

# RURAL POLICY AND DESIGN GUIDANCE, 2014



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## GLOSSARY

### GLOSSARY OF TERMS

Term	Definition, meaning or explanation
<b>AAC</b>	Agriculture Advisory Committee
<b>Abandoned agricultural land</b>	<p>Abandoned agricultural land refers to agricultural land no longer in production, intentionally or unintentionally, but which is still covered with soil.</p> <p>Derelict agricultural land which has been abandoned for a long period and subsequently, it has become characterised by species of wild flora. In such cases, the land constitutes a natural site and therefore, any proposal for conversion of such land into agricultural land requires permission from the Authority. Where such land has become characterised by species of wild flora, the Authority must determine whether the land qualifies as a natural habitat, an important habitat of wild species or an ecological corridor.</p>
<b>Agricultural buildings / structures</b>	Buildings/structures essential to the needs of agriculture, which are permitted to take place in rural areas.
<b>Agricultural land</b>	Also referred to as farmland. Unless otherwise stated in this document, this term refers to arable agricultural land.
<b>Amenity</b>	The term ‘amenity’ refers to the “pleasantness of the surroundings” ( <i>source: Peter Collin Publishing, 1995, Dictionary of ecology and environment, 3rd ed.</i> ). Normally, the amenity of an area is determined by various interrelated natural/man-made features and factors (e.g. the quality of the scenery, traditional rural features, quietness, pleasant facades, presence of trees, etc.) within a particular place, thereby making the surroundings and the environment pleasant for the people.
<b>Ancillary facility or use</b>	A planning term which describes a use or facility that is subsidiary, but related/complementary, to the main use.
<b>Animal or livestock farm buildings</b>	Buildings used for the rearing or breeding of animals/livestock for agricultural production. Such buildings include ancillary buildings and structures, such as storage space for machinery/equipment and waste management facilities that are indispensable for the day-to-day operation of the main livestock farming activity.
<b>Arable agricultural land</b>	<p>Also referred to as arable land. Land that is covered with soil and may be officially registered with the Agriculture Directorate as dry or irrigated agricultural land (including greenhouses), and it is cultivated for crops.</p> <p>Fallow agricultural land constitutes rested arable agricultural land.</p> <p>Natural habitats and land characterised by exposed rocky surfaces do not constitute agricultural land, even if such habitats or land are registered with the Agriculture Directorate.</p> <p>Abandoned agricultural land does not constitute arable agricultural land.</p>
<b>Arable farming</b>	<p>The activity of cultivating/growing crops from arable agricultural land for agricultural production and it involves the sale/use of such crops for:</p> <ul style="list-style-type: none"> <li>(i) human consumption; or</li> <li>(ii) processing elsewhere in order to produce other consumable or non-consumable goods.</li> </ul>
<b>Arable land holding</b>	Unless otherwise indicated in this document, the term arable farm or land holding refers to all arable agricultural land including that registered in the name of the applicant with the Agriculture Directorate, excluding any natural habitats and rocky grounds.

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	The term 'holding' is also used for specific types of agricultural activities. In such cases, the term 'holding' means the same as above, but limited to the type of land specified in the text/policies. As an example, a vineyard holding refers to all officially registered arable land that is covered by vines; 'officially registered' means that the land is registered in the name of the applicant with the Agriculture Directorate. The National Statistics Office also define 'agricultural holding' as a single unit, both technically and economically, which has a single management and which undertakes agricultural activities within the economic territory of the European Union, either as its primary or its secondary activity. An agricultural holding may have various land parcels in different localities and hence, all information relate to it is taken at the holder's residence.
<b>Areas of High Landscape Value (AHLV)</b>	Areas designated (protected or identified for protection) as Areas of High Landscape Value in accordance with Policy RCO 1 of the Structure Plan.
<b>Authority</b>	The Malta Environment and Planning Authority and its successors.
<b>Basement</b>	A basement is an additional floor underneath the footprint of a building and which is completely underground in relation to site levels. In case of different site levels the exposed part of the basement shall be adequately screened and landscaped.
<b>Change of use</b>	A different or new use of a building or land for which development permission may be required from the Authority.
<b>Conservation</b>	Positive measures for the management of existing resources or assets, both natural and man made, to ensure their protection and enhancement.
<b>Consolidated land holding</b>	This 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 by or leased to the same person.
<b>Conversion</b>	Conversion may include reuse, but it may also involve structural alterations and modifications to an existing building or land. Normally development permission is required, unless the intended alterations/modifications are permitted to take place without a formal application for development permission as set out in the Development Notification Order.
<b>Country lane</b>	A narrow road in the countryside.
<b>Countryside</b>	Areas outside the development zone (ODZ).
<b>Cultural heritage</b>	Cultural heritage includes (but it is not limited to) monuments, buildings, structures, features, remains, open space, sites and areas of historical, cultural, architectural and archaeological interest. The legal definition of cultural heritage is set out in the Cultural Heritage Act of 2002 (Chapter 445 of the Laws of Malta).
<b>Curtilage</b>	The physical boundary surrounding a building or group of buildings, typically bound by a peripheral wall.
<b>Derelict</b>	Describes buildings or places that are not cared for and are in bad condition ( <i>source: Cambridge dictionary online [http://dictionary.cambridge.org]</i> ).
<b>Development permission</b>	A permission to carry out development as granted by the Authority on an application. New buildings, major alterations and enlargement of existing buildings and many changes of use of buildings and land require development permission. Permission is sought from the Authority. An

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	application for development permission may be approved, or approved subject to certain conditions, or refused.
<b>Development zones</b>	Designated areas where urban development is permitted. Also referred to as 'urban areas'. This excludes rural settlements.
<b>Dilapidated</b>	Describes something old and in poor condition ( <i>source: Cambridge dictionary online [http://dictionary.cambridge.org]</i> ).
<b>Disused or abandoned</b>	The condition of not being used ( <i>source: Cambridge dictionary online [http://dictionary.cambridge.org]</i> ).
<b>Dry agricultural land</b>	Also referred to as dry land. This refers to arable agricultural land that is not irrigated land.
<b>Dwelling</b>	Also referred to as 'dwelling unit'. A self contained building which was constructed for habitation purposes and usually accommodates a single household. The terms 'farm dwelling' and 'dwelling for a livestock breeder/farmer' refer to a dwelling where a farmer lives.
<b>Ecological, scientific, cultural, archaeological, landscape and scenic values</b>	These values are determined in accordance with the provisions of environmental regulations, the Structure Plan, the Structure Plan Explanatory Memorandum and any other policy or guidance documents approved by the Authority on the subject. These include areas, sites and features which may not be protected yet.
<b>Edge of a watercourse</b>	The edge of a watercourse refers to the outermost border of the watercourse including the valley-bed itself, valley-banks and associated vegetation; also see definition of watercourse.
<b>Employee</b>	A person who works for another person or for a company for a salary.
<b>ERA</b>	Environment and Resources Authority. Reference to this authority is being made as at June 2014 in anticipation of the new authority to be set up, and which authority will be responsible for the Environment and Resources.
<b>Existing building</b>	This refers to a permitted building or a pre-1978 building which can be seen on the aerial photos.
<b>Extension</b>	Refers to the physical expansion of a building, which could take place horizontally and/or vertically.
<b>Farm (arable or livestock) or farm unit</b>	<p>It refers to the physical features (e.g. arable land, animal farm buildings, etc.) that an arable farmer or a livestock breeder operates for arable or livestock farming purposes.</p> <p>An arable farm unit consists of all arable agricultural land that is productive for the growing of crops and includes ancillary structures that are essential to the needs of arable farming (e.g. reservoirs and agricultural stores). Such arable land must be registered in the name of the farmer with the Agriculture Directorate. Natural habitats and rocky ground do not form part of an arable farm unit even if registered on applicant's name.</p> <p>A livestock farm unit is normally delineated by a physical boundary wall which defines the curtilage of the same livestock farm unit. Such boundary wall encloses a group of livestock farm buildings and includes internal circulation space. Land that is located outside such peripheral boundary wall is not regarded as part of the livestock farm unit although it will form part of the holding.</p>

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<b>Farm diversification</b>	Farm diversification refers to 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.
<b>Farm or agricultural enterprise</b>	A farm or agricultural business, run on a commercial basis and normally by private individuals or organisations (e.g. arable farmers and livestock breeders). A farm or agricultural enterprise refers to the whole activity, including the operational aspect of farming and the various processes involved.
<b>Farmer</b>	A person registered with the Agriculture Directorate who actively conducts an agriculture activity producing outputs. Farmers engaged in arable farming are referred to as arable farmers. <b>Arable farmers</b> are engaged in the cultivation of crops (including vines and olives) from arable agricultural land for agricultural production. Farmers engaged in livestock farming (or animal husbandry) are referred to as livestock breeders, animal breeders or livestock farmers. <b>Livestock farmers</b> are engaged in the rearing and/or breeding of animals/livestock for agricultural production. Persons engaged in the rearing of horses, or any other types of animals not intended for agricultural production, are not regarded as livestock farmers.
<b>Floor space</b>	For the purpose of this document, floor space is measured externally and incorporates the area of all floors, including wall thickness, internal open spaces (e.g. shafts and internal courtyards), roofed-over enclosed spaces but excludes: (1) basement levels and (2) any common parts (e.g., shared entrance halls/stairwells).
<b>Footpath</b>	Type of pathway that is intended primarily for use by pedestrians, but not other forms of traffic such as motorized vehicles and horseback.
<b>Footprint</b>	The footprint of a building or structure refers to the total surface area occupied by a building or structure, including all rooms, internal spaces, internal open spaces (e.g. shafts and internal courtyards) and the thickness of walls, at ground level. For the purpose of this document, the footprint is measured externally.
<b>Groundwater</b>	"All water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil" (Directive 2000/60/EC, Water Framework Directive).
<b>Habitat of species</b>	The habitat of a species could be natural or man made (whether provided intentionally or not) and includes: (i) breeding, rearing, nesting and/or resting sites for the species; and (ii) land, grounds and/or features which are normally associated with the presence or occurrence of wild species.
<b>Indigenous species</b>	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 ecosystem.
<b>Inland water</b>	"All standing or flowing water on the surface of the land, and all groundwater on the landward side of the baseline from which the breadth of territorial waters is measured" (Directive 2000/60/EC, Water Framework Directive).
<b>Irrigated agricultural land</b>	Also referred to as irrigated land. This refers to arable agricultural land that is irrigated from a permanent source of water that is available for irrigation purposes all year round. Such permanent source of water should consist of one of the following: (i) a registered borehole from where the applicant is licensed to extract water; (ii) a permanent spring; (iii) a reservoir; or (iv) a pipeline connected to any source mentioned in points (i) to (iii). It also

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	includes land that is irrigated from naturally occurring sources of water.
<b>Land fragmentation</b>	Normally, this term refers to an agricultural land holding of a farmer which consists of separate, and often distant, parcels of arable agricultural land.
<b>Landscape</b>	Unless otherwise indicated in this document, landscape shall be taken to refer to the visual aesthetic component of the surrounding environment (i.e. views) as appreciated and interpreted through the sense of sight. The landscape is determined by various rural resources and their relationship to the land and its characteristics (e.g. topography, land form, terracing, etc.). The term 'landscape' should not be confused with the term 'landscaping'.
<b>Landscape features</b>	These could be natural, man made or both.
<b>Landscaping</b>	A general term used for the means by which, where appropriate, development is made to fit visually into its surroundings by control of siting and layout and use of trees, shrubs or grass (soft landscaping) and/or fences, walls or paving (hard landscaping), whilst respecting the character of the rural area as per the Guidelines on Trees, Shrubs and Plants for Planting & Landscaping in the Maltese Islands issued by the Authority.
<b>Legally-established</b>	Unless specified otherwise in the policy document, the term 'legally-established' refers to any intervention, including land-use change and land reclamation covered by development permission or that which is visible on the 1978 aerial photographs.
<b>Licence</b>	An official authorisation that the competent authority or body issues in the name of a particular person or organisation before the intended activity could start or take place. Normally, a licence deals with the various details of an activity, including processes, equipments, machinery, noise levels, air emissions, number of animals to be kept/slaughtered, etc. A licence includes a set of conditions which must be satisfied by the responsible person/organisation.
<b>Livestock or animal farming</b>	Also referred to animal husbandry. The activity of breeding/rearing animals for agricultural production and it involves the sale/use of such produce (mainly meat, eggs or milk) for  (i) human consumption; or  (ii) processing elsewhere in order to produce other consumable or non-consumable goods.
<b>Livestock unit</b>	The Livestock Unit (LSU – sometimes also LU) is a unit used to compare or aggregate numbers of animals of different species or categories whose equivalences are based on the food requirements of such defined animals. By definition, a cow weighing 600 kg and producing 3,000 litres of milk/year = 1 LU. This term should not be confused with Livestock Farm Unit.
<b>MFSA</b>	Malta Financial Services Authority
<b>New building</b>	Unless otherwise indicated, a 'new building' refers to the construction of a building after the adoption of this Policy Document.
<b>New development</b>	Unless otherwise indicated, new development shall be taken to refer to legal development permitted after the adoption of this Policy Document.
<b>Outside the development zone (ODZ)</b>	Areas located outside the designated areas in the Local Plans where urban development is permitted, excluding rural settlements .

