

29 October 2021

The Directors,  
GAP Group PLC  
GAP Holdings Head Office  
Triq Censu Scerri,  
Tigne', Sliema  
SLM 3060

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**Subject:** Valuation Report

**Property:** Site at Triq it-Tamar in Qawra, limits of St. Paul's Bay, Malta

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I, the undersigned Architect and Civil Engineer (BE&A Hons.), have been requested to evaluate the property in caption.

### **General**

The valuation has been prepared in accordance with Chapter 7 of the Capital Markets Rules published by the Malta Financial Services Authority and in particular, with the disclosure requirements relating to "Property Companies" (as defined in the Capital Markets Rules), seeking admission of their securities on the Official List of the Malta Stock Exchange.

### **Requirement for a valuation report**

The purpose of this valuation is for inclusion thereof within the prospectus, to be published in connection with the proposed bond issue by GAP Group p.l.c. (C 75875) (the "Issuer").

### **Reporting Standards**

The valuation has been carried out by the undersigned, as an independent valuer, in terms of the UK Royal Institution of Chartered Surveyors Appraisal and Valuation Manual.

### **Independence of valuer**

The undersigned confirms that there is no conflict of interest in advising you of the opinion of the value of the property, since the undersigned or his associates will not benefit from the valuation instruction, other than the valuation fee.

## **A. Contents of valuation report**

### **1. Address**

The property subject of this valuation is a building site located at Triq it-Tamar in Qawra, limits of St. Paul's Bay, Malta. A site plan has been included in Appendix A of this report. Site photos are attached hereto as Appendix B.

### **2. Nature of valuer's inspection**

The undersigned declares that he has visited the site and is fully familiar with the plans of the property which still needs to be developed.

### **3. Brief Description**

The permits for the Qawra III Development allow for a mixed-use development which will consist of a residential zone and a hostel. The site in Qawra has a superficial area of approximately two thousand three hundred and seventy five square meters (2375m<sup>2</sup>). Part A of the site is earmarked for residential purposes, and has a superficial area of approximately one thousand three hundred and ninety five square meters (1395m<sup>2</sup>), whereas Part B of the site is earmarked for touristic purposes and has a superficial area of approximately nine hundred and eighty square meters (980m<sup>2</sup>).

Part A of the site will consist of 4 maisonettes and 2 shops at ground floor, 36 apartments spread over 6 floors and 6 penthouses on the 7<sup>th</sup> floor which will be sold in a finished state (excluding internal doors) and including all common areas. The residential part will include also 58 lock-up garages.

The residential development will encompass three (3) blocks of apartments each with separate entrance and served with passenger lifts accessing both the apartments and the underlying garage levels. The penthouses at the top level will also include full ownership of their respective roof and airspace.

The development will comprise of three (3) blocks of residential units. Out of the three (3) blocks, two (2) blocks will contain sixteen (16) units and one (1) block will contain two (2) shops at ground floor level and fourteen (14) units. The apartments shall be spread on eight (8) levels in each block. The development shall also include fifty eight (58) lock up garages spread over two (2) underground levels. The gross floor space of Part A of the site shall result into a saleable area of approximately eleven thousand five hundred and seventy five square metres (11,575 m<sup>2</sup>). The size of each residential unit will vary between 180m<sup>2</sup> and 210m<sup>2</sup>.

The permits for Part B of the site allow for the development of a 115 room hostel spread over eight (8) floors and thirty five (35) lock up garages spread over two (2) underground levels. The gross floor space of Part B of the site shall result into a built up area of approximately nine thousand eight hundred square metres (9,800 m<sup>2</sup>).

However, the company is not planning to develop Part B of the site as they intend to sell it, in its current state, in the future.

