

RURAL POLICY & DESIGN GUIDANCE 2020

As published by the PLANNING AUTHORITY

Partit Laburista – Public Consultation submission

During the last weeks, *Partit Laburista* carried out a consultation process with delegates, activists, members and the general public regarding the proposed draft document of the Rural Policy and Design Guidance 2020.

Remarks and suggestions are being put forward for the consideration of the Planning Authority. Comments are being put forward referring to a number of parts of the document, based on the published documents and also the submissions received.

PREAMBLE

The point of departure is that the current policy, introduced in 2014 was in general a very positive step in the right direction, consolidating the aspects related to development in rural areas and replacing previously sparse and disjointed policy documents.

Further changes to the policy to curtail any development which is deemed unnecessary in rural areas is welcomed, whilst at the same time it's important to ensure that agricultural and animal husbandry industries are supported.

These industries come with well-defined standards which must be adhered to, and reflected in the policies. A substantial amount of European funds is also allocated to these industries, with clear conditions of adherence with these standards.

A departure from the term 'ODZ – Outside Development Zone' was noted, which is still however contemplated in the Local Plans. A revision and streamlining in approach are needed to address the different realities which exist beyond the development boundaries. It does not make sense to keep categorizing industrial areas and long-standing rural settlements as forming part of the outside development zone, due to their different contexts and realities.

Differentiation must be made between applications by registered farmers for agricultural use, applications within the boundaries of rural settlements in relation to existing legally established dwellings, applications within industrial zones and applications in sensitive rural areas some of which are not agricultural areas. To-date, in terms of processing all applications are treated equally, be it a reservoir for a farmer under soil level, or the development of a warehouse in an industrial area.

Such policies do not have just an environmental impact, but also are of vital importance to the economy, not just in monetary terms but also in assuring an adequate local food supply, which as manifested during the last months is crucial for a small island like Malta to reduce as much as possible its dependency on other countries.

This can only be done by making the agricultural (and fisheries) sector as accessible as possible, attractive, profitable and rewarding, in order to attract young people to take up such trades.

INTRODUCTORY OUTLINE

Definitions as proposed are well outlined, however this document is proposing clarifications and also additions to the existing glossary, in order not to create anomalies or terms which mean different things in other policy documents, such as the Local Plans, DC15 and SPED.

With regards to the eventual introduction of the updated policy, a number of consultations received remarked that it does not make sense to impose a new policy regime on ongoing planning applications, especially those which have been validated (Part A – Section 4).

Prior to the submission of a planning application, applicants together with their professional representatives evaluate the policy context, and invest in the preparation for the required submissions. Changing the context once an application has been submitted (and if post-validation with payments also affected by applicant's), would be counter to the applicant's legitimate expectations.

The main issues brought up relate to 2 particular aspects:

- the needs of **genuine** farmers and livestock breeders
- parameters in relation to existing legal buildings in the rural area, especially residences.

The policy needs to introduce mechanisms which with collaboration with respective authorities and departments, ensure that the genuine farmers are not penalized. It is being understood that the policy is proposing to curtail unnecessary development in the rural areas, which in principle is totally agreeable.

There should be a great emphasis on who really the genuine farmer is, and a proper classification. This can be based by the applicant being 'livestock breeder' and/or 'arable farmer' as certified by the Agricultural Advisory Committee (AAC); holdings registered with ARPA, part/full-time (or have been full time for a number of years), produce cultivated or animals being reared, agricultural produce/products being sold amongst others. This can be monitored and due certification issued to the respective farmers yearly by the respective authorities. Bureaucracy for such genuine farmers is also a big obstacle which many a times is a deterrent

for further initiatives, and whilst all the necessary checks and balances should be in place, streamlining of procedures and collaboration between the respective entities should be strengthened.

With regards to the parameters in relation to existing legal buildings, it is being suggested to streamline the cut-off date of legal buildings based on aerial photographs, in order to avoid different interpretations. In general, the rehabilitation of existing abandoned buildings which can accommodate a residence, is not being opposed to, as long as the permissible alterations are proportional to the existing building fabric in order to avoid urban intensification and small buildings being extended to accommodate a fully fledged dwelling.