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<b>Planning condition</b>	Also referred to or known as ‘conditions’ or ‘permit conditions’. Development permission may be conditional on other works or undertakings being carried out by the developer, may restrict or modify the development/its operation, or require the submission of further details. Also, planning obligations may be imposed as a condition of the planning permit.
<b>Planning obligation</b>	Planning obligations may be requested by the Authority in accordance with Article 76 of the Environment and Development Planning Act (2010). Planning obligations must be carried out through a legally-binding deed duly registered both at the Public Registry and the Land Registry.
<b>Proposed site</b>	Refers to the site where the proposed development is intended to take place, including any adjoining property which is indicated on the official site plan submitted to the Authority. The term ‘proposed siting’ refers to the land area (footprint) that will be occupied by the proposed development.
<b>Protected species</b>	Species of wild flora and fauna protected through environmental regulations under the Environment Protection Act and/or EU environmental directives or regulations.
<b>Recycled stone</b>	Stone recovered from demolition which is returned to its natural finish to be re-used for construction purposes.
<b>Redevelopment</b>	Redevelopment involves the total demolition and rebuilding of an existing permitted or pre – 1978 building or structure, or the consolidation of scattered permitted or pre – 1978 buildings or structures. The design of the new building/structure shall be compatible with the character of the rural environment.
<b>Region or Regional</b>	For the purpose of this document, any reference to ‘region’ or ‘regional’ is defined as the administrative portion of the Maltese Islands bound by not more than three adjacent local council boundaries.
<b>Registered land</b>	Land registered with the Agricultural Directorate.
<b>Rehabilitation</b>	To improve the current dilapidated or derelict conditions or status of land, buildings or habitats on the basis of specific objectives (e.g. favourable conservation status of a habitat or reuse of a building). Rehabilitation may not necessarily result in restoration.
<b>Residential area</b>	An area within a Development Zone boundary designated for this purpose in a Local Plan.
<b>Restoration</b>	“The act or process of returning something [land, natural habitat, old building] to its earlier good condition or position” ( <i>source: Cambridge dictionary online [http://dictionary.cambridge.org]</i> ). Examples include: restoration of a natural habitat which has been damaged and restoration of an old historical building which has become derelict due to abandonment.
<b>Ridge</b>	A ridge is a geological feature having a continuous elevational crest.
<b>Rubble walling</b>	The practice of constructing rubble walls -this refers to traditional methods and techniques where neither cement nor cladding is used.
<b>Rubble walls</b>	Also referred to as random stone walls and traditional rubble walls. Low walls built in random rubble ( <i>sejjeħ</i> ) are a distinctive feature of Malta’s countryside. The term relates only to field walls built with local stones without cement or mortar.
<b>Ruin</b>	A dilapidated structure which has lost all or the majority of its supporting walls and roof(s).

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<b>Rural areas</b>	See 'countryside'.
<b>Rural building</b>	A building that is legitimately located in a rural area. It includes buildings of historical or architectural value.
<b>Rural character</b>	<p>The term 'rural character' or the 'character of a rural area' is determined by the various features that are found in a particular rural area and their relationship to the characteristics of the land and its surroundings.</p> <p>Protection of the rural character means conservation of the traditional characteristics of the Maltese countryside or of particular local rural areas, or prevention of further damage to such traditional characteristics. Conservation of the character of particular rural areas could depend on:</p> <ul style="list-style-type: none"> <li>(i) effective control of human induced factors, such as the quality of design, the types of colours and materials used, the layout and scale of the development, etc.; and/or</li> <li>(ii) protection of old buildings and their historical/architectural characteristics; and/or</li> <li>(iii) protection of site specific characteristics of the land and its surroundings, such as the open character of an area, the original land form and topography, valley systems, traditional terracing, natural habitats, etc.</li> </ul>
<b>Rural communities</b>	Households living in rural areas.
<b>Rural settlements</b>	As designated in local plans.
<b>Scheduled, listed, designated or protected areas, including areas/sites proposed for scheduling</b>	Areas, including sites and features, that are scheduled, listed (i.e., recorded in the National Protective Inventory), designated and/or protected (or which merit scheduling, listing, designation and/or protection) for their ecological, scientific, landscape, cultural and/or archaeological value under the Environment and Development Planning Act, including those designated in Local Plans and Action Plans. Areas/sites proposed for scheduling are features of cultural and/or natural heritage significance worthy of protection and defined by the Authority
<b>Small farm</b>	The threshold for a small farm is an animal population of poultry, rabbits, sheep and goats established by the Veterinary Services Regulations.
<b>Soil retaining rubble walls</b>	Rubble walls which were/are built in order to retain soil in terraced fields.
<b>Under-utilised building</b>	Not used in an efficient way and therefore, the existing building is capable of accommodating other uses/activities without requiring any structural alterations or changes.
<b>Urban areas</b>	See 'development zones'.
<b>Vernacular</b>	Containing features which reflect local needs, traditions, and construction materials.
<b>Watercourse</b>	A natural or semi-natural channel through which water flows. Natural and some semi-natural watercourses are normally found at the bottom of valleys (also referred to as valley beds). Natural watercourses which have been altered in the past, mainly for agricultural purposes or for the construction of country roads, are considered as semi-natural watercourses.

## SCOPE

- 0.1 The Rural Policy and Design Guidance, 2014 document is repealing the previous three documents namely the Policy and Design Guidance – Agriculture and Farm Diversification and Stables Policy (AFDS), 2008, the Development Control Guidance: Development Outside Built-Up Areas (PLP 20), 1995 and the Development Control Guidance: Swimming Pools Outside Development Zone, 2000.
- 0.2 The spirit of this document is to allow whoever genuinely needs to upgrade or redevelop an existing building or to construct a new one outside the development zone, in conjunction with its use. This policy is to be used by the deciding board as a basis of its decisions. However there may be particular circumstances where there is also a genuine need for more than the minimum thresholds and, conversely, where a more restrictive approach has to be adopted to the proposed development. Proposals which are not addressed by this Policy document may be considered on their own merits by the relative entities if it is felt that the proposal will generate an improvement or negative effect to the area where it is located.
- 0.3 The implementation of the policy will be considered as an enhancement to the rural scene if the buildings are used for what they are permitted. Buildings have to be seen as an improvement to the economic growth of the farming sector, with a **particular emphasis on young farmers who should be given all support in establishing their farming enterprise**. The use of buildings should be continuous and the creation of derelict buildings within their expected life-time should be discouraged.
- 0.4 Whilst farming practices sometimes conflict with conservation objectives, most of the countryside owes its character to agriculture. The loss of agricultural land to development means a reduction in the area of open countryside and in the resources available for food production. Development plans and proposals therefore need to take account of approved new buildings and their impact on the quality of any agricultural land which will be lost.
- 0.5 There is also scope for diversification of farms by small scale enterprises such as small scale farm retail, farm-based visitor attractions and agro-tourism accommodation. Also, whilst established rural activities may not be well sited by today's standards, their reasonable expansion on site needs to be considered.
- 0.6 The conversions and changes of use are ways of making efficient use of buildings constructed to meet economic and social needs which have since changed. They provide a way of allowing necessary or desirable changes without too great an impact on the open countryside.
- 0.7 Conversions to create dwellings raise concerns. A higher priority should be given to conversion that generates employment and to uses that cannot be accommodated within the development zone boundary.
- 0.8 Scattered dwellings can have a very damaging effect on the rural scene, particularly if they are significantly larger than traditional buildings or of an uncomplimentary appearance. In certain cases the redevelopment of a permitted building that was developed unsympathetically in the countryside may be considered as a gain if it is properly redeveloped.
- 0.9 Where land outside the development zone is physically separate from villages, reinstatement for agriculture and nature conservation will normally be sought. There may

be overriding reasons for seeking a change to another use, for example in order to maintain the economic life of buildings, or to accommodate a use in the countryside not environmentally acceptable in other areas. The site should realistically accommodate the development and interventions without significant modifications to topography and landscape.

- 0.10 Where there is reason to believe that archaeological remains exist on a development site, but where their extent and importance are uncertain, it will normally be appropriate for the developer to arrange for a field evaluation to be carried out to furnish the information on which to base a planning decision. Consultation with the Superintendent of Cultural Heritage will be required.

### Relationship to Environmental Regulations

- 0.11 This document also takes account of environmental obligations having a direct influence on the land-use planning system and integrates various environmental planning criteria into the policies. Two key obligations pertain to the Environmental Impact Assessment process, and the maintenance of favourable conservation status of Special Areas of Conservation and Special Protected Area, which may trigger the need for an Appropriate Assessment as per L.N. 114/07.

Various other European and national environmental obligations do not have a direct influence on the land-use planning system. However, such environmental obligations may still influence the operation of the development and therefore, developers must ensure that their activities satisfy the operational requirements of environmental obligations (e.g. Waste Management Permits) prior to initiating or continuing the operation- the necessary procedures with the authority responsible for environment regulation are still required. These environmental obligations are established in national environmental regulations, issued under the Environment and Development Planning Act of 2010; all environmental regulations and designations (including groundwater protection zones, nitrate protection zone, etc) are accessible from the Authority's website.

### The Structure of this Document

- 0.12 This document is presented in six Parts.
- 0.13 **Part 1** provides a set of overarching general policies.
- 0.14 **Part 2** is concerned with farm dwellings and agricultural buildings, namely:
- Farm Dwellings for Livestock and Arable Farmers
  - Agricultural Buildings and Structures
    - livestock farming – buildings for livestock and associated storage
    - slaughterhouses within operational livestock farms (rabbits and poultry only)
    - agricultural stores for arable farming
    - greenhouses
    - reservoirs, pump chambers and traditional wind-driven pumps
  - Land for Agricultural Use
  - Land Demarcation and Rubble Walls
- 0.15 **Part 3** considers development related to value added activities, namely boutique wineries, olive oil production and beekeeping/honey processing.

- 0.16 **Part 4** addresses farm diversification and sets out policies for specific forms of development, including farm retail outlets, visitor attractions and agro-tourism accommodation.
- 0.17 **Part 5** provides a policy context for animal sanctuaries, animal enclosures, horse stables and horse riding/sports establishments.
- 0.18 **Part 6** is a revised version of the 1995 Policy Paper on development outside built-up areas (PLP 20) and the 2000 Policy on Swimming Pools ODZ.

