibility are relevant to the design and location of tall buildings.

3.11 The second part of DC 2007 establishes the policy guidance on the use of the FAR which has been the key policy leading to the significant number of requests for higher buildings. Policy 2.10 prohibits the application of the FAR on sites smaller than 3,000m², in Outside Development Zones, Urban Conservation Areas and Scheduled Property, in areas zoned for detached/semi-detached dwellings and in other urban areas where it is important that the height limitation is not exceeded or the urban fabric is such that development of a mass or height which would be permissible using the FAR would be out of character with the existing area, or would lead to overshadowing, overlooking or loss of privacy.



3.12 The DC 2007 policy stipulates criteria to control development on those sites, which are considered suitable for higher buildings. The criteria relate to general design principles such as the urban context; protection of strategic and local views, landmark buildings or important skylines; plot ratios; and variation in building heights, form and massing to produce an interesting townscape.



4. Definition of tall buildings

4.1 For the purpose of this policy framework, a building is considered tall if it is higher than 10 floors. This height threshold also applies to extensions to existing buildings. The addition of plant/equipment or any structural projection normally allowed beyond the top floor level such as penthouses or any other architectural feature shall not be taken into account when determining if a building is tall. Where the building height limitation for the locality allows additional levels below the ground floor but above street (basement or semi basement), these levels shall also not be taken into account when determining if a building is tall. Buildings which are not determined to be tall as they are equal to or less than ten floors, will be considered as medium-rise buildings.

4.2 Buildings, achievable through the application of policy 2.5 in DC 2007 on sites bounded by streets on different levels, which when measured from the lowest street level would be more than 10 floors will be defined as tall but considered acceptable in their context. The maximum building height achievable on such sites would be restricted to the same overall height achievable through the application of policy 2.5 in DC 2007.

4.3 Buildings that are higher than 10 floors will only be considered favourably in the locations deemed appropriate for tall buildings by this policy (refer to para 7.10 below). The maximum allowable built floor space and built volume, the requirement for open space, the maximum height, use and design and other impacts of the tall buildings will be determined, on a case by case basis, through the application of the eligibility criteria in para 5.5 below, the development control criteria (i) to (xii) in section 5, through the impact assessment process required by section 6 of this policy and the provisions of the guidelines on the methodology for the use of the FAR. For proposals for buildings that are in locations deemed appropriate for medium-rise buildings by this policy (refer to para 7.13 to 7.16



below), MEPA will apply **the relevant** provisions of this document, the provisions of the guidelines on the methodology for the use of the FAR included with this document, and prevalent zoning conditions and land designations set out in Local Plan policies. These provisions allow the flexibility of the use of the FAR outside the appropriate locations for tall buildings but cap the resultant building heights and limit their proliferation.



5. The policy

Planning Issues

5.1 It is recognised that well-positioned and well designed tall buildings can fulfil a number of useful functions:

1. They can act as landmarks to help to make the form of urban areas legible;
2. In a closely linked cluster they can signal the hubs of urban areas or act as gateways;
3. They can provide floor space and public open space in strategically desirable locations;
4. When designed as first rate works of architecture, they can serve as catalysts for regeneration and stimulate further investment, even from international companies;
5. The design and construction of innovative tall buildings can help in the evolvement of building and environmental technology.

5.2 On the other hand, a proliferation of isolated tall buildings with different heights and shapes scattered randomly over the urban areas can make the skyline appear arbitrary or accidental. Dotting tall buildings around the urban areas can completely lose the impact and sense of their importance. Equally, a misplaced tall building that blocks or competes with a view to an existing important landmark could undermine the legibility of urban areas.

5.3 It should be appreciated that tall buildings are not the only design option to achieve the same advantages, as forms of low or medium rise development can also achieve these, which design options should not be overlooked. On the local scale, ill-designed tall buildings can erode local character and distinctiveness, particularly of historic areas, and can create problems at street level affecting vitality and

amenity and the microclimate. They can create transportation and infrastructure bottlenecks, especially in intensive commercial development, and social problems in high density, low-cost residential schemes. They also present challenges in evacuation and fire fighting situations. Tall buildings are very expensive to construct and maintain. Inflexible designs and inability to adapt to different uses can turn them into costly, disappointing experiments.

5.4 It is therefore essential that adequate attention be afforded to the assessment of proposals for tall buildings to carefully identify the impacts, both on the national and local scales, and in terms of use, location and design. It is important that new tall buildings are sited and designed for good townscape, economic and environmental reasons rather than simply as a response to commercial pressure.

Assessment of Proposals for Tall Buildings

5.5 MEPA will favourably consider proposals for tall buildings provided that

(a) They generally satisfy the location criteria set out in para 7.1 and 7.3 and are within the locations identified as appropriate by this policy (refer to para 7.10 below); and

(b) They are on sites which occupy a completely detached urban block surrounded by existing or planned streets, irrespective of the land area of the site; and

(c) They comply with each of the following criteria and with the provisions of the Guidelines on the Methodology for use of the Floor Area Ratio (FAR).

The criteria are not listed in order of importance but are organised to first address the wider strategic issues, then issues related to the site and its surroundings and finally the issues related to the design of the tall building.

(i) General Principles.

5.6 **MEPA requires all new tall buildings to be of a high quality of design, such that they can make a positive contribution to the urban form and skyline, and support regeneration. MEPA will be looking for buildings that are icons of architectural quality in themselves and will not accept low quality on the pretext of precedent or to accommodate the maximum allowable floor space achievable through the application of the FAR. MEPA will encourage some internal spaces in tall buildings to provide activities which capitalise on the unique features of the structure, especially access to views from it. All tall buildings must be integrated into the public realm, be responsive to environmental conditions and embrace principles of sustainability. Within the appropriate locations for tall buildings only, additional gross developable floorspace (GDF) over and above the maximum allowable floorspace may be considered strictly on a case-by-case basis provided the proposal is declared as a project of strategic economic benefit by the Government.**

(ii) Land use.

5.7 **As a general guide, proposals which include tall buildings should provide accommodation predominantly for offices for single and multiple occupiers, hotels, commercial uses usually at street level and also at the top, together with residential uses. However, the uses for proposals which include tall buildings should comply with the land use framework identified in an approved development plan (Structure Plan or subsidiary plan), and should not compromise the objectives of an emerging development plan, for the specific zone in which it is located. MEPA will require a mix of uses for proposals which include tall buildings and will seek uses, which provide public access at ground and topmost levels such as restaurants and cafes with associated viewing galleries. Uses being proposed at ground level should also contribute to**

the diversity, vitality and vibrancy of the surrounding streets and spaces. A mix of uses rather than a single use has the greatest potential for interacting successfully with the surrounding smaller buildings and of creating a place, not just a location.

(iii) Infrastructure.

5.8 **Tall buildings should not adversely affect the capability of the local infrastructure (water, electricity, foul and storm water sewers, telecommunications and broadcast signals) to meet the demands of the locality and, in the case of telecommunications and broadcast, even national needs. Residential developments should not adversely affect existing open spaces and playgrounds through intensification of use. Where additional physical and social infrastructure and facilities are required as a result of the proposed development, the developer shall make a substantial contribution towards their provision. MEPA will also seek the incorporation of telecommunications facilities on tall buildings made available to utility providers through a legal agreement where, following consultation with the Malta Communications Authority, the proposed development is deemed to create negative impacts on telecommunications infrastructure.**

(iv) Transport.

5.9 **Tall buildings should not have an adverse impact on the transport infrastructure, particularly public transport provision, especially at peak travel flows. The development should normally provide all car parking requirements on site. Where the Authority is satisfied that this is not technically possible, the shortfall in car parking spaces may be provided on an alternative site which shall not be located more than 250m away from the site of the development. These car parking spaces must be over and above the car parking requirements of any development proposed on the alternative site. The development shall also provide safe access arrangements for all modes of travel, including universal accessibility requirements. Payment of monies in lieu of on-site car parking provision will not be considered favourably. The developer shall fund measures to encourage sustainable travel behaviour in the form of a 'Green Travel Plan'. Developers would also need to identify any**

measures, and contribute to the costs of their implementation, that will be needed to remedy shortcomings in local capacity to accommodate the demands generated by the development.

(v) Air Transport.

5.10 **MEPA will ensure that excessively high buildings do not infringe the "Obstacle Limitation Surface" and other air navigation constraints (refer to appendix C). The location and height of tall buildings needs to respect air transport activity and the operations of airports. MEPA will consult all the relevant agencies to ensure that proposals do not create an aviation safety hazard.**

(vi) Relationship to context, historic environment, topography, built form and skyline.

5.11 **Tall buildings need to respond positively to their context including natural topography, scale, height, urban grain, streetscape and built form, and the skyline. Tall buildings should be sited where visual impact on sensitive historic environments and their settings such as World Heritage Sites, conservation areas and scheduled buildings is minimised, and should retain and enhance key strategic, long distance views and important vistas at a national and at the local level. The virtue of stepped or staggered clusters when perceived from all directions should be considered in this light. An acceptance of a particular height of one tall building does not imply that all other tall buildings in the locality or elsewhere should be at least as high as the one granted consent. The site layout of tall building schemes should also consider the requirements of the eventual demolition of the tall structure, in particular its relationship to any other tall building in its immediate proximity. The design of the lower floors of the building should emphasise the human scale and reflect the character of the street. The use of appropriate setbacks of the upper floors to create the impression of a continuous frontage, or the use of certain materials, may help to integrate the tall building at ground level with the rest of the urban grain and streetscape. Tall buildings standing in spaces devoid of**

functions and activities will not be considered favourably by MEPA. The acceptability of a tall building will always depend on the character of its surroundings, and whether this can be altered without sacrificing valued attributes or local distinctiveness.

(vii) The Public Realm.

5.12 **Tall building schemes should create high quality, public open space within the site through proper site layout and arrangements. The development should promote consolidated outdoor public spaces that are safe, especially from crime, and attractive for all, and which meet the needs of both the users of the building and the wider neighbourhood. Public open space should encourage people to linger and incorporate well-designed landscaping and street furniture – lighting, seating, litterbins, signage, public art, etc. - without creating clutter. The management and maintenance of these spaces needs to be specified in a planning gain obligation and agreed to by MEPA. The scale of public open space should never be less than 50% of the site area.**

(viii) Permeability and Legibility of the site.

