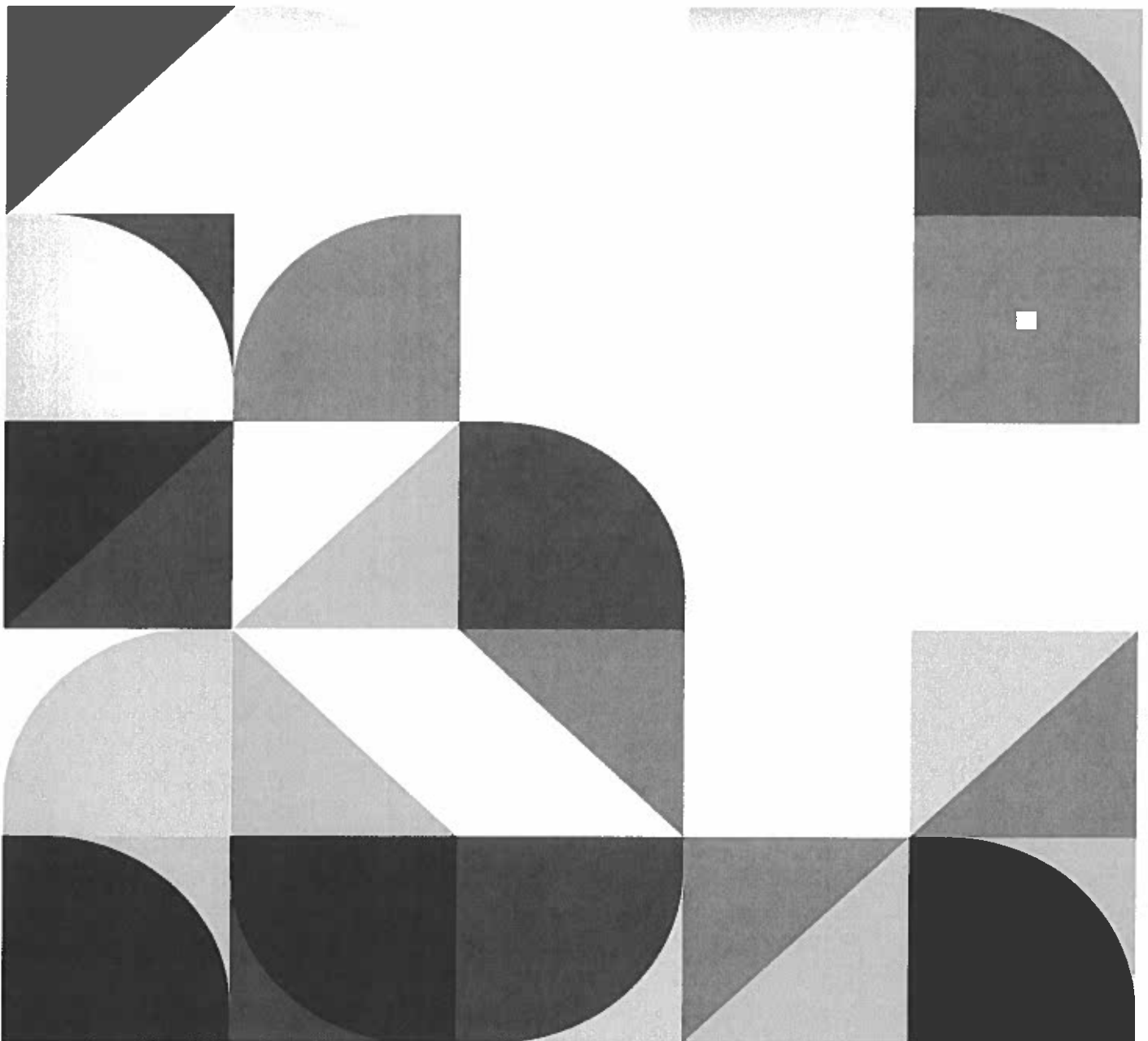


Rural Policy and Design Guidance 2020

Public Consultation Document



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Part A – General

1. Introduction

1.1. This policy guidance ('The Document' or 'This Document') replaces the *Rural Policy and Design Guidance 2014*. It is to be read, interpreted and applied as a whole. On the other hand, This Document must not to be taken in isolation, but is to be read, interpreted and applied in accordance with the Laws of Malta in general, and more specifically with the wording and the spirit of the *Development Planning Act 2016* ('The Act') and the Strategic Plan for Environment and Development (SPED), 2015.

1.2. This Document is based on the clear distinction laid down in the *Strategic Plan for Environment and Development* ('SPED'), that whereas 'urban' places are intended for people to 'live, work, play and interact', 'rural' areas are intended to sustain the farming community, while providing the general public with an escape from daily urban life to places which are '*visually pleasant and rich in biodiversity*'.¹ The countryside also supports the majority of the Maltese Islands' biodiversity and natural heritage, and its landscape also includes various natural geomorphological features and traditional rural structures that individually and collectively form an important aspect of the Islands' distinctive cultural legacy and history. Furthermore, the countryside is also important in terms of its geological, hydrological and ecological resources that play a critical role in the integrity of the natural environment, its functions and its dynamic processes. This Document is to be read, interpreted and applied keeping this distinction between 'urban' and 'rural' well in mind, and in such a manner that upholds the same distinction between 'urban' and 'rural' areas, with a view to conserving rural areas and channeling urban development and urban activity in general, including human habitation², to those parts of the Maltese Islands designated as 'urban'.

¹ SPED 1.27

² As a general rule.

2. Interpretation

“Abandoned Agricultural land” refers to agricultural land no longer in production intentionally or unintentionally, but which is still covered with soil.

“Abandoned building” means a building or structure which is intentionally, permanently or for a long time left not in use and is causing an injury to the amenity of the rural area;

“Amenity” refers to the pleasantness of the surroundings;

“Animal sanctuaries and shelters” refer to facilities where animals are allowed to live and are protected, and does not include zoos;

“Applicant” refers to the person seeking development permission;

“Arable agricultural land” also referred to as arable land. Land that is covered with soil and is officially registered with the Agriculture Directorate as dry or irrigated agricultural land (including greenhouses), and it is cultivated for crops. Fallow agricultural land constitutes rested arable agricultural land. Natural habitats, watercourses and land characterised by exposed rocky surfaces do not constitute agricultural land, even if such habitats or land are registered with the Agriculture Directorate. Abandoned agricultural land does not constitute arable agricultural land.

“Committed” means an actual commitment that is legally established and already physically existent;

“Consolidation of buildings” refers to the consolidation of a group of separate buildings not worthy of retention, which are located in a single plot of enclosed land;

“Contiguous” means ‘sharing a common border’;

“Conversion” may include reuse; it may also include minor structural alterations and modifications to existing land or buildings. Demolition, internal gutting and re- construction and extensions are excluded;

“Curtilage” means a physically restricted tract of land immediately contiguous to a legally established building that is already physically existing, typically bound by a peripheral wall enclosing the building;

“Dwelling” means a building used for habitation of human beings;

“Existing building” refers to an actually existing, building. For the purpose of this policy existing building excludes any temporary or makeshift structures or ruins, trapping or hunting hides, and similar structures.

“Farm (arable or livestock)” refers to the physical features (for example, the land or building) that a farmer operates for the purposes of farming;

“Farmer” refers to ‘livestock breeder’ and/or ‘arable farmer’ as certified by the Agricultural Advisory Committee (AAC);

“Farming” means a farming enterprise operated by a farmer as certified by the Agriculture Advisory Committee (AAC);

“Farming Enterprise” means a farm run on a commercial basis and refers to the whole activity including the various processes involving farming as certified by the Agricultural Advisory Committee (AAC);

“Farm diversification” means activities which augment or supplement but do not replace agricultural activity, thereby leading to a broadening of farm-based activities. The meaning of rural diversification or diversification of the rural economy is broader than, but it includes, farm diversification;

“Full basement” means an additional floor underneath the footprint of a building only and which is completely underground in relation to the highest site level.