#### **Form and Use of the Policies**

- 0.19 In Parts 1 to 6, the policies are set out in **bold** and are presented in a text box. Part 1 sets out the main objective of this Policy Document and the general policies for all types of developments considered in the specific policies for particular types of developments in Parts 2 to 6.
- 0.20 The value of any bank guarantee related to landscaping schemes shall be calculated in relation to the number of trees, at a rate as set from time to time by the Authority in relation to all development

#### **Review of this Document**

- 0.21 The Authority will monitor the operation and implementation of the policies in this document and will periodically review them to ensure that they remain up to date and effective.
- 0.22 There may be particular circumstances where justified variations from this document will be considered by the deciding body. More responsibility has been given to external consultees and it is expected that the report submitted by the consulting body proves sufficient justification when departing from the policy document.
- 0.23 A 10% tolerance, as a flexibility extension, may be allowable only where fully justified. The extension, in case of floor space, shall however, not exceed 15m<sup>2</sup>.
- 0.24 The policies contained herein supersede any conflicting provisions concerning Categories 1, 2 and 3 rural settlements.
- 0.25 Any development permit issued under this policy document does not remove the need of obtaining any other permission required by law.
- 0.26 Transitory provisions – for all those applications located ODZ which are / have not been deferred for a decision by the Environment and Planning Review Tribunal (EPRT) on the date of coming into force of this policy, the applicant shall be requested by the EPRT to indicate the policy document/s which shall be used for determination of the appeal i.e. on either the previous three documents (namely the Policy and Design Guidance – Agriculture and Farm Diversification and Stables Policy (AFDS), 2008, the Development Control Guidance: Development Outside Built-Up Areas (PLP 20), 1995 and the Development Control Guidance: Swimming Pools Outside Development Zone, 2000), or on the basis of this Rural Policy and Design Guidance, 2014.

# PART 1: GENERAL POLICIES AND OBJECTIVES

## 1.1 INTRODUCTION

1.1.1 The policy objectives of this document are as follows:

- **To support development that is essential and genuine to the needs of sustainable agriculture and rural development in order to complement the competitiveness of the rural economy;**
- **To encourage farmers to diversify their main agricultural activities, whilst discouraging any proliferation of unnecessary new buildings outside the development zone boundaries; and**
- **To ensure proper conservation and management of the countryside 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;**
  - (c) **encouraging the sustainable use of rural resources;**
  - (d) **safeguarding and enhancing features that are important for the informal enjoyment/appreciation of the countryside and its resources;**
  - (e) **encouraging the overall improvement of the rural environment, whilst discouraging activities that would lead to neglect, dereliction and/or deterioration of rural resources through soil erosion, flooding, pollution and illegal dumping of waste; and**
  - (f) **promoting the sustainable re-use and redevelopment of legally-established buildings outside development zone.**

1.1.2 The Authority, government entities, architects, planners, farmers, developers, consultants, land managers and the general public have an important role in the implementation of these objectives. The stated objectives are intended to support the shift of local agriculture and farming towards sustainable agriculture and environmental stewardship, by ensuring protection and proper management of the countryside and its resources for both present and future generations. The benefits of the countryside, as also recognised by the EU, are not restricted to farmers and rural communities: the countryside and its natural and cultural resources are important public goods for the benefit of the community as a whole, including tourists who choose to visit Malta as their holiday destination. The Authority's intention to seek protection, maintenance and enhancement of the countryside ensures that:

- the social and environmental benefits of rural areas are maintained and improved;
- negative externalities imposed on third parties and/or the environment are prohibited/cancelled or properly mitigated; and
- development which requires a rural location is carried out in a sensitive manner and in suitable locations, while contributing towards the overall improvement of the rural environment for the benefit of society and the local rural economy.

## 1.2 GENERAL POLICIES

These general policies are to be read and applied in conjunction with all the other policies when reviewing development proposals.

### **POLICY 1.2A 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 1.2B RESEARCH AND INNOVATION**

Any specific project, undertaken by a stakeholder, farmer, rural business or any individual, which is supported by a Non Governmental Organisation (NGO) and which is required for research and innovation may be permitted subject to:

- (1) consultation with the AAC and any other department regulating such a proposal; and
- (2) the project shall last for a maximum period of 5 years and the land can be reinstated to its original state without any reimbursement.

### **POLICY 1.2C PROHIBITING THE PROLIFERATION OF VACANT BUILDINGS**

Any building permitted by this policy document which is not used for a period of three consecutive years within thirty years from the date of issue of the permit, and/or is not used for its permitted purpose shall be demolished at the expense of the owner.

### **POLICY 1.2D: SOIL CONSERVATION AND MONITORING**

The Authority, in conjunction with the AAC, will actively promote soil conservation and monitoring measures, by adopting the following overarching principles:

- (1) a general support in favour of *in situ* soil conservation;
- (2) appropriate evaluation of existing soil quality within those sites/land onto which rural development proposals are submitted; and
- (3) the controlled re-use of soil within the same arable holding rather than soil relocation.

- 1.2.1 Soil is a non-renewable resource over the human time-scale and an integral component of (and has a pivotal function in) vested ecosystems, both at local and global levels. The preservation of soil functions underpins conservation of habitats that shape rural landscapes. Moreover, soil biodiversity and conservation are crucial if we are to sustain human consumption patterns and needs; and retain natural processes shaping the local environment which exert a significant impact upon climate conditions.
- 1.2.2 Besides, a range of essential nutrients and microbial diversity which are continuously recycled between the soil and plants, geological depositions, groundwater and the atmosphere would remain capable of supporting the ecosystems on which our economic activities and our well-being depend.
- 1.2.3 **Policy 1.2D** promotes soil management measures by setting out overarching conservation principles for development proposals that affect soil with a view to prevent its degradation in the form of organic matter decline, erosion, compaction, sealing, contamination, loss of soil's life forms, salinisation, landsliding and desertification.
- 1.2.4 Unattended soil problems may cause agricultural crop yield losses, thus distorting effective resource management.

#### **POLICY 1.2E: 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 Departments/Authorities and shall, 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 the existing building which it is intended to serve.**

#### **POLICY 1.2F: PROTECTED SPECIES AND THEIR HABITATS**

**Proposals which would damage and/or disturb (directly or indirectly):**

- a) any protected species of wild flora or fauna; and/or**
- b) any habitat of protected species of wild flora or fauna, whether man-made or natural, and including any important breeding, rearing or resting sites,**

**will not be permitted, unless the Authority is certain that all legal requirements and conditions of the relevant environmental regulations are satisfied.**

**This policy does not apply to rehabilitation of water courses intended for the conservation of water resources subject to consultation with ERA.**

- 1.2.5 The objective of **Policy 1.2F** is to ensure conservation of protected species of wild flora and fauna, together with their habitat(s) (both man-made and natural). Before granting any development permission, the Authority shall be satisfied that the proposal would not cause damage or disturbance to protected species and/or their habitats, unless the proposal satisfies the **legal requirements** of the relevant national environmental regulations. In this regard, the Authority shall determine whether the resulting damage and/or disturbance could be avoided or mitigated through proper mitigation measures or alternative solutions; the proposal shall be amended accordingly. Where the affected protected species (including their habitats) is also of Community Importance, the Authority shall ensure that the objectives and procedures of the EU Habitats Directive, including any necessary reporting obligations, together with the Wild Birds Directive are fully satisfied.
- 1.2.6 In **assessing the potential damage or disturbance** on protected species and/or their habitats, the Authority shall have regard to both:
- direct effects, such as the eradication of a species or habitat to accommodate development or any ancillary activity (including proposals for landscaping); and/or
  - indirect effects, through (for example) induced changes to the characteristics and conditions of habitats (example: pollution of soil or water, introduction of alien materials/species, etc.) or through an activity which may be limited in time (example: light pollution, noise, vibration, etc.).

#### **POLICY 1.2G : PROTECTED AREAS, SPECIAL AREAS OF CONSERVATION AND SPECIAL PROTECTED AREA**

**Proposed developments which would have an unacceptable adverse environment, landscape, cultural or archaeological impact will not be permitted.**

Policy 1.2G deals with the conservation of scheduled, listed, designated or protected areas including 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) (AAls and SAls), Areas of High Landscape Value (AHLV) and Protected Landscape Areas.

#### **POLICY 1.2H: PROTECTION OF LANDSCAPE FEATURES**

**The Authority will seek to conserve, maintain and enhance important landscape features that contribute to:**

- **the connectivity, appearance and/or integrity of protected areas, sites and/or features,**
- **the character, scenic or ecological value of the rural area.**

**Proposals which would have an adverse impact on important landscape features, including their integrity or character, will not be permitted, unless the adverse impact is avoided or mitigated to the satisfaction of the Authority.**

**The Authority will seek to establish a legal management agreement with the applicant to ensure adequate protection and continuous management of important landscape features.**

Policy 1.2H protects important features of the landscape. These include rubble walls, terracing which follows the natural contour of the site, watercourses and natural pools, woodland, stands of indigenous trees etc.

### **POLICY 1.2I : COUNTRY PATHWAYS**

- (1) The Authority will safeguard traditional and/or historical country pathways and their character, together with any abutting rubble walls, irrespective of their type of ownership.**
- (2) Proposals which would cause damage to and/or destruction, closure, removal, obstruction or hindrance of public country pathways will not be permitted.**

1.2.7 The countryside is characterised by various types of country pathways. In the context of **Policy 1.2I**, 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:** tend to be hard surfaced (e.g. with concrete) and are normally established to connect (often from one end only) particular land or buildings, directly to country roads/lanes or other roads. The colour of the concreted surface tends to dominate in rural contexts and is intrusive in the landscape;
- **farm tracks:** consist of rough and informal roads (normally their surface consists of compacted earth) 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; made up of compacted earth or characterised by exposed rocky ground as a consequence of water erosion. 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.

- 1.2.8 **Policy 1.2I** 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 2: FARM DWELLINGS AND AGRICULTURAL BUILDINGS**

### **2.1 INTRODUCTION**

2.1.1 Part 2 deals with specific policies on farm dwellings for farmers, buildings for livestock farming, structures for arable farming, greenhouses, land for agricultural use, rubble walls and land demarcation. All policies contained in this part shall be applied in conjunction with the general policies set out in Part 1 of this Policy Document.

### **2.2 FARM DWELLINGS**

#### **POLICY 2.2A: NEW FARM DWELLINGS FOR DAIRY (COW, SHEEP OR GOATS) OR SWINE LIVESTOCK FARMERS**

Permission may be granted for the construction of a single dwelling unit for a livestock farmer, within the boundary of an operational dairy or swine livestock farm only, provided that all of the following criteria are satisfied:

1. subject to consultation with the AAC and ERA;
2. the applicant's livestock farm has a minimum of:
  - 40 sows (i.e. female breeding pigs, but excluding piglets) or 400 fattening units; or
  - 40 milking cows, sheep or goats,
3. the proposed building, in terms of design, scale, form and massing, is compatible with the character of the surrounding rural area. A separate entrance to the dwelling may be permitted;
4. a full basement level, not extending beyond the footprint of the dwelling may be permitted. Where the site is located within an archaeological area/site or is within its buffer zone the proposal shall be subject to consultation with the Superintendence of Cultural Heritage;
5. apertures shall be in painted galvanised steel or hard wearing timber (painted or varnished) or any other material which is visually acceptable;
6. the proposed building has a maximum floor space of 250m<sup>2</sup>.

Permission may be granted for the construction of a single dwelling unit outside the boundary of an operational dairy or swine livestock farm but within a distance of not more than 100m away from the boundary of the farm, provided that the dwelling cannot be located inside the farm, and provided that all of the following criteria are satisfied:

7. subject to consultation with the AAC and ERA;
8. the applicant's livestock farm has a minimum of:
  - 40 sows (i.e. female breeding pigs, but excluding piglets) or 400 fattening units; or
  - 40 milking cows, sheep or goats,

9. the proposed development is of a high quality rural design and must respect the rural context. Scheduled locations (Class A or Class B Area/Site of Archaeological Importance, and/or Level 1 or 2 Area of Ecological Importance/Site of Scientific Importance and scheduled AHLV) are in principle considered inappropriate locations; unless it can be duly demonstrated through the necessary assessment that the development does not compromise the site scheduling characteristics;
10. the proposed building has a maximum floor space of 200m<sup>2</sup> and is compatible with the character of the surrounding rural area;
11. a full basement level, not extending beyond the footprint of the dwelling, may be permitted;

In all cases new farm dwellings for dairy or swine livestock farmers, shall allow a 100m exclusion zone around public groundwater abstraction sources, unless connected to the public sewer. All cess-pits located within the groundwater protected zones have to adopt leak proofing measures.

