

ACT and MaYA Foundation input for the re-evaluation of the National Rural Policy

Submitted to the Planning Authority on Monday 24th August

*ACT and MaYA reserve the right to submit more feedback beyond the
consultation date.*

These suggestions were drawn up following a careful analysis of the policy document by the ACT (VO/1491) and the MaYA Foundation (VO/0823), and a public discussion organised by the two organisations that brought together stakeholders, individuals and representatives from other NGOs.

The agricultural sector needs to be better enabled to grow sustainably. Agriculture is crucial towards our food security, the stewardship of our rural areas and the rural character. Farmers ought to be able to make an adequate living. Their interests should be better represented by the policy, while at the same time, certain types of permitted development that are unnecessary and damaging to rural areas should be curtailed or removed.

We acknowledge that the revision has made some important improvements on the preceding policy, however some changes were perceived to be counterproductive to the progression and preservation of our rural landscapes.

The policy does not adequately serve the needs of the modern farmer who, in a highly-competitive market, is under great pressure to update his/her machinery and to innovate his/her production and marketing methods. These necessitate improved land access and adequate storage space that caters for different kinds of machinery and different kinds of produce. In view of this, our suggestions below reflect the need for farmers to encounter less hindrances when applying for certain kinds of structures. This includes making it easier for genuine farmers to add value by developing on-farm retail facilities that showcase the processes involved in cultivating and processing fresh and artisanal produce.

The policy as it is does not favour facilities for small-scale farmers, despite existing examples of structures that have a small footprint and are sensitively designed to blend in effectively with the surrounding rural environment. Supporting the needs of small-scale farmers ensures a more resilient, populous and diverse agricultural community, and more opportunities for resource sharing, capacity exchange, innovation and the possibility for the creation of distinctive products and diversified streams of income for the agricultural sector.

In order to avoid abuses, there is a crucial need in the policy for a criterion that identifies and enables genuine farmers. Other organisations have already pointed out that declared turnover (from agricultural related activities) is the best indicator of genuine agricultural engagement, and we support this demand. Such turnover should be derived from produce that is grown locally. Apart from agricultural activities, there are activities which target ecology restoration which most of the time do not generate turnover; especially in the beginning. For such

projects, it is recommended that the Environment and Resources Authority has a crucial role and possibly a veto in decision making as the competent authority for environmental protection.

It should be recognised that most forms of genuine farming entail spending most of one's days not just to animals but also to crops. This is true not only for breeders with large herds, but also for breeders with fewer animals and also for arable farmers. Thus we suggest a more lenient policy with regards to farmer dwellings, alongside even tighter restrictions on non-farmer dwellings. Maximum building sizes are generally deemed excessive and smaller maximums are suggested.

We propose that in Section A, a clause is included that provides a clear statement of how the relevant authorities are understanding the needs of the sector through research and communication with stakeholders. This would ensure that not only are relevant stakeholders accountable to the policy, but that the policy and the authority are also accountable to the agricultural sector and other stakeholders.

Finally, we understand that a policy must ultimately be implemented and its measures upheld both during applications and for existing buildings and projects. Towards this end, we demand the introduction of clauses in section A that specify the monitoring and assistance responsibilities of different entities, stating by whom, how, how often, and with what resources these are achieved. In doing so, a guarantee should be included stating that reports made on site-visits

should not merely be communicated to stakeholders orally, but should be sent by email or by post. Guarantees must also be given that sufficient resources are being allocated in order to successfully implement the policy, and that their allocation is solidly based on an assessment of the tasks required to do so.

We also propose revisions to the existing constitution of the AAC in order to make it more representative of stakeholders and turn the process of application evaluation into a more transparent and less arbitrary one.

Proposed Changes to the AAC

We propose that the AAC also include:

- An additional two members, with relevant and long-term experience in agriculture, are to be appointed through application by members of the AAC board to supplant a lack of practical experience in particular fields relating to rural activity on the committee.
- A more transparent and representative process of selecting AAC members. All members of the AAC have to have relevant experience related to the responsibilities of the same board. Following an internal call within the different authorities, individuals can submit their CV and apply to sit on the board. They are to be interviewed and selected based on the expertise needed for the board to function.