“Gross Floor Area” is measured externally and incorporates the area of all floors, including wall thickness, internal open spaces (example shafts and internal courtyards), roofed over enclosed spaces, but excludes non-habitable basement levels;

“Holding” or consolidated land holding refers to arable agricultural land. Unless otherwise indicated in the policies of this document, a consolidated land holding refers to: (i) a single plot of enclosed land or (ii) a group of separate plots of enclosed land that are located contiguous to each other and are owned or leased to the same person;

“Indigenous” includes species which have long been present in the Maltese Islands and as a result evolved and adapted themselves to the local conditions and thus form an integral part of the Maltese ecosystems and the traditional rural landscape;

“Legally established” refers to any development either covered by a development permission, or which occurred before 1967, except for land reclamation for agricultural, in which case such reclamation would have occurred before 1994;

“Livestock Units” is the farming enterprise aggregation of livestock from various species as certified by the AAC;

“Planning Obligation” is a reference to article 79 of the Development Planning Act (Chapter 552, Laws of Malta);

“Redevelopment” refers to the total demolition and rebuilding of an existing structure without extensions;

“Region or Regional” is defined as the administrative portion of the Maltese Islands bound by not more than three adjacent local council boundaries;

“Residence” is used in the same sense as “dwelling”;

“Restoration” means the act or process of returning something (land, natural habitat or old building) to its earlier good condition or position;

“Ridge” means the edge of a hill or plateau, where relatively flat or gently sloping land gives way to a valley side or hillside, escarpment, cliff or other comparable distinct slope. A drop in terrain of 3 metres or more constitutes a ridge

“Ruin” refers to a dilapidated structure which has lost all or the majority of its supporting walls or roofs;

“Rural areas” means those areas officially designated as such by the Strategic Plan for Environment and Development 2015 and do not include Enterprise Hubs located Outside Development Zone boundaries as delineated through the Local Plans Rationalisation Exercise of 2006;

“Rural settlements and hamlets” have the same meaning as in the Local Plans;

“Scheduled, listed, designated or protected areas” have the same meaning as found in the relative environmental, development planning and cultural heritage legislation, and include Special Areas of Conservation (SACs), Special Protected Areas (SPAs), Areas of Ecological Importance (AEIs), Sites of Scientific Importance (SSIs), Areas and Sites of Archaeological Importance (including buffer zones) (AAIs and SAIs), Scheduled Areas of High Landscape Value (AHLV) and Protected Landscape Areas;

“Small” and “small scale” are, for the purpose of new or relocated farms, to be established by the Agriculture Advisory Committee;

“The Act” means the Development Planning Act 2016 (Laws of Malta, Chapter 552);

“The Authority” means the Planning Authority set up under The Act;

“The Document” means The Rural Policy & Design Guidance 2020;

“The Executive Council” means The Executive Council established under article 36 of The Act;

“Transfer” means any change in title whether ownership, or use, or other including availing oneself of a management agreement.

3. Aims of the Document

3.1. The aim of This Document is to assist and further the implementation of the vision and objectives laid down in SPED, insofar as concerns those areas officially designated as 'rural'. This includes:

- ensuring that land take up in rural areas is a last resort;
- promoting rural areas for agriculture and diversification in support of farming activity in addition to protection and management of the natural and cultural resources that give rural areas their distinctive qualities;
- ensuring that rural areas are not exploited by uses which are not legitimate or necessary;
- avoiding further deterioration of the countryside and the rural landscape as a result of the proliferation of built structures and urban-type interventions (e.g. site formalisation);
- safeguarding the rural environment against interventions that are directly or indirectly conducive to land degradation, loss of or damage to natural heritage or biodiversity, habitat homogenisation, or interference with natural systems (e.g. soil sealing or land impermeabilisation);
- ensuring that 'sustainable rural development' is safeguarded and upheld as the cornerstone of all intervention in rural areas.

3.2. On the other hand, allowance is being made in This Document, for

- development, which is justified to be located in rural areas, in approved government policies, plans or programmes; and
- development which is genuinely and strictly incompatible with urban uses and where alternatives are not possible.

3.3. Any plans and proposals for development envisaged in 3.2. and any decisions by the Authority on the same, must strive to respect the vision and objectives laid down in the SPED.

3.4. This Document also intends to ensure the protection and enhancement of the landscape and the traditional components of the rural landscape.

4. Using this Document

4.1. When the Authority is required to assess an application for development permission which involves a project of national interest, such projects may require a departure from the policies and principles established in this Document. While accepting to depart from the policies and principles established in this Document, such departure must be to the least extent possible, and is not a license to depart from the obligations laid down in other laws and legal obligations (including for example, environmental obligations).

4.2 Any development planning application in the Rural Area that is validated following the coming into force of this document shall be assessed according to its provisions. Any development planning application in the Rural Area that is validated prior to the coming into force of this document and still being processed shall also be assessed in line with its provisions. The provisions of this document shall not apply to development planning applications which have been determined on the basis of the Rural Policy and Design Guidance 2014 and an appeal has been submitted to the Environment and Planning Review Tribunal (EPRT).

5. Structure of This Document

5.1. This Document is presented in seven parts:

- Part A – General
- Part B – Overarching Policies, Principles and Objectives
- Part C – Farm Dwellings and Agriculture Buildings
- Part D – Development Related to Specific Agricultural Activities
- Part E – Development Related to Genuine Farm Diversification
- Part F – Non-farming Animals
- Part G – Restoration and Redevelopment of Rural Buildings

6. Review of This Document

6.1. The Executive Council must monitor the operation and implementation of the policies in This Document, thus seeking to safeguard not only This Document's intended implementation but also that The Document does not become outdated.

Part B – Overarching Policies, Principles and Objectives

7. Introduction: The overarching policies, principles and objectives

7.1. The overarching objectives of This Document are as follows:

- To promote and uphold sustainable rural development at all times, without however omitting the reasonable needs and requirements of the agricultural sector;
- To encourage farmers in their agricultural activities, while ensuring that these activities remain sustainable and do not in themselves cause unnecessary degeneration of rural areas;
- To ensure proper conservation and management of rural areas for both present and future generations by:
 - (a) Protecting the amenity and setting of rural areas, including the rural character and landscape,
 - (b) Ensuring proper conservation and management of the natural environment, cultural and natural heritage, biodiversity and important landscape features in rural areas,
 - (c) Ensuring the sustainable use of rural resources,
 - (d) Avoiding unnecessary urbanisation of the countryside and loss of rural land to built structures and urban-type interventions;
 - (e) Ensuring the overall protection and preservation of rural areas and curbing activities that lead to degradation or deterioration of rural resources whether through soil erosion, soil sealing, land impermeabilization, flooding, pollution and illegal dumping of waste, or otherwise; and
 - (f) Actively seeking to safeguard and conserve the holistic rural environment, its landscape and the countryside, and to protect them against incompatible developments that are likely to contribute to their overall degradation.

7.2. The above-stated objectives are intended to support sustainable local agriculture and farming in rural areas. They are also intended to support effective stewardship of rural areas, for the benefit and well-being of the general public including future generations.

7.3. On its part, when reading, interpreting and applying these objectives, or any other part of This Document, the Authority will do so in such a manner which is conducive to it fulfilling its obligations in the protection, preservation and enhancement of rural areas. Amongst other things, the Authority must strive to ensure that:

- the social and environmental benefits of rural areas are maintained and improved;
- negative externalities imposed on the environment are either prohibited or mitigated to the largest extent possible; and
- development which requires a rural location is carried out in a sensitive manner and in such location, which causes the least impact on the rural environment.

8. The Overarching Policies and Principles

8.1. These Overarching Policies and Principles are to be read, interpreted and applied in conjunction with all the other policies and principles established in This Document, not least by the Authority when reviewing and determining development proposals.

Policy 8.1: National Policy Projects

Any project of national interest arising from National Government Policies which departs from the policies formulated in this document shall be assessed on its own merits subject to consultation with the Departments/Authorities/Committees concerned.