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 Lands Registry, 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 animal farm and, in that case, the farm continues with the same level of original operation and output.

## POLICY 2.2B: FARM DWELLINGS FOR ARABLE FARMERS

Permission may be granted for the conversion or the redevelopment of an existing building/s to a single dwelling unit for an arable farmer, subject to the criteria of part 6 of this policy document, particularly with regards to the legality of the building, dwelling size, and design. A recommendation by the AAC based on the genuine need would be required.

- 2.2.1 **Policy 2.2A** deals with the construction of new farm dwellings for dairy or swine livestock farmers within or outside the boundary of an existing operational livestock farm. This policy provides for new farm dwellings only in those cases where the management and supervision requirements of particular large-scale animal husbandry operations require that livestock breeders live on, or in the vicinity of the site.
- 2.2.2 **Policy 2.2B** allows for the conversion or redevelopment of an existing building/s located Outside Development Zone to be used as a dwelling for arable farmers, subject to the provisions of Policy 6.2 of this document. No new dwellings for arable farmers shall be permitted.

## 2.3 AGRICULTURAL BUILDINGS FOR LIVESTOCK FARMING

### **POLICY 2.3A: EXISTING LIVESTOCK FARM UNITS (INCLUDING PRE-1994 FARMS)**

Permission may be granted for the construction of a new building, or redevelopment of, or an extension to an existing building, for animal breeding, production, waste management and/or the related storage, for a livestock farmer, provided that all of the following criteria are satisfied:

- (1) the proposal is located within the boundary of a legally-established operational livestock farm;
- (2) subject to consultation with the AAC, ERA and the Department of Health;
- (3) basement levels may be permitted, but where the site is located within an archaeological area/site or is within its buffer zone, the proposal shall be subject to consultation with the Superintendence of Cultural Heritage;
- (4) the need for mitigation measures/soft landscaping shall be considered on a case-by-case basis;
- (5) the upgraded farm will include significantly improved water conservation measures as well as mitigation measures against the pollution of groundwater.

- 2.3.1 The main objective of **Policy 2.3A** is to meet a genuine need for agricultural development, in the interests of encouraging and supporting the livestock farming sector, whilst ensuring that it does not have any unacceptable adverse impacts on the environment. Consideration must be given to the more effective use of underground space. Therefore, it is essential to determine whether, from an operational and environmental perspective, the proposed development (or parts thereof) could be accommodated underground.

### **POLICY 2.3B: NEW OR RELOCATED LIVESTOCK FARMS**

Permission may be granted for the construction of a new livestock farm or for a mandatory relocated livestock farm for a livestock farmer, provided that all of the following criteria are satisfied:

- (1) subject to consultation with the AAC, ERA and the Department of Health;
- (2) the proposed development is of a high quality rural design and must respect the rural context. Scheduled locations (Class A or Class B Area/Site of Archaeological Importance, and/or Level 1 or 2 Area of Ecological Importance/Site of Scientific Importance) are in principle considered inappropriate locations, unless it can be duly demonstrated through the necessary assessment that the

development does not compromise the site scheduling characteristics;

- (3) apertures shall be in painted galvanised steel or hard wearing timber (painted or varnished) or any other material which is visually acceptable; and
- (4) the need for mitigation measures/soft landscaping shall be considered on a case-by-case basis;
- (5) cow and pig farms shall be located 300m from public groundwater abstraction sources,  
poultry, rabbit, sheep and goat farms shall be located 200m from groundwater abstraction sources,  
small farms (as defined) shall be located 100m from public groundwater abstraction sources.

**Policy 2.3B** deals with the construction of a new livestock farm, or the mandatory relocation of an existing one, to a site outside development zone. The Authority will give preference to: (i) the re-use or conversion of existing disused or disused livestock farm buildings; and (ii) the accommodation of new or relocated livestock farm units. As a general indication, the presence of abandoned or disused livestock farm buildings within the same locality of the proposed site or in nearby localities demonstrates that opportunities for reuse or conversion exist.

## 2.4 SLAUGHTERHOUSES

### **POLICY 2.4: SLAUGHTERHOUSE DEVELOPMENT WITHIN 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 operational livestock farm ODZ, (whether new or existing) to a slaughterhouse, provided that all of the following criteria are satisfied:

- (1) subject to consultation with the AAC, ERA and the Department of Health;
- (2) there exists an exclusion zone of 200m from public groundwater abstraction sources;
- (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;

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.**

The pressure for new slaughterhouse developments (including associated facilities) outside the development boundaries is not significant; most of this pressure is for poultry slaughterhouses. Slaughterhouses and associated facilities, hereby defined as ancillary cutting, processing and/or packaging plants and/or cold rooms, are industrial processes and do not require a countryside location; these types of uses can be located on industrial land within the development boundaries. **Policy 2.4** will only permit the construction, change of use or conversion of an existing building located *within* the physical boundary (the curtilage) of an operational livestock farm.

## **2.5 AGRICULTURAL STORES**

### **POLICY 2.5A: NEW, OR EXTENSIONS TO, AGRICULTURAL STORES FOR ARABLE FARMING**

**Permission may be granted for the construction of a building (or an extension to an existing building) for farming facilities intended for sustainable farming and to comply with rules and regulations related to the EU's Common Agriculture Policy and National Agricultural Policy. Farming facilities may include storage of farm machinery, agricultural equipment and inputs, produce, grading, cold storage, health and safety and sanitary facilities, provided that all of the following criteria are satisfied:**

- (1) subject to consultation with the AAC and ERA;**
- (2) the proposal shall be located on land registered in the name of the farmer, located within the region containing the agricultural land registered on the farmer;**
- (3) the store (or extension) is proposed on registered land, but shall not be located on land supporting important natural habitats;**
- (4) the proposed development is of a high quality rural design and must respect the rural context. Scheduled locations (Class A or Class B Area/Site of Archaeological Importance, and/or Level 1 or 2 Area of Ecological Importance/Site of Scientific Importance and scheduled AHLV) are in principle considered inappropriate locations, unless it can be duly demonstrated through the necessary assessment that the development does not compromise the site scheduling characteristics; and/or**
- (5) the proposed development is not located within a distance of 30m from public groundwater abstraction sources;**
- (6) the general maximum storage entitlement for farmers are as follows:**

<u>Size of holding within the region</u>	<u>Storage room entitlement (measured externally)</u>
4 to 10 tumoli	15 m <sup>2</sup>
10 to 20 tumoli	20 m <sup>2</sup>
20 to 46 tumoli	40 m <sup>2</sup>
> 46 tumoli	60 m <sup>2</sup>

An internally connected full basement level not extending beyond the footprint of the room, may be constructed below ground level;

- (7) on the basis of an assessment and recommendation by the AAC, permission may be granted for additional storage requirement (i.e. more than the 10% as per para. 0.23) for farmers, on the basis of the type, nature, the number of years in operation and the annual turnover. Such additional storage requirements shall have the form of light/demountable structures that are made of recyclable material such as timber that blends with the environment. This structure shall have an area of 5m<sup>2</sup> per tumolo, capped at a maximum of 60m<sup>2</sup>;
- (8) the proposed building does not exceed a height of 3.2 metres (measured externally) unless, in exceptional cases, the applicant demonstrates, to the satisfaction of the Authority that (when measured externally) a height exceeding 3.2m (even in addition to the 10% tolerance set out in para. 0.23) is essential, to store agricultural machinery necessitating such height; and
- (9) where available, the proposed building is located adjacent to existing buildings; and
- (10) the proposed building shall not detract from the landscape and the rural character of the area (the building shall be located so as to be the least intrusive within the site) and shall be finished in recycled stone.

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.

#### **POLICY 2.5B: AGRICULTURAL STORES FOR ARABLE FARMING ESTABLISHED BEFORE OCTOBER 1994**

There will be a presumption in favour of existing storage facilities for arable farming that were erected before October 1994 when the Authority is considering applications for development permission for the upgrading and modernisation of arable farms, in accordance with the relevant policies in this document, provided that all of the following criteria are satisfied:

- (1) subject to consultation with the AAC concerning the applicant's status; and
- (2) the existing building is visible on maps/aerial photos taken before October 1994

Necessary improvements to the building may be required according to the rural context on a case by case basis.

- 2.5.1 Pressure for agricultural buildings in rural areas to store farm machinery or equipment, such as tools or vehicles for cultivation or irrigation, has been and continues to be significant and therefore, **Policy 2.5A** addresses this issue in detail. To prevent the cumulative impact on the rural landscape which the excessive development of agricultural stores might have, it is necessary to restrict development to those cases where there is a genuine need, and to encourage the reuse or conversion of disused or under-utilised buildings.
- 2.5.2 Permission will not be granted for storage buildings intended for the garaging of vehicles, other than those used only in the course of agricultural activities and operations on the land, such as tractors and associated agricultural machinery.

## 2.6 GREENHOUSES

### POLICY 2.6: GREENHOUSES

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

- (1) the applicant is a registered farmer;
- (2) the proposed greenhouses are located on legally-established agricultural land;
- (3) subject to consultation with the AAC and ERA;
- (4) the proposed development is not located within:
  - (a) a distance of 50 metres from a ridge; and/or
  - (b) a distance of 30m from public groundwater abstraction sources; and/or
  - (c) scheduled locations (Class A or Class B Area/Site of Archaeological Importance, and/or Level 1 or 2 Area of Ecological Importance/Site of Scientific Importance and scheduled AHLV) are in principle considered inappropriate locations, unless it can be duly demonstrated through the necessary assessment that the development does not compromise the site scheduling characteristics;
- (5) where the structure is not screened by existing vegetation, landscape features or buildings, landscaping will be required on a case-by-case basis. Adequate space for circulation/landscaping should be allowed. The location of the greenhouses within the site should ensure that the visual impact of the greenhouses is acceptable in the context of the surrounding rural landscape;

- (6) there shall be no more than one-course franka stone above soil level along any point around the perimeter of the greenhouse(s);
- (7) 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 soilless cultivation, impermeable material (e.g., thick plastic sheeting) may be allowed;
- (8) and unless already available in the vicinity of the site, the greenhouses shall be accompanied by a reservoir.

The next review of the Development Notification Order should favourably consider the inclusion of the setting up of demountable tunnels less than 2.55m above soil level on legally-established arable land.

- 2.6.1 **Policy 2.6** deals with proposals for greenhouse developments intended for intensive crop cultivation, in part to overcome some of the climatic and other constraints on fruit and vegetable production. The general objective of this policy is to permit greenhouse development, provided that the impact on the environment is minimised and that areas of ecological, scientific, archaeological, landscape and other value are protected.
- 2.6.2 Landscaping may be necessary to reduce the visual impact of structures on the landscape. The need for landscaping is dependent on the location of the proposed greenhouses and hence will be assessed on a case-by-case basis.
- 2.6.3 Concrete or other types of solid floors are not a prerequisite for the operation of greenhouses. The adverse (and often irreversible) impacts associated with soil sealing are extensive and therefore, such practice would also go against the principles of the EU Soil Strategy. Moreover, the extent of the impact of concrete floors on soil conservation and the countryside would be significant and widespread. The use of thick plastic sheeting rather than a concrete screed is preferable on environmental grounds. There may be instances, however, where the method of operation of the greenhouse necessitates the use of impermeable flooring. This has to be properly justified on technical grounds. The Authority will require confirmation from the AAC that there is sufficient technical justification to allow impermeable flooring in accordance to this policy. The eventual removal of an impermeable floor is relatively easy and is therefore considered reversible.