- In the case no AAC member has competence in a particular field, the board should be given resources to appoint experts through public calls for consultation for individual cases where specific issues arise.

For stability to ensure consistency and continuity members should not be removed arbitrarily with cabinet changes. They must be appointed for a fixed period of time and be replaced by the Minister only when this period ends.

The quorum should be increased accordingly, and a clause should be added that leads to the removal of a member if they miss more than three meetings in a year.

Ideally, already established members should also be chosen by an interview and assessed by certain clear criteria, so that their expertise is guaranteed.

The AAC should be more transparent. This means publicising:

- The decision-making timeframes and processes.
- Decisions. It is understood that due to the differing nature of applications the committee cannot operate with strict criteria, but the publishing of application results will aid applicants to better understand how the committee makes its decisions. It will also help keep the committee accountable.
- Contact points. At present, these are unclear. We suggest that the AAC has a dedicated website for these reasons.

The AAC should set deadlines on its decisions and an appeals process must be instituted.

It should also carry out effective monitoring with regard to those areas of approved documents that fall under its responsibility.

If the board members and the single existing secretary cannot deal with the workload and the responsibilities mentioned here, new staff members should be employed.

VO and Government Entity Representation

Currently, the system of VO representation within the PA is inadequate. The representative tasked with representing VOs should be elected by VOs themselves. Improved channels should be created for consultation between the representative and the VOs such that these can easily reach each other and that there is frequent communication. VOs should be better informed about what the representative's role entails. Furthermore, in recognition that this is a lot of work to be carried out by one person, we urge that an assessment of needs be carried out, and that sufficient resources be allocated towards the representative's efforts, possibly including the engagement of further employees.

The onus should be on the PA to consult with VOs and government entities, not the other way round. Where appropriate, changes to the development planning

act should be made to necessitate consultation with certain entities, such as the Energy and Water Agency. These are necessary in order to ensure good governance and to show that the PA is involving expert help in its drawing up and implementation of policies.

Resource Sharing

The policy makes no mention of resource sharing. There should be an initiative for joint applications, not only with the aim of combating fragmentation in agriculture and conservation efforts but also with the scope of limiting land take-up by encouraging developments that serve multiple stakeholders. For this reason we suggest that such applications be more favourably considered.

For example:

- Cold rooms, stores and reservoirs can be shared between different genuine farmers. We also urge the government to invest in structures such as these that can be shared between different farmers (free of charge, in the case of cold rooms: such an example already exists in Gozo).
- Farm shops can accommodate different farmers, although coordination through cooperatives would help prevent abuse.

Water Management

The policy does not seriously consider water catchment and use, and policies regarding the matter are not found within the Planning Authority. It is unclear which authority monitors non-potable water use. This cannot be the case in a water-scarce environment. Therefore we suggest:

- The creation of criteria pertaining to the evaluation of water footprints, in order to assess the scale and validity of a development's water use needs. These must be included in the policy and in other relevant policies.
- The creation/recognition of a relevant entity that carries out that assessment and updates the criteria. If the Energy and Water Agency is the responsible agency, as per LN 340/2016, this should be recognised in the policy and it should be explained in which situations the Agency is to be consulted.
- Sufficient resources to carry out monitoring on approved developments.
- Liaison with relevant authorities that have water management expertise and data at their disposal.

We suggest that certain developments permitted by the policy, such as pools and wineries, be removed in part because they entail the excessive use of water for purposes that are 'not legitimate or necessary' (3.1) and do not have to be situated in rural areas.

Proposed Measure Amendments

2. Amendment: "Alien species" means any live specimen of a species, subspecies or lower taxon of animals, plants, fungi or micro-organisms introduced outside its natural range; it includes any part, gametes, seeds, eggs or propagules of such species, as well as any hybrids, varieties or breeds that might survive and subsequently reproduce;

Amendment: "Endemic" has the same meaning as defined in S.L. 549.44 Flora, Fauna and Natural Habitats Protection Regulations. In simple terms these species were not introduced by man and occur naturally in the Maltese Islands only or in the nearby islands if sub-endemic.

Amendment: "Footprint" means the total area which is covered at any level above ground (as seen from bird's eye view) including the covering of any raised floors.