Policy 8.1.A: Research and Innovation

Applications for development permission for projects intended to further research and innovation in relation to sustainable agricultural practices and the conservation and management of the natural environment, which of their very nature cannot be undertaken in Urban Areas, may be considered by the Authority, subject to all of the following:

1. The project must be undertaken in such a way which does not prejudice the satisfactory reinstatement of the land once the period conceded in criterion 2 of this policy, or a shorter period specified in the permission lapses (whichever comes first);
2. The project must last no longer than five years from when the Authority grants permission or a shorter period specified in the permission; and
3. Upon lapse of the period conceded by the Authority in accordance with criterion 2 of this policy, the operators of the project will be obliged to reinstate the land at their own expense and without any form of compensation whether monetary or otherwise, within the time-frame laid down by the Authority when granting the necessary permits. Should the operators fail to fulfil this obligation, the Authority will exercise the powers granted to it by law, to reinstate the land or have it reinstated by a private contractor of its choice, at the expense of the operator of the project. These requirements must be included amongst the conditions listed in the approved permit. The same requirements must also be the subject of a planning obligation through a public deed entered into by the applicant, which public deed must be duly registered both at the Public Registry and at the Land Registration Agency.

8.1.B General Design Principles

1. In determining development applications in the Rural Area, the Authority shall seek to achieve a high-quality rural design of all buildings and structures which is sensitive to the site and its context. Buildings and structures where necessary shall respect the rural character and traditional distinctiveness of the Rural Area both in terms of their location in the wider landscape setting and their height (normally not higher than two floors), scale, form and massing, solid to void ratio, materials, colour and architectural detailing. Design solutions shall be compatible with its surrounding environmental and landscape context and the existing rural characteristics, such that they are adapted to such context and not vice-versa.
2. Development on topographically constrained land where it cannot be realistically accommodated without necessitating significant physical changes to the site or similar adverse environmental impact such as the removal of existing rubble walls or modification of land terracing shall not be considered favourably.
3. Particular attention shall be afforded to all interventions on sensitive (including scheduled) landscapes and landscape protection designations in the SPED and in the Local Plan and on existing buildings of architectural, or historical, or vernacular importance, even if not formally scheduled. The Authority shall seek to ensure that the landscape features and the historic attributes of the buildings are not adversely affected. When interventions to an existing building of architectural, or historical, or vernacular importance, are proposed, a method statement shall be submitted to ensure that these works do not have an unacceptable adverse impact on the heritage value of the building and on other structures (e.g. old rubble walls or traditional rural structures) and natural features meriting conservation.
4. The creation of a full basement shall be favourably considered solely beneath the footprint of buildings permitted by this document, except greenhouses, provided it is internally interconnected only with the building above. No external ramps leading to the basement shall be permitted. Preferably, basements should not have any exposed parts, and all sides should be completely underground, without any external openings. Furthermore, basements should be constructed at a suitable distance away from lower site levels so that they remain completely underground without jeopardizing the stability of walls or slopes.
5. Gross floor areas of buildings permitted by this document shall include all habitable uses measured on all levels of the building.

6. Green infrastructure, such as green walls, green facades and green roofs, renewable energy generation and water conservation measures, green transport alternatives (including the installation of charging points for electric vehicles), shall also be taken into consideration during the design phase, provided the general objective of a high-quality rural design is not compromised.
7. Landscaping schemes shall be required for developments permitted in the Rural Area, wherever possible. Schemes shall retain existing trees and shrubs, unless they are deemed to cause harm to the biodiversity and ecosystems in their location and shall include additional indigenous species typical of the surrounding environmental context. Hard landscaped areas should be avoided.
8. Any development permitted shall not be a source of light pollution, particularly at night. Lighting schemes should direct light only where the light is required and only when the light is needed and should be integrated with the design of the landscaping scheme so that the landscaping may act as a screen.
9. The existing road network serving the site is capable of dealing satisfactorily with the traffic which will be generated by the development which shall be adequately served by existing utility services.
10. Car parking requirements for development permitted by this document shall be provided in line with established parking standards and shall be integrated within the profile of buildings or structures. Where not possible or desirable, car parking shall be integrated with the landscaping and lighting schemes prepared as part of the proposal and shall utilize disturbed land as much as possible.
11. In the case of dwellings permitted by this document, amenities and ancillary facilities for the enjoyment of the dwelling may be considered provided they are located within the curtilage of the property without significant land uptake, can be reasonably accommodated without adverse impact on the site environment, contribute to the achievement of the objectives of this policy and comply with other relevant policies in this document. Such amenities include animal enclosures, reservoirs and swimming pools with deck areas provided they do not exceed a footprint of 75sqm.

Policy 8.1.C: Abandoned Buildings

The Planning Authority shall seek to limit environmental degradation, abandonment and dereliction in the Rural Area by:

- (i) Making full use of the legal powers provided by the Development Planning Act to address any injury to the amenity of the Rural Area which it deems is being created by an abandoned building;
- (ii) In case of legally established buildings, the Authority may apply the provisions of (i) above or grant permissions for a limited period of time for those development which it deems to have a defined utility period and require cessation of operations, dismantling of buildings and structures and re-instatement of the site to an improved condition.

This excludes abandoned scheduled and building of historical and cultural value in ruins.

Policy 8.1.D: Soil Conservation and Monitoring

The Authority, in conjunction with the Agriculture Advisory Committee, shall actively uphold soil conservation and monitoring measures, by adopting and implementing the following principles:

1. By adopting an approach which actively favours *in situ* soil conservation;
 2. By ensuring the proper, correct and accurate evaluation of existing soil quality within those sites/land onto which rural development proposals are submitted;
- and
3. By ordering the controlled re-use of soil within the same arable holding, and as a last resort, the relocation of the said soil.

Policy 8.1.E: Utility Services

Proposed works for the provision of utility services, including those for electricity and water supply, drainage and sewage disposal, shall be subject to consultation with the respective government bodies and must, wherever possible, be located underground within trenches under existing legitimate roads or tracks. Where required, an underground leak-proof cesspit shall be incorporated beneath the proposed building or immediately next to an existing building which the cesspit is intended to serve.

Policy 8.1.F: Safeguarding Protected Areas, Species and Habitats

The Authority will uphold a general presumption against development which is likely to have an adverse impact, whether directly or indirectly, on:

1. All land designations in the Rural Area aimed at conserving and enhancing its biodiversity, built cultural heritage and archaeology, geology, hydrology, palaeontology, geomorphology, scenic value, rural character, landscape and its features, including arable agricultural land, promulgated under development planning, environmental and cultural heritage legislation;
2. Any scheduled or protected site, habitat or species of flora or fauna;
3. Natural habitats and any habitat of protected species of flora or fauna, including but not limited to, breeding, rearing and resting sites;
4. The connectivity, appearance and integrity of the rural landscape, its habitats and protected areas.

When determining development permit applications in the Rural Area, the Authority shall ensure that:

- (a) The proposed development is compatible with its environmental context;
- (b) The aims and requirements of the relevant environmental and any other legislation (including but not limited to Malta's obligations under EU legislation) are fulfilled;
- (c) In assessing the potential adverse impact on the site environment, due regard is paid to:

- Direct effects, such as the eradication or degradation of a species, habitats or natural features to accommodate development or any ancillary activity (including proposals for landscaping); and
- Indirect effects, such as changes to the topography, the characteristics and conditions of habitats (e.g. pollution or loss of soil or water, erosion, introduction of alien materials/species, etc.), or through an activity which may be limited in time (e.g. light pollution, noise, vibration, etc.)

Policy 8.1.G: Country Pathways

1. The Authority shall seek to safeguard traditional and historical country pathways and their characters, together with any abutting rubble walls, and natural features, irrespective of whether these pathways and the abutting rubble walls and features are privately or publicly owned.
2. The Authority must ensure that it does not permit proposals which would cause damage to, destruction, closure, removal, obstruction or hindrance of public country pathways.