5.13 **Tall buildings schemes should promote accessibility on foot and local permeability by making places that connect with each other and are easy to move through, putting people before traffic. The development should be integrated in the existing network of pedestrian routes and streets and should provide recognisable intersections and landmarks to help people find their way around**.

(ix) Architectural Detailed Design.

5.14 **Tall buildings must be of the highest quality in architectural form and detail. This requires careful attention to alignment, massing, scale and form, proportions and silhouette, and materials of the building. The design of the top of a tall building is particularly important when considering the effect on the skyline. Antennae and telecommunications equipment need to be carefully considered because their visual**

impact at a very high level can be very damaging to the appearance of the building but also, if integral to the original design, something of a feature. The design of the bottom floors should reinforce and evolve positive local characteristics. They should have active frontages, legible entrances and define the public realm. The internal layout of the building should be flexible to allow adaptability to different uses as social and economic climates change. This requires special attention to the design of the structure.

(x) Effect on microclimate.

5.15 **The siting and design of tall buildings should consider the effects on the microclimate and seek to reduce overshadowing, diversion of high-speed winds to ground level, heat islands and glare, especially on public spaces and neighbouring properties. Tall buildings must be lit at night by well-designed lighting, which contributes significantly to the night time appearance of the urban area in which they are located but avoids light pollution.**

(xi) Sustainable Design and Construction.

5.16 **Tall building schemes should deliver sustainable buildings, particularly in the light of the 2020 Kyoto protocol and energy-reduction targets that have been established and committed to, by utilising construction technology and materials, which enhance the efficient management, operation and maintenance of the building and its performance. Proposals must minimise the adverse effects on the environment such as the release of harmful emissions and the wasteful use of energy. MEPA will encourage proposals that adopt:**

- **low energy techniques,**
- **heat recovery systems,**
- **second-class water recycling facilities,**
- **waste management and recycling schemes**

- **run-off reduction and collection measures**
- **use of photovoltaic cells on south facing elevations**
- **passive measures such as appropriate building form, natural ventilation of spaces and access to openable windows**

and

- **include designated waste storage sites for separate waste fractions**
- **maximise the reuse and recycling of materials during construction, refurbishment or eventual decommissioning of the building**
- **minimise the impacts on the water table**

(xii) Safety.

5.17 **Tall buildings must meet all the current safety requirements related to the structure, fire protection and means of escape for all, especially in the event of an emergency or major accident. MEPA will consult all the relevant agencies and may require the submission of a risk assessment to ensure that proposals do not create a safety hazard to any group of users, including the immediate neighbours to the site. Seismic design should also to be taken into consideration.**

6. Information to accompany applications

6.1 Proposals that are identified as significantly taller than their surroundings (tall buildings on the basis of Section 4 above) should be restricted to the appropriate broad locations where opportunities have been identified for tall buildings by this policy (refer to para 7.10 below). Until such time when the detailed boundaries of the tall building cluster within the aforesaid appropriate locations have been defined through an urban design study/character appraisal, applicants will be required to complete a similar level of analysis within the agreed zone of influence of the proposal prior to determination by MEPA of any development application for a tall building.

6.2 An *urban design study/character appraisal*, with emphasis on graphic presentation in the published version, should identify and describe, in accordance with Terms of Reference prepared by MEPA, those elements that create local character and other important features and constraints, including streetscape, height to width ratio of streets, scale, height, urban grain, connections/nodes, existing open spaces, natural topography, significant views of skylines, landmark buildings and areas and their settings, including backdrops, and important local views, prospects and panoramas of the locality in which the proposal is located. The enhancement potential and sensitivity of the townscape should not be overlooked.

6.3 A V*isual Impact Assessment* should be prepared giving accurate and realistic representations of the building, showing all the significant near, middle and distant views affected from 360^0. Photomontage techniques, including a 3D analysis, should also be used to consider the visual impact during the construction phase, as this could be quite lengthy and potentially intrusive for a tall building.

6.4 Applications for tall buildings must be supported by a *Transport Assessment*, which identifies, describes and mitigates impacts on the local transport infrastructure and public transport and the need for car parking provision and access arrangements and a *Social Impact Assessment* to review the social effects and a study on the effects on microclimate.

6.5 Applicants also need to provide a written *Design Statement* that sets out the rationale for the proposal, its architectural concepts and design philosophy and the particular qualities of the site that make it suitable for tall buildings, within the context of the information obtained through the Urban Design Study and the Visual Impact Assessments. The statement should also include:

1. Existing and proposed floor plans, elevations and relevant sections;
2. Detailed plans showing the existing site and all aspects/elements/features of the proposed development in its wider context, including topographical information and a tree survey (where appropriate);
3. Details of proposed materials and construction methods;
4. A physical model (and a virtual computer model if deemed necessary) at the appropriate scale, showing the building and its relationship to surrounding buildings and spaces. As a minimum this should include all development with a one entire perimeter block distance from the proposed building;
5. Sun path studies to assess overshadowing and daylight penetration in terms of lux levels within the building and the results of wind tunnel studies (or equivalent analysis) showing how the design has incorporated mitigation measures;
6. Analysis of the anticipated effect of the development on the economic vitality of the locality and its wider context;
7. Analysis of the effect of the development on the local infrastructure;
8. A proposal for lighting the development showing how it contributes to the skyline when viewed from a distance at night;
9. Information to demonstrate that environmental sustainability and safety issues have been fully considered.

6.6 An Environmental Impact Statement (EIS) or Environmental Planning Statement (EPS) in accordance with Terms of Reference prepared by MEPA must be prepared for applications for tall buildings if they are deemed to fall within the scope of the EIA Regulations of 2007, as amended. The EIS or EPS should be used to identify measure and evaluate the impacts (beneficial and detrimental) that a proposed development could have on the environment. Where there are concurrent proposals for other tall buildings, or where others are likely to follow, the implications of these should be addressed as well. The *Urban Design Study*, the *Visual Impact Assessment*, the *Transport Assessment, the Social Impact Assessment and* the *Design Statement* may be subsumed as part of the EIS or EPS.

6.7 Without the representational material of this scope, quality, clarity and detail, it will not be possible for MEPA to evaluate and determine the proposal effectively. It is essential that designs have the highest architectural quality. This means that they will have to be worked up to a stage that commits proposals to a level of detailed design that ensures this quality is achieved.

6.8 Where development permission for a tall building is to be granted, the detailed design, materials and finishes, and treatment of the public realm shall be secured through the appropriate use of conditions and obligations in the permission, enforced through a legal agreement, if necessary. Adequate guarantees are essential to maintain the original architectural quality and ensure that inferior details and materials are not substituted at a later date.

7 Locating tall buildings

Appropriate Locations for Tall Buildings

7.1 The first step in the identification of appropriate locations for tall buildings was to develop a set of urban design, transport and conservation criteria to separate out a strategic search area through a sieving exercise. It should be emphasised from the outset that this set of criteria relate to a very broad level of assessment and provide a generic indication of the area (the strategic search area) where tall buildings could potentially be located and are without prejudice to more detailed and location specific townscape analyses. The strategic locations should:

1. Support the regeneration of commercial/employment urban centres within the Development Zone only;
2. Be areas generally not visually prominent, and located on the low lying (at a strategic level, interpreted to be broadly below the 25m contour), gently sloping, urban parts of the Islands with a statutory building height limitation of four floors or more as higher buildings in these locations would not compete with traditional townscapes;
3. Be well serviced or capable of being well serviced by public transport to reduce the need to travel by car;
4. Be away from residential priority areas, urban conservation areas and their settings or buffers as tall buildings are naturally alien to these low-rise, compact locations;
5. Be away from ridge edges and not interfere with views of protected areas, (such as Special Areas of Conservation (SACs), Special Protected Areas (SPAs), Areas of High Landscape Value (AHLVs) or Areas of Very High and High Landscape Sensitivity), and existing landmarks as tall buildings would prejudice the public enjoyment of the open countryside, the coast or setting of urban landmarks of local, national or international importance;

6. Not be located on Gozo.

7.2 The strategic analysis from the first exercise indicated that the low lying northern parts of the main conurbation from St. Julians and Sliema to Msida, Gzira and Pieta, and the urban areas of St. Paul's Bay, Bugibba and Qawra and parts of Marsa and Marsascala, excluding the urban conservation areas, have potential to accommodate tall buildings (Refer to Map 1). The next step was to identify locations within this strategic search area where tall buildings could be concentrated.

7.3 The cluster concept indicates that new tall buildings should be located in areas where commitments for tall buildings already exist. The current planning policy framework and emerging strategic policies especially the Retail Strategy, the Employment and Transport Topic Papers show that there are also strategic reasons for guiding large commercial development towards particular locations. The three types of strategic locations can be listed as:

1. Committed areas;
2. Employment hubs;
3. Transport hubs.

Refer to Map 2.

Committed Areas

7.4 Committed areas are those locations where tall buildings as defined by this policy:

1. Have already been constructed; or

2. Development permission has been granted; or
3. A planning policy has already accepted the location as appropriate for tall buildings.

On the basis of this definition, ten locations have been committed for tall buildings in Malta in recent years:

- Paceville, St.Julian's - Portomaso Tower for office use, the Pender Place and Mercury House for a mixed development project;
- Tigne, Sliema - Fortina Tower as a hotel, the Tigne redevelopment project with high-rise buildings for residential and hotel use, the redevelopment of the Holiday Inn Crowne Plaza Hotel mostly for residential use;
- Paola - the three residential towers (the A3 Towers);
- Gzira - the mostly residential high rise block (Savoy Gardens) as a redevelopment of the Gasan showroom and premises, the Metropolis project in Gzira mostly for residential with some retail and office uses;
- St.Paul's Bay - the high rise residential block on the Villa Preziosi site;
- Xemxija – the Mistra redevelopment scheme mostly for residential use;
- Marsascala - the high residential blocks on the Ta' Monita site;
- Marsa - Marsa Park site for mixed uses; Marsa Sports Complex for sports and tourism;
- Luqa - Malta International Airport for commercial uses;
- Marsalforn, Gozo - for a ten-storey mixed use residential and retail scheme.