A more detailed breakdown of Part A of the site is given in the table below:

Block	Level	Quantity	Unit type	Description
	U/Basement	24	Garage	1 Car
	U/Basement	5	Garage	2 Car
	L/Basement	24	Garage	1 Car
	L/Basement	5	Garage	2 Car
A	Ground floor	1	Maisonette	2 Bed
A	Ground floor	1	Maisonette	3 Bed
A	First floor	1	Apartment	2 Bed
A	First floor	1	Apartment	3 Bed
A	Second floor	1	Apartment	2 Bed
A	Second floor	1	Apartment	3 Bed
A	Third floor	1	Apartment	2 Bed
A	Third floor	1	Apartment	3 Bed
A	Fourth floor	1	Apartment	2 Bed
A	Fourth floor	1	Apartment	3 Bed
A	Fifth floor	1	Apartment	2 Bed
A	Fifth floor	1	Apartment	3 Bed
A	Sixth floor	1	Apartment	2 Bed
A	Sixth floor	1	Apartment	3 Bed
A	Seventh floor	1	Penthouse	2 Bed
A	Seventh floor	1	Penthouse	3 Bed
B	Ground floor	2	Maisonette	3 Bed
B	First floor	2	Apartment	3 Bed
B	Second floor	2	Apartment	3 Bed
B	Third floor	2	Apartment	3 Bed
B	Fourth floor	2	Apartment	3 Bed
B	Fifth floor	2	Apartment	3 Bed
B	Sixth floor	2	Apartment	3 Bed
B	Seventh floor	2	Penthouse	3 Bed

C	Ground floor	2	Commercial	
C	First floor	2	Apartment	3 Bed
C	Second floor	2	Apartment	3 Bed
C	Third floor	2	Apartment	3 Bed
C	Fourth floor	2	Apartment	3 Bed
C	Fifth floor	2	Apartment	3 Bed
C	Sixth floor	2	Apartment	3 Bed
C	Seventh floor	2	Penthouse	3 Bed

The finishes of each apartment will include all the electrical and plumbing system, bathrooms, the low voltage system (phone/internet), air condition installation points (excluding copper), gypsum plastering and two (2) coats of white paint, all floor tiles both internal and external as well as all external apertures in double glazed aluminium.

The commercial units will be sold in shell form internally whereas the facades and outer areas will be sold in finished state.

The façade will be composed from various materials such as silicate rendering, hard stone cladding and other suitable materials. A block plan is attached hereto as Appendix C.

As at the date of this valuation report, excavation works have been carried out on part of the site and no further development has taken place.

#### **4. Existing Use**

The site is unused. As at the date of this valuation report the site consists of bare rock part of which has been excavated.

#### **5. Relevant planning applications**

The development is covered by a full development permit, bearing reference PA/06229/19 issued on the 22 July 2021. The permit is fully executable. This means that the time allowed by law for persons to bring a claim contesting the application has, as at the date of this valuation report, lapsed and no appeals have been filed.

A Copy of the permit is annexed to this valuation report as Appendix D.

**6. Material contravention of statutory requirements**

CMR7.4.1.6: Not applicable.

**7. Tenure**

The site is subject to a temporary emphyteusis of 150 years which commenced on the 6<sup>th</sup> July 1978 and is subject to the annual and temporary ground rent of €142.50c.

**8. Main terms of tenants' leases or sub-leases**

CMR7.4.1.8: Not applicable.

**9. Approximate age of any buildings**

Not applicable.

**10. Present capital value in existing state**

The estimated present capital value of the property in its existing state is calculated using the discounted cash flow method for both Part A and Part B of the site.

**Part A of the site – Residential Area**

The selection of the discount rate is based on the long-term risk-free rate of return, expressed in current terms, that is including inflation, and on a specific risk premium for the individual property being valued, taking into account factors such as property illiquidity, management limitations, type, size and location of property, competition, potential delays, future uncertainty, status of building permits, counter-party risks, and resource risks. A pre-tax risk-free rate of 0.78%, which approximates to the current yield on a 12-year Malta Government Stock issue, has been adopted for this valuation. A risk premium of 10.25% was considered as adequate for valuing the property. Therefore, the discounted cash flow is taken at the rate of 11.03%, rounded downwards to 11%.

The project is expected to commence in Q4 2021 and should be completed and finished in Q1 2024. Payments to suppliers are expected to be spread over 3 years, starting in Q1 2022, with the majority of payments being made during the year 2023. The marketing of the residential area is scheduled to start in Q4 2022. Hence, inflows from the signing of promise of sale agreements are expected to be spread between Q1 2023 and Q3 2024 whereas the inflows from signing of contracts are projected for 2024.