Amendment: "invasive alien species" means an alien species whose introduction or spread has been found to threaten or adversely impact upon biodiversity and related ecosystem services;

Suggestion: *Instead of "Gross Floor Area" since GFA is a term which is widely used in other PA documents with a completely different definition, it would be preferred if "Effective area usage" or another term not already defined in other documents is used.*

Amendment: Indigenous includes species which grow in the wild in the Maltese countryside without having been introduced by man but not confined to the Maltese Islands unlike endemic species.

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).

+

8.1 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.

Suggestion: *National interest should not be left to interpretation but specific areas of national interest should be listed. Owing to the nature of rural areas, not all government policies should be able to translate into such developments. Some examples are: green lungs, food security, land stewardship.*

Suggestion: *Consider adding Competent Recognised Bodies as consultees. This inclusion is being proposed in view that there is no competent entity amongst those mentioned in the apiculture sector and the inclusion of a Competent Recognised Body shall cater for such lacuna as required.*

7.1. (c) Amendment: Ensuring the sustainable use of ~~rural resources~~ **natural resources or resources compatible with the rural context,**

Reasoning: *The change is proposed to better define what should constitute an acceptable resource respecting the sensitive context.*

8. The Overarching Principles and Policies

Suggestion: *For the agricultural sector to thrive it necessitates new energy and young farmers to safeguard food security, bring about innovation and new revenue streams into the rural sectors. We believe that the five-year registration requirements mentioned throughout the policy drain any possibilities and motivation for start-ups to make a living in this sector. If we want to revitalise our youth in agriculture and ensure long-term food security and the safeguarding of our landscapes, the five year restriction should be completely omitted. Instead, we suggest that start-ups be judged on the project's merit in terms of contribution to sustainable agriculture and/or ecological conservation and appreciation, rather than the applicants' prior experience. Relevant NGOs should be consulted in these cases.*

8.1.B 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.

Suggestion: *It is recommended to highlight that the rubble walls are in fact also protected by virtue of S.L. 552.01 Rubble Walls and Rural Structures (Conservation and Management Regulations). More often than not, there is the misconception that rubble walls are just boundary walls or retaining walls, where in reality rubble walls support whole ecosystems and thus are protected by law which applies equally for everyone. The law also stipulates that the Planning Authority*

is the competent authority responsible for the administration and implementation of these regulations.

8.1.B 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.

Suggestion: *In the interest of minimising land take up and impacts on site amenity, we feel it would be ideal to allow habitation in basements (although this might require changes in sanitation laws) and encourage underground use in general, for example by allowing agricultural stores to be built underground and making an allowance in that case for ramps. Basement-only dwellings and other developments, where no structures are built above ground and where the surface is covered with soil or a green roof, should be most favourably considered. At the same time, there should be clearer criteria regulating the depth of basements and their impact on the surrounding geology, water and ecology because these considerations are lacking.*

8.1.B 6. Amendment: 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) and non-polluting lighting, in accordance with policy 8.1.B 8, shall also be taken into consideration during the design phase, provided that such consideration does not override any shortcomings relating to other measures listed in the policy, and that the general objective of a high-quality rural design is not compromised.

8.1.B 7. Suggestion: *It is recommended to change the word 'indigenous' to 'native from local stock' because there is the misconception that by including indigenous species, the desired effect will still be achieved. An indigenous species is not adapted to the local conditions and it would be a cause of further genetic pollution. Nonetheless, it is recommended that any such proposed species are to the satisfaction of the Environment and Resources Authority as the competent authority for environmental protection.*

8.1.B 8. Amendment: Any development permitted shall not be a source of light pollution, particularly at night. All developments must follow the relevant Light Pollution Policy and its subsequent revisions. 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.

8.1.B 11. Amendment: 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 **any of these ancillary facilities cumulatively** ~~they~~ do not exceed a footprint of 75sqm.

8.1.C (ii) Amendment: 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 reinstatement of the site to an improved condition.