8.1.5. The countryside is characterised by various types of country pathways. The term 'country pathway' must be interpreted in a very broad sense to include:

- country roads/lanes: normally surfaced (although not normally maintained) and accessible by vehicles;
- farm access roads/lanes: normally established to connect (often from one end only) particular land or buildings, directly to country roads/lanes or other roads. When hard surfaced (e.g. with concrete), the concreted surface tends to dominate in rural contexts and is intrusive in the landscape;
- farm tracks: consist of rough and informal roads that are accessible by vehicles and tend to connect particular land or buildings directly to country roads/lanes or other roads;
- traditional footways or cartways/tracks ('sqaqien'): 3 metres wide or less; normally un-surfaced. These types of paths tend to be connected to other pathways, public places, natural areas, the coast, watercourses, etc., and are normally bounded by rubble walls. These types of footways/tracks are normally found in predominantly agricultural areas characterised by cultivated and/or fallow land; and areas which became characterised by natural habitats

or features (e.g. dense stands of trees) as a consequence of agricultural abandonment;

- rights of way: these are informal tracks, normally unsurfaced, passing through arable fields and provide access to farmers or land managers having no direct access to their land from country roads/lanes;
- military pathways: used in the past for military purposes (e.g. Victoria Lines); and
- informal pathways: normally established on natural sites and are characterised by compacted ground as a result of continuous trampling and erosion.

There may be several other types and variations of pathways in the countryside, some of which could consist of a mixture of those listed above.

8.1.6. Policy 8.1.G protects old traditional pathways and their character, irrespective of their type of ownership. When assessing the impact of proposed developments on country pathways, the Authority must afford the necessary protection to traditional and/or historical country pathways and their character and shall require the applicant to keep such pathways in good state of repair, including the proper maintenance of abutting rubble walls.

Part C – Farm Dwellings and Agriculture Buildings

9. Introduction: Policies dealing with farm dwellings and agriculture buildings

Policy 9.1.A: New Farm Dwellings for Farmers

1. Permission may be granted for the construction of a single dwelling unit for an animal husbandry farmer, within the boundary of their farm, provided that all of the following eligibility criteria are satisfied:

A. In the case of pig and dairy livestock farmers only:

(i) The applicant's livestock farm must have had, for the previous five years prior to the application, a minimum of:

- sows (female breeding pigs): 40 heads; or
- fattening pigs: 400 heads; or
- milking cows, sheep and goats: 50 heads;

(ii) the applicant's livestock farm must also be registered with the competent agriculture authorities for at least five years before an application for a new farm dwelling will be considered by the Authority;

B. Dwellings for farmers of any other type of livestock shall not be permitted.

2. (i) When it is a new building, the single dwelling shall be located within boundaries of the livestock farm of the applicant or contiguous with the boundaries of the livestock farm. New buildings for dwellings for arable farmers shall not be permitted;

(ii) When it is the conversion or redevelopment of an existing building, the single dwelling shall be located within 100m from the boundaries of the livestock farm of the applicant and must be either covered by development permission or constructed before 1967.

3. The gross floor area of the proposed building cannot exceed 200 square metres and the built footprint cannot exceed 150 square metres and in the case of a converted/redeveloped building with a larger footprint and floorspace, the footprint and floorspace of the existing building.

4. All new farm dwellings contemplated in this policy must allow a 100 metre exclusion zone around public groundwater abstraction sources, unless connected to the public sewer. All cesspits have to adopt leak proofing measures.

5. In determining development applications for dwellings for farmers the Planning Authority shall apply the general design principles of policy 8.1.B and the provisions of policies 8.1.D and 8.1.F as relevant.

6. In all cases, the applicant will be required to enter into a planning obligation through a public deed, to be duly registered both at the Public Registry and at the Land Registration Agency, tying the ownership and occupation of the dwelling to that of the farm, so that the residential building is not sold or transferred to third parties, unless in conjunction with the farm and, in that case, the farm continues with the same level of original operation and output.

Policy 9.1.B: Development on Livestock Farm Units

1. Where fully operational, licensed livestock farm units either covered by development permission or constructed before 1994 are concerned, permission may be granted for the construction of a new building, or redevelopment of, or an extension to, an existing building located within the boundary of the farm for animal breeding, production, waste management and / or the related storage, provided that the livestock farm is registered with the competent authorities for at least five years before the application for development is submitted for consideration by the Authority.

2. In determining development applications for development of livestock farm units, the Planning Authority shall apply the general design principles of policy 8.1.B and the provisions of policies 8.1.D and 8.1.F as relevant.

3. In all cases, the applicant will be required to enter into a planning obligation through a public deed, to be duly registered both at the Public Registry and at the Land Registration Agency, tying the ownership and additional development to that of the original farm, so that the additional building is not sold or transferred to third parties, unless in conjunction with the original farm and, in that case, the farm continues with the same level of original operation and output.

9.1.3. The main objective of Policy 9.1B is to further the requirements of the livestock farming sector as contemplated in the National Agricultural Policy for the Maltese Islands 2018-2028. Adverse impact on the environment is to be avoided; consideration is also given to effective use of underground space, without promoting non-essential basement developments in the Rural Area.

Policy 9.1.C: New or Relocated Livestock Farms

1. Permission may be granted for the construction of a new livestock farm or for a mandatorily relocated livestock farm for a registered livestock farmer solely with a minimum herd size as defined by the Agricultural Advisory Committee (AAC).

2. In determining development applications for new or relocated livestock farm units:

(i) The Planning Authority shall apply the general design principles of policy 8.1.B and the provisions of policies 8.1.D and 8.1.F as relevant.

(ii) The following distances are kept from public groundwater abstraction sources:

- cow and pig farms shall be located 300 metres from public groundwater abstraction sources,
- poultry, rabbit, sheep and goat farms shall be located 200m from groundwater abstraction sources,
- farms considered as 'small' by the Agriculture Advisory Committee may be located 100m from public groundwater abstraction sources, and

3. In all cases, the applicant will be required to enter into a planning obligation through a public deed, to be duly registered both at the Public Registry and at the Land Registration Agency, tying the ownership of the whole farm to a single owner, so that farm is not sold or transferred to third parties, unless as one whole property and, in that case, the farm continues with the same level of original operation and output.

9.1.5. Policy 9.1.C deals with the construction of a new livestock farm, or the mandatory relocation of an existing one. When considering related applications for development permission, the Authority must give preference to the re-use or conversion of already existing buildings.

Policy 9.1.D: Slaughterhouse Development within fully operational Livestock Farms (Rabbits and Poultry only)

Permission may be granted for the construction, change of use or conversion of an agricultural building, located within the curtilage of a permitted, licensed, fully operational rabbit or poultry farm to a slaughterhouse, provided that all of the following criteria are satisfied:

1. The general design principles of policy 8.1.B and the provisions of policies 8.1.D and 8.1.F are complied with as relevant.
2. An exclusion zone of 200m from public groundwater abstraction sources must be retained;
3. Any proposed cold room and/or cutting, processing and/or packaging plant shall be complementary and ancillary to the slaughterhouse and shall physically form part of the slaughterhouse building, and shall be operated by the applicant exclusively in connection with the slaughterhouse as one functional unit; and
4. The applicant will be required to enter into a planning obligation through a public deed, to be duly registered both at the Public Registry and at the Lands Registry, tying the ownership and use of the slaughterhouse (including the associated facilities) to the operation of the applicant's livestock farm, so that the slaughterhouse and the associated facilities are not sold or transferred to third parties, unless in conjunction with the applicant's livestock farm and, in that case, the slaughterhouse and the livestock farm remain complementary and continue to operate as one functional unit.

9.1.7. Slaughterhouses and associated facilities such as cutting, grading, etc. are industrial processes which do not require a countryside location. Policy 9.1.D seeks to cater for such considerations, but restricts itself to the permitting of construction, change of use or conversion of an existing building located within the physical boundary of an operational rabbit or poultry farm.

Policy 9.1.E: Agriculture Stores for Arable Farming

1. Permission may be granted to a farmer for the construction of a building (or an extension to an existing, legally established building) as storage required for sustainable farming. In the process of granting such permission, all of the following criteria must be satisfied:

- (i) The Agricultural Advisory Committee will recommend whether there is a genuine need for the development being proposed, after having considered all of the following:

- the genuine needs of farmers who aim at operating in an efficient and effective manner,
 - the storage requirements of active farmers investing in and utilising modern machinery and costly equipment,
- (ii) the proposal must be located on land registered in the name of the applicant farmer, which land must be located within the region containing the agricultural land registered on the applicant farmer;
- (iii) the proposed development must not be located within a distance of 30 metres from public groundwater abstraction sources;
- (iv) The maximum agricultural storage entitlement for farmers are as follows:

Size of holding within the region	Agricultural store (gross floor area)
10 to 20 tumoli	20 square metres
20 to 40 tumoli	40 square metres
Greater than 40 tumoli	60 square metres

- (v) the proposed building does not exceed a height of 3.2 metres (measured externally);
- (vi) the proposed building must be constructed at the entrance of the agricultural land which it services;
- (vii) No hard landscaping or non-agricultural facilities will be allowed around the agricultural store.