**Present Capital Value**

On the basis of the above, the present capital value of the Site A (Residential area) in its current state is estimated to be **€4,700,000 (four million seven hundred thousand Euros)**.

Expected Date of Completion

It is expected that the project will be completed in Q1 2024.

Estimated Total Cost of the Development

The estimated total cost of development is approximately **€4,840,000 (four million, eight hundred forty thousand Euros)** which is divided as follows:

<b>Excavation</b>	€ 200,000
<b>Construction</b>	€ 1,900,000
<b>Finishes</b>	€ 2,000,000
<b>Financial carrying charges</b>	€ 540,000
<b>Contingency</b>	€ 200,000

This amount excludes professional fees, marketing expenses and borrowing costs.

Estimated Capital Value

The capital value at current market prices and on the basis of current market conditions, after the development has been completed is estimated at **€€13,200,000 (thirteen million, two hundred thousand Euro)**.

Site B – Touristic Area

The selection of the discount rate is based on the long term risk-free rate of return, expressed in current terms, that is including inflation, and on a specific risk premium for the individual property being valued, taking into account factors such as property illiquidity, management limitations, type, size and location of property, competition, potential delays, future uncertainty, status of building permits, counter-party risks, and resource risks. A pre-tax risk-free rate of 0.78%, which approximates to the current yield on a 12-year Malta Government Stock issue, has been adopted for this valuation. A risk premium of 7.25% was considered as adequate for valuing the property. Therefore, the discounted cash flow is taken at the rate of 8.03%, rounded downwards to 8%.

Although Site B is covered by a permit to develop a hostel, the board of directors of GQL have expressed that they do not have any intention to develop Part B of the site but will be sold in its current state at a future date. Therefore, we have applied a lower risk premium factor to adjust for any premium that could have been attributed to the risk associated with cost and time over-runs.



GQL is not anticipating any further costs with respect to Part B of the site and the marketing of the site is scheduled for 2024. Thus, the inflows from signing of the contract is projected towards the end of 2024.

#### Present Capital Value

On the basis of the above, the present capital value of the Part B of the site (Touristic Area) in its current state is estimated to be **€3,400,000 (three million four hundred thousand Euros)**.

#### Expected Date of Completion

No works will be carried out and the land in question will eventually be sold in its current state.

#### Estimated Total Cost of the Development

No works will be carried out and the land in question will eventually be sold in its current state.

#### Estimated Capital Value

The capital value at current market prices and on the basis of current market conditions, is estimated at **€5,000,000 (five million Euros)**.

#### Present Capital Value – Part A and Part B of the site

On the basis of the above, the present capital value of the Site A and Site B in their current state is estimated to be **€8,100,000 (eight million one hundred thousand Euros)**.

#### Estimated Capital Value – Part A and Part B of the site

The capital value at current market prices and on the basis of current market conditions, is estimated at **€17,500,000 (seventeen million five hundred thousand Euro)**.

#### **11. Terms of intra-Group lease on property occupied by the Group (identifying the Properties) to the extent that such leases are taken into account in the valuation**

Not applicable.

#### **12. Other matters which materially affect the value**

There are no other matters which materially affect the value of the site.

### **13. Sources of information and verification**

All information that was considered necessary for the purpose of drawing up the present report was obtained from the directors and advisors of the Issuer. This included all planning applications, construction and finishing cost estimates, design, management and supervision costs, marketing and selling costs, estate management costs, and financing costs. There was also access to the projections of sales and cash flow.

### **14. Details of registered mortgages and privileges and other charges, real rights thereon including details of emphyteutical concessions, easements and other burdens**

#### **Emphyteutical concession**

The site is held under a title of temporary emphyteusis of 150 years which commenced on the 6<sup>th</sup> July 1978 and is subject to the annual and temporary groundrent of €142.50c.

In terms of the emphyteutical grant referred to above, the site is not to be used for immoral purposes or for any activity which is against the teachings of the Roman Catholic Church of Malta.

