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# Partial Review of the Development Control Design Policy, Guidance and Standards 2015

## Policy P35 (Building Heights)

Feedback by the Gozo Regional Development Authority

### 1. Preamble

The building height of any proposed development in Malta and Gozo is governed by the relevant Local Plan, and Policy P35 (and Annex 2) of DC15. The maximum building height limitations are indicated in the relevant Local Plan Building Heights Limitation Maps, which shall be interpreted according to the accompanying local plan policy documents, and other policies and regulations that regulate building heights.

The 2006 Local Plans stipulated that:

*“Development shall comply with the maximum building height limitation indicated in the relevant Building Heights Limitation Maps, shall comply with the relevant area policies that regulate building heights, shall be in accordance with the criteria for building heights established in the DC2005, and shall comply with all the relevant sanitary regulations.”<sup>1</sup>*

The 2005 Policy and Design Guidance document (DC2005) was replaced by DC2007, which established that a building should respect both the number of floors specified in the Local Plans, and also the allowable maximum height in metres:

*“A building shall not exceed the permitted number of floors, as specified in the Local Plans (or Development Briefs, where applicable), and also the allowable maximum height in metres.”<sup>2</sup>*

DC2007 was replaced by DC15. Prior to the introduction of DC15, the predominant factor which was used to determine the building restrictions (in terms of building height), imposed on a particular area within the development zone, was the number of floors established in the local plans. The metric height in metres was considered as a secondary factor, which indicated the maximum height that the specified number of floors can reach.

However, the Development Control Design Policy, Guidance and Standards 2015 (DC15), through Policy P35 (and Annex 2), and supported by sanitary regulations in 2016, established a minimum internal building height of 2.6 metres, hence enabled the number of floors/levels within the

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<sup>1</sup> Gozo and Comino Local Plan, July 2006 (<https://www.pa.org.mt/en/local-plan-details/gozo-comino-local-plan>)

<sup>2</sup> Policy and Design Guidance 2007 (<https://www.mta.com.mt/en/file.aspx?f=31938>)

island's streetscapes to exceed that established in the Local Plans. This was enabled through the conversion of the building height limitation from the number of floors indicated in the Local Plans to metric dimensions, where the allowable maximum number of levels must correspond with the maximum metric height limitation.

This interpretation of maximum building height limitations, introduced by DC15, although well-established over the years by practice, was never formally approved or published. Lately such interpretations were challenged by the Environment and Planning Review Tribunal (EPRT) and the Courts, creating a level of uncertainty in the development management process.

In light of these challenges, and considering certain gaps in the provisions of policy P35, the Planning Authority is partially reviewing DC15 to amend policy P35 and provide clearer guidance on the allowable number of levels for all the possible ranges of street façade heights and maximum allowable heights of buildings.

In this regard, the objective for the partial review of DC15 to amend policy P35 regarding the interpretation of building height limitations outside villa/bungalow areas is the following:

*“To clarify the provisions of policy P35 of the Development Control Design Policy, Guidance and Standards 2015 in relation to the provisions entitled ‘Interpretation of building heights limitations outside villa/ bungalow areas’ and specify the number of allowable levels for all the ranges of façade heights and overall height in meters.”<sup>3</sup>*

## 2. Context

The Gozo Regional Development Authority (GRDA) has been set up to formulate, streamline, and help in the implementation of regional policies to help Gozo's socio-economic development. This socio-economic development needs to reflect and enhance the long-term needs of Gozo taking into consideration its social fabric, its economy structure, and its man-made and natural assets. To successfully attain such role, the GRDA plays a proactive role in an array of areas, including spatial planning and the use of land. As part of this role, the GRDA on a regular basis conducts and publishes a number of studies and Discussion Papers focusing on different subjects, including the construction and real estate sectors in Gozo. These include notes on the *Construction and Real Estate Development in Gozo*<sup>4</sup> and on the *Demand side of the Construction and Real Estate Industry*<sup>5</sup>, and a Discussion Paper focused on *Nurturing Gozo's Urban Character through Context-Sensitive Design*<sup>6</sup>. These studies and Papers have provided research material which the Authority