8.1.D: Soil Conservation and Monitoring

Suggestion: *Here there should be a statement explicitly stating that soil moving should be considered in genuine cases where farmers need to increase the depth of their soil, and that they should be the preferred recipients of soil removed for development purposes. This should be done in accordance with chapter 236 of the laws of Malta. Soil depth is crucial to sustainable agriculture in an era of climate change, because it allows for improved water retention during the dry summer months. However, the raising of walls surrounding the field should be disallowed, in order to prevent needless raising of rubble walls in a way that disrupts the landscape. It should also repeat that depositing soil on garrigue areas is explicitly forbidden.*

8.1.G 1. Amendment: *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 **which are compatible with the rural context** are privately or publicly owned.*

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

Suggestion: *Ensuring the right sanitation and dignity for farmers is elementary. Thus, a separate section permitting and regulating the creation of restrooms with cesspits that abide by sanitary laws needs to be included. Furthermore, A separate section permitting and regulating the creation of permanent but demountable shading structures made out of natural materials needs to be created. Shading structures are necessary not only to provide shade for the farmer, but these structures are necessary for the growing, storing and processing of produce, possibly saving time, fuel and energy for the farmer.*

9.1.A New Farm Dwellings for Farmers

Suggestion: *A clause should be included that allows full-time arable farmers with a declared turnover from local produce to also build a dwelling on their farm, limited to a footprint of 60 sqm.*

Comment: *Considering that the policy allows for ancillary facilities such as pools that take up to 75sqm (although we are contesting the allowance of pools), we*

feel it is even more warranted that farmers are allowed a modest dwelling of 60sqm next to the fields where they spend long periods of time. This might even reduce pressure for agricultural stores.

Suggestion: *Another clause should be included that allows full-time rabbit (essentially a distinctive Maltese product) and poultry breeders with a declared local turnover to build a dwelling on their farm, limited to a footprint of 60 sqm. These animals also require round-the-clock attention.*

Suggestion: *The policy should consider mixed farms, which generate income through a variety of different on-farm activities, such as livestock breeding (with single or multiple species whose herds are below the stated minimums coexisting with other activities), beekeeping, arable farming, stables, and daytime agri-tourism as stated below. Mixed farms might also involve ecology-appreciation activities. Therefore we suggest the insertion of a separate clause that clearly specifies that dwellings for mixed farmers are to be considered, although on a case-by-case basis that assesses the merits of the application not with regards to the size of the holding but to the cumulative demand of the various activities on the farmer's time.*

9.1.A 1. A (ii) Amendment: 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
- sheep and goats: 50 heads;

- milking cattle: 35 heads

9.1.A 3. Amendment: The effective area usage of the proposed building cannot exceed 90 square metres and the built footprint cannot exceed 60 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.

9.1.3. Amendment: 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. Ramps will be considered in cases of genuine need, specifically where this enables the replacement of an otherwise above ground structure.

9.1.C 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).

Suggestion: 'Minimum herd size' should not be defined by the AAC but should be expressly stated in the policy. The amended minimum herd sizes (including future minimums for rabbits and poultry) above should be used in this case as well.

9.1.E 1. (iv) Suggestion: *The entitlements in this section exclude the genuine needs of small farmers who rely on their farming enterprise but are denied adequate facilities to store produce and equipment. We suggest that they be removed and that abuses be mitigated by requiring that permissions are granted on the basis of a farmer's declared turnover from local produce, which in the case of part-timers, is a minimum that is to be stipulated in the policy. Adequate monitoring ensures that this is not abused in future.*

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

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

+

9.1.F 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;

Suggestion: *These measures are unrealistic and hinder the successful operation of hydroponic and aquaponic greenhouses. An allowance needs to be made for these activities.*

9.1.F 4. Amendment: 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. **Greenhouses will be exempt from landscape mitigation measures that necessitate their being surrounded with trees, because these create unwanted shade and compete for the soil's nutrients, hindering successful cultivation in the greenhouse.**

9.1.G: Water Reservoirs and Pump Chambers

Suggestion: *This section must include a clause, adhered to also by the AAC, stating that owing to Malta's limited water resources and great need for water harvesting, the creation of reservoirs, even where serving limited landholdings, is to be considered favourably, and that reservoirs developed by multiple farmers in collaboration are to be particularly encouraged.*