#### **B. Details of valuer**

Tancred Mifsud  
B.E.&A. (Hons) A.&C.E.  
Tancred Mifsud Services Limited  
Tel: [+356] 2144 4293  
Mob: [+356] 7944 4293  
Email: [tmperit@outlook.com](mailto:tmperit@outlook.com)  
Address: Ralmant, Flat No. 1, B. Bontadini Street, Balzan, BZN 1370  
Warrant No: 471

#### **C. Date of valuation**

The valuation was completed on, and the effective date thereof is 29 October 2021.

#### **D. Basis of valuation**

The Capital Markets Rules issued by the Malta Financial Services Authority require that the valuation be made on the basis of an open market value for existing use. An open market value represents an opinion of the best price for which the sale of an interest in a property would have been completed unconditionally for a cash consideration on the date of valuation.

Since projects of this nature and scale do not easily lend themselves to a method of valuation which is based on the comparative method, this valuation method is based on the profits, or earnings method, using a discounted cash flow approach. The open market value is considered to correspond to the capitalised sum of the fair business earning potential. The valuation was



therefore based on the determination of likely future operational cash-flows, discounted to net present value at an appropriate rate of return.

**E. Assumptions**

An open market valuation assumes that there is a willing seller, that the interest being valued would have been, prior to the transaction, properly marketed, that the state of the market, level of values and other circumstances are consistent over the period of the valuation, that no account is taken of any additional bid by a prospective purchaser with special interest, and that both parties to the transaction act knowledgeably, prudently and without compulsion.

An existing use value follows on the definition of the open market value, with the added assumptions that the property can be used, for the foreseeable future, only for the existing use, and that vacant possession is provided on completion of the sale of all parts occupied by the business.

**F. Benefits/Detriments of contractual agreements**

CMR 7.4.7: Not applicable.

**G. Acquisitions/Disposals Interest**

CMR7.4.8: Not applicable.

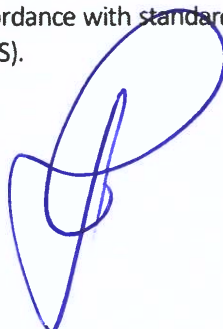
**H. Other Relevant matters**

No responsibility is being assumed to the third parties to whom this report may be disclosed and no liability is accepted in contract, negligence, restitution with regards to any loss including profits, goodwill or opportunity. While the above is deemed to provide a reasonable valuation of the property in question, such estimate may also vary between one valuer and another. This valuation is also subject to changes over relatively short periods due to economic conditions.

**I. Standards and Guidelines**

The valuation has been carried out in accordance with standards and guidelines issued by the Royal Institute of Chartered Surveyors (RICS).

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Tancred Mifsud  
B.E.&A. (Hons) A.&C.E.  
Architect and Civil Engineer





**Appendix B**  
**Photographs**







**Appendix D**

**Permits**

PA/06229/19



Niral Co. Ltd Attn: Mr Rosario Formosa

Date: 19 August 2021  
Our Ref: PA/06229/19

Application Number: PA/06229/19  
Application Type: Full development permission  
Date Received: 20 June 2019  
Approved Documents: PA 6229/19/1s: Site Plan;  
PA 6229/19/128b: Proposed Basement Level -2;  
PA 6229/19/128c: Proposed Basement Level -1;  
PA 6229/19/128d: Proposed Ground Floor Level;  
PA 6229/19/226b: Proposed 1st Floor Level;  
PA 6229/19/226c: Proposed 2nd Floor Level;  
PA 6229/19/226d: Proposed 3rd Floor Level;  
PA 6229/19/226e: Proposed 4th Floor Level;  
PA 6229/19/226f: Proposed 5th Floor Level;  
PA 6229/19/226g: Proposed 6th Floor Level;  
PA 6229/19/226h: Proposed Setback Floor Level;  
PA 6229/19/226i: Proposed Roof over Access Level;  
PA 6229/19/226j: Proposed Upper Roof Floor Level.  
PA 6229/19/70n: Proposed Section AA;  
PA 6229/19/70o: Proposed Section BB;  
PA 6229/19/70r: Proposed Section DD;  
PA 6229/19/226a: Proposed Elevation; and  
  