## 2.7 RESERVOIRS AND PUMP CHAMBERS

### **POLICY 2.7A: WATER RESERVOIRS AND PUMP CHAMBERS**

New reservoir/s for rain water harvesting may be permitted subject to consultation with the AAC and the ERA, provided that:

- (1) the structure(s) is/are located on registered land but shall not be located on land supporting important natural habitats;
- (2) scheduled locations (Class A or Class B Area/Site of Archaeological Importance, and/or Level 1 Area of Ecological Importance/Site of Scientific Importance) are in principle considered inappropriate locations, unless it can be duly demonstrated through the necessary assessment that the development does not compromise the site scheduling characteristics;

- (3) a reservoir is preferably to be constructed entirely below ground level and covered with a layer of soil of at least 0.5m in order to re-establish the original site level(s) of the field. Reservoirs may be constructed above soil level up to 1.2m from soil level, provided they do not exceed a total footprint of 10m<sup>2</sup>;
- (4) Alternative non-permanent water conservation structures may also be permitted subject to consultation with the AAC and ERA; and
- (5) the Authority will permit a pump chamber adjacent to the reservoir, finished in recycled stone which would serve an existing legal / proposed reservoir (of a minimum volume of 100 cubic metres) or other registered water source/s, on land of 1 tumolo or more. This chamber shall not exceed an external height of 2.0m above soil level and a total footprint of 4m<sup>2</sup>.

- 2.7.1 **Policy 2.7A** makes provision for the development of reservoirs and pump chambers and at the same time seeks to minimise any adverse environmental impacts. The use of recycled stone for the pump chambers will limit the impact of such structures on the rural landscape.
- 2.7.2 The capacity of the proposed reservoirs should be proportional to the total land area of the applicant's dry agricultural land that it is intended to serve. Land holdings that are located away from the proposed site, and which are unlikely to be served by the proposed reservoir(s), will not be taken into account when determining the acceptability (or otherwise) of the proposed reservoir(s) in question.
- 2.7.3 Reservoirs should be covered with a layer of soil of at least 0.5 metres in order to re-establish the original site level/s of the field. This implies that the underground reservoir should be constructed at least 0.50 metres below ground level. Also, proposed underground reservoirs should have a proper manhole for maintenance purposes, whilst all reservoirs that are intended for the collection of surface water runoff should 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.

#### **POLICY 2.7B: TRADITIONAL WIND-DRIVEN PUMPS**

The Authority will support proposals for the installation of traditional design wind-driven pumps ("*raddiena*"), as an alternative to pump chambers.

The next review of the Development Notification Order should favourably consider the installation of new wind-driven pumps.

Scheduled locations (Class A or Class B Area/Site of Archaeological Importance, and/or Level 1 Area of Ecological Importance/Site of Scientific Importance) are in principle considered inappropriate locations, unless it can be duly demonstrated through the necessary assessment that the installation of the wind-driven pumps does not compromise the site scheduling characteristics.

Existing dilapidated wind-driven pumps can be restored / replaced.

- 2.7.4 **Policy 2.7B** encourages farmers to establish traditional wind-driven pumps on their arable farms as an alternative to pump chambers. Traditional wind-driven pumps operate with wind power and therefore, are a form of renewable energy installation.
- 2.7.5 Although there are some good examples of operational traditional wind-driven pumps, their presence in rural areas has eventually diminished. The re-introduction of these traditional wind-driven pumps in the local countryside is considered beneficial, provided that no adverse environmental impacts are caused. Therefore, this policy also identifies particular locations where the Authority will not allow these types of installations.

## 2.8 LAND FOR AGRICULTURAL USE

### **POLICY 2.8: LAND FOR AGRICULTURAL USE**

**The conversion of non-agricultural land, including backfilled quarries, and the reinstatement of abandoned or derelict agricultural land for agriculture may be permitted, provided that:**

- (1) the Authority is satisfied that the proposal would not lead or has not led to adverse environmental, topographical and hydrological impacts (the latter subject to prior consultation with ERA);**
- (2) scheduled locations (Class A or Class B Area/Site of Archaeological Importance, and/or Level 1 Area of Ecological Importance/Site of Scientific Importance) are in principle considered inappropriate locations, unless it can be duly demonstrated through the necessary assessment, that the proposal does not compromise the site scheduling characteristics.**

**There will be a presumption in favour of the conversion to agricultural land prior to October 1994, subject to consultation with the AAC and ERA.**

- 2.7.6 **Policy 2.8** deals with the use of land for agricultural purposes. The conversion of non agricultural land for vineyards or for arable uses is acceptable, provided that the land is not of ecological, scientific, and/or archaeological value; in particular natural habitats (e.g. garigue) and important natural features of the landscape (see Part 1 of this document) should be protected from 'reclamation'. In considering applications for the conversion of land for agricultural purposes, the Authority must also have regard to the slope (gradient) of the site and adjacent land; the topography of the area; the original site contours, including any original terracing and/or rubble walls; and the configuration of the site and adjacent land holdings. 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.

## 2.9 LAND DEMARCATION (SUB-DIVISION OF PROPERTY) AND RUBBLE WALLS

### POLICY 2.9: LAND DEMARCATION, WALLS AND GATES

The Authority may consider land demarcation and the construction of new walls built in random-sized irregularly shaped rough dressed stones (recycled from demolition) using the same traditional construction methodology of rubble walling, within legally-established arable land, provided the following criteria are satisfied:

- (1) as a retaining wall, provided there are visible differences in site levels, in which case the wall shall not exceed a height of 1.2 metres from the higher soil level; and/or
- (2) 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, even if such height exceeds 1.2 metres. The boundary walls along arterial roads may be constructed of franka stones and mortar, depending on their context;
- (3) where there are no differences in site levels (flat land) either a narrow footpath of not more than 0.9m in compacted soil, or a rubble wall not more than 0.6m high, or a hedge shall serve as field demarcation;
- (4) no new retaining/boundary walls or demarcation, shall result in land parcels of less than one tumolo; and
- (5) the next review of the Development Notification Order shall favourably consider the maintenance (repair) of walls, according to established Legal Notice(s).

Gates may be permitted subject that they shall be clad in timber and shall not exceed a height of 1.2m or the legal height of the boundary wall, including supporting pillars. Gates should have a maximum width of 4.5 metres.

2.9.1 **Policy 2.9** sets a number of parameters for the demarcation of field boundaries in general, including the construction of new rubble walls within legally-established arable land. Rubble walls are a traditional feature of the Maltese countryside, but the supply of random rubble (*ġebel tas-sejjeħ*) has declined considerably over the years.

2.9.2 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 footpath composed of compacted soil 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). The width of the footpath is less than that occupied by a traditional rubble wall and hence a further benefit would be an increase in the amount of tillable land. This does not imply that existing rubble walls can be replaced by compacted soil. Existing rubble walls will continue to be protected and repaired according to established Legal Notices. The use of low rubble walls or hedges is also considered.

## 2.10 ACCESS TO ARABLE FARM HOLDINGS

### **POLICY 2.10: ACCESS TO ARABLE FARM HOLDINGS**

There will be a presumption in favour of concrete access paths from roads to arable land holdings built prior to May 2004 and which are visible on the 2004 aerial photographs. New access to arable land shall be:

- (1) proposed in a suitable material respecting the rural character;
- (2) proposed in resurfacing over a country lane from an established road leading to a number of fields, provided that the pathway will prevent water runoff, and allow controlled water collection and does not lead to soil sealing;
- (3) subject to consultation with the AAC and ERA.

Footpaths in compacted soil may be created to facilitate access to the public.

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

### **POLICY 2.11: SMALL SCALE PHOTO VOLTAIC PANELS**

The Authority will only consider the setting up of small scale photo voltaic panels on rural buildings (including greenhouses), which do not qualify as protected structures, and on legally-established paved areas within the curtilage of existing rural buildings, provided they do not create an intrusive visual impact.

## **PART 3: DEVELOPMENT RELATED TO VALUE ADDED ACTIVITIES**

### **3.1 INTRODUCTION**

- 3.1.1 Part 3 deals with development related to value added activities, namely boutique wineries, olive oil production, beekeeping and honey processing. All policies contained in this part shall be applied in conjunction with the general policies set out in Part 1 of this Policy Document.

### **3.2 WINERIES**

#### **POLICY 3.2A: NEW BOUTIQUE WINERIES**

Permission for the construction of a new winery may only be granted, provided that all of the following criteria are satisfied:

- (1) subject to consultation with the AAC which shall ensure that in all cases the applicant is a bona fide farmer, ERA, and the Department of Health;**
- (2) the proposed development is of a high quality rural design and must respect the rural context. Scheduled locations (Class A or Class B Area/Site of Archaeological Importance, and/or Level 1 or 2 Area of Ecological Importance/Site of Scientific Importance and scheduled AHLV) are in principle considered inappropriate locations, unless it can be duly demonstrated through the necessary assessment, that the development does not compromise the site scheduling characteristics;**
- (3) the proposed winery is located on any of the applicant's planted and established vineyard holdings consisting of 20 tumoli located within the region, or 10 tumoli, in the case of vineyards forming part of a holding certified as organic;**
- (4) there is no disused building on the vineyard holding that could be used or converted for this purpose;**
- (5) the proposed winery finished in recycled stone shall have a maximum floor space of 200m<sup>2</sup>. In the case of organic wineries, the maximum floor space shall be of 100m<sup>2</sup>; and**
- (6) there shall be a minimum of 3 registered full-time employees, and a confirmation of their employment shall be submitted to the Authority on a yearly basis, to ensure that the winery is being used as permitted;**

**A basement level shall be permitted (the basement will not count as part of the total floor area); no external ramps leading to the basement shall be permitted.**

**The Authority will impose a condition on development permissions granted for new winery buildings to tie the use and operation of the winery to the operation of the applicant's vineyard holdings, 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 Lands Registry, tying the ownership of the winery and vineyard holdings, so that these are not sold, rented or transferred separately.

### **POLICY 3.2B: REDEVELOPMENT/CONVERSION OF BUILDINGS FOR BOUTIQUE WINERIES**

Permission may be granted for the redevelopment or conversion of a legally-established/permitted building located ODZ, for the processing and production of wine (boutique winery), provided that all of the following criteria are satisfied:

- (1) subject to consultation with the AAC, ERA and the Department of Health;
- (2) the vineyard is located within legally-established arable land;
- (3) the existing building is located in the region of the permitted vineyard, which it is intended to serve;
- (4) existing buildings of architectural, historical, vernacular or other significance, or scheduled property, may only be converted provided the intervention does not harm their conservation value;
- (5) if the building is not worthy of retention redevelopment may be permitted subject to the following criteria:

(a) the replacement building shall be limited to the same floor space as the previous building and shall be compatible with the character of the surrounding rural area; and

(b) the replacement building shall be of a high quality rural design, finished in recycled stone and shall fully respect the wider context in which it is located. Scheduled locations (Level 1 or 2 Area of Ecological Importance/Site of Scientific Importance and scheduled AHLV) are in principle considered inappropriate locations, unless it can be duly demonstrated through the necessary assessment, that the development does not compromise the site scheduling characteristics.

A full basement may be permitted provided the overall height in metres of the existing building is not exceeded and is limited to the area beneath the footprint of the existing building (the basement will not count as part of the total floor area); no external ramps leading to the basement shall be permitted.

- 3.2.1 A small-scale boutique winery may offer the opportunity for the renovation or reuse of an abandoned or under-utilised building in the countryside (Policy 3.2B), especially if coupled with or part of a farm diversification project.