7.5 Five of the ten locations committed for tall buildings – the three towers at Paola, the Villa Preziosi site at St.Paul's Bay, the Mistra site in Xemxija, the tall buildings at Marsascala, and the tower at Marsalforn – are not currently deemed suitable for more tall buildings. The Malta International Airport site is outside the strategic search area as it lies above the 25m contour. The site at Paola is not within a

designated strategic location where development can assist regeneration. However, the regeneration area linking the Marsa Park site to the site of the three towers in Paola through Albert Town and the Marsa Shipbuilding could have potential to accommodate tall buildings. The St. Paul's Bay site is distant from the concentration of tourism and leisure activity in Qawra. More tall buildings in this location would undermine the objectives of the Local Plan to concentrate tourism and leisure development in Qawra and would also draw unnecessary attention to the existing building. Xemxija is a small urban area, located on steeply sloping terrain and surrounded by areas of high landscape and environmental value and predominantly residential in character. The site in Marsascala does not have potential for more tall buildings as it is within a coastal urban area outside of the main conurbation and is not well connected to the public transport network. Marsalforn is a small coastal settlement surrounded by areas of high landscape value and has little potential for large-scale tourism or office development in tall buildings. The remaining committed locations of Paceville, Tigne, Gzira and the Marsa Park area all have potential for tall buildings.

Employment Hubs

7.6 The key locations outside the historic core of Valletta and Cottonera, where redevelopment or regeneration is being encouraged, are the employment hubs made up of the six Primary Town Centres, office enclaves and tourism or entertainment zones. The strategic industrial hubs are not deemed suitable to accommodate the preferred uses for tall buildings (predominately offices and tourism) and should be safeguarded primarily for manufacturing industry. The Primary Town Centres are located in Mosta, Sliema, Hamrun, Paola, B'Kara, and Rabat in Gozo. However, these town centres are also located in urban conservation areas and tall buildings within these areas or in their setting would harm their historic and architectural value. Rabat, Gozo, is also within the setting of the Cittadella and on

elevated ground. Paola Town Centre is visually unrelated with committed areas and would not contribute towards the grouping of tall buildings in clusters.

7.7 The main existing or planned office enclaves are located in Pembroke, Paceville, Gzira and Marsa Park all of which are not visually prominent urban areas, located on relatively low lying land, have limited impacts on conservation areas and their settings and are well served by public transport. Tall buildings in these locations would support the establishment of employment hubs and Paceville, Gzira and Marsa are also well related to committed areas. Pembroke, however, is an undeveloped site on the edge of the conurbation, adjacent to low-lying settlements with a building height limitation of less than four floors and lies just above the 25m contour.

7.8 The major tourism or entertainment zones in Malta, which are also outside the Valletta and Cottonera areas, are Mellieha, Bugibba and Qawra in St. Paul's Bay, Paceville in St.Julian's, and Sliema. Other areas include Marsascala and Marsaxlokk in the south of Malta, Mgarr, Xlendi and Marsalforn in Gozo. The localities in Gozo are in visually sensitive areas and too small to absorb major development for tourism accommodation or leisure uses. Marsascala and Marsaxlokk are more oriented for the leisure industry rather than major tourist accommodation and not well linked by public transport, while Mellieha is on elevated or sloping terrain and also not well linked by public transport. Tourism development in Sliema is very dispersed from St. Julian's to Gzira, with the only area, which could contribute to the clustering of tall buildings being the immediate surroundings of the Tigne peninsula. Paceville and Qawra on the other hand are located in low lying areas, have limited impact on conservation areas and their settings, are well served by public transport and relate well to committed areas.

Transport Hubs

7.9 Malta's international Luqa Airport and the Freeport are also potential sites for hub creation and therefore potential sites for tall buildings, albeit the airport site is above the 25m contour. Proposals for major redevelopment at the Luqa Airport have already been submitted to MEPA. The Department of Civil Aviation was consulted on the potential of these two locations for tall buildings. The Department commented that the Airport site is situated to the side of the runway and so buildings and other structures will be deemed to be obstacles if they penetrate the "Obstacle Limitation Surface". This surface extends horizontally from the centre line of the runway to a distance of 150m and then continues outwards following a gradient of 1:7. The Department maintained that development on the Freeport Site should be discouraged but structures of 25m would be well below the "obstacle limitation surface". As the two locations of the Airport and the Freeport could be seriously constrained by the safety requirements of the airport, they have not been identified as an appropriate location for tall buildings by this policy. The Grand Harbour, in principle, also has potential for hub creation but as it is a prime urban conservation area, tall buildings would have an adverse impact on its heritage and conservation value. The inner core of the Grand Harbour, the area around the Marsa Shipbuilding and Albert Town, could be considered for higher buildings, subject to appropriate visual impact assessments on the Valletta peninsula and Cottonera.

Designated Locations

7.10 Therefore, the designated appropriate locations for tall buildings are:

- The general area surrounding and including the **Marsa** Park and **Gzira** employment node predominantly for office uses;
- **Qawra** peninsula, **Paceville** and **Tigne** peninsula predominantly for tourism/leisure uses.

Refer to Map 3 for an indication of the appropriate locations. The development of further tall buildings on the Tigne peninsula provides an opportunity to enhance the views from Valletta. Marsa provides an opportunity for revitalization of the dilapidated neighbourhoods. If an urban renewal project for the adjacent degenerating dockyard area can be undertaken in conjunction with the Marsa Park site, the whole area can have great potential to create an entirely new vibrant context. Particular attention was focused on the strategic location of the employment hub of **Imriehel**. Although the area is designated for industrial uses, through subsequent revisions to the Local Plan a wider mix has been encouraged and a generic proviso in favour of buildings higher than 14m was also introduced for large sites. Therefore it is clear, that there has been an intention to consider higher buildings in this locality over the recent past. Within this context, ie having accepted that this locality is not primarily aimed for manufacturing industry and that buildings higher than 14m can be considered, it also complies with the other location criteria identified under paragraph 7.1 and can therefore be designated as an additional appropriate location for tall buildings for predominantly office uses.

7.11 Although a preferred use for proposals which include tall buildings has been indicated, MEPA will apply criterion (ii) (paragraph 5.7) of this policy to achieve the best mix of uses. Residential uses will be considered as part of the mixed land use schemes provided that when they are located within the tall building, they offer high quality, prestigious units with large floor spaces of at least 150m² for each

unit (which equates to the minimum size of a semi-detached apartment/ maisonette in a villa area) and with management structures for common areas. Dwelling units intended for sale or short/long lets to foreigners will not be considered as tourism development and hence will form part of the residential component of the scheme.

7.12 By reason of the strategic level of the analysis described above, exact boundaries for the tall building clusters within the appropriate locations have not been identified, neither appropriate heights nor the number of tall buildings, which should comprise the cluster. It is not the intention of this policy to review the boundaries and policy frameworks of those sites and areas, which have been designated through an alternative planning process (Local Plans or Development Briefs). Thus the boundaries of the Marsa Park site, the employment node in Gzira, the boundaries of the tourism or entertainment zones of Qawra and Paceville in Local Plans serve only **as a preliminary indication** of the areas where tall buildings may be located and are not exclusive zones. The location of a specific site in an appropriate location does not imply that it is undoubtedly suitable for a tall building. The specific sites where taller development may be acceptable within the appropriate locations still need to be studied further as not all sites will necessarily achieve the requirements of this policy and thus be suited to a tall building.

Potential Locations for Medium-Rise Buildings

7.13 From an analysis of the type of applications submitted for medium-rise buildings it is more likely that these smaller scale developments tend to be used for residential purposes, as they do not attract intensive land uses such as offices, tourism and leisure or commercial development. Although higher than their built context, medium-rise buildings predominantly for residential use generate less serious impacts on the infrastructure, transport and on the microclimate while issues of architectural design, sustainable design and safety are

much less complex. However, they may still have an adverse impact on the landscape, the townscape and the historic environment, especially in locations with low background buildings and statutory building height limitations lower than four floors.

7.14 Therefore, the strategic search area identified in Map 1 is suited for medium-rise buildings subject to all the relevant safeguards provided in this policy document and in Local Plans, and provided further that the site is surrounded by existing or planned streets, at least 50% of the site area is allocated for open space and is not located within the excluded areas identified by para 2.1(b)(ii) of this policy. This strategic area includes

- the urban conurbation from St. Julian's and Sliema in the north, to Gzira, Msida and Pieta in the centre and Marsa in the south;
- the urban areas of Bugibba/Qawra and St. Paul's Bay and Marsascala are also suitable for medium-rise buildings;
- the Freeport area but the use should be restricted to offices only and the maximum overall height of the medium-rise building should not exceed 25m.

7.15 Outside the strategic search area, there could also be scope for the application of the FAR on specific sites for medium-rise buildings to achieve other planning objectives such as significant employment opportunities, urban regeneration or provision of open space, subject to all the relevant safeguards provided in this policy document and in Local Plans. Such sites and applicable development criteria can be identified:

(a) in the relevant Local Plan, provided that the sites are surrounded by existing or planned streets and at least 50% of the site area is allocated for open space and are not located within the excluded areas identified by para 2.1(b)(ii) of this policy; or

(b) through applications for development briefs provided they cover a site area of at least 4,000sqm, the sites are surrounded by existing or planned streets, at least 50% of the site area is allocated for open space and are not located within the excluded areas identified by para 2.1(b)(ii) of this policy. Any other relevant provisions in this policy document and in the Local Plans shall also apply.

7.16 Notwithstanding the provisions of paragraph 7.15 above, areas for medium-rise buildings in Pembroke can be designated through the Local Plan process or through applications for development briefs only on the site identified by policy NHPE09 as the "Pembroke Development Brief Site" to ensure that higher buildings are concentrated on the site already identified for non-industrial employment generating uses of a national/regional catchment area.