PA 6229/19/17a: Malta Tourism Authority (MTA);  
PA 6229/19/20b/139a/139b: Engineer's Report;  
PA 6229/19/60a: Superintendence of Cultural Heritage (SCH);  
PA 6229/19/61a: Environmental Health Directorate (EHD);  
PA 6229/19/117a: Water Services Corporation (WSC);  
PA 6229/19/127a: Transport Malta (TM);  
PA 6229/19/135b: Construction Management Plan (CMP);  
PA 6229/19/138a/138b: Commission for the Rights of Persons with  
Disability (CRPD)

Location: Sites F,G,H,I, Triq it-Tamar, San Pawl il-Bahar  
Proposal: To excavate site, and construct 93 garages at basement Level -1 and Level -2, 4 maisonettes and 2 Class 4B shops at ground floor, 36 apartments at 1st floor to 6th floor, 6 penthouses at receded 7th floor and adjacent 115 room hostel Class 3A at ground to 7th floor in line with Masterplan approved in PA 4521/16. Proposal includes fascia signage.

PA/06229/19



## **Development Planning Act, 2016 Full Development Permission**

The Planning Authority hereby grants development permission in accordance with the application and documents described above, subject to the following conditions:

**1      Public Deed**

The hostel development hereby being approved shall only be used for tourist accommodation and shall not be used for permanent residential occupation or any other use notwithstanding the provision of the Development Planning (Use Classes) Order, 2014, or any amendment or addition to these Orders. No unit within this hostel development may be issued with an individual compliance certificate by the Authority, nor may any such unit be individually serviced by a water or electricity meter by a national service provider. Development rights will be forfeited should the proposed use be other than that of a hostel.

This development permission is being granted subject to the satisfactory completion of a public deed consolidating a tri-partite legal agreement between the Planning Authority, the Malta Tourism Authority and the applicant, under the terms of Article 79 of the Development Planning Act, 2016 to ensure that the above mentioned condition and any conditions imposed by the Malta Tourism Authority are complied with. This deed shall be completed prior to the commencement of works on site and within three (3) months of the issue of this development permission. The Public Registry shall be notified with a copy of this deed.

**2      Conditions Imposed by Other Entities**

The architect/applicant is required to contact the following entities throughout the implementation of the development hereby approved, to ensure conformity with the imposed conditions. A copy of the relative correspondence / clearance shall be submitted to the Planning Authority accordingly.

a) The conditions imposed and enforced by the Malta Tourism Authority (MTA) are at supporting document PA 6229/19/17a.

b) The conditions imposed and enforced by the Environmental Health Directorate (EHD) are at supporting document PA 6229/19/61a.

c) The conditions imposed and enforced by the Water Services Corporation (WSC) are at supporting document PA 6229/19/117a.

d) The conditions imposed and enforced by the Transport Malta (TM) are at supporting document PA 6229/19/127a.

**3      Final Compliance Certification**

The development hereby permitted shall be subject to Final Compliance (Completion) Certification, verifying that the development has been carried out in full accordance with the approved drawings, documents and conditions imposed in this development permission, except where such conditions are enforced by other entities. Prior to the issue of any compliance certificate on any part of this development, the applicant shall submit to

PA/06229/19

the Planning Authority, in relation to that part of the building:

(i) clearance from the Commission for the Rights of Persons with Disability verifying that the development fully satisfies the accessibility standards and/or any conditions imposed by the Commission in supporting document PA 6229/19/138a/138b.

*Note: Should a partial compliance certificate be requested, a Bank Guarantee of EUR 50,000 shall apply to ensure that CRPD clearance is obtained*

(ii) certification from a qualified engineer confirming that the development fully satisfies the requirements specified in supporting document PA 6229/19/139a/139b.