### 3.3 OLIVE OIL PRODUCTION

#### **POLICY 3.3A: NEW BUILDINGS FOR OLIVE OIL PRODUCTION**

Permission for the construction of a new building for olive oil production may only be granted, provided that all of the following criteria are satisfied:

- a) subject to consultation with the AAC which shall ensure that in all cases the applicant is a bona fide farmer, ERA, and the Department of Health;
- b) the proposed development is of a high quality rural design and must respect the rural context. Scheduled locations (Class A or Class B Area/Site of Archaeological Importance, and/or Level 1 or 2 Area of Ecological Importance/Site of Scientific Importance and scheduled AHLV) are in principle considered inappropriate locations, unless it can be duly demonstrated through the necessary assessment, that the development does not compromise the site scheduling characteristics;
- c) the proposed building is located on the applicant's planted and established holding consisting of 15 tumoli located within the region, or 10 tumoli, in the case of olive groves forming part of a holding certified as organic;
- d) there is no disused building on the olive grove which could be used or converted for this purpose;
- e) the proposed building finished in recycled stone shall have a maximum floor space of 50m<sup>2</sup> and shall be compatible with the character of the surrounding rural area;
- f) there shall be a minimum of 2 registered full-time employees, and a confirmation of their employment shall be submitted to the Authority on a yearly basis, to ensure that the building is being used as permitted.

A basement level shall be permitted (the basement will not count as part of the total floor area); no external ramps leading to the basement shall be permitted.

The Authority will impose a condition on development permissions granted for new olive oil production buildings, to tie the use and operation of the building to the operation of the applicant's olive grove, 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 Lands Registry, tying the ownership of the building to the olive grove so that these are not sold, rented or transferred separately.

### **POLICY 3.3B: REDEVELOPMENT/CONVERSION OF BUILDINGS FOR OLIVE OIL PRODUCTION**

Permission may be granted for the redevelopment or conversion of a legally-established/permitted building located ODZ, for the processing and production of olive oil, provided that all of the following criteria are satisfied:

- a) subject to consultation with the Department of Agriculture, ERA and the Department of Health;
- b) the olive grove is located within legally-established arable land;
- c) the existing building is located in the region of the permitted olive plantation it is intended to serve;
- d) existing buildings of architectural, historical, vernacular or other significance, or scheduled property, may only be converted, provided the intervention does not harm their conservation value;

If the building is not worthy of retention, redevelopment may be permitted subject to the following criteria:

- e) the replacement building shall be limited to the same floor space as the previous building and shall be compatible with the character of the surrounding rural area; and
- f) the replacement building shall be of a high quality rural design, finished in recycled stone and shall fully respect the wider context in which it is located.

**A full basement may be permitted provided the overall height in metres of the existing building is not exceeded and is limited to the area beneath the ground floor (the basement will not count as part of the total floor area); no external ramps leading to the basement shall be permitted.**

- 3.3.1 The pressure for development related to olive oil production is much less significant than that for vineyards and wineries and therefore, it could be accommodated within new/existing buildings. In particular, the olive oil production should not be of such a scale that it should be located in an industrial area.
- 3.3.2 Proposals for development for olive oil production should demonstrate that the production facilities are necessary and that olive trees have been planted at least two years prior to the application for development, as per report submitted by the Agriculture Directorate following consultation. This means that the amount of olives, and hence olive oil, produced from the applicant's olive grove is sufficient to justify the need for: (i) the proposed storage, pressing, processing and/or production facilities on-site; and (ii) dedicating building space for such uses.

### 3.4 BEEKEEPING AND HONEY PROCESSING

#### **POLICY 3.4A: NEW BUILDINGS FOR BEE KEEPING AND HONEY PRODUCTION**

Permission for the construction of a new building for honey production may only be granted, provided that all of the following criteria are satisfied:

- a) subject to consultation with the AAC which shall ensure that in all cases the applicant is a bona fide bee keeper, ERA and the Department of Health;
- b) the proposed development is of a high quality rural design and must respect the rural context. Scheduled locations (Class A or Class B Area/Site of Archaeological Importance, and/or Level 1 or 2 Area of Ecological Importance/Site of Scientific Importance and scheduled AHLV) are in principle considered inappropriate locations, unless it can be duly demonstrated through the necessary assessment, that the development does not compromise the site scheduling characteristics;
- c) the applicant has at least 50 registered bee colonies, and has been registered with the Agriculture Directorate for at least 5 years;
- d) there is no disused building on the applicant's holdings which could be used or converted for this purpose;
- e) the proposed building finished in recycled stone shall have a maximum floor space of 25m<sup>2</sup> (measured externally) and shall be compatible with the character of the surrounding rural area; and
- f) if the building is located within legally-established arable land, the proposal shall include an acceptable scheme for the dense plantation of indigenous and melliferous trees and shrubs around the perimeter of the site, in order to create a physical barrier between the activity and adjoining land or property.

A basement level shall be permitted (the basement will not count as part of the total floor area); no external ramps leading to the basement shall be permitted.

The Authority will impose a condition on development permissions granted for new honey production buildings to tie the use and operation of the building to the operation of the honey production, 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 Lands Registry, tying the ownership of the building to the operation of the honey production, so that these are not sold, rented or transferred separately.

### **POLICY 3.4B: REDEVELOPMENT/CONVERSION OF BUILDINGS FOR BEEKEEPING AND HONEY PROCESSING**

Permission may be granted for the redevelopment or conversion of a legally-established/permitted building located ODZ for beekeeping and honey processing, provided that the following criteria are satisfied:

- a) subject to consultation with the AAC, ERA and the Department of Health;
- b) existing buildings of architectural, historical, vernacular or other significance, or scheduled property, may only be converted provided the intervention does not harm their conservation value; or
- c) in the case of redevelopment of a legally-established building, which is not worthy of retention, subject to the following criteria:
  - i) the replacement building shall be limited to the same floor space as the previous building;
  - ii) the replacement building shall be of a high quality rural design, finished in recycled stone and shall fully respect the wider context in which it is located;
- d) if the building is located within legally-established arable land, the proposal shall include an acceptable scheme for the thick plantation of indigenous and melliferous trees and shrubs around the perimeter of the site, in order to create a physical barrier between the activity and adjoining land or property.

A full basement may be permitted provided the overall height in metres of the existing building is not exceeded and is limited to the area beneath the ground floor (the basement will not count as part of the total floor area); no external ramps leading to the basement shall be permitted.

- 3.4.1 Unlike storage for arable farming, pressure for buildings related to beekeeping in rural areas is not significant, particularly since beehives are kept outside, rather than within a building. Normally, buildings for beekeeping purposes are associated with storage of related equipment and, where the bee holding is large, with honey processing.

## PART 4: FARM DIVERSIFICATION

### 4.1 INTRODUCTION

- 4.1.1 The previous Part considered development which is directly related to agricultural operations and production. This Part deals with some forms of development which are based on agriculture and on farm businesses, but which are not directly related to agricultural production or activities.
- 4.1.2 The central focus in this Part is on farm diversification activities, which augment or supplement, but do not replace agricultural activity, thereby leading to a broadening of 'farm based' activities and income and so potentially contributing to the integrated development of rural areas.
- 4.1.3 All policies contained in this part shall be applied in conjunction with the general policies set out in Part 1 of this Policy and Design Guidance.

#### **POLICY 4.2: NEW FARM RETAIL OUTLETS**

**Permission may be granted for the construction of a livestock or arable farm retail outlet (farm shop) finished in recycled stone with timber apertures, provided that all of the following criteria are satisfied:**

- a) subject to consultation with the AAC which shall ensure that in all cases the applicant is a bona fide farmer, ERA and the Department of Health;**
- b) either, in the case of livestock farming, the shop must be constructed within the curtilage of the farm or, in the case of arable farming, the farmer must have at least 10 tumoli consolidated land registered on his/her name;**
- c) the proposed development is of a high quality rural design and must respect the rural context. Scheduled locations (Class A or Class B Area/Site of Archaeological Importance, and/or Level 1 or 2 Area of Ecological Importance/Site of Scientific Importance) are in principle considered inappropriate locations, unless it can be duly demonstrated through the necessary assessment, that the development does not compromise the site scheduling characteristics;**
- d) the farm retail outlet does not exceed a total floor space of 15m<sup>2</sup> (measured externally);**
- e) the vehicular access to the farm retail outlet is appropriately located and does not cause a traffic hazard, to the satisfaction of the competent authority; and**
- f) no new vehicular access roads shall be allowed, and the upgrading of existing footpaths shall be encouraged for the purpose of rendering the retail service.**

**The Authority will impose a condition on all development permissions granted for farm shops (farm retail outlets) ODZ, so that the goods sold are restricted to the holding's local agricultural produce only and retail sales shall take place within the building only.**

- 4.2.1 Farm shops are reasonably well established forms of retailing and the direct sale of genuinely local farm produce, or traditional products, to passing trade is a natural countryside activity, which can aid in the diversification of farming enterprises and incomes. Policy 4.2 is not concerned with those retail uses which may form part of a visitor attraction use, of the type covered by Policy 4.3A, but with 'stand alone' farm retail outlets.
- 4.2.2 The key planning issues are the scale and nature of the retail use and its potential impacts, particularly on road safety and on the building in which it is to be located. Farm based retail outlets should be small and should sell only produce or products from the arable/livestock farm business, to ensure that they are genuine farm outlets and do not become more general or larger retail enterprises, thus circumventing other retail planning policies. A limit is placed on the amount of retail floor space, and a condition will be imposed on a permission, to restrict the type of goods which may be sold. Farm shops should be located where the approach roads to the site are wide enough to accommodate two-way traffic with ease and where they would not encourage parking on the road, in circumstances where this would be dangerous or inconvenient (near bends, junctions etc., or where the road is narrow).

### 4.3 VISITOR ATTRACTIONS

#### **POLICY 4.3A: CONVERSIONS TO VISITOR ATTRACTIONS**

**Permission may be granted for the change of use or conversion of a legally-established building within an operational farming enterprise (livestock and/or arable) to a visitor attraction, provided that all of the following criteria are satisfied:**

- (1) the proposal is subject to consultation with the AAC, the ERA, the Department of Health and the Malta Tourism Authority. Consultation with the AAC shall specify that the farming enterprise can continue without the need for a replacement building;**
- (2) the theme of the proposal is directly related to agriculture and/or rural conservation/appreciation/local crafts;**
- (3) the uses, including ancillary facilities, may be permitted according to the existing floor space to be converted (without extensions) as follows:**
  - a) up to 50m<sup>2</sup>: farm retail outlet;**
  - b) up to 150m<sup>2</sup>: farm retail outlet + exhibition/educational space, which could include small scale tasting of produce (without cooking on site);**
  - c) over 150m<sup>2</sup>: the uses in (a) and (b) together with uses permitted by the agro-tourism policy (Policy 4.4)**
- (4) the permitted uses shall 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;**
- (5) the existing road network serving the site is capable of dealing satisfactorily with the traffic which will be generated by the development and the vehicular access to the site is**

appropriately located and does not cause a traffic hazard, to the satisfaction of the competent authority; and

(6) the proposed conversion can accommodate the additional parking needs on site without causing adverse impacts. The use of grass blocks for parking will be considered. The Authority will impose a condition on all development permissions granted for visitor attraction uses, so that the operation of the visitor attraction is discontinued once the associated farming enterprise ceases to operate.

In all cases the applicant must be:

(a) either a registered farmer; or

(b) a farmer-entrepreneur partnership, or company, duly registered with the MFSA.

The visitor attraction and the farming enterprise shall remain complementary and continue to operate as one functional 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 Lands Registry, tying the ownership and use of the visitor attraction to the operation of the farming enterprise, so that the visitor attraction and the farming enterprise are not sold or transferred separately.