9.1.G 3. Suggestion: *The roofing of reservoirs gives rise to abuse in the rural context and the changes generally welcome, however the concern is that there will be more water losses by sun and wind, also might increase the colonization of unwanted pests such as mosquitoes and hornets. It is therefore suggested that the **covering of reservoirs with floating energy capturing devices may be considered provided that the provisions of Policy 8.1G and 8.1F are not jeopardised.** The effect of this inclusion should be towards good use of space, less water losses, and increase in renewable energy capturing infrastructure.*

9.1.I 1. (i) Amendment: It is recommended to state exactly what the higher soil level means to avoid instances where unacceptable change in soil levels occur. **“higher soil level”** is proposed to be **replaced** with **“original higher soil level as per LiDaR Maps for Malta”**. This public tool should be used effectively especially since public funds were used for its establishment.

9.1.I 4. Amendment Gates may be permitted subject that they shall be clad in ~~timber~~ any compatible materials within the specific rural context as certified by the Design Advisory Committee and the Agriculture Advisory Committee and shall not exceed a height of 1.2 metres or the legal height of the boundary wall, including supporting pillars; and

The inclusion of other materials in the rural context can be seen as a step forward towards more sensitive innovative design especially using recycled materials which might be compatible with the rural context.

9.1.K Installation of Photovoltaic Panels, including solar farms

Suggestion: *The installation of solar farms in rural areas should not be favourably considered unless forming part of a comprehensive master plan aimed at the restoration of the rural area. Regard will be also given to the Solar Farms Policy 2017 following acceptance of the comprehensive masterplan by the Environment and Resources Authority. A subsequent amendment to the wording in this measure is suggested.*

Reasoning: *The proposal is to encourage a clear vision unlike piecemeal development and the ERA should be playing an important role as the*

competent Authority on the protection of the Environment. Generally, the exclusion of Solar Farms from being in principle regulated with the Rural Policy would effectively be reducing the Outside Development Zone areas which were originally part of the natural/rural environment.

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

Comment: *Please provide us with the respective calculations for such areas. The area required should be in all cases justified by the applicant in view of the varied activities one can undertake. The justification shall be assessed by a recognised competent entity involving the direct input of a registered organisation within the sector.*

10.1.A 4. Amendment: 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 **and recognised competent bodies** which, in its opinion, regulate the activity to be located in the proposed building such as the Wine Regulation Board, the Malta Standards Authority and the Civil Society Committee and/or any recognized body having the direct input of a registered organisation within the respective sector.

11.1.A 1. Suggestion: Introduction of a further requirement:

*(vi) Only farm shops selling **local** produce (from one's own holding) will be allowed. Joint proposals where farmers set up a shop together (again, subject that they only sell **local** produce from their own holdings) will be encouraged.*

11.1.A 1 (ii) Amendment: The farm shop must be proposed to be built within the boundaries of the applicant's agricultural holding itself with a minimum of 5 tumoli of land **unless the activity does not require additional land holding to the land required for the farm shop and provided that clearance from the Environmental Health Directorate;**

All agricultural activities which have no specific sanitary health restrictions should be equally treated.

Comment: Some farmers who own less than 10 tumoli grow enough produce to set up a farm shop. This is why we are proposing a revised minimum of 5 tumoli. It is not the minimum that ensures that abuses are avoided, but the stipulation that farmers only sell from their own produce. We encourage the policy to adopt this criterion and to allocate sufficient resources to ensure that it is adhered to in the interest of ensuring that land take up only benefits the genuine and valuable

11.1.D: Amendment: 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:

Suggestion: Instead of extensions, this section should include a clause permitting on-farm shading structures made out of natural materials that blend in with the environment. These should be fully reversible if deemed required. A restroom, with cesspit, should also be allowed.

4. Amendment: Consider changing prerequisite 4 as follows:

The effective area usage 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.

Giving more effective area usage for tourism accommodation is contrary to the agricultural practice since it would effectively be reduced thus requiring less external help.

5. Amendment: Consider changing pre-requisite 5 as follows:

The proposal shall comply with the general design principles established by policy 8.1B and the provisions of policy 8.1F as relevant.