#### 4 Construction Site Regulations

This permission is subject to a Bank Guarantee to the value of € 3,060.96 to ensure that the street and pavement are properly restored in accordance with the Environmental Management Construction Site Regulations, 2007 - Legal Notice 295 of 2007 (as amended). The bank guarantee shall only be released after the perit submits a post-construction condition report together with photographs evidencing compliance with this condition, accompanied by clearance from the Local Council. The clearance from the Local Council is to be endorsed by the Mayor and the Executive Secretary of the Local Council. This guarantee shall be forfeited if, after 3 months from the date of notification by the Authority of a notice to effect the remedial works, these are not carried out. Its forfeiture shall not, however, preclude the applicant from adhering to all the conditions contained in this development permission.

#### 5 Standard Condition for General Development Applications

a) This development permission is valid for a period of FIVE YEARS from the date of publication of the decision in the press but will cease to be valid if the development is not completed by the end of this validity period.

b) This permission relates only to the development as specifically indicated on the approved drawings. This permission does not sanction any other illegal development that may exist on the site.

c) A Commencement Notice is to be submitted to the Planning Authority, by the perit on behalf of the applicant, at least FIVE DAYS prior to the date of commencement of works or utilisation of the permission. Failure to submit the Commencement Notice (with all fields correctly completed) or failure to submit it within the required timeframe shall invalidate the Notice and shall result in the imposition of fines according to Schedule D of Legal Notice 277 of 2012, or its amendments, or its replacements. In addition, **if the applicant fails to submit the Commencement Notice or the Commencement Notice submitted is invalid, the relative permission shall be considered as never having been utilised** - Article 72(4) of the Development Planning Act (2016).

d) Copies of all approved drawings and documents shall be available for inspection on site by Planning Authority officers at all reasonable times.

e) The development shall be carried out in complete accordance with the approved drawings, documents and conditions of this permission. Where a matter is not specified, then the conditions of this permission and of Development Control Design Policy,

Guidance and Standards 2015 shall apply.

f) Before any part of the development hereby permitted commences, the enclosed green copy of this development permission shall be displayed on the site. This must be mounted on a notice board, suitably protected from the weather and located not more than 2 metres above ground level at a point on the site boundary where it is clearly visible and can be easily read from the street. The copy of the permission must be maintained in a good condition and it shall remain displayed on the site until the works are completed.

g) All building works shall be erected in accordance with the official alignment and official/existing finished road levels as set out on site by the Planning Authority's Land Surveyor. A Setting Out Request must be submitted to the Land Survey Unit of the Planning Authority, prior to the commencement of works on site, when the setting out of the alignment and levels is required.

h) Where an officially schemed street, within the development zone, bordering the site is unopened or unformed, it shall be opened up and brought up to its proper, approved and official formation levels prior to the commencement of any development hereby being permitted.

i) It is the responsibility of the permit holder to ensure that development is carried out in accordance with the provisions of the Environmental Management Construction Site Regulations, Legal Notice 295 of 2007 (or subsequent amendments). Any hoarding shall be erected in accordance with Schedule 2 of the same Regulations.

j) New development on vacant or redeveloped sites shall be provided with a water cistern to store rainwater run-off as required by the Energy Performance of Buildings Regulations (2012) [published through Legal Notice 376 of 2012 and any amendments thereto].

k) No steps, ramps or street furniture are to be constructed on or encroached onto the public pavement or road.

l) Any doors and windows, the lower edge of which is less than 2m above road level, and any gates shall not open outwards onto a public pavement or road.

m) Where present, window grilles (including 'pregnant' windows), sills, planters and other similar elements which are part of or fixed to the facade of buildings, the lower edge of which is less than 2 metres above road level, shall not project more than 0.15 metres from the facade over a public pavement or street.

n) Air conditioning units shall not be located on the facades of the building which are visible from the street or a public space.

o) There shall be no service pipes, cables or wires visible on the front elevation or on any other elevations of the building which are visible from the street or public space.

p) Any approved stores shall be used for domestic storage only and shall not be segregated from the rest of the building.

## **6 Additional Conditions for Inside Scheme and Design Priority Areas**

a) The façade of the building shall be constructed in local un-rendered and unpainted stone, except where other materials/finishes are indicated on the approved drawings.

b) All the apertures and balconies located on the façade of the building shall not be in gold, silver or bronze aluminium.

c) Where a front garden is imposed, the 'solid part' of the boundary wall in the front garden shall not be higher than 1.4 metres above the external finished road level. Where the road is sloping, the wall shall be stepped accordingly. Any pillars or gateposts shall not exceed a height of 2.25 metres.

d) The height of the services on the roof of the building shall not extend beyond the approved height of the uppermost parapet wall.