APPENDIX

A. Guidelines for Visual and Landscape Assessment

Landscape Character and Visual Amenity

Landscape Character

The study should describe the landscape-related area of influence and landscape setting of the proposed site, identifying the component character areas and local landscape tracts, and the landscape elements, characteristics and degree of sensitivity thereof, so as to enable the prediction and assessment of:

- The changes to the landscape attributable (in full or in part) to the proposed development;
- The implications of such changes on the quality and perception of the landscape and its elements, in each of the identified landscape character areas and local landscape tracts; and
- The effects of such changes on relevant receptors. (The receptors should also be duly identified and their degree of sensitivity should also be indicated and justified).

Reference should also be made to MEPA's '*Draft Landscape Assessment Study, 2004,*' and to the *Guidelines for Landscape and Visual Impact Assessment* (*The Landscape Institute* & *IEMA*), as relevant.

Visual Amenity

The following need to be identified and submitted for prior EPD approval:

- The zone of visual influence (ZVI) of the site and the development under consideration; and
- Assessment viewpoints representative of short-, medium- and long-distance views towards the site. A baseline photograph taken from each proposed viewpoint is also required. The submission should cover all the important views of the site, whilst avoiding the inclusion of

superfluous or inappropriate viewpoints (*e.g.* positions from which the site is not visible, or where the view is obstructed or dominated by physical obstacles in the foreground).

Thereafter, for each approved viewpoint, the projected situation and appearance of the site (*i.e.* as it would look with the proposed development in place) should be compared to the current baseline situation (*i.e.* without the proposed development). The following should be predicted and assessed accordingly:

- The expected changes to visual amenity as a result of the proposed development;
- The effects of such changes on the quality of the visual amenity of the site; and
- The effects of such changes on relevant receptors. (The receptors should also be duly identified and their degree of sensitivity should also be indicated and justified).

Note: The baseline photographs and the photomontages should, unless otherwise directed by MEPA, satisfy the following:

(a) The location of each viewpoint should be shown on a map that also depicts the viewshed for the proposed site as described above. The visual angle of the photograph should also be indicated and should not be greater than 50°. Stitched photos that illustrate the field of vision towards the site from each viewpoint are acceptable as long as they are additional to the 50-degree photograph.

(b) The photographs and photomontages submitted should:

- Be at least A3 in size. Strips which are A3 in width but not in length are not appropriate except as supplementary illustrative material;
- Include the date and time at which the photo was taken;
- Be of good quality, with faithful reproduction approximating as much as reasonably possible what would normally be visible to the naked eye. The photos should be taken in good weather, and should be taken at least 2 hours after sunrise and 2 hours before sunset. Colours should not be digitally or otherwise manipulated. As a guideline, the image should have a printing density of 200 dots per inch or better. In some instances, digital images having a resolution of 1024 x 728 or better may be required for multimedia presentation purposes;
- Be taken in such a manner that near-field objects do not overpower or dominate features near the image plane passing through the project area;
- Be taken from a height above ground level that is representative of the eye level of the viewer, and such height should be duly documented; and
- Ensure that all additional/replacement structures and features depicted in the photomontages have a scale which proportionately tallies with the existing nearby features.

(c) Wherever relevant, the photomontage(s) should cover the following scenarios:

- The development without the proposed landscaping scheme, representing the worst-case scenario;
- The development complete with the proposed landscaping scheme as it is expected to look when the trees reach maturity, also providing an indicative timeframe as to when such maturity is expected to be attained; and
- (where relevant in relation to impact of nocturnal lighting) the development and its ancillary lighting as it would appear during night-time.

B. Guidelines on the Methodology for use of the Floor Area Ratio (FAR)

1. The justification to Policy 2.10 in Policy and Design Guidance, 2007 states that:

   The Floor Area Ratio (FAR) is a useful development density measure for use when considering projects on specific large sites. It can be an effective tool for ensuring the efficient use of land, provided that it is considered together with limitations on site coverage and the maximum height of the buildings, and with other urban design considerations.

2. The glossary to the Policy and Design Guidance 2007 document defines the FAR as:

   the ratio, which results from dividing the gross total building floor area by the site area…. The current approach used is to determine the amount of potentially developable gross floor space, which is obtained by multiplying the Developable Site Area by the permissible number of floors. The resulting developable floor space is then compared to the amount of floor space proposed in a particular development, and an acceptable scheme negotiated based on the maximum permissible floor space; the requirement for open space; and the impact of any development in excess of the height limitation.

3. Therefore there are four important parameters, which need to be computed to determine whether development applications are eligible to adopt the FAR density measure to achieve buildings higher than the statutory height limitations and the allowable development density:

   (i) The site area;
   (ii) The developable site area;
   (iii) The developable gross floor space;
   (iv) The amount of open space.

The gross building volume is an additional control parameter which can be used to determine applications involving the adoption of the FAR.

4. Guidelines on the methodology to compute each of these four parameters are produced below. All future development applications would need to satisfy all the requirements to be eligible for the adoption of the FAR. MEPA will not give any weight to previous decisions or practices in the determination of such applications.

Site Area

5. The appropriateness of the site needs to be determined on the basis of its location within a designated area, size, configuration and position in relation to existing or planned streets as follows:

A. Within the appropriate locations for tall buildings identified by this policy framework:

(i) the site must be completely surrounded by existing or planned streets to achieve a tall or a medium-rise building;

B. Within the potential locations for medium-rise buildings identified by this policy framework:

(i) the site must be completely surrounded by existing or planned streets to achieve a medium-rise building only.

C. Outside the potential locations for medium-rise buildings identified by this policy framework:

(i) the site must be completely surrounded by existing or planned streets to achieve a medium-rise building only and when identified through an application for a development brief the site area shall not be less than 4,000sqm.

D. Additionally the following cannot be considered as part of the site area:

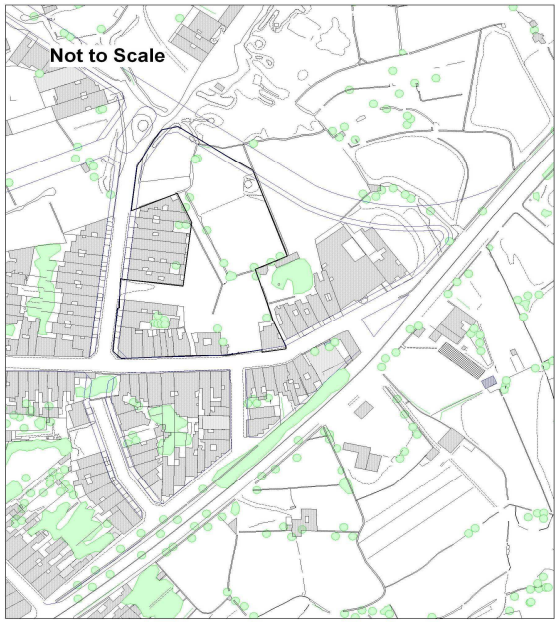
(i) Schemed roads or planned roads as part of a development proposal, public footpaths, public open space on public land (existing or allocated in a Local Plan or TPS of 1988 where applicable);
(ii) Land on the coast;

(iii) Land outside the development zone;
(iv) Land scheduled or listed for its ecological (AEIs), scientific (SSIs) or archaeological (AAIs) (Classes A, B and C) importance;
(v) Land allocated for detached/semi-detached dwellings in Local Plans;
(vi) Land in Urban Conservation Areas;
(vii) Land which is not owned by the applicant.

For the purpose of this policy a street is considered as a continuously linked, open, three-dimensional public or controlled space providing a frontage to property through which proper vehicular or pedestrian access may be obtained. Street width to building height ratio and control of projections onto the street in the Sanitary Law are applicable. The design and finishes of the street surface should be appropriate for its designated use. In the case of new streets planned as part of the development proposal for tall or medium rise buildings, the width of the streets shall not be less than 10.36m.The site area threshold identified in 5C above is compulsory. Smaller sites than those indicated in 5C after considering the provisions of 5D above will not be accepted. Fragmented sites not completely surrounded by streets which are not conducive to holistic planning and development, or sites which become fragmented after excluding land identified under 5D (i) to (vii) above, will not be accepted.

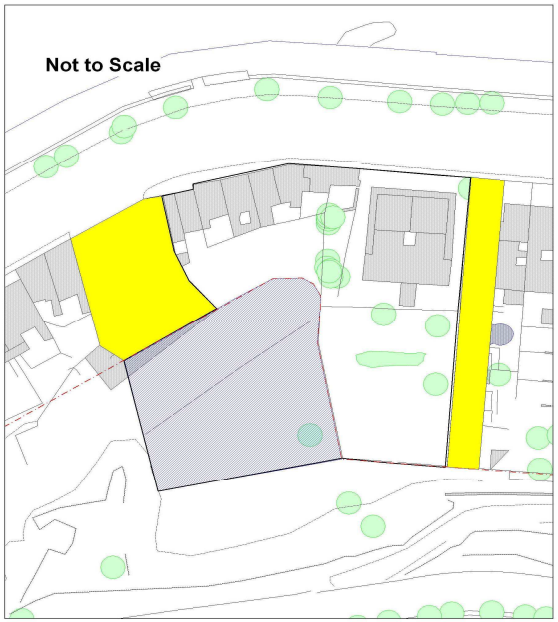
6. Figures D1 and D3 illustrate examples of fictitious proposals including high buildings. Provided the sites are in the appropriate locations for tall and medium rise buildings as determined by this policy framework:

- Site D1 would not be eligible for applying the FAR as it is fragmented and not completely surrounded by public roads;
- Site D3 may be considered for applying the FAR since although not surrounded by streets, the site abuts un-developable land;