#### **POLICY 4.3B: NEW VISITOR ATTRACTIONS**

**Permission will NOT be granted for the construction of a new building for visitor attraction use.**

- 4.3.1 The strengthening of the rural economy through a diversification or broadening of farm based activities will be encouraged, provided that this does not have an adverse environmental impact and it directly contributes to farm incomes, by complementing but not replacing on-going agricultural activities. Proposals for visitor attraction uses which are not related to an established farming enterprise are excluded from this policy, since these do not contribute to farm diversification.
- 4.3.2 In order to be considered favourably, the theme of proposed visitor attractions shall relate to: (i) agricultural activities and/or (ii) rural conservation/appreciation/crafts. Visitor attraction uses could also be combined with proposals which are presented in this document, provided that all of the criteria of the relevant policies are satisfied (together with the general policies). The combination of visitor attraction uses with other acceptable uses, as described in this paragraph, would result in the creation of a "Farm Diversification Project". In essence, the use must be:
- farm based;
  - small in scale;
  - a means of reusing legally-established buildings; and
  - aimed at presenting and interpreting an activity to visitors.
- 4.3.3 Since one of the central objectives of encouraging farm diversification is the maintenance and improvement of the rural environment and the use and re-use of rural resources, permission will only be given for the conversion of a legally-established

building within an established and continuing farming enterprise (livestock and/or arable), as opposed to the construction of a new building ODZ.

#### 4.4 AGRO-TOURISM ACCOMMODATION

##### **POLICY 4.4: AGRO-TOURISM ACCOMMODATION**

Permission for agro-tourism accommodation may be granted in the following circumstances:

(1) conversion/change of use or redevelopment/consolidation of a permitted building/s within an established and continuing farming enterprise (livestock and/or arable), provided that all of the following criteria are satisfied:

(a) the total floor space dedicated for accommodation and ancillary facilities shall not be less than 150m<sup>2</sup> and not more than 200m<sup>2</sup>, consisting of guest rooms, breakfast/dining area, reception and sanitary facilities;

(b) no independent food and beverage retail outlets shall be permitted.

(2) conversion/change of use or redevelopment/consolidation of a permitted building/s within a proposed farming enterprise and agro-tourism component, subject that the project is phased out as follows:

(a) Phase 1 (setting up of farming enterprise): The proposed farming enterprise shall be subject to consultation with the relevant Department/Authority in order to determine the minimum amount of years before the farming enterprise is fully operational (i.e. the period before Phase 2 can commence); and

(b) Phase 2 (agro-tourism accommodation component): Conversion/change of use/redevelopment of the building into agro-tourism, subject to Criterion 1 above.

(3) existing buildings of architectural, historical, vernacular or other significance, or scheduled property, may only be converted, provided the intervention does not harm their conservation value and provided that an acceptable restoration method statement is submitted.

For (1), (2) and (3) above, the applicant must be either a registered farmer, or a farmer-entrepreneur partnership, or company, duly registered with the MFSA;

(4) a new building for agro-tourism accommodation may be considered, provided that all of the following criteria are satisfied:

a) the proposed development is of a high quality rural design and must respect the rural context. Scheduled locations (Class A or Class B Area/Site of Archaeological Importance, and/or

Level 1 or 2 Area of Ecological Importance/Site of Scientific Importance) are in principle considered inappropriate locations, unless it can be duly demonstrated through the necessary assessment that the development does not compromise the site scheduling characteristics;

- b) the applicant is a registered farmer(s) tilling 60 tumoli of contiguous/consolidated land OR, in the event that the applicant is not a registered farmer, the agro-tourism project shall be subject to a legally-binding farmer-entrepreneur partnership, or company, duly registered with the MFSA to ensure that the agro-tourism project forms part of an established and continuing agricultural enterprise, in the form of an uninterrupted lease;
- c) the farming activity has been in operation for five years prior to the application;
- d) the proposed building shall accommodate 7 to 10 guest rooms with ancillary facilities which may include a swimming pool area. The building shall not exceed a total floor space of 400m<sup>2</sup>;
- e) the proposed building, in terms of design, scale, form and massing, is compatible with the character of the surrounding rural area and is not intrusive in the landscape;
- f) a condition shall be imposed requiring that, on operation, there shall be a minimum of 3 registered full-time employees, and a confirmation of their employment shall be submitted to the Authority on a yearly basis, to ensure that the building is being used as permitted.

A basement level may be permitted (the basement will not count as part of the total floor area); no external ramps leading to the basement shall be permitted;

#### **ADDITIONAL CRITERIA FOR ALL AGRO-TOURISM ACCOMODATION PROPOSALS**

All applications for agro-tourism, including any farmer–entrepreneur partnership/project, are subject to consultation with the Malta Tourism Authority, the AAC, ERA and the Department of Health. Consultation with the AAC shall also specify that the farming enterprise can continue without the need for a replacement building. The permitted uses shall be ancillary and complementary to the farming activity.

The proposal shall demonstrate to the satisfaction of the Authority how the provision of services, including those for electricity and water supply, drainage and sewage disposal can be carried out, without adverse environmental impacts.

Similarly, the proposal shall demonstrate to the satisfaction of the Authority, that 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 does not cause a traffic hazard, to the satisfaction of the competent authority. The proposed conversion shall also accommodate the additional parking needs on site without causing adverse impacts. The use of grass blocks for parking spaces will be considered instead of concrete.

The agro-tourism project and the farming enterprise shall remain complementary and continue to operate as one functional 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 Lands Registry, tying the agro-tourism project with the operation of the farming enterprise, so that the agro-tourism accommodation and the farming enterprise are not sold or transferred separately.

- 4.4.1 Therefore, within the context of this policy, agro-tourism accommodation refers to farm-based accommodation, where the visitor stays overnight in a rural building within the boundaries of an operational farm; the main activities of the visitor may involve some hands-on experience in the basic day-to-day operation of the farm.
- 4.4.2 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 5: ANIMAL SANCTUARIES, ENCLOSURES, STABLES AND HORSE RIDING/SPORTS ESTABLISHMENTS**

### **5.1 INTRODUCTION**

5.1.1 This Part is concerned with animal sanctuaries, enclosures, stables for horses and horse riding establishments. Animals may be kept for a variety of purposes, including:

- exhibition
- leisure and/recreational;
- sports;
- research
- sheltering
- working - for *karozzin*; and/or
- breeding;

some of which are not necessarily mutually exclusive. The other form of possible activity is the offering of livery services (the provision of housing and care for a charge).

5.1.2 Except for the now probably rare use of horses in the course of agricultural activities, the stabling of horses and the keeping of animals not intended for farming purposes, are not considered for an agricultural use, nor ancillary or related to such a use (it may be recreational or for business), so it differs in this way from the other forms of development addressed in this document. Should there be any proposals for stables for horses used in the course of agricultural activities, they will be considered in the light of the relevant policies in Part 2. Discussion in the remainder of this Part is directed solely to the other types of stables. All policies contained in this part shall be applied in conjunction with the general policies set out in Part 1 of this Policy Document.

### **POLICY 5.1A: ANIMAL SANCTUARIES**

**Permission for new sanctuaries by Government Organisations or registered Non-Governmental Organisations, may only be granted in the following circumstances:**

- a) subject to consultation with AAC, ERA and Department of Health;**
- b) shall be sited outside the development zone boundary at a distance exceeding 200m from the development zone boundary;**
- c) the proposed sanctuary is of a high quality rural design and must respect the rural context. Scheduled locations (Class A or Class B Area/Site of Archaeological Importance, and/or Level 1 or 2 Area of Ecological Importance/Site of Scientific Importance) are in principle considered inappropriate locations, unless it can be duly demonstrated through the necessary assessment that the development does not compromise the site scheduling characteristics;**
- d) the structures are 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.**

**Any related supporting facilities shall be located within legally-established buildings, or constructed in lightweight reversible materials and of a scale to accommodate the minimum space required.**

## **POLICY 5.1B: 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, provided that all of the following criteria are satisfied:

- a) Subject to consultation with the AAC, ERA, and Department of Health;
- b) the proposal shall include all those measures meant to eliminate any possible ill-treatment to the animals within the enclosure;
- c) the proposed animal enclosures are to be of a high quality rural design and must respect the rural context. Scheduled locations (Class A or Class B Area/Site of Archaeological Importance, and/or Level 1 or 2 Area of Ecological Importance/Site of Scientific Importance) are in principle considered inappropriate locations, unless it can be duly demonstrated through the necessary assessment that the development does not compromise the site scheduling characteristics;
- d) the site shall not be located within 200m from the development zone boundary, unless the applicant proves to the satisfaction of the relevant authorities and the Authority, that the proposal will not create an adverse impact on the amenity of the area within the development zone by virtue of noise, odours or visual intrusion;
- e) proper access and parking can be provided without any significant impacts on the site and its environment. Widening of country lanes or pathways, especially proposals which would adversely affect existing rubble walls, will be resisted;
- f) the enclosures are 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;
- g) any existing trees and shrubs within and around the site shall be cared for and retained, and if no such vegetation exists, soft landscaping shall contain a number of trees and shrubs of at least three different indigenous species, planted in clusters;

Any related amenities and supporting facilities shall be preferably constructed in lightweight reversible materials and of a scale to accommodate the minimum space required. In all cases such facilities are not to be visually intrusive.

## 5.2 STABLES AND HORSE RIDING ESTABLISHMENTS

### **POLICY 5.2: HORSE STABLES AND HORSE RIDING FACILITIES / ESTABLISHMENTS**

Permission for horse stables outside development zone, may only be granted in the following circumstances:

- 1) the construction of new stables within the defined curtilage of a legally-established dwelling ODZ, provided that all of the following criteria are satisfied:
  - a) the proposed stable(s) do not exceed a height of 3.5 metres above ground level and a total floor space (measured externally) of 25 square metres per stable, including ancillary facilities and storage space; and
  - b) the stables are constructed in natural timber, or in stone up to 5 courses high (and clad in natural timber), and the rest of the height in timber. The stables shall fully respect the wider context in which they are located.
- 2) the redevelopment of a legally-established building ODZ into stables and/or a horse riding establishment, provided that all of the following criteria are satisfied:
  - a) the building is located at a distance of not less than 100 metres from the development zone boundary;
  - b) the building is not worthy of retention;
  - c) the replacement building shall be limited to the same floor space as the previous building and shall be compatible with the character of the surrounding rural area; and
  - d) the redevelopment is of a high quality rural design, finished in recycled stone and fully respects the wider context in which it is located; the use of timber for the construction of stables will be considered; and

A full basement may be permitted, provided it does not extend beyond the ground floor (the basement will not count as part of the total floor area); no external ramps leading to the basement will be permitted.
- 3) the conversion of existing buildings of architectural, historical, vernacular or other significance, for stables and/or a horse riding establishment, provided that all of the following criteria are satisfied:
  - a) the building is located at a distance of not less than 100 metres from the development zone boundary; and
  - b) the conversion does not include any extensions/increase in volume.
- 4) Other new stables may be permitted subject to the following criteria:
  - a) they shall be constructed in natural timber, or in stone up to 5 courses high (and clad in natural timber), and the rest of the height in timber. The stables shall fully respect the wider context in which they

- are located;
- b) they shall be located at a distance of not less than 100 metres from the development zone boundary;
  - c) the proposed stable(s) do not exceed a height of 3.5 metres above ground level and a total floor space (measured externally) of 25 square metres per stable, including ancillary facilities and storage space;
  - d) the proposed stables are of a high quality rural design and must respect the rural context. Scheduled locations (Class A or Class B Area/Site of Archaeological Importance, and/or Level 1 or 2 Area of Ecological Importance/Site of Scientific Importance) are in principle considered inappropriate locations, unless it can be duly demonstrated through the necessary assessment, that the development does not compromise the site scheduling characteristics; and
  - e) they are preferably sited in the vicinity of existing permitted buildings.

All applications for stables and horse riding establishments are subject to prior consultation with ERA and the AAC.

Stables for 2 or less horses shall not be located within 50m from public groundwater abstraction sources,

Stables for 3 to 5 horses shall not be located within 100m from public groundwater abstraction sources,

Stables for 6 or more horses shall not be located within 200m from public groundwater abstraction sources.

Applications located within the groundwater protected zone will adopt mitigation measures against the pollution of groundwater.

The proposal shall demonstrate to the satisfaction of the Authority that 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 does not cause a traffic hazard, to the satisfaction of the competent authority. The proposal shall also accommodate the additional parking needs on site without causing adverse impacts. The use of grass blocks for parking spaces will be considered instead of concrete.