7 **Additional Conditions Limiting Commercial Use**

The approved shops shall be put to any Class 4B Retail use as defined in the Development Planning (Use Classes) Order 2014, excluding greengrocer, minimarket, butcher, or fishmonger.

The catering establishment approved with this development permission shall be ancillary to the overall use of the building as a Class 3A Hostel. The catering use shall not be segregated from the approved Class 3A.

8 **Conditions imposed and enforced by other entities**

A. Where construction activity is involved:

(a) the applicant shall:

(i) **Appoint a Project Supervisor for the Design Stage and a Project Supervisor for the Construction Stage** and any such appointment shall be terminated, changed or renewed as necessary. The same person may be appointed to act as project supervisor for both the design and construction stage, if that person is competent to undertake the duties involved and

(ii) **Keep a health and safety file** prepared by the Project Supervisor for the Design Stage.

(b) When the construction works related to this application are scheduled to last longer than thirty working days and on which more than twenty workers are occupied simultaneously, or on which the volume of work is scheduled to exceed five hundred person-days, the project supervisor **shall communicate a prior notice to the Occupational Health and Safety Authority (OHSA) at least four calendar weeks before commencement of works.**

(c) The Project Supervisor for the Design Stage shall **draw up a health and safety plan** which sets out the occupational health and safety rules applicable to the construction activities concerned, outlining the measures to ensure cooperation between different contractors and shall also include specific measures concerning occupational risks that may be present at this site.

B. Where the development concerns a place of work:

The applicant shall:



(i) obtain a Perit's declaration that the necessary requirements arising out of LN 44 of 2002 have been included in the plans and drawings; and

(ii) obtain a Perit's declaration that the building conforms to the requirements of LN 44 of 2002.

C. The development is to strictly adhere to the 'Design Guidelines on fire safety for buildings in Malta' to ensure that all Fire Safety measures and provisions are addressed as indicated in the Design Guidelines on Fire Safety for Buildings in Malta, published by the DCID in 2004, (or other relevant standard, provided it is approved by the Civil Protection Department), Policies, and the Laws and Regulations of Malta.

D. Prior to laying of water and wastewater services in the road, the development shall comply with the requirements of Legal Notice 29/10 Part III (Roads in inhabited Areas) Clause 12.

E. In the event of an accidental discovery in the course of approved works, any cultural heritage feature discovered should not be damaged or disturbed and the Superintendence is to be immediately informed of such discovery. Any cultural heritage features discovered are to be investigated, evaluated and protected in line with the Cultural Heritage Act 2019 (CAP 445). The discovery of cultural heritage features may require the amendment of approved plans.

F. For new development, the following condition, imposed and enforced by Enemalta, applies:

A culvert measuring 0.8m wide by 0.75m deep should be prepared along the façade of the development in order that any overhead lines may be substituted by underground cables. The culvert is to be interconnected to an adequate space consisting of a **small room or recess** located near the **entrance**, provided for the purpose of housing the electricity meter. Another adequate space for the purpose of housing the electricity meters, consisting of a **small room or recess** located in the basement near the **entrance**, also interconnected to the culvert, is to be provided. The architect/applicant is required to contact Enemalta, throughout the implementation of the development hereby approved, to ensure conformity with the imposed conditions. A copy of the relative correspondence issued by Enemalta shall be submitted to the Planning Authority accordingly.

In terms of Article 72(3) of the Development Planning Act, 2016, the execution and validity of this permission is automatically temporarily **suspended** and no works as approved by the said development permission may commence before the lapse of the time period established in Article 13 of the Environment and Planning Review Tribunal Act. In the event that an application is submitted before the Environment and Planning Review Tribunal requesting the suspension of the execution of the permission, this permission will remain so suspended until the Tribunal otherwise decides in accordance with the Environment and Planning Review Tribunal Act.