D1 - Fragmented Site

Key: Site area 8,500 sq m



D3 - Land ODZ

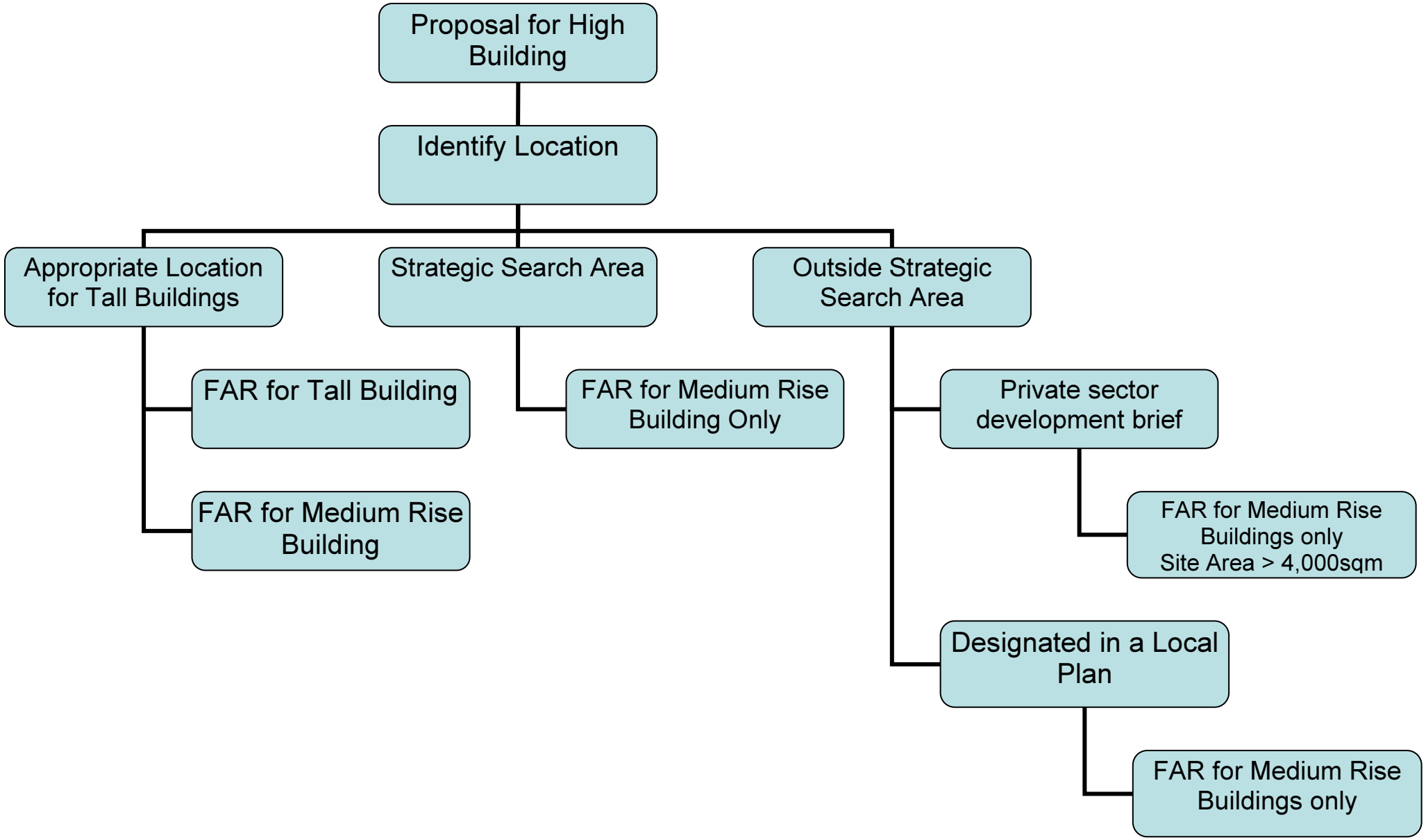
Key: Total Site area 5,500 sq m

Excluding:

Land ODZ 1,320 sq m

Eligible Site Area 4,180 sq m

Flow Chart 1 - Eligible Sites



Developable Site Area

7. The developable site area should **only** be calculated for those sites which are eligible for applying the FAR on the basis of paragraphs 5A, 5B, 5C and 5D above.

8. **A. For undeveloped vacant land within the development zone and specifically zoned for development by a site-specific policy in Local Plans, where the site specific policy does not set out site coverage thresholds, the following should be excluded:**

(i) Land area of front and side gardens identified as "green" and privately owned land indicated as "green" in the large-scale drawings of the TPSs of 1988 or in Local Plans. Where no large scale drawings have been prepared as part of the Local Plan and there is no specific provision in the site-specific policy of the Local Plan that a front or side garden or the green area is not required, the provisions of the TPS of 1988 should still apply;
(ii) 15% of site area to be allocated for roads in sites larger than 1ha;
(iii) Any land excluded from development by the site-specific policy in a Local Plan.

Where a site specific policy sets out site coverage thresholds, the developable site area should be taken as equivalent to these thresholds.

B. For undeveloped vacant land within the development zone not specifically zoned for development by a site-specific policy in Local Plans, the following should be excluded:

(i) 15% of site area to be allocated for roads in sites larger than 1ha;

C. For previously developed land within the development zone specifically zoned for development by a site-specific policy in Local Plans, where the site specific policy does not set out site coverage thresholds, the following should be excluded:

(i) Land zoned for front and side gardens, privately owned green areas and any land excluded by zoning regulations in the TPSs of 1988 which was left open when the existing development was implemented with permission;
(ii) Land area of any Grade 1 or Grade 2 scheduled or listed buildings together with any buffer zone. Grade 3 buildings should also be excluded unless covered by a specific development permission to allow their demolition;

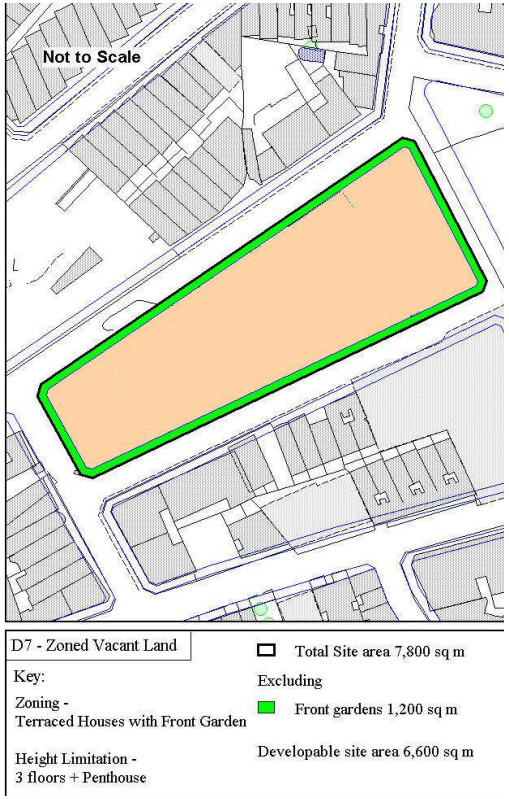
(iii) Existing roads and 50% of any land within the site boundaries left open as public/private amenity space (such as sports pitches, play areas, private swimming pools and sun decks) when the existing development was implemented;
(iv) Any land excluded from development by a site-specific policy in a Local Plan.

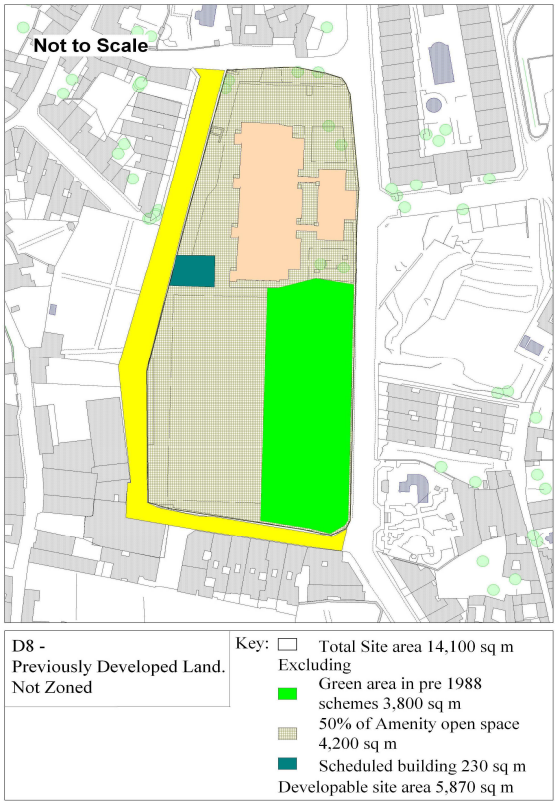
Where a site specific policy sets out site coverage thresholds, the developable site area should be taken as equivalent to these thresholds.

D. For previously developed land within the development zone <u>not</u> specifically zoned for development by a site-specific policy in Local Plans, the following should be excluded:

(i) Land zoned for front and side gardens, privately owned green areas and any land excluded by zoning regulations in the pre-1988 Town Planning Schemes which was left open when the existing development was implemented with permission;
(ii) Land area of any Grade 1 or Grade 2 scheduled or listed building together with any buffer zone. Grade 3 buildings should also be excluded unless covered by a specific development permission to allow their demolition;
(iii) Existing roads and 50% of any land within the site boundaries left open as public/private amenity space (such as sports pitches, play areas, private gardens, swimming pools and sun decks) when the existing development was implemented;

