

Memorandum to Cabinet by the Hon. Minister of Public Building and Works regarding Town and Country Planning Legislation.

The need for more adequate Planning Legislation has been felt for a number of years. This need has now become more acute in view of the building boom. Moreover the Physical Development Plan (Master Plan) which is currently being prepared will need specific legislation to render it useful and effective.

The U.N.D.P. has kindly provided the services of Mr Desmond Heap who has now submitted a report along with draft legislation.

The draft is indeed very exhaustive it provides mainly for the following:-

- i) It will, first and foremost, give legal status and standing to the Physical Development Plan for "The Land Development Plan" as the legislation defines it.
- ii) It will provide the machinery for the preparation of the plan and its eventual revision from time to time and for the day to day control of buildings. This control to be exercised not only over development carried out by private enterprise but also that undertaken by Government Departments. And it provides if necessary for a Public Inquiry in cases of objections after publication of the plan.
- iii) The bill aims at raising the status of town and country planning to the importance it merits and should enjoy and at the same time give the public right to appeal. This is achieved by setting up a high-powered Town Planning Commission to look after the preparation of the plan, its subsequent revision and the grant of building permits and a, possibly, high-powered Town Planning Appeals Tribunal to which lie appeals against the decisions of the Commission.
- iv) The bill provides for the issue of a comprehensive permit covering the fields of type and standard of development, aesthetics, alignments, soil preservation, health etc. In this, it would replace the draft building Ordinance under study these last years.
- v) The bill gives the Minister responsible for Town Planning the power to disallow a decision of the Commission and also the power to revoke or modify a planning permission.
- vi) Power is given to enforce planning control by providing not only heavy fines in cases of contravention but also for the demolition of the offending development.
- vii) The bill makes no provision for levying of a betterment Tax or for the payment of compensation.

The gist of the draft was discussed by Mr Heap with Mr T.E. Sieczkowski, the United Nations Physical Planning Adviser, and with the Director of Public Works besides Dr E. Mizzi, the Deputy Crown Advocate General. The main points, those most likely to be of a controversial nature, such as the authority responsible for the drawing up of the plan and of its execution through day to day control the question of whether to impose a Betterment Levy and to pay compensation, the accessibility to the public of the plan almost at all stages of its preparation were discussed at some length and the draft bill reflects the agreement reached on those points.

On some points, Mr Heap has not made definite recommendations and it is for Government to decide the best alternative. It is to decide whether the Plan should be prepared by the Commission and approved by the Minister, or whether it should be prepared by the Minister, of course assisted by the Commission and approved by Government. It is hinted that there should be a separate department dealing with Town and Country Planning and divorced from the Public Works Department and, by inference, that such Department should fall under another Ministry.

The Bill as drafted has been kept as simple as possible compatibly with providing sufficient machinery for the drawing up of plans and with conferring enough power for proper control. Possibly the bill is too simple to cover all the aspects of such a complicated and far reaching process as town-planning, but it is felt more advisable to start off with legislation that is simple and reasonably easy to understand and later to expand as necessary rather than to try and cover right from the start all possible cases which may arise.

It is important that an adequate bill should be passed as quickly as possible rather than that the ultimate in legislation could be drafted now. Time is of the essence and the sooner better machinery and better control are available- with the proper legal backing the better it is.

The report which accompanies the Draft Bill is a very important adjunct of the bill as it sets out in some detail the reason of the most important provisions of the bill.

It is Mr Heap's intention that the Draft Bill will have been studied enough in the interested quarters so that a final draft of the bill can be agreed during his three weeks' stay in round-the-table discussions with all parties and interests concerned.

26th July, 1967.

L-Arkivji Nazzjonali ta' Malta