Where the approved drawings and/or documents are dimensioned, then the declared dimensions shall prevail over the actual size as depicted on the approved drawings and/or documents.

Developers are advised to check the invert level to the sewer main with the Water Services Corporation as they would have to make their own arrangements where a gravity service connection is not possible. In these cases, the architect has to indicate the solutions envisaged and to indicate on the plan what needs to be carried out and obtain approval from WSC. Developers are further reminded that connection of storm water into main sewers is not allowed.

PA/06229/19

If the declaration of ownership, as contained in the application form, is determined as incorrect by a Court of Law, then the said Court of Law can declare this development permission as null and void. This development permission does not remove or replace the need to obtain the consent of the land/building owner to this development before it is carried out. Furthermore, it does not imply that consent will necessarily be forthcoming nor does it bind the land/building owner to agree to this development. Where the land/building is owned or administered by the Government of Malta a specific clearance and agreement must be obtained for this development from the Land and/or Estate Management Departments.

This development permission is granted saving third party rights. This permission does not exonerate the applicant from obtaining any other necessary permission, license, clearance or approval required from any Government department, local council, agency or authority, as required by any law or regulation.

This development permit does not authorise any storage of substances listed in Occupational Health and Safety Authority Act (Cap. 424) - Control of Major Accident Hazards Regulations, 2003, as amended, in quantities that would render this site an establishment within scope of these regulations. The storage and handling of said substances may require a new or amended development permission in line with current policies and regulations.

For any non-residential uses hereby being approved, prior to commencement of any works on site or any eventual permitted change of use, the applicant shall be required to contact the Environment and Resources Authority to obtain any necessary operational permit or registration. This requirement does not apply to Class 2B, 2C, 4A and 4B uses as listed in the Development Planning (Use Classes) Order 2014, or its subsequent amendments.

**This decision is being published on 25 August 2021.**

Yoanne Muscat  
Board Secretary  
Planning Board



## **Notes to Applicant and Perit**

### **Right for reconsideration**

Where applicable, you have a right to submit a request for reconsideration to the Authority in terms of regulation 14 of Legal Notice 162 of 2016.

### **Right for appeal**

You have a right to submit an appeal, against the decision, to the Environment and Planning Review Tribunal in terms of Article 13 of the Environment and Planning Review Tribunal Act, 2016.

### **Time limits**

Requests for reconsideration or appeals must be made within 30 days from the publication of the decision notification in the local press as required by regulation 14(1) of Legal Notice 162 of 2016.

### **Fees to submit a request for reconsideration or appeal**

In either case, there is a fee to be paid which should accompany the request for reconsideration or the appeal. The fees are as follows:

For reconsideration - 3% of the Development Permit Fee paid in respect of the original application, subject to a minimum of €69.88.

For appeal - 5% of DPF (Development Permit Fee) paid in respect of the original application, subject to a minimum of €150 + €50 administrative fee (LN 112 of 2016).

### **Submission of request for reconsideration or appeal**

With regards to requests for reconsideration, Form PA 4/16 must be used for submission. All fields of the Form must be filled in as appropriate. Requests for reconsideration can only be submitted electronically.

With regards to appeals, as required by Article 13 of the Environment and Planning Review Tribunal Act, 2016, the submission must include the detailed grounds for appeal and the requests being made by the appellant. Appeals must be submitted physically at the offices of the Environment and Planning Review Tribunal, St. Francis Ditch, Floriana.

## **Important Notice**

**In view of the provisions of Article 72(4) of the Development Planning Act (2016), a Commencement Notice is to be submitted to the Planning Authority, by the perit on behalf of the applicant, at least FIVE DAYS prior to the date of commencement of works or utilisation of the permission. Failure to submit the Commencement Notice (with all fields correctly completed) or failure to submit it within the required timeframe shall invalidate the Notice and shall result in the imposition of fines according to Schedule D of Legal Notice 277 of 2012, or its amendments, or its replacements. In addition, if the applicant fails to submit the Commencement Notice or the Commencement Notice submitted is invalid, the relative permission shall be considered as never having been utilised.**

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