

# MEPA CIRCULAR 2/14

## PROTOCOL TO REGULATE DEVELOPMENT PLANNING APPLICATIONS IN TERMS OF “ACCESS FOR ALL” REQUIREMENTS

### INTRODUCTION

This circular describes the protocol between Government and the National Commission for Persons with Disability (KNPD) which is meant to regulate development planning applications in terms of “access for all”. The main aim of this protocol is to introduce regulations which address the grey areas encountered during the development control process regarding accessibility for people with mobility problems.

### 1 THE MAIN INITIATIVES OF THE PROTOCOL

- 1.1 Spaces which are required to be in line with the “access for all” regulations which have a floor space of less than 75 square metres shall remain exempted from the “access for all” requirements. Stores and kitchens are specifically excluded for the purpose of area computation. In this regard Appendix A of Circular 3/10 is being repealed.
- 1.2 Areas that pose a potential risk to persons with disability by reason of the nature of the activity carried out therein are excluded from assessment.
- 1.3 In the case of major projects, applicants may elect to appoint an independent accredited monitor to supervise the ongoing works, who in turn may endorse changes to plans without the need to halt the works pending KNPD approval for such modifications. The monitor shall be responsible for issuing clearances required for the final compliance certificate.
- 1.4 Applicants are exempted from conforming to “access for all requirements” in the following situations:
  - When the immediate existing/schemed street gradient exceeds a slope of 1:8.
  - When the immediate existing/schemed public access consists of a flight of steps.
  - When the vertical distance between the street/pavement and the existing elevated ground floor exceeds 1.5 metres.
- 1.5 The use of “mechanical stair climbers” as a means of assisted accessibility, may be considered as a remedial solution when the vertical distance between immediate street level (or pavement as the case may be) and the elevated ground floor does not exceed 1.5 metres.

1.6 In those cases where all of the following are satisfied:

- The existing development has been approved after the year 2000, and
- The proposed use is similar/complementary to the approved use; and
- The proposed interventions are located within the same built footprint;

no additional accessibility requirements shall be imposed on the existing built structure where interventions are being proposed to the existing development.

1.7 Decisions taken by the Test of Reasonableness Board will be published online.

1.8 New development, and extensions (other than the interventions described in paragraph 1.6), having an area in excess of 75 sq.m. (excluding stores and kitchens), which do not comply to “access for all” requirements by reason of the criteria in paragraph 1.4 above, shall be required to contribute towards an “**Inclusions fund**” to be administered by the KNPD. In such cases the following rates shall be applicable:

- Normal rate: €20 per sq.m. of non “fully accessible” area (new development or new extension) subject to a maximum of €5,000;
- Special rate in UCAs: 50% of the normal rate subject to a maximum of €5,000.

## 2 SUBMISSION REQUIREMENTS

2.1 Where the applicant would like to apply these provisions to a pending application, the Perit responsible for the application should notify the Planning Directorate or the EPC (through e-Apps), as the case may be. This notification should be accompanied by a detailed report as to why the application in question should be considered under the provisions of this protocol.

2.2 For future applications which are eligible to the exemptions stipulated by this protocol, the Perit in charge shall submit a detailed report to justify the request for exemption from the “access for all” requirements.

2.3 The reports referred to in paragraphs 2.1 and 2.2, shall include detailed reasons accompanied by photos, drawings and measurements, justifying the request for exemption. It is important that the areas to be exempted, together with their size, are clearly indicated on the proposed drawings.

9<sup>th</sup> April 2014