Hence rather than basing the rehabilitation on its previous use, a subjective case-by-case approach is being advocated for existing legal buildings which can accommodate the proposed use, subject that such use is compatible with the rural area and the site context.

In all cases, with all the safeguards and parameters which are being proposed, monitoring of operations and enforcement remain key to eliminate abuse, whilst avoiding policies which penalize genuine law-abiding citizens.

REMARKS

The following are specific remarks in relation to articles within the proposed document for public consultation:

In the definitions section, it is being suggested that the definition of 'committed' should be clarified to include (or otherwise) approved development which has not yet been executed and permit is still valid, similarly to DC15.

It is being suggested to include definitions of greenhouse, 'value-added', 'injury to amenity', gross-floor-area and land reclamation for agricultural use. The term 'legally established' should be clarified in line also with other dates such as 1978 and 1994 mentioned in the policy, whilst the definition of a 'ruin' should differentiate between collapsed roofs and walls. A building with collapsed walls is a ruin; a building with a collapsed roof is not.

Buildings might need 'gutting' when being converted, and hence the definition of 'conversion' could hinder such eventualities which are contemplated in the policy itself (such as 11.1.B).

The overarching policies, principles and objectives, similarly to the current policy should serve as the main guidelines when assessing such applications. As stipulated in article 7.1, *the promotion and upholding of sustainable rural development without omitting the reasonable needs and requirements of the agricultural*

sector is essential, whilst context and a case-by-case basis approach ensures that the sensitivity of the rural landscape is safeguarded.

Additional emphasis to research and innovation as per Policy 8.1A is also a positive addition in the proposed document. This must be coupled with incentives for the clever use of agricultural land, which goes hand in hand with sustainable agricultural practices, and incentivizes more people to engage in agricultural activities.

The General Design Principles in 8.1.B outline a number of parameters. With regards to 8.1.B – 4, the introduction of basements under the footprint of permitted development was a positive step in RDPG2014. The emphasis on not having external openings especially if the topographical context permits means that any opportunity to introduce natural light and ventilation is lost.

8.1.B – 6 refers to green infrastructure, renewable energy generation and water conservation measures. Co-ordination with other entities is being suggested given that whilst all the above is favored, more information is needed where such measures are not being allowed in the rural areas, such as zones which are considered as archaeologically and/or visually sensitive. This would avoid unnecessary applications if the information is available beforehand.

Policy 8.1.D refers to soil conservation and monitoring. A number of submissions were received by *Partit Laburista* suggesting a clearer policy for reclamation of agricultural land which could include deposit of soil. Reference was also made to previously tilled land which has been abandoned for a number of years for particular reasons (eg: legal/familiar reasons) and whose owners have encountered difficulties to revert the land back to agricultural use due to what is being considered as a natural habitat which formed over the years of neglect.

Policy 8.1.E refers to utility services and the imposition to provide where needed a cesspit beneath the proposed building or immediately adjacent to the building it intends to serve. Whilst the principle is being understood and agreed to, at times this can be unfeasible due to restricted access required for serviceability, where it would make more sense to locate such services close to the existing vehicular access rather than restrict the location with the building. It is being suggested that whilst the preference as proposed is maintained, each case is treated according to its context and restrictions.

Policy 9.1.C refers to livestock farms and 'minimum herd sizes as defined by the AAC'. Such sizes should be part and parcel of the policy, with updates published if required.

Proper procedures should also be included in the policy with regards to the impermeability of the footprint to avoid further contamination of ground water, together with annual monitoring procedures to ensure the necessary procedures are being adhered to.

With regards to livestock farms and associated 'industrial' processes, these do not require a rural location, however incorporation within a holistic small-scale food production facility facilitates the operation and reduces traffic generation to and from the farm.

Policy 9.1.E as proposed outlines one of the main departures from the existing policy with regards to agricultural stores, and was one of the mostly commented-on section during the consultation process carried out by *Partit Laburista*. Whilst this submission is not intended to suggest the amount of holdings or the gross floor areas required, a number of points of principle in evaluating such developments are being put forward.