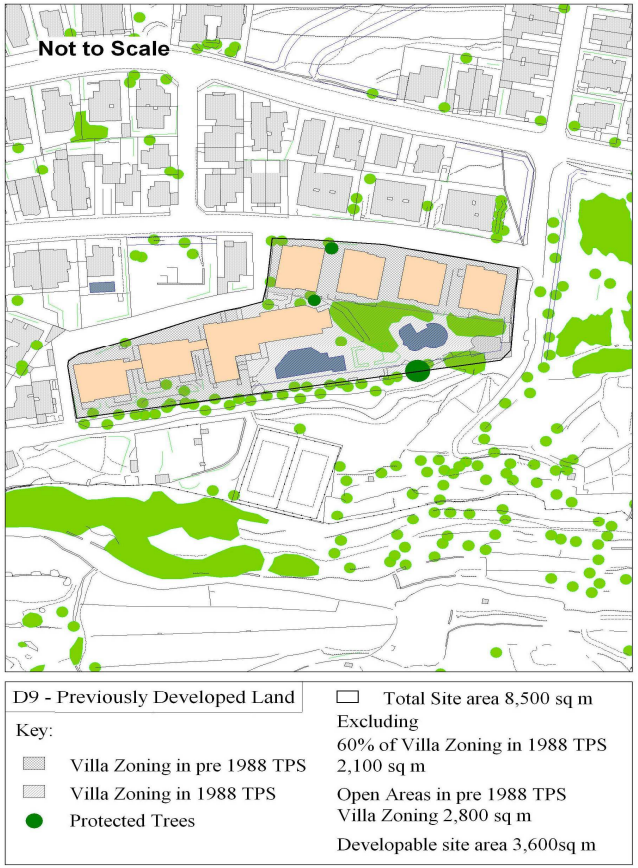
9. Figures D7 to D10 illustrate examples of calculations of the developable site areas for fictitious proposals for higher buildings on fictitious sites. Assuming that the sites are in the appropriate location for higher buildings:



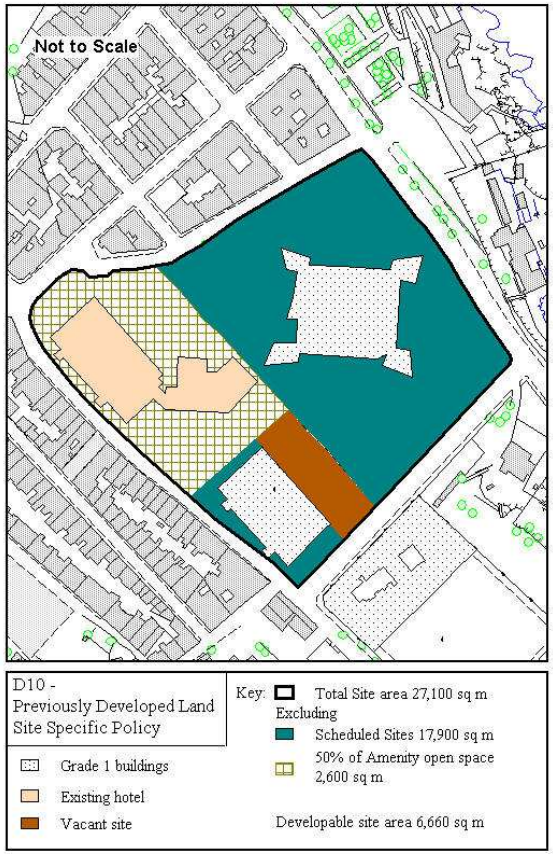


- Site D7, which is a vacant site part of a residential area with a height limitation of three floors in the Local Plan, previously zoned for terraced houses with front garden, would have a developable site area of 6,600sqm following the exclusion from the total site the area of the front gardens in the 1988 TPS;

- Site D8 is an existing school with landscaped areas and sports pitches. The building and the adjacent land for sports facilities was constructed in the 1960s, a large portion of which had been zoned as a green area in the pre 1988 Town Planning Schemes. An outbuilding was later scheduled as a Grade 2 building. The Local Plan did not indicate any site specific policy for the whole site but the site falls within a wider residential area. The developable site area would amount to 5,870sqm following the exclusion of the area of the scheduled building, the green area indicated in the 1960s as this was never developed, and 50% of the amenity open spaces surrounding the 1960s building.



- Site D9 is an existing tourist complex established in the 1990s, which involved the conversion for tourism accommodation of seven detached buildings, and the development of an extension to one of the buildings, pools, sun decks and landscaped areas on vacant land. The converted buildings were constructed on land zoned for villas with 40% site coverage in the pre 1988 Town Planning Schemes and the extension and the pools and decks were constructed on land also zoned for villas with 40% site coverage in the 1988 TPS. The Local Plan does not include a site specific policy but the site falls within a wider residential area. The developable site area in this case would amount to 3,600sqm and equal to the land already covered by buildings through the issue of the permission for the tourist complex plus the remaining portion of the 40% site coverage allowed on the site zoned for villas in the 1988 TPS.



- Site D10 is an existing hotel developed in the 1970s wedged between two Grade 1 buildings and their grounds, utilized for accommodation and a reception hall. The hotel building looks onto a large open space used for car parking and landscaping. A site owned by the hotel operator was left vacant when the hotel was developed. No zoning was indicated in the pre 1988 or the 1988 TPS, and the Local Plan site specific policy allocates the site for tourism use. The site is within a wider Local Plan designation of a tourism zone with a building height of five floors. The developable site area would amount to 6,600sqm following the exclusion of the area of the scheduled buildings and their grounds and 50% of the amenity open spaces surrounding the hotel building.

Developable Gross Floor Space (GDF) and Built Volume

10. Following the acceptance of the site as eligible for the application of the FAR on the basis of its location, size and configuration and the calculation of the developable site area, the third step is to determine the developable gross floor space. The glossary to the Policy and Design Guidance 2007 document states that the amount of potentially developable gross floor space is obtained by multiplying the developable site area by the permissible number of floors. This is a simple mathematical calculation once the developable site area has been determined, as building height limitations are established for each locality in the Local Plan and the interpretation of such building heights is set out in DC 2007. Where site-specific policies indicate maximum allowable floor spaces, there would be no need to carry out any calculations, as the developable gross floor space would be equal to these thresholds. However certain circumstances need to be clarified.

A. Only statutory height limitations are to be taken into account in the calculation of the developable floor space. Any revisions to the statutory height limitations included in emerging policies still not approved by Government should not be used to determine the developable floor space.

B. In the exceptional case where a specific site does not have a building height limitation, the height limitation will be determined on a case-by-case basis taking into account the context of the surrounding built up area and its height limitation and the nature of the proposal.

C. Where an existing development has been permitted above the statutory height limitation for the site, the floor space above the height limitation should NOT be added to the total developable floor space.

D. Where a penthouse is allowable above the height limitation by the provisions of DC 2007, 75% of the developable site area should be added to the developable floor space. No additional floor space will be accepted on the basis of the DC 2007 provisions for visual architectural gain, residential or commercial uses in semi/basements, washrooms or stairwells at roof level, or projecting rooms.

E. The provisions of policy 15.2 in DC 2007 which permit an intermediate floor can be applied only where a proposal includes commercial development and a double height ground floor as part of the scheme. An additional 70% of the floor space beneath, which is interconnected internally with the ground floor through an over-looking balcony, can be added to the developable floor space and must be used only for commercial purposes.

F. Where the developable site area includes land containing Grade 3 scheduled or listed buildings on which MEPA Board has specifically decided to accept their demolition, the developable floor space allowable on this land will not be equated to the land area multiplied by the height limitation but would need to be determined separately on a case by case depending on the context of each site.

G. Where the developable site area includes land, which is bound by two parallel streets on different levels, the building envelope between the midpoint of the upper street and the midpoint of the lower street would need to be determined first (see policy 2.5 in DC 2007). The gross developable floor space is calculated:
(i) by multiplying the developable site area with the statutory height limitation for the site; and
(ii) for every additional floor above the statutory height limitation measured from the midpoint of the lower street level within the building envelope, 65% of the area of the floor beneath is added to the developable floor space.

The difference in the official street levels must be at least one full floor (3.0m), or full multiples of it, for this criterion to apply.

H. The gross floor space for all land uses above all street levels, except car-parking provision, shown in the proposal must not exceed the floor space achieved through the computation.

I. In the appropriate locations for tall buildings only, the transfer of gross floor space between portions of a large site which are surrounded by streets, and hence eligible for the application of the FAR, and other portions of the same large site which are not surrounded by streets, may be favourably considered where this transfer will contribute towards a significantly higher quality scheme in terms of three dimensional design and amount of open space, provided the large site is covered by one development application.

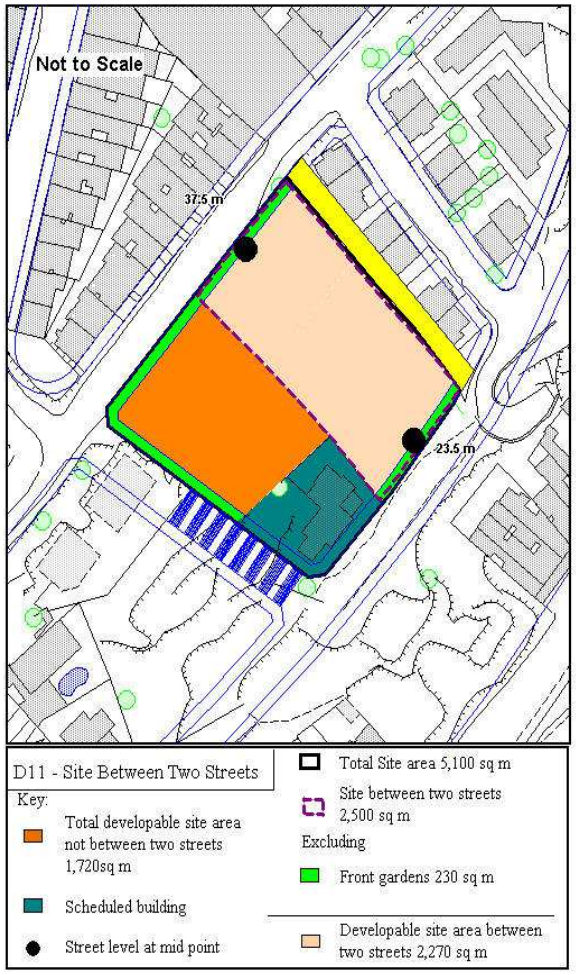
11. The maximum allowable built volume is obtained by multiplying the total GDF by the height in metres of one storey, taken as 3.46m.