Part F Suggestion: *Non-farm animals classified as exotic should be entirely eliminated and domestic (horses, dogs, cats) animals should be the exception not the rule, and reference should be made in the policy to existing laws regarding the hoarding of animals. These create unnecessary pressure on resources, create large amounts of waste, might be inhumane to animals, might be harmful to local biodiversity, and might be turned into zoos. Only animals bred for conservation purposes should be encouraged.*

12.1.C: Stables and Horse Riding Establishments

Suggestion: *The policy gives excessive importance to the building of stables when compared to the building of structures such as agricultural stores or cold stores. We suggest that stables are only constructed for purposes relating to **sustainable rural services**. However, as a potential source for genuine rural*

diversification, we suggest that stables are also allowed as new developments, subject that, again, they are aimed towards providing sustainable rural services such as education, research, horse riding, and animal therapy. Furthermore, we feel that since horses are also animals that require a lot of attention, and considering the potential for genuine farm diversification through stables-based agri-tourism, we suggest that ancillary dwellings should be permitted, with a combined height of not more than two stories, provided that the cumulative land take up of the stables and dwelling do not exceed the footprint of the original building, or they do not exceed 60sqm in the case of a new building. In the case of an agri-tourism, there should be at least one horse for each room. Change of use should be forbidden and the building should be demolished if these provisions are found to be lacking.

Policy 12.1.A 6. Amendment: 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 **or following the provisions set in Table F.10 of Document F, whichever is the largest in resultant volume.**

Reasoning: The addition shall be catering for more water storage areas if required according to the building demands and following an already established document which is already referred to in other PA documents.

12.1.B Amendment: *Permission may be granted for the erection of enclosures with adequate fencing for animals, intended for research **that is strictly limited to conservation of species that exist or have previously existed in Malta,***

educational, sport leisure and exhibition purposes, other than animal sanctuaries, stables or horse-riding facilities, provide that all of the following criteria are satisfied:

Suggestion: *Inclusion of a further pre-requisite: The proposal shall be to the satisfaction of the Environment and Resources Authority which shall have veto rights in decision making as the competent authority for environmental protection.*

12.1.B 5. Widening or formalization of country lanes or pathways, especially proposals which would adversely affect existing rubble walls, will not be accepted.

Comment: *The used term might put the PA in a very awkward situation possibly creating case laws where inconsistencies occur unless stated boldly as proposed.*

13. Policies Concerning the Restoration of Rural Buildings

Suggestion: *We feel that a ban on the restoration of ruins affects negatively the rural character, and that such developments should actually be encouraged. However, to avoid abuses, two important clauses must be added: 1. That the previously existing footprint AND gross floor area not be exceeded in the subsequent development; 2. That no ancillary facilities nor basements be allowed.*

13.1.A 2. (iii) an employment generating use which is compatible with the Rural Area such as niche tourism, research and innovation, nature appreciation; and

Suggestion: *With regard to the word 'research' in this measure, a specific link should be made to the definition of research and innovation in 8.1.A in order to limit its interpretability. If any broadening of this definition is to be considered, we suggest that it aims to achieve one or more of the Sustainable Development Goals.*

Policy 13.1.B: 5. Amendment: 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 original higher soil levels as per LiDaR Maps of Malta and to the satisfaction of the Superintendent of Cultural Heritage.**

13.1.C 1. Redevelopment, and Change of Use of Existing Buildings in Rural Areas not falling under 13.1.A or 13.1.B

Suggestion: *We feel that development of an existing building into a residence should be expressly forbidden, not discouraged, if the building was not previously legally established as a residence. We also suggest that, when it comes to allowing change of use or re-development into a residence for pre-1978 buildings, sufficient evidence should be found to prove that it was previously a residence, and that if this is lacking, the development should be rejected, even if it adheres to all the other listed criteria (i.e. not a ruin, visible on aerial photographs, can accommodate use). This is being suggested to limit as*

possible the proliferation of dwellings for non-farmers, keeping in mind that the policy as it has been published for consultation allows for significant ancillary structures to be added to buildings (i.e. pools, animal enclosures) that result in further needless land take up.

13.1.D 3. Amendment: The dwelling can be extended to a gross floor area of not more than 90 square metres and the footprint does not exceed 60sqm. Where the gross floor area of the dwelling is already more than 90sqm, no further extensions shall be permitted.