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<sup>3</sup> Partial Review of the Development Control Design Policy, Guidance and Standards 2015 (<https://www.pa.org.mt/file.aspx?f=FA2EA3B17C91AAB590A28C106D696DCICCC36FE0EE53498A>)

<sup>4</sup> <https://grda.mt/wp-content/uploads/2021/11/A-Note-on-the-Construction-and-Real-Estate-Develop-in-Gozo-09.11.21.pdf>

<sup>5</sup> <https://grda.mt/wp-content/uploads/2021/11/Demand-on-Construction-Doc.pdf>

<sup>6</sup> <https://grda.mt/wp-content/uploads/2024/02/Nurturing-Gozos-Urban-Character-through-Context-Sensitive-Design-WEB.pdf>

used to pilot public discussions and propose a number of policy recommendations for Gozo, including the fiscal incentives on stamp duty applicable to real estate transactions in Gozo.<sup>7</sup>

The Regional Development Strategy for Gozo described Gozo as an 'Island of Villages' that has distinctive characteristics. Characteristics, both physical as well as social, that form part of Gozo's heritage and its identity.

The GRDA considers sensible use of land and the natural environment key to Gozo's sustainable development. Gozo requires a focused approach to its spatial planning and urban development, directing its efforts towards a fully integrated system where land use, planning and sectoral policies are in synergy with the local context and ecology. Spatial planning needs to go beyond the physical and also consider the economic, social, cultural and environment trajectory of the island, since all of these elements are interlinked.

In this regard, the GRDA's overarching objectives for spatial planning and development in Gozo are to attain amongst others, the following strategic goals:

- Build on Gozo identity as an 'Island of Villages';
- Ensure that the urban landscape of Gozo represents the rich communities that live within and offers opportunities for interaction and communication; and
- Encourage planning policies that safeguard and build an ecologically sustainable environment over the long term; one which contributes positively to the economic prosperity and quality of life of the present and future generations.

### 3. Feedback by the GRDA

In line with Gozo's Regional Development Strategy, the GRDA advocates more attention to new buildings in order to achieve harmonic streetscapes of high aesthetic value. The height of buildings within a streetscape should be considered as an important parameter and any proposed development on the skyline should be taken into consideration.

Moreover, the GRDA holds the view that the policy (P35 of DC15) under review, which specifically concerns the '*Interpretation of building height limitations outside villa/bungalow areas*', should not be treated as an independent component given that "*spatial planning needs to go beyond the physical and also consider the economic, social, cultural and environment trajectory of the island since all of these elements are interlinked*".<sup>8</sup> Thus, any assessment should encompass an evaluation

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<sup>7</sup> <https://grda.mt/wp-content/uploads/2022/09/Outlook-Pre-Budget-Document.pdf>

<sup>8</sup> Gozo Regional Development Strategy ([https://grda.mt/wp-content/uploads/2023/09/GRDA\\_RDS-Document\\_ENG\\_A4\\_VH\\_2023\\_WEB.pdf](https://grda.mt/wp-content/uploads/2023/09/GRDA_RDS-Document_ENG_A4_VH_2023_WEB.pdf))

of the existing infrastructure's capacity and future needs based on projected population densities, alongside an analysis on community dynamics and the traditional village character of Gozo.

Also, it is important to note that the Strategic Plan for the Environment and Development (SPED) treats Gozo as a distinct spatial area and emphasises the importance of recognising the distinctive characteristics of Gozo to ensure that policies for Gozo are not just a replication of a 'one size fits all' approach but are created with Gozo's specific needs at the centre of policy making.<sup>9</sup> In this regard, the regionality and the distinctive characteristics of Gozo should be considered in any policy review that affects Gozo.

The GRDA would like to emphasise that development should be a tool to enhance the well-being of the community, rather than an end in itself. Consequently, planning policies should be regarded as a means to enhance the community's quality of life, rather than being limited to regulate construction and real estate development. The primary objective is to create liveable environments that preserve the existing architectural and urban context, while also respecting the long term needs and interests of the residents.

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<sup>9</sup> Strategic Plan for the Environment and Development 2015 (<https://sustainabledevelopment.gov.mt/wp-content/uploads/2021/10/Strategic-Plan-for-the-Environment-and-Development-SPED.pdf>)



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