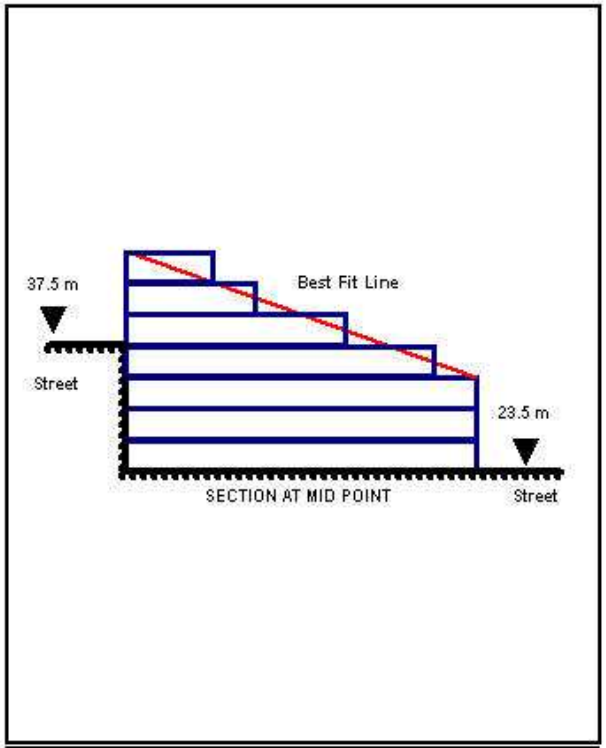
12. Figure D11 illustrates a fictitious example of the application of the provisions of paragraph 10G. Site D11 is mostly vacant land and zoned for residential terraced development with front gardens with a height limitation of three floors, without penthouse. It includes a Grade 2 scheduled building, which cannot be developed. The site area eligible for the application of paragraph 10G amounts to 2,500sqm since the remaining portions of the total site are not located between two streets. The developable site area within the eligible site amounts to 2,270sqm, including the land for backyards but excluding front gardens within it. The developable floor space therefore amounts to:
(i) 2,270(Developable Site Area) x 3 (Height limitation) = 6,810sqm
(ii) Due to a difference in street levels of 14.0m (i.e. four full floors) the following floor space is added:
3rd floor from lower street level= 65% of 2,270sqm = 1,475sqm

4th floor from lower street level (ground floor from upper road) = 65% of 1,475sqm = 958sqm
5th floor from lower street level (1st floor from upper road) = 65% of 958sqm = 622sqm
6th floor from lower street level (2nd floor from upper road) = 65% of 622sqm = 404sqm

(iii) Total developable floor space on the developable site between two streets = 6,810 + 1,475 + 958 + 622 + 404 = 10,269sqm

Refer to Figure D11 (a) below.





D11 (a) - Site Between Two Streets. Building Envelope

The gross developable floor space for the whole of site D 11 amounts to:

Developable site area between two streets = 2,270 sqm

Developable site area of terraced development zoning = 1,720 sqm

Developable floor space between two streets = 10,269 sqm (as above)

Developable floor space of terraced development zoning = 1,720 x 3 = 5,160 sqm

Total GDF = 10,269 + 5,160 = 15,429sqm.

Built Volume = 15,429 x 3.46 = 53,384 cum

Provision of Open Space

13. The final step involves the calculation of the amount of open space which needs to be included as part of the development.

14. Paragraph 5.12, Criterion (vii) - The Public Realm, of this policy framework states:

Tall building schemes should create high quality, public open space within the site through proper site layout and arrangements. The development should promote consolidated outdoor public spaces that are safe, especially from crime, and attractive for all, and which meet the needs of both the users of the building and the wider neighbourhood. Public open space should encourage people to linger and incorporate well-designed landscaping and street furniture – lighting, seating, litterbins, signage, public art, etc. - without creating clutter. The management and maintenance of these spaces needs to be specified in a planning gain obligation and agreed to by MEPA. The scale of public open space should never be less than 50% of the site area.

15. Within this policy context, the minimum amount of unbuilt/open/outdoor space is equal to 0.5 of the total site area eligible for proposals for tall or medium rise buildings. This amount should be over and above any public open space allocated on the site by a site specific policy. The policies also require that unbuilt/open/outdoor space to be (i) public open space, accessible to and usable by the public, (ii) green/landscaped (iii) consolidated, safe and attractive for all. Clarification is required regarding what MEPA considers as "public unbuilt/open/outdoor space". In the circumstances identified by paragraph 10 (I) of these Methodology Guidelines, the amount of open space to be provided is to be not less than 0.5 of the TOTAL site area of the whole proposal and not 0.5 of the site area surrounded by existing or planned streets and hence eligible for the application of the FAR.

16. The important consideration on this issue is the **amenity value** of the unbuilt/open/outdoor space to the users of the development and/or to the general public. This amenity space can be landscaped areas and gardens, child play areas, pedestrian paved areas with street furniture which encourage people to linger, swimming pool and sundeck areas, large terraces, viewing galleries, balconies, roof gardens, sports pitches, and is considered as:

A. Private space when access is restricted only to the owners/operators/ users of the development and its benefits accrue only to the owners/operators/ users either as a community or on an individual basis;
B. Public space when it is fully accessible and useable by the general public and its benefits accrue to the general public
C. Indoor space if it is located within a building and/or roofed over;
D. Outdoor or open or unbuilt if it is not located within an enclosed space and not roofed over.

17. The provisions of paragraph 16D need to be satisfied for development proposals to be considered as complying with the requirements of this policy framework regarding open space set out in paragraph 5.12 Criterion (vii).

18. For the purposes of paragraph 5.12 Criterion (vii) of this policy framework, the public open or outdoor or unbuilt space must be fully accessible. It must be located within the site boundary as defined by paragraph 5 of Appendix D and at public street level. If it is elevated above or sunken below street level, it should never be more than 1.5m above or below the street and must be directly accessible from the street through public open space, also as defined in 16B and 16D. Open space around scheduled buildings can be considered as forming part of the 50% site area requirement provided it complies with these provisions.

19. The following are not considered as amenity space and cannot form part of the unbuilt public open/outdoor space, of paragraph 5.12 Criterion (vii) - The Public Realm of this policy framework:
(i) vehicular roads, streets, routes etc;
(ii) pedestrian streets or footpaths, including staircases, which only give access to individual properties,
and are intended to delineate the site eligible for the application of the FAR ;
(iii) internal shafts and backyards required by sanitary law.

C. Air Navigation Safety Constraints

Aviation Safety issues arise mainly in the area around the airport, as well as the approach and take-off areas to the four runways. Other areas where high rise buildings may be constructed could be of interest because such buildings constitute potential problems to air navigation.

Buildings and other structures are regarded as obstacles if they penetrate an 'Obstacle Limitation Surface'. Such imaginary surfaces may be:

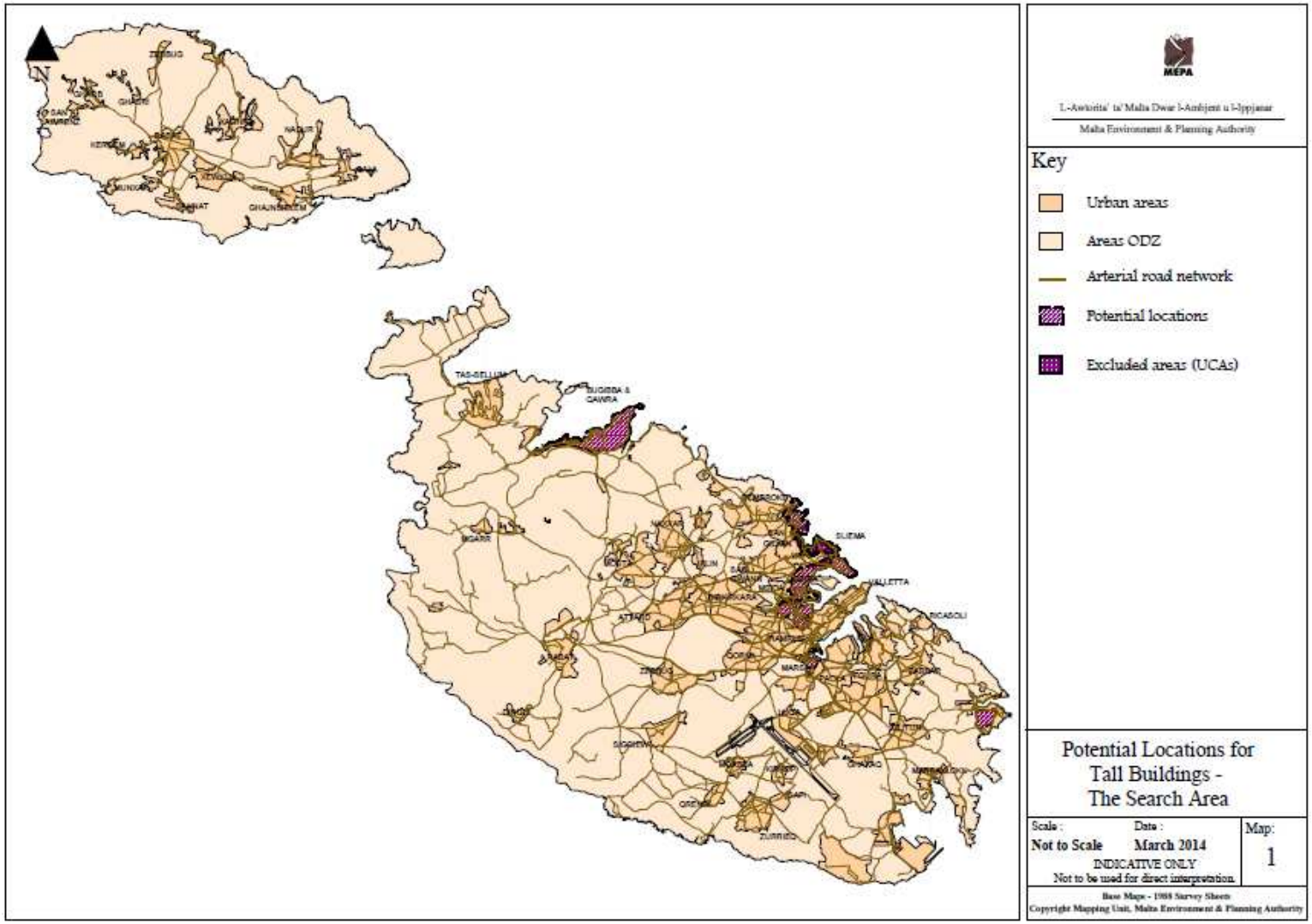
1. In the case of obstacles located to the side of the runway, the obstacle limitation surface which extends horizontally from the centre line on the surface of the runway to a distance of 150m and then continues outwards and upwards following a gradient of 1:7. Objects are permitted below this plane because they are not deemed to be obstacles in such instances.