2. In determining development applications for agricultural stores for arable farming the Planning Authority shall apply the general design principles of policy 8.1.B and the provisions of policies 8.1.D and 8.1.F as relevant.

3. In all cases, the applicant will be required to enter into a planning obligation through a public deed, to be duly registered both at the Public Registry and at the Land Registration Agency, tying the ownership of the agricultural store to that of the farm, so that the store is not sold or transferred to third parties, unless in conjunction with the farm and, in that case, the farm continues with the same level of original operation and output.

4. Furthermore, upon issue of a permit, the Authority shall map and link the registered land with the store, to ensure that such land is not subsequently used for additional storage requirements.

9.1.9. Agricultural stores may include storage of farm machinery, agricultural equipment and produce. Garaging of vehicles other than those used only in the course of the agricultural activity is prohibited.

9.1.10. With a view to minimizing the impact of agricultural stores on the rural landscape, approvals of proposals are restricted to genuine need while encouraging the reuse or conversion of disused or under-utilised buildings.

Policy 9.1.F: Greenhouses

1. Permission may be granted for the construction of greenhouses, provided that all of the following criteria are satisfied:

- (i) The applicant is a farmer who is registered with the competent authorities;
- (ii) The proposed greenhouses are located on arable agricultural land;
- (iii) The proposed development must not be located within:
 - a distance of 50 metres from a ridge; or
 - a distance of 30m from public groundwater abstraction sources;

2. There shall be no permanent foundations, and only minimalistic anchorage points for the greenhouse framework shall be allowed;

3. Concrete or other types of solid floors are not permitted, and all proposed structures shall be fully demountable, thus allowing for reversion to agricultural land. In the case of soil-less cultivation, impermeable material (e.g., thick plastic sheeting) may be allowed;

4. In determining development applications for greenhouses, the Planning Authority shall apply the general design principles of policy 8.1.B and the provisions of policies 8.1.D and 8.1.F as relevant.

5. In all cases, the applicant will be required to enter into a planning obligation through a public deed, to be duly registered both at the Public Registry and at the Land Registration Agency, tying the ownership of the greenhouse to that of the farm, so that the greenhouse is not sold or transferred to third parties, unless in conjunction with the farm and, in that case, the farm continues with the same level of original operation and output.

9.1.13. The general objective of this policy is to permit greenhouse development, while minimizing the impact on the environment and protecting areas of ecological, scientific, archaeological, landscape or other value.

9.1.14. Concrete or other types of solid floors or permanent foundations are not considered to be a pre-requisite for the operation of greenhouses. The adverse impacts associated with soil sealing are extensive and therefore to be avoided. The use of thick plastic sheeting rather than a concrete screed is preferred. Applications for the construction of greenhouses must specify the flooring proposed and justify any exception to the use of thick plastic sheeting or the existing uncovered soil.

Policy 9.1.G: Water reservoirs and pump chambers

1. Permission may be granted for the construction of water reservoirs, provided that all of the following criteria are satisfied:

- (i) The applicant is a farmer who is registered with the competent authorities;
- (ii) The proposed reservoir shall support arable agricultural land registered in the name of the applicant and shall itself be located on arable terrain within that land;
- (iii) The Agriculture Advisory Committee must include amongst its considerations (apart from applicable legislation and policies):
 - the dimensions and volume of the proposed reservoir,
 - the surface area of the land which the proposed reservoir is required to support,
 - the water source from which the reservoir will be filled; and
 - the whereabouts of the land which the proposed reservoir is required to support, on the understanding that a reservoir cannot support land which is not situated in the immediate vicinity of the proposed reservoir.

2. A reservoir is preferably to be constructed entirely below the lowest site-level and covered with a layer of soil of at least 0.5metres in order to re-establish the original site level(s) of the field. On terraced or sloping land, the reservoir shall be excavated well away from the retaining wall (or similar break of slope) overlooking the lower terrace, to minimise environmental damage;

3. Exceptionally, reservoirs may be constructed above soil level up to 1.2 metres from soil level, provided they do not exceed a total footprint of 10 square metres. Such reservoirs must not be roofed;

4. Proposed underground reservoirs must have a manhole for maintenance purposes, whilst all reservoirs that are intended for the collection of surface water runoff must include a proper sump, constructed totally underground, having a total floor area of not more than 2.25 square metres and a depth of not more than 1.5 metres;
5. Alternative non-permanent water conservation structures may also be permitted subject to a recommendation concerning the proposal from the Agricultural Advisory Committee;
6. The Authority will support proposals for the installation of traditional wind-driven waterpumps ("*raddiena*") and the restoration or replacement of dilapidated wind-driven pumps. As an alternative to wind-driven pumps, if the Agricultural Advisory Committee supports a proposal for a pump chamber, the Authority may permit a pump chamber adjacent to the reservoir. This pump room must be finished in recycled stone. This chamber shall not exceed an external height of 1 metre above soil level and a total footprint of 2 square metres.
7. In determining development applications for water reservoirs and pump chambers, the Planning Authority shall apply the general design principles of policy 8.1.B and the provisions of policy 8.1.F as relevant.
8. Any electricity supply that may be required for the purpose of water pumping shall be installed underground without any overhead wiring or poles.
9. In all cases, the applicant will be required to enter into a planning obligation through a public deed, to be duly registered both at the Public Registry and at the Land Registration Agency, tying the ownership of the reservoir and pump chamber to the farm, so that the reservoir and pump chamber are not sold or transferred to third parties, unless in conjunction with the farm and, in that case, the farm continues with the same level of original operation and output.

9.1.15. This policy acknowledges the importance of water, in agriculture. The aim of the policymaker, however, is to strike a fair balance between development and reservoirs, pumps and pump chambers on the one hand, and the importance of minimizing environmental impact on the other.

9.1.16. The capacity of the proposed reservoir must be proportionate to the agricultural area it is intended to serve but must have a minimum volume of 100 cubic metres.

9.1.17. Traditional wind-driven pumps are preferred over pump chambers, because they are regarded as enhancing the Maltese rural features and also because they do not pollute (being driven by a natural, renewable resource and not involving any combustion processes). Farmers are therefore encouraged to invest in such pumps whether new or restored.

9.1.18 It shall be ensured that the reservoir is not amenable to future alteration and conversion to a different use.

Policy 9.1.H: Conversion of land for agricultural use

1. Permission may be granted for the conversion of non-agricultural land and for the reinstatement of abandoned or derelict agricultural land for agriculture, provided that the Authority is satisfied that the proposal would not lead or has not led, to adverse environmental, topographical and hydrological impacts.

2. In determining development applications for the conversion of land for agricultural use, the Planning Authority shall apply the provisions of policy 8.1.F as relevant.

9.1.19. This policy considers as acceptable the conversion of non-agricultural land to agricultural, provided the land is not of ecological, scientific or of archaeological value. It is not permissible to convert garigue and other natural habitats into agricultural land. Important natural features of the landscape must also be protected from such conversion to agricultural land. Furthermore, the land must be amenable for sustainable arable use without necessitating significant ancillary interventions that would be in conflict with the site environment or the landscape.

9.1.20. When assessing proposals for the re-use of abandoned agricultural land, the Authority must have regard to the characteristics of that land and shall determine whether the site of the proposed development has regenerated into a natural habitat which consequently merits protection.

9.1.21. It is to be emphasized that the support of the Agricultural Advisory Committee does not in any way oblige the Authority to issue the permit or other approval (because there may be other reasons for refusing the application).

Policy 9.1.I: Land Demarcation, Walls and Gates

1. The Authority may consider land demarcation and the construction of new rubble walls built using the same traditional construction methodology of dry-stone rubble walling, on arable land within registered agricultural holdings:

- (i) As a retaining wall for arable soil, provided there are visible differences in site levels, in which case the wall shall follow the existing topography and shall not exceed a height of 1.2 metres from the higher soil level; or
- (ii) As a boundary wall along an existing country lane or road, in which case the wall may be constructed up to the height of the adjacent legally established rubble walls, which may be either higher or lower than 1.2m whichever is the case.