Reference to the 'genuine farmers' and their genuine needs has already been made in the *introductory outline* section in this document, and should be tied not just to the amount of holdings but to the standard crop output. The needs vary according to the produce being cultivated – which dictates the needs, and is independent of holding size. Operations should be monitored, whilst an analysis must also be made on the typical holding size of Maltese & Gozitan farmers. The amount of full-time farmers has gone down drastically, and these normally till tens of tumoli.

However, the absolute majority of the farmers who participated in this consultation process, own less than 10 tumoli and contribute greatly to the industry. These also have their needs in tilling their land. Provisions must also be made for young farmers, in order to facilitate their engagement to the industry.

The current policy (2014) introduced a number of positive aspects, such as the mapping and linking of the registered agricultural land with the approved storage facilities (publicly available on the PA Geoserver), to ensure that such land is not subsequently used for additional storage requirements.

However, submissions have been received with regards to ownership of land in relation to agricultural registration, where owners unknowingly had their land linked to such developments since application submission requirements require an ownership declaration only in relation to the field where the development is proposed. In such applications the declarations should refer to the holdings which are being linked to avoid such situations.

Imposing a policy condition such as 9.1.E, 1(vi), would mean in some cases an unsightly end result. Given the topographical characteristics of Malta's landscape, whilst the principle is being agreed upon to eliminate formalization of the landscape in accessing such stores, a proviso should be made to ensure whilst this remains the preference, the Planning Directorate and the Planning Commission can evaluate applications also according to the site context.

The policy should also outline the planting of trees as a permit condition to screen approved agricultural stores.

It is also being assumed that the mapping and linking being currently carried out will be continued, eliminating the possibility for the same holdings to be re-used in new applications under the eventual new policy regime.

Greenhouses are essential structures for certain operations within the agricultural industry. A clarification is needed with regards to article 2 of 9.1.F, where permanent foundations are specifically mentioned. Such structures depending on their size and form might require such foundations, and it is being suggested to treat such applications according to the proposed structures.

Water provision is the backbone of agriculture. Incentives for water conservation are always commendable. With regards to 9.1.G, clarification is being sought to 1(ii), which specifically states that reservoirs should be located on *arable terrain* within the agricultural land. The positioning of the proposed reservoirs should be carefully studied at application stage to maximize water catchment. Submissions were also received regarding the proposed pump room dimensions, which were considered as too small by operating farmers.

Nearly in all the developments contemplated in the policy document, a provision is made for the applicant to enter in to a planning obligation through a public deed, tying the ownership to the operation to prevent sale or transfer of such operations. Whilst this is not being contended for any of the other developments, with regards to reservoirs a revision is being suggested since transfer of agricultural land with a reservoir is essential for the continued cultivation of the land for current and future owners.

Policy 9.1.L refers to gates and rubble walls amongst others. Rubble walls and land partitioning are a pressing issue, especially due to inherited larger tracts of land which along the years resulted in multiple owners and hence subdivided; however, the minimum proposed of 1-tumolo for land partitioning is being considered as being too low, and will result in unsightly divisions. Alternative materials such as timber should be considered where the scope is solely demarcation of ownership and not retention. With regards to gates, a 1.2m high gate can be considered as being too low, and it is being suggested that the height should depend on the context given the steep topography characterizing the Maltese landscape.

Policy 10.1.A groups together boutique wineries, olive oil and honey processing. Feedback received referring to honey processing, emphasized this as being a totally different operation from wine and olive oil production. The land required and the type of operation vary drastically and hence it is being suggested to treat honey processing independently, and gauge the operation based on the amount of registered bee colonies as considered adequate by the respective authorities, rather than on the land owned.

Another aspect is the land holdings being specified to be *contiguous*. Whilst regionality and proximity is important to ensure that the operation is a holistic and feasible one, many land owners own or/and till sparse tracts of land albeit in proximity to each other. Specifying the contiguous aspect will result in a

number of genuine operators not being in a position to avail themselves of the concept and objectives of the policy itself.

It must be ensured that the minimum parameters outlined satisfy the standards imposed by other entities such as the Environmental Health Directorate where food processing is concerned in line with EU standards and regulations, whilst other regulations such as those regulating waste water should be either included in the policy itself or annexed to the document for prospective applicants and the general public to get the whole picture of the requirements for such developments.