2. In the case of obstacles located in the tale-off flight path area, the obstacle limitation surface is that plane surface having a 1.2% slope. This surface consists of a quadrilateral area. It commences at 60m from the end of the runway and has a width of 180m at this point which increases at a rate of 0.25D to a width of 1800m (where D is the distance from the point of origin) and thereafter maintains the width of 1800m up to a distance of 10Km.

3. In the case of obstacles located in the approach flight path area, the obstacle limitation surface is a combination of three consequent plane surfaces. The initial surface commences at 60m from the end of the runway and has a width of 300m at this point. This surface diverges at a rate of 15% on each side. For the initial distance of 3Km, the surface has a slope of 2%. The plane of the obstacle limitation surface than continues for a further 3.6Km having a slope of 2.5%. At 6.6Km from the point where the obstacle limitation surface commences, it continues horizontally up to a distance of 15Km.

4. High rise buildings which do not lie in the areas specified in paragraphs 1, 2 and 3 above have to be considered on their own merits as being possible obstructions to air navigation.

D. MAPS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MEPA
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Malta Environment & Planning Authority
Key
Urban areas
Areas ODZ
Arterial road network
Potential locations
Excluded areas (UCAs)
Potential Locations for
Tall Buildings -
The Search Area
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Not to Scale
Date :
March 2014
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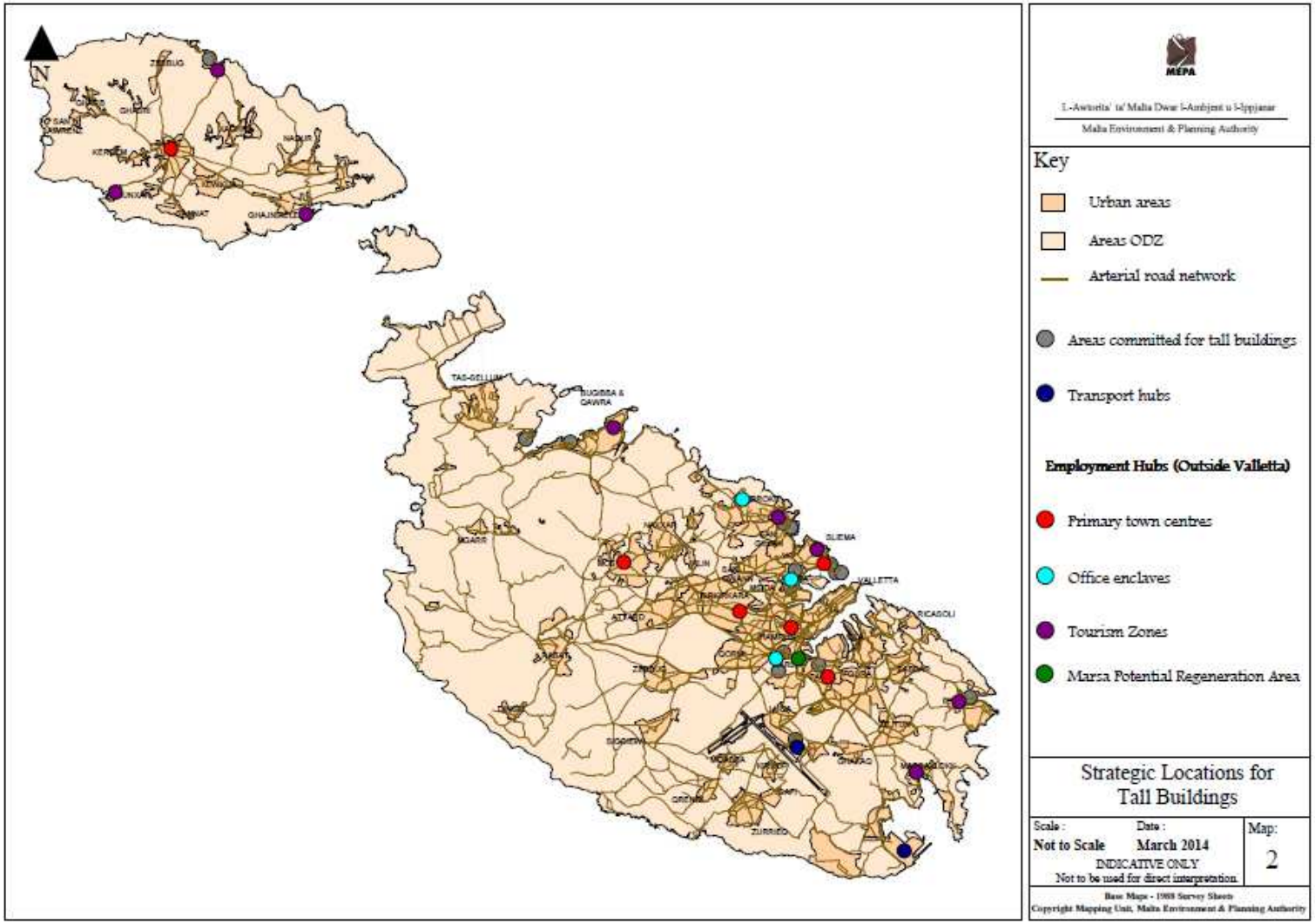
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MEPA
L-Awtorita' ta' Malta Dwar l-Ambjent u l-Ippjanar
Malta Environment & Planning Authority
Key
Urban areas
Areas ODZ
Arterial road network
Areas committed for tall buildings
Transport hubs
Employment Hubs (Outside Valletta)
Primary town centres
Office enclaves
Tourism Zones
Marsa Potential Regeneration Area
Strategic Locations for Tall Buildings
Scale :
Not to Scale
Date :
March 2014
INDICATIVE ONLY
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Map:
2
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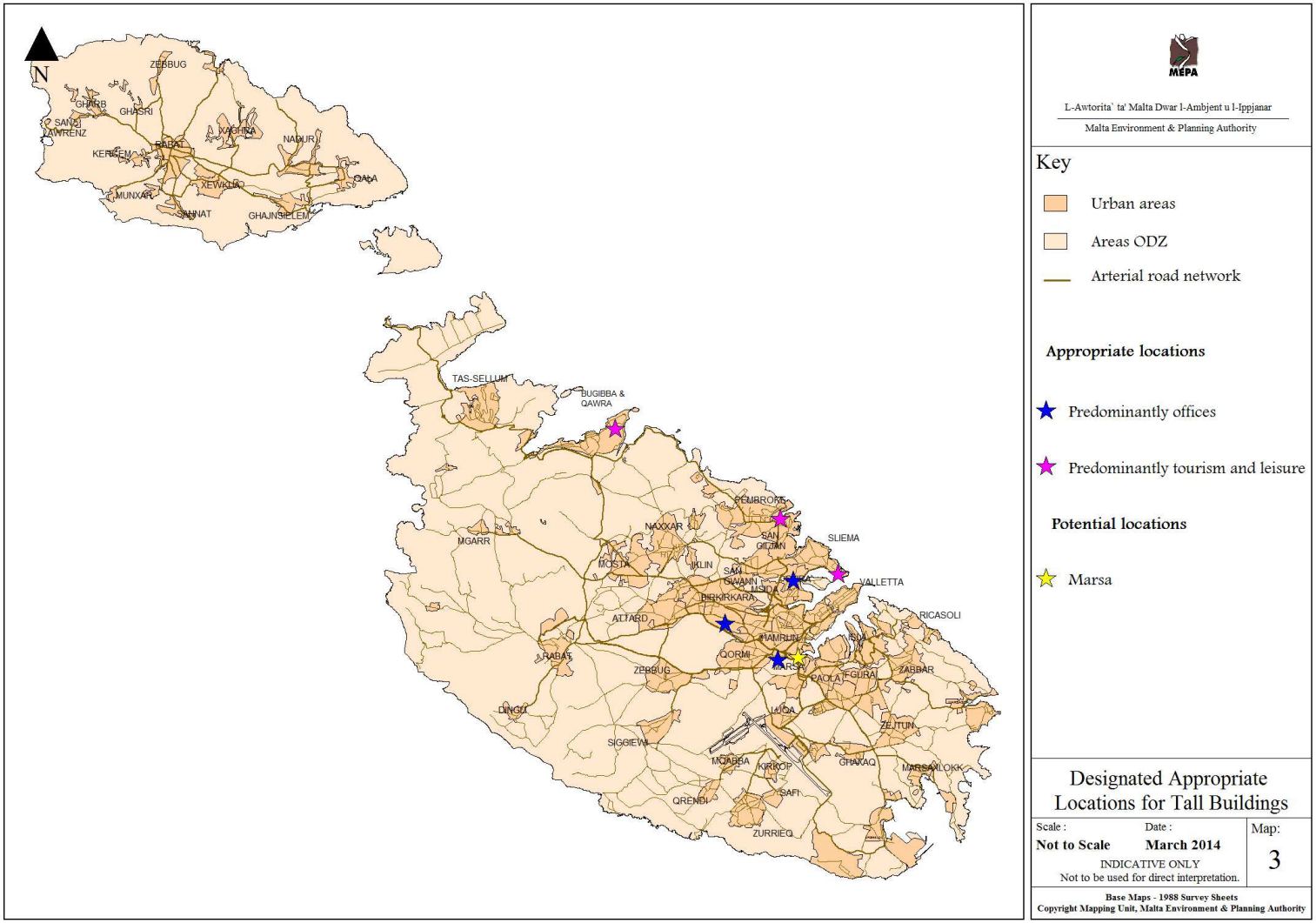
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ZEBBUG
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ZEBBUG
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