2. Where there are no differences in site levels (flat land), either a narrow un-surfaced footpath of not more than 0.9 metres, or a rubble wall not more than 0.6m high, or a hedge, shall serve as field demarcation;
3. No new retaining/boundary walls or demarcation shall result in land parcels of less than one tumolo;
4. Gates may be permitted subject that they shall be clad in timber and shall not exceed a height of 1.2 metres or the legal height of the boundary wall, including supporting pillars; and
5. The width of any proposed gates shall be determined in relation to the specific site context and shall not exceed a maximum width of 4.5 metres.

9.1.22. The Authority will continue to support the construction of new rubble walls where these will serve as traditional barriers against soil erosion, namely along country lanes or roads and where there are differences in site levels. Where the land is relatively flat, a narrow unsurfaced footpath will serve a dual function—it helps to easily demarcate between one field and that of a third party as well as provide access on foot to the individual holding(s).

Policy 9.1.J: Access to arable farm holdings

1. New access to arable land shall be:

- (i) Proposed in a suitable permeable material respecting the rural character or in beaten earth;**
- (ii) Prevent water runoff and allow controlled water collection and does not lead to soil sealing.**

2. Footpaths to facilitate access to the public may be created provided that these remain informal and unsurfaced;

3. Temporary vehicular access for tillage of soil by agricultural machinery, does not require the creation of a dedicated access route.

Policy 9.1.K: Installation of Photo Voltaic Panels, excluding solar farms

1. The Authority will consider the installation of non-intrusive photovoltaic panels:

- (i) On rural buildings which are not scheduled or otherwise protected, and**
- (ii) On legally established paved areas within the curtilage of existing rural buildings.**

The installation of solar farms in rural areas shall be subject to the provisions of the Solar Farms Policy 2017.

Part D – Development Related to Value added Agricultural Activities

10. Policies regulating specific agricultural activities

10.1. Part D lays down policies intended to regulate development related to value adding agricultural activities, for boutique wineries, olive oil production and honey processing.

Policy 10.1.A: A building for boutique wineries, olive oil and honey processing

1. Permission may be granted for the re/development/conversion of a building for these activities provided that:
 - (i) The applicant has been registered with the competent authorities regulating the specific value-added agricultural activity for at least five years;
 - (ii) The proposed building must be located on any of the applicant's planted and established holdings consisting of 20 contiguous tumoli, or 10 contiguous tumoli in the case of a holding certified as organic, unless the activity does not require additional land holdings to the land required for the building.
2. Permission for the development of a new building for a value added agricultural activity will only be granted provided adequate justification is provided for its need, as supported by the AAC, and there is no disused building on the holding that could be converted or redeveloped, unless worthy of retention, for this purpose.
3. The design of the building shall comply with the general design principles outlined by policy 8.1.B and in no case exceed the gross floorspace of the existing building or 200sqm for a boutique winery, 50sqm for olive oil production and 15sqm for honey processing whichever is the highest, and shall also apply the provisions of policy 8.1.F as relevant. Additional land take-up for ancillary facilities, paved areas, car parks or hard landscaping shall be avoided.
4. Together with statutory consultees listed in the relevant legislation namely the Development Planning (Procedure for Applications and their Determination) (S.L.552.13), the Authority shall consult all other Government agencies which, in its opinion, regulate the activity to be located in the proposed building such as the Wine Regulation Board, the Malta Standards Authority.
5. In all cases, the applicant will be required to enter into a planning obligation through a public deed, to be duly registered both at the Public Registry and at the Land Registration Agency, tying the ownership of the building for value-added agricultural activities to the farm, so that the building for value-added agricultural activities is not sold or transferred to third parties, unless in conjunction with the farm and, in that case, the farm continues with the same level of original operation and output.

Part E – Development Related to Farm Diversification

11. The need to cater for genuine farm diversification

11.1. Part E focuses on activities which augment or supplement, but do not replace, agricultural activities, thereby leading to a broadening of farm-based activities.

Policy 11.1.A: Farm retail outlets

1. Permission may be granted for the construction of a farm shop, in appropriate locations that abut an already existing street that can reasonably accommodate traffic generated by the shop and informal on-street parking without traffic hazard or adverse environmental impact if all of the following requirements are satisfied:

- (i) The applicant is a farmer who has been registered with the competent authorities for a minimum of five years;
- (ii) The farm shop must be proposed to be built within the boundaries of the applicant's agricultural holding itself with a minimum of 10 tumoli of land;
- (iii) The site is already accessible and amenable to such development without introduction of pressures for significant changes to the site surroundings including for vehicular access and parking;
- (iv) The design of the building shall comply with the general design principles outlined by policy 8.1.B, as relevant, and the gross floor area of the proposed farm shop must not be more than 15 square metres in size; and
- (v) In determining development applications for farm retail outlets, the Planning Authority shall apply the provisions of policy 8.1.F as relevant.

2. No new or altered vehicular access roads will be allowed;

3. The Authority shall impose the following conditions in development permissions granted for buildings for farm retail outlets:

- (i) Sales and business will only be allowed from inside the farm shop; and
- (ii) The use and operation of the building of the farm retail outlet shall be tied to the operation of the farm so that these remain complementary and operate as one

unit. The applicant will be required to enter into a planning obligation through a public deed, to be duly registered both at the Public Registry and at the Land Registration Agency, tying the ownership of the building to the land holdings so that these are not sold, rented or transferred unless in conjunction with the farm and, in that case, the farm continues with the same level of original operation and output.

Policy 11.1.B: Conversions to Visitor Attractions

1. Permission may be granted for the change of use or conversion of a building within an operational farming enterprise, to a visitor attraction, which may include a farm shop, exhibition/educational space (which could include small scale tasting of produce) if all of the following requirements are satisfied:

- (i) the building the change of use or conversion of which is being sought, must either be covered by planning permission, or must be a pre-1967 development;
- (ii) the applicant must be a farmer who has been registered with the competent authorities for a minimum of five years;
- (iii) not more than 25% of the floorspace of the existing buildings within the operational farming enterprise are converted to a visitor attraction.

2. The design of the building shall comply with the general design principles outlined by policy 8.1.B, as relevant;

3. In determining development applications for the conversion of existing buildings to visitor attractions, the Planning Authority shall apply the provisions of policy 8.1.F as relevant;

4. the theme of the proposal must be directly related to agriculture and/or rural conservation/appreciation/local crafts;

5. the permitted uses must be ancillary and complementary to the farming activity, form an integral part of the visitor attraction area, and do not have, or require, a separate access to the building;

6. the existing road network serving the site must be capable of dealing satisfactorily with the traffic which will be generated by the development and the already-existing vehicular access to the site is appropriately located and sufficient for the proposed use such that the demands of the project do not result in a traffic hazard;

7. the proposed conversion must accommodate any additional access and parking needs on site without (i) take up of undeveloped land (including agricultural land, natural terrain

or established habitats) (ii) any modifications to the site environment (eg land surfacing, demolition or alteration of rubble walls, rock-cutting or excavation works, alteration of the site topography, removal or hard-pruning of existing trees, etc);

8. The Authority will impose a condition in development permissions granted for the conversion of buildings for visitor attractions to tie the use and operation of the building to the operation of the farm so that these remain complementary and operate as one unit. The applicant will be required to enter into a planning obligation through a public deed, to be duly registered both at the Public Registry and at the Land Registration Agency, tying the ownership of the building to the land holdings so that these are not sold, rented or transferred separately.

Policy 11.1.C: New Visitor Attractions

Planning permission will not be granted for the construction of a new building for visitor attraction use.

11.1.1. Farm-based activities, which directly lead to increase in farmers' income, without placing undue strain on the environment, are to be encouraged. These activities however must complement and never replace, actual farming.

11.1.2. Proposals for visitor attraction uses must also be such as to contribute to farm diversification. They must be farm-based, they must also be aimed at presenting and interpreting an activity to visitors and must not include proposals for construction of new buildings.

Policy 11.1.D: Tourism Accommodation on farm holdings

Permission may be granted for extensions to and change of use to tourism accommodation (host family) of a legally established farmer's dwelling, subject to the satisfaction of all of the following:

1. The applicant must be a farmer who has been registered with the competent authorities for a minimum of five years;
2. Prior clearance from the Malta Tourism Authority is obtained;
3. The existing building has a minimum gross floor area of 100sqm;
4. The resulting gross floor area shall not exceed 250sqm, and the design of the resulting building shall comply with the general design principles outlined by policy 8.1.B, as relevant;

5. The proposal shall comply with the provisions of policy 8.1.F as relevant;
6. No independent food and beverage retail outlets shall be permitted;
7. The Authority will impose a condition in development permissions granted for the extension and change of use to tourism accommodation (host family) of a legally-established farmer's dwelling for tourism accommodation to tie the use, the permanent occupation and the operation of the building to the operation of the farm holding so that these remain complementary and operate as one unit. The applicant will be required to enter into a planning obligation through a public deed, to be duly registered both at the Public Registry and at the Land Registration Agency, tying the ownership and permanent occupation of the building to the ownership of the holdings so that these are not sold, rented or transferred unless in conjunction with the farm and, in that case, the farm continues with the same level of original operation and output.

11.1.3. Within the context of this policy, tourism accommodation refers to farm-based accommodation, where the visitor stays overnight in a farmer's dwelling within the boundaries of an operational farm with the farmer acting as a host family to the guests; the main activities of the visitor should involve some hands-on experience in the basic day-to-day operation of the farm.

11.1.4. The central objective of the policy is to assist operational arable and livestock farming enterprises to remain viable and diversify— but the predominant use shall remain agricultural.

Part F– Non-farming Animals

12. Policies regulating development related to non-farming animals

12.1. Part F lays down policies intended to regulate applications for development in rural areas, related to non-farming animals and their shelter, enclosures and related requirements.

Policy 12.1.A: Animal Sanctuaries and Shelters

Permission may be granted for animal sanctuaries and shelters, subject to the satisfaction of all the following criteria:

1. The applicant must be either a government body, or a non-governmental organization which is registered and compliant with the competent authorities' regulations;
2. Together with statutory consultees listed in the relevant legislation namely the Development Planning (Procedure for Applications and their Determination) (S.L.552.13), the Commissioner for Animal Welfare must be consulted;
3. The planned location of the proposed sanctuary must be not less than 200 metres away from the urban area;
4. The animal sanctuary or shelter shall comply with the provisions of policy 8.1.F as relevant;
5. The design of the building shall comply with the general design principles outlined by policy 8.1.B, as relevant, and the structures including supporting facilities, must be constructed of lightweight and visually permeable materials. The sanctuary is not to exceed the minimum size required to ensure safety and adequate welfare for the respective species, while supporting facilities must be no larger in size than strictly required;
6. The Authority is to require the construction of an underground reservoir, which reservoir is to serve the proposed animal sanctuary with water for drinking, for cleaning and other needs. The reservoir must have a minimum volume of 100 cubic metres;
7. The Planning Authority will impose a condition, that every year the owner is obliged to send in a copy of the licence issued and renewed under the Minimum Standards for Animal Sanctuaries Regulations (S.L.439.15);
8. The Planning Authority will also impose a condition that the sanctuary may not be transferred to a third party and this condition shall be the subject of a planning obligation through a public deed entered into by the applicant, which public deed must be duly registered both at the Public Registry and at the Land Registration Agency.

Policy 12.1.B Animal Enclosures

Permission may be granted for the erection of enclosures with adequate fencing for animals, intended for research, educational, sport leisure and exhibition purposes, other than animal sanctuaries, stables or horse-riding facilities, provide that all of the following criteria are satisfied:

1. The proposal shall include all those measures meant to eliminate any possible ill-treatment to the animals within the enclosure;
2. The design of the proposed animal enclosures shall follow the general design principles established by policy 8.1.B and are to be constructed of lightweight and visually permeable materials and shall not exceed the minimum size required to ensure safety and adequate welfare for the respective species;
3. The proposal shall comply with the provisions of policy 8.1.F as relevant;
4. The planned location of the proposed animal enclosure must be not less than 200 metres away from the urban area;
5. Widening or formalization of country lanes or pathways, especially proposals which would adversely affect existing rubble walls, will be resisted;
6. Any related amenities and supporting facilities shall be demountable and constructed in lightweight reversible materials and shall be limited to basic facilities up to a maximum footprint of 15sqm as long as these can be reasonably accommodated within the site without adverse impact on the environment and the landscape.

Policy 12.1.C: Stables and Horse-Riding Establishments

Permission for horse stables in rural areas, may only be granted in the following circumstances and subject to the listed conditions:

1. the construction of new stables within the defined boundary of a legally established rural dwelling, provided all of the following criteria are satisfied:
 - (i) The proposed stable(s) do not exceed a height of 3.5 metres above ground level and a gross floor area of 25 square metres per stable, including ancillary facilities and storage space;
 - (ii) The stables must be constructed out of natural timber;

- (iii) The stables are constructed on one level, above ground, and cannot have an underlying basement even if completely below ground;
- (iv) Together with statutory consultees listed in the relevant legislation namely the Development Planning (Procedure for Applications and their Determination) (S.L.552.13), the Office of the Commissioner for Animal Welfare must be consulted;
- (v) The Authority is to require the construction of an underground reservoir, which reservoir is to serve the proposed stables with water for drinking, for cleaning and other needs. The volume of the reservoir is to be of no less than one hundred cubic metres;
- (vi) The Planning Authority will also impose a condition that the stables may not be split away from the residence and may only be transferred to a third party if the residence is being transferred; and must be the subject of a planning obligation through a public deed entered into by the applicant, which public deed must be duly registered both at the Public Registry and at the Land Registration Agency.

2. The conversion/redevelopment of a legally established building in a rural area into stables or into a horse-riding establishment may be permitted, provided all of the following criteria are satisfied:

- (i) In the case of redevelopment of an existing legally established building
 - (a) The proposed stable(s) do not exceed a height of 3.5 metres above ground level and a gross floor area of 25 square metres per stable, including ancillary facilities and storage space;
 - (b) The building is not scheduled or otherwise protected, or considered by the Authority to be worthy of such protection;
 - (c) The replacement building must be compatible with the character of the surrounding rural area;
 - (d) The replacement building must be of one floor only, above ground;
- (ii) The replacement/converted building must be limited to the same footprint of the original building being redeveloped;
- (iii) The building is located at a distance of not less than 200 metres from the urban area;
- (iv) Any paddocks, exercise or training areas shall be located within the curtilage of the stables.

- (v) Together with statutory consultees listed in the relevant legislation namely the Development Planning (Procedure for Applications and their Determination) (S.L.552.13), the Office of the Commissioner for Animal Welfare must be consulted;
- (vi) The Authority is to require the construction of an underground reservoir, which reservoir is to serve the proposed stables or riding facilities with water for drinking, for cleaning and other needs. The volume of the reservoir is to be of no less than one hundred cubic metres;
- (vii) Stables for five or less horses must be located more than one hundred metres away from public groundwater extraction sources, while stables for six or more horses must be located at least two hundred metres away from public groundwater extraction sources;
- (viii) Applications within a groundwater protected zone must adopt mitigation measures against the pollution of groundwater; and
- (ix) Parking requirements and access must be given serious consideration. The Authority is not to permit the widening of lanes and paths to access the proposed stables; nor is the Authority to permit any proposals which involve the uptake of rural land for parking purposes in connection with the construction of stables or for any significant hard landscaping;
- (x) The stables shall comply with the provisions of policy 8.1.F as relevant;
- (xi) The applicant will be required to enter into a planning obligation through a public deed, to be duly registered both at the Public Registry and at the Land Registration Agency, tying the ownership to the stables so that they are not sold or transferred separately to third parties.

12.1.1. This policy deals with stables and horse-riding establishments. These of their very nature require space, careful planning and distance from urban areas (due to nuisances which these may cause in urban areas e.g. smells).