Farm retail outlets as per Policy 11.1.A are part of the formula required for agricultural enterprises to become more financially sustainable and rewarding for farmers. Reference should be made to food processing, which is essentially the processing of agriculture produce into different value-added products such as jams and pastes amongst others. Such production is normally considered as industrial, on the same scale as other industrial processes, whilst given the opportunity such small enterprises are a means of attracting young farmers into the industry, due to a higher turnover, less holdings needed, a more efficient use of land and also a form of agri-business and agro-experience for both locals and tourists. A provision could be made for operations which include visitor attractions as contemplated in Policy 11.1.B - in such projects, rather than including provisions for parking areas which would lead to take up of land, a transportation plan should be part of the development application.

Provisions can also be made for what are normally seasonal make-shift retail areas adjacent to agricultural land (a number of which already exist) for farmers to sell their produce to passers-by from a non-permanent setting.

Policy 11.1.D refers to Tourism Accommodation of Farm holdings, repealing the previous policy on agro-tourism and proposing much more realistic parameters given the context and size of our country. It is positive to incentivize this kind of niche-tourism, with minimal impact on the environment itself, whilst also providing an additional possible revenue stream for the farming community.

With regards to Policy 12.1.b, animal enclosures for entertainment purposes should not be encouraged, in line also with the amendments to the Animal Welfare Act which banned animal circuses from Malta. Such enclosures should limit the number of animals in number and strict adherence to standards and guidelines to safeguard the well-being of the animals is being proposed.

Policies referring to stables should also include standards which are imposed by other entities in relation to dimensions, paddocks, manure clamps and cesspits amongst others.

Part G refers to one of the most contentious aspect of the rural policy, referring to restoration of rural buildings, change of use and extensions to dwellings. The introduction of parameters which relate to

existing legal buildings, such as extensions as a percentage of the existing building fabric, rather than specifying just a maximum amount of footprint and floorspace is positive.

Another positive introduction is in point 2(i) of Policy 13.1.D, which refers to a building which can accommodate the existing use, and hence avoiding small country rooms being converted into large dwellings based on a proof-of-residence. The policy should be there to ensure there is no speculative development, but which allows for the restoration of adequate existing buildings.

Converting such buildings to residential use should not be tied to the previous residential use, but to the existing legally established building fabric and size. Each case should be treated according to the site context, but having buildings which can house a family without significant extensions being excluded because of lack of proof that the building previously functioned as a residence, will only result in these buildings remaining abandoned. This applies also to a number of buildings with significant cultural heritage.

Hence contrary to what is being proposed in 13.1.7, what is being proposed in this submission is to assess each building and the site context on a case-by-case basis, and if a property can house a residential use in its current form this will result in a positive contribution with the restoration of the existing (many a times – dilapidated) building.

The overarching principle being advocated is to allow for restoration of existing legally established buildings, whilst eliminating speculative and unnecessary development in the rural areas, with clear policy definitions and parameters with no room for different interpretations.

Whilst the majority of small hamlets are categorized as rural settlements in the local plans, there are settlements with contiguous legally established dwellings which are not, and hence there is a policy vacuum when it comes to evaluate applications relating to for example infill plots between two legally established dwellings.

CONCLUSION

The above remarks are being put forward for the consideration of the Planning Authority and other respective entities.

Our intention as *Partit Laburista* is to contribute to policy formulation independently from Government, involving all those interested in order to ensure that the enacted policies reflect the needs of the respective communities, in this case mainly the agricultural and farming communities.

The public submissions of our ideas/proposals is being carried out in a transparent manner for the evaluation of the respective authorities but also for the scrutiny of the general public.

Rather than legislative limits, the concept behind the proposals is to encourage positive interventions, recognize clearly the genuine needs of the farming community and ensure that the policy framework leaves little-to-no room for interpretation with clear guidelines, whilst advocating for a case-by-case analysis which takes into consideration the rural context of the respective development.

Policies are not made to remain static – and hence if objectives are not being reached, or amendments are needed to address anomalies or arising situations, procedures should be in place to amend (both the Authorities and the general public) policies swiftly in a transparent and publicly communicated manner.