Any paddocks, exercise or training areas shall be located within the curtilage of the stables. Scheduled locations (Level 1 or 2 Area of Ecological Importance/Site of Scientific Importance) are in principle considered inappropriate locations, unless it can be duly demonstrated through the necessary assessment that the development does not compromise the site scheduling characteristics.

- 5.2.1 **Policy 5.2** permits the stabling of horses outside development zone either within the curtilage of a legally-established dwelling ODZ, the redevelopment of an existing (legally-established) building not worthy of retention or the conversion of a building of cultural heritage significance. Proposals for conversion or redevelopment shall not be

located less than 100m from the development zone boundary, while new natural timber ones shall preferably be located near other permitted developments. Because of the requirement for reasonably wide door openings in particular, it is likely that only those buildings of historical or architectural value that were designed to accommodate animals will be suitable for conversion.

- 5.2.2 In most cases some form of external space for exercise or training will be needed, and the environmental impact of this should be limited. Where exercise areas are formed, they should be surfaced in compacted soil.
- 5.2.3 The volume and frequency of vehicle movements, and hence the potential impact on the road network, will vary according to the purpose(s) for which the horses are kept. A stable for a single horse kept for leisure/recreational riding will generate little movement, whilst stables for a larger number of horses kept for racing and/or breeding are likely to result in more frequent movements, and particularly periodic movements of heavier vehicles (for transporting the horses). This aspect will be carefully considered, but in all cases there should be a vehicular access located in a safe position and off-road parking and manoeuvring space.
- 5.2.4 In some instances existing buildings in the countryside may not be appropriately located, or not of the appropriate size. Certainly proposals involving race horses are probably best located close to Marsa to benefit from this proximity and from the availability of a range of equine **services**. Provision has been made in the Grand Harbour Local Plan for areas around Marsa where new stables may be constructed.
- 5.2.5 The type of establishment with which **Policy 5.2** is concerned is that, which offers mainly guided/accompanied tracks or rides, and possibly, horses/ponies for rent for unaccompanied rides and tuition, to visiting members of the public for the enjoyment of the surrounding countryside. Since the attractions of this form of activity are the 'experience' and enjoyment of the countryside and the pleasure of riding, horse riding establishments need to be located in (or close to) pleasant and diverse landscapes where there are a variety of riding routes (different directions, length, terrain etc.) to cater for riders with differing ability, whilst ensuring that the proposed activity would not cause unacceptable environmental damage through trampling or creation of new paths for riding in sensitive rural areas.
- 5.2.6 Riding enterprises should be located where they would not give rise to amenity impacts (from noise, smell, increased activity etc.) on dwellings and any other adjacent uses. As with other forms of development involving the housing of animals, the disposal of animal waste, bedding etc. requires careful assessment through approved waste management plans with treatment, to ensure that pollution does not occur. Since this type of activity will be sited in rural areas, where some roads will be narrow, it is important that the road network is adequate to accommodate the increased vehicular traffic which the enterprise will generate, as well as the riding activity (where roads will be used). Adequate parking off the road should be provided to avoid giving rise to traffic hazards or congestion.

## **PART 6: OTHER FORMS OF DEVELOPMENT OUTSIDE BUILT-UP AREAS**

### **6.1 INTRODUCTION**

- 6.1.1 Part 6 is a revised version of the 1995 Policy Paper on Development Outside Built-up Areas, with the aim of setting out policies that favour the rehabilitation of rural buildings and provide for complete redevelopment in specific cases.

### **6.2 REHABILITATION AND REDEVELOPMENT OF EXISTING BUILDINGS**

#### **POLICY 6.2A: REHABILITATION AND CHANGE OF USE OF EXISTING BUILDINGS OF ARCHITECTURAL, HISTORICAL (NOT SCHEDULED), VERNACULAR, OR OF OTHER SIGNIFICANCE ODZ**

Permission may be granted for the rehabilitation of an existing building located outside development zone, provided that all of the following criteria are satisfied:

- (1) the applicant can sufficiently prove that the building is covered by development permission, or that it is a pre-1978 building;
- (2) the converted building shall be limited to:
  - a) a use already legally established and/or covered by a development permission; or
  - b) any new use permitted by this policy document, subject to the respective criteria; or
  - c) any other use that would lead to an overall improvement to the area and/or the agricultural sector and/or animal welfare; or
  - d) a dwelling (even if the former use was not residential), provided the existing building to be converted has a minimum habitable area of 100m<sup>2</sup> (habitable area refers to the roofed internal space between walls), provided the site is already serviced by a road network that would adequately cater for the proposed residence; or
  - e) more than one dwelling provided that each unit can be accommodated with a minimum habitable area of 150m<sup>2</sup> (habitable area refers to the roofed internal space between walls), provided the site is already serviced by a road network that would adequately cater for the proposed residences.
- (3) the proposal does not involve substantial lateral or vertical extensions and/or substantial re-building;
- (4) the use of the building shall be subject to prior consultation with the Departments/Authorities responsible for regulating such use; and
- (5) the use does not involve warehousing and/or industrial activity, unless the building is already covered by a valid licence for such use; and
- (6) any existing trees and shrubs within and around the site shall be cared for and retained, and if no such vegetation exists, soft landscaping shall contain a number of trees and shrubs of at least

three different indigenous species, planted in clusters.

Where no legally-established peripheral boundary walls exist around the building to be converted, the Authority may allow the construction of a random rubble wall including walls built in random-sized irregularly shaped rough dressed stones (recycled from demolition) 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).

#### **POLICY 6.2B: REHABILITATION AND CHANGE OF USE OF SCHEDULED BUILDINGS ODZ**

Permission may be granted for the rehabilitation and change of use of a scheduled building located outside development zone, provided that all of the following criteria are satisfied:

1. the applicant shall ensure that the historic aspect of the building is not compromised;
2. when interventions and/or alterations are required, a method statement shall be submitted to ensure that these are carried out in a satisfactory manner; and
3. the use of the building shall be subject to prior consultation with the Departments/Authorities responsible for regulating such use; and
4. the use does not involve warehousing and/or industrial activity, unless the building is already covered by a valid licence for such use.

Where no legally-established peripheral boundary walls exist around the scheduled building to be converted, the Authority may allow the construction of a random rubble wall, including walls built in random-sized irregularly shaped rough dressed stones (recycled from demolition) using the same traditional construction methodology of rubble walling, to define the curtilage of the building, provided this does not lead to visual or environmental impacts (including the demolition of existing rubble walls).

The proposal shall demonstrate to the satisfaction of the Authority that 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, to the satisfaction of the competent authority.

The proposed conversion/change of use shall also accommodate the additional parking needs on site without causing adverse impacts. The use of grass blocks for parking areas will be considered.

## **POLICY 6.2C: REDEVELOPMENT AND CHANGE OF USE OF EXISTING BUILDINGS ODZ**

Permission may be granted for the total redevelopment of an existing building, or the consolidation of buildings, located outside development zone, provided that all of the following criteria are satisfied:

- (1) the applicant can sufficiently prove that the building/s is covered by development permission (other than those specifically permitted for agricultural use after the coming into force of this policy document), or that it is/are/was a pre-1978 building/s;
- (2) the building/s does not merit inclusion in the list of scheduled property and/or is not of historical, architectural, vernacular or other significance;
- (3) the replacement building does not exceed the total floor area of the previous building/s;
- (4) the replacement building is of a high quality rural design and shall fully respect the wider context in which it is located;
- (5) the replacement building shall be limited to:
  - a) a use already legally established and/or covered by a development permission; or
  - b) new uses permitted by this policy document subject to the respective criteria. Except for dwellings referred to in Policy 2.2B, this policy excludes dwellings which dwellings can only be permitted in terms of policies 6.2A and 6.2B;
  - c) disused livestock farms which have ceased operation for at least 10 years (prior to the coming into force of this policy document) and which are creating a negative environmental impact on the site and its surroundings. These may be redeveloped into 1 single dwelling unit which is not to exceed 200m<sup>2</sup> floor space;
  - d) any other use that would result in a wider environmental benefit, provided the site is already serviced by a road network that would adequately cater for the proposed new use;
- (6) the use of the building shall be subject to prior consultation with the Departments/Authorities responsible for regulating such use; and
- (7) any existing trees and shrubs within and around the site shall be fully cared for and retained, and if no such vegetation exists, soft landscaping around the redeveloped building shall contain a number of trees and shrubs of at least three different indigenous species, planted in clusters.

A full basement may be permitted and is limited to the footprint of the existing building (the basement will not count as part of the total floor area).

Where no legally-established peripheral boundary walls exist around the building to be redeveloped, the Authority may allow the construction of walls built in random-sized irregularly shaped rough dressed stones (recycled from demolition) using the same traditional construction methodology of rubble walling to define the curtilage of the building, provided this does not lead to visual or environmental impacts (including the demolition of existing rubble walls).

### 6.3 EXTENSIONS TO EXISTING DWELLINGS ODZ

#### **POLICY 6.3: EXTENSIONS TO EXISTING DWELLINGS ODZ**

Permission may be granted for a limited extension to an existing dwelling outside development zone, 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, in which case it shall be assessed on the basis of Policy 6.2A and 6.2B;
- (2) the proposed extension is of a compatible design and must respect the rural context. Scheduled locations (Class A or Class B Area/Site of Archaeological Importance, and/or Level 1 or 2 Area of Ecological Importance/Site of Scientific Importance) are in principle considered inappropriate locations, unless it can be duly demonstrated through the necessary assessment, that the development does not compromise the site scheduling characteristics;
- (3) the applicant can sufficiently prove that:
  - a) the property in question has been used as a residence prior to 1992 or
  - b) the dwelling is covered by a development permission, or dates back to pre-1978;
- (4) the dwelling can be extended up to a maximum floor space of 200m<sup>2</sup>; and
- (5) the scale, massing and design of the extension shall:
  - a) not visually dominate the existing dwelling; and
  - b) be acceptable in the wider landscape setting of the site;
- (6) extensions to existing dwellings ODZ made prior to October 1994 may be regularised, provided that all the conditions of paragraph (5) are respected.

A basement completely below ground level may be permitted provided it does not extend beyond the footprint of the building and is accessible internally.

6.3.1 **Policies 6.2 and 6.3** are superseding the 1995 Policy Paper on Developments Outside Built-up Areas (PLP20).

## 6.4 SWIMMING POOLS ODZ

### POLICY 6.4: SWIMMING POOLS ODZ

Permission may be granted for the construction of a swimming pool outside development zone, provided that all of the following criteria are satisfied:

- (1) the proposed pool and any ancillary facilities are located within the curtilage of a legally-established accommodation;
- (2) the proposed pool and any ancillary facilities are of a compatible design and must respect the rural context. Scheduled locations (Class A or Class B Area/Site of Archaeological Importance, and/or Level 1 or 2 Area of Ecological Importance/Site of Scientific Importance) are in principle considered inappropriate locations, unless it can be duly demonstrated through the necessary assessment, that the development does not compromise the site scheduling characteristics;
- (3) within the curtilage of a legally-established accommodation the pool and the deck area shall not exceed a footprint of 75m<sup>2</sup>. In the case of multiple accommodations the said maximum size of 75m<sup>2</sup> may be increased up to a maximum of 5m<sup>2</sup> per additional accommodation;
- (4) any existing trees and shrubs within the curtilage of the site shall be retained and incorporated as part of a proposed soft landscaping scheme, which shall contain a number of trees and shrubs of at least three different indigenous species, planted in clusters around the pool area; and
- (5) any ancillary facilities shall consist solely of toilets, showers and/or changing rooms, adequately screened and shall not exceed a height of 2.5m and a combined floor space of not more than 6m<sup>2</sup>. The design shall be appropriate to their setting and the use of timber may be considered. Structures such as pump rooms should be located completely underground.

6.4.1 **Policy 6.4** supersedes the 2000 Policy on Swimming Pools ODZ. The revised policy provides a number of locational criteria that must be met before a proposed swimming pool may be favourably considered outside the development zone boundary.