

MEPA CIRCULAR 03/10

REVISIONS TO CIRCULAR PA 3/99 (Part 2) - **ACCESS FOR ALL**

- 1 THE CHANGES
- 2 PLANNING APPLICATIONS
- 3 PLANNING DECISIONS
- 4 COMPLIANCE

INTRODUCTION

As part of the wider MEPA reform, MEPA and the *Kummissjoni Nazzjonali Persuni b'Dizabilita`* (KNPD) have carried out a joint review of the current consultation procedure as part of the planning application process, with the aim of addressing:

- (i) complaints that many new developments open to the public are still being completed without being accessible to all, and
- (ii) complaints by developers that the KNPD's guidelines are not always reasonable and are not applied uniformly.

This Circular details the necessary changes as agreed to between MEPA and the KNPD and endorsed by the Office of the Prime Minister, to improve the consultation procedure with the aim to achieve a built environment which is more accessible to all, and to ensure that the means employed to achieve this aim are both just and efficient.

1 THE CHANGES

- 1.1 The procedure established through Circular 3/99 was based on the policies and standards set out by the KNPD's first design guidelines in the document 'Access for All' (December 2000) and on the Planning Authority's Development Control Policy & Design Guidance 2000. Both these documents have since undergone significant updates, however the consultation procedure remained unchanged. The revision to the procedure as outlined in this Circular involves both policy changes and procedural changes at the different stages of the planning application process, from the submission of the planning application to the final compliance certification before the development is brought into use, as follows:

2 PLANNING APPLICATIONS

- 2.1 To improve consistency in consultation by MEPA in cases which merit accessibility assessment, the *public buildings* referred to in policy 4.16 of the Development Control Policy & Design Guidance 2007 are being listed as per Appendix A of this Circular. In addition, all Local Council/Central Government projects, including projects funded under MEPA's UIF scheme, will be vetted for accessibility and will require certification by the KNPD upon completion.
- 2.2 To avoid repeat consultations, the *Perit* is encouraged to consult KNPD's Access for All Design Guidelines which can be downloaded from KNPD's website: www.knpd.org. In the case of existing buildings, where the *Perit* believes that it is reasonable (because of technical or financial considerations only) to depart from these guidelines, he/she can make written submissions to KNPD for an exemption. Applications can be downloaded from the KNPD's website.
- 2.3 For alterations and/or additions to existing buildings, the *Perit* is required to submit to MEPA a set of plans showing the whole building or in the case of large buildings a detailed access audit of the whole building, in order that KNPD can determine whether other structural modifications are necessary to bring the rest of the building in line with the accessibility standards.
- 2.4 To resolve accessibility issues where there is disagreement between the KNPD and the developer in proposals affecting existing buildings (and which therefore could halt regeneration and conservation projects), the Planning Directorate will seek to evaluate the arguments before proceeding with the DPA report.

3 PLANNING DECISIONS

- 3.1 Development proposals which fail the KNPD's Test of Reasonableness can still be decided favourably by MEPA on the basis of wider economic, social, or environmental considerations. The KNPD retains the right to take all necessary measures if MEPA's decision for exemption is not considered justified in terms of the Equal Opportunities (Persons with Disability) Act, 2000.
- 3.2 All the decisions by MEPA on applications which have been subject to accessibility vetting will be communicated to the KNPD.
- 3.3 A permit condition requiring KNPD certification as part of MEPA's Final Compliance certificate will be imposed on all projects approved by KNPD at vetting stage.
- 3.4 Where Development Permission is granted for proposals which have been objected to by KNPD, in part or as a whole, the permit condition requiring KNPD certification will specify which parts of the development were exempted by MEPA from full compliance with the accessibility guidelines.

4 COMPLIANCE

- 4.1 Development projects which are subject to consultation with the KNPD, and which therefore require accessibility certification upon completion, will not be issued with MEPA's Final Compliance certificate unless the developer submits prior clearance from KNPD verifying that the development as carried out satisfies in full any conditions imposed in the Accessibility Audit report.
- 4.2 Requests for partial compliance certification for projects which require accessibility certification will only be issued by MEPA against a bank guarantee to ensure that Full Compliance certification is obtained. The amount of the bank guarantee will be specified in the permit conditions, and will vary between €10,000 and €50,000, depending on the scale and nature of the development involved.
- 4.3 Development projects that do not obtain MEPA's Final Compliance (Completion) Certificate according to the provisions specified in the permit conditions, will be in breach of the permit conditions and will be subject to enforcement action.

CONCLUSION

As part of the new procedures and reduced timescales of the MEPA Reform, a representative of the KNPD will be available at the MEPA office. The representative will be able to provide services to both *Periti* and applicants from the Front Office in the morning office hours on specific days. Whilst affording greater flexibility, this new practice should render consultations with MEPA more efficient.

The comprehensive implementation of the measures being brought about through this Circular should shift the focus of the system more towards projects of major public use, and to the vetting of both the plans and the actual buildings. This should contribute further towards improving upon the relatively good measure of success achieved through the consultation system introduced in Circular PA 3/99.

Perit Christopher Borg
Director of Planning

Appendix A

Building Types (based on LN 53/94 – Development Planning, Use Classes Order, 1994)

Use Class	KNPD Consultation for:
Class 1 (dwellings)	Housing Authority projects, and Projects with 30 units or more (all common areas and at least 20% of the units to be accessible)
Class 2 (residential institutions including hospitals and nursing homes)	All types
Class 3 (hostels)	All types
Class 4 (shops)	Pharmacies, and Shops with a total floor space of more than 75sqm
Class 5 (offices)	All public offices, banks, and Local Council offices, Clinics, and Other offices with a total floor space of more than 75sqm
Class 6 (catering)	Total floor space of more than 75sqm
Class 7 (non residential institutions such as museums and libraries)	All types
Class 8 (education)	All types
Class 9 (indoor or outdoor social, entertainment, and recreation venues)	Total floor space of more than 75sqm
Class 10 (marine leisure)	All types
Class 11 (light industrial uses including garage businesses)	Total floor space of more than 100 sqm
Class 12 to 16 (industry)	All types
Class 17 (warehousing and distribution)	Total floor space of more than 100 sqm
Other uses outside any Use Class (including hotels)	Uses which provide access to the general public, with a total floorspace of more than 75 sqm.
Projects funded by Central Government, Local Councils, or UIF.	All types