12.1.2. In many cases it is also possible that such stables require outside space for training and exercise: the environmental impact of this must be reduced as much as possible. The requirement of exercise must not result in loss of open rural land (including agricultural land, natural terrain or natural habitats, etc) or deterioration of the rural landscape (eg through significant topographical alterations or damage to existing landscape elements such as rubble walls).

12.1.3. Environmental concern must also be taken when it comes to exercising the actual activity. While rides of their very nature are linked with leisure and the countryside, care must be taken not to cause environmental degradation by trampling and creating new paths, particularly in sensitive rural areas.

12.1.4. Traffic generation must also be given consideration. Of their very nature, riding enterprises will generate traffic; one cannot require and permit rural roads to be widened and car parks to be created to cater for their requirements. Indeed, no such car parks or alterations to existing roads or tracks will be permitted.

Part G– Restoration and Redevelopment of Buildings in the Rural Area

13. Policies concerning the Restoration of Rural Buildings

13.1. Part G concerns the restoration and redevelopment of buildings in the Rural Area. This policy is based on three underlying principles: Firstly, the rural area is not completely unbuilt, and in fact there exist rural structures worthy of preservation as part of our heritage; Secondly in the spirit of the SPED one recalls the importance of ensuring that the rural area remains such i.e. that its rural character is preserved and that threats of urbanization are discouraged; and Thirdly a distinction is made between buildings situated in the Rural Area and those situated in 'rural settlements', 'hamlets' and 'Areas of Containment' in terms of the local plans. **Part G specifically excludes buildings situated in rural settlements, hamlets and Areas of Containment; these being regulated by specific principles to be found elsewhere.**

Policy 13.1.A: Restoration and change of use of existing buildings of architectural, historical (not scheduled), vernacular or of other significance

Permission may be granted for the restoration and change of use and without extensions of an existing building, subject to the satisfaction of all of the following:

1. It must be demonstrated to the satisfaction of the Planning Authority, that the building is either covered by development permission, or that it is a pre-1967 building;
2. The restored building shall be limited in use to:
 - (i) the current use which is covered by a development permission; or
 - (ii) a new use, permitted by this policy document on satisfaction of the respective criteria; or
 - (iii) an employment generating use which is compatible with the Rural Area such as niche tourism, research and innovation, nature appreciation; and
 - (iv) no new dwellings are permitted.
3. The Authority shall seek to safeguard any existing trees and shrubs within and around the site or, in the absence of such trees and shrubs, require a soft landscaping scheme with trees and shrubs that are typical of the surrounding environmental context. Development permission shall be subject to a condition that if the trees and shrubs in the approved landscaping scheme perish within five years from when permission is granted, they are to be replaced;
4. If no legally-established peripheral boundary walls exist around the building to be restored, the Authority may allow the construction of random rubble walls using the same traditional construction methodology, to define the curtilage of the building, provided this does not lead to visual or environmental impacts (including the demolition of existing

rubble walls) and provided that the height of the rubble walls does not exceed 1.2m from the existing site levels.

5. The existing road network serving the site is capable of dealing satisfactorily with the traffic which will be generated by the development. The vehicular access to the site shall be appropriately located and is not to cause a traffic hazard;
6. The proposal shall accommodate the additional parking needs on site without causing adverse impacts.
7. The general design principles established by policy 8.1.B and the provisions of policy 8.1.F shall apply as relevant.

Policy 13.1.B: Restoration and Change of use of Scheduled Buildings

Permission may be granted for the restoration and change of use and without extensions of a scheduled building in the Rural Area provided that all of the following criteria are satisfied:

1. The applicant shall ensure that the historical aspect of the building is not compromised;
2. When interventions and/or alterations to the scheduled building are proposed, a method statement shall be submitted to ensure that the proposal does not have an unacceptable adverse impact on the cultural value of the building;
3. The use does not involve storage/warehousing and/or industrial activity, unless the building is already covered by a valid licence for such use;
4. The proposal does not involve the creation of more than one dwelling which must have a minimum gross floor area of 100sqm.
5. If no legally-established peripheral boundary walls exist around the building to be restored, the Authority may allow the construction of random rubble walls using the same traditional construction methodology, to define the curtilage of the building, provided this does not lead to visual or environmental impacts (including the demolition of existing rubble walls) and provided that the height of the rubble walls does not exceed 1.2m from the existing site levels;
6. The existing road network serving the site is capable of dealing satisfactorily with the traffic which will be generated by the development. The vehicular access to the site shall be appropriately located and is not to cause a traffic hazard;
7. The proposal shall accommodate the additional parking needs on site without causing adverse impacts.
8. The general design principles established by policy 8.1.B and the provisions of policy 8.1.F shall apply as relevant.

Policy 13.1.C: Redevelopment, and Change of Use of Existing Buildings in Rural Areas not falling under 13.1.A or 13.1.B

Permission may be granted by the Planning Authority, for the redevelopment or consolidation, and/or change of use of existing legally established buildings, subject to the following criteria:

1. The proposed use must be:

- a legally established use; or
- a use already permitted by this policy subject to the satisfaction of the respective criteria; or
- an employment generating use which is compatible with the Rural Area such as niche tourism, research and innovation, nature appreciation;

provided that:

in the case of a pre-1978 residential building which on the submission of the application is visible on the 1978 aerial photos, is not a ruin and it is manifestly evident that the building can accommodate the existing use, redevelopment for the same use may be favourably considered;

2. The general design principles established by policy 8.1.B provided that the proposed building should not exceed the floor space and footprint of the existing legally established buildings, and the provisions of policy 8.1.F shall apply as relevant.

13.1.1. This policy seeks to cater mainly for the utilization of buildings which are not situated in rural settlements, are not of architectural, historical, vernacular or other significance, and are not scheduled.

13.1.2. In line with SPED, and also in line with the Maltese Government's policies (including environmental and agricultural policies), the policy discourages redevelopment for new residential purposes.

13.1.3. The permitted redevelopment and change of use must be such that it:

- (i) Does not in any way spoil or compromise the character of the surrounding rural area;
- (ii) May be intended to enhance agricultural activities and in particular to support new, young farmers.

13.1.4. As an alternative to 13.1.3(ii) the Planning Authority will actively consider granting a permission for a redevelopment and change of use, where the proposal actively combines sustainability and innovation.

Policy 13.1.D Extensions to Existing Dwellings in Rural Areas

Permission may be granted for a limited extension to an existing dwelling in rural areas provided that all of the following criteria are satisfied:

1. The building is not of architectural, historical, vernacular or other significance, and/or is not scheduled or merits scheduling;
2. The applicant proves to the satisfaction of the Planning Authority that:
 - (i) the property in question is visible on the 1978 aerial photos and has been used as a residence prior to 1978, is not a ruin and it is manifestly evident that, on the submission of the application, the building can accommodate the existing use, ;
or
 - (ii) the dwelling is covered by a development permission, other than development permissions granted on the basis of policies 13.1.A, 13.1.B, 13.1.C, and is still so used on the submission of the application;
3. The dwelling can be extended by a maximum of 50% of the existing gross floor area provided that the floor space of the existing dwelling and the extension would not exceed 200 square metres and the footprint does not exceed 150sqm. Where the gross floor area of the dwelling is already more than 200sqm, no further extensions shall be permitted;
4. The general design principles established by policy 8.1.B and the provisions of policy 8.1.F shall apply as relevant;

13.1.6. Dwellings dispersed throughout the Rural Area have existed for very long periods of time and, in line with legislation, this policy acknowledges those dwellings which have existed since 1967 or have been legitimized through the granting of development permission from the authority competent to issue permissions at the time. It is recognized that in some instances these residential buildings may require additional floorspace and outdoor amenities to meet the requirements of new or current owners and a balance needs to be achieved between these legitimate demands and the objective of safeguarding the rural environment from unacceptable adverse impacts.

13.1.7 However, it must be ensured that only buildings which are still in genuine use for residential purposes at the time of the application are granted this concession to enlarge their built volumes; that such enlargement can be effectively achieved without adverse impact on the surrounding environment and landscape. Buildings where it is manifestly evident that the residential use has been abandoned shall not be permitted to re-instate the abandoned residential use and extend